

FINAL

MONTEREY COUNTY ZONING ADMINISTRATOR

March 27, 2003

MINUTES

A. ROLL CALL:

Present: Bryce Hori, Public Works; Roger Beretti, Environmental Health; Al Mulholland, Water Resources; Lynne Mounday, Zoning Administrator, Linda Rotharmel, Secretary

B. PUBLIC COMMENT: None

C. APPROVAL OF MINUTES: The Minutes for the March 13, 2003, meeting were approved with the correction of "interpreted" instead of "interrupted."

D. DESIGN APPROVALS:

1. DRISKILL ANTHONYE & JOCELYN N (DA030059)

Design Approval to allow the construction of a 5,960 sq. ft. one-story single family dwelling with attached six (6) car garage. Materials and colors of stucco siding (grey), stucco moldings and vinyl windows (off-white), and tile roofing materials (earth tone multi-color). The property is located at 23536 Belmont Circle, Salinas (Assessor's Parcel Number 139-431-009-000), fronting on Belmont Circle and west of Pine Canyon Road, Toro area.

The Zoning Administrator continued the Design Approval to April 24, 2003 to allow the Toro Land Use Advisory Committee to meet and render a recommendation.

E. SCHEDULED ITEMS:

2. J LOHR PROPERTIES INC (PLN020191)

Combined Development Permit including: a Coastal Administrative Permit to allow for the construction of a new 5,846 square foot, two-story single family dwelling with a 879 square foot attached garage and grading (approx. 669 cubic yards of cut, 902 cubic yards of fill); a Coastal Administrative Permit for a 425 square foot attached guesthouse; and Design Approval. The property is located at 3340 Kingsley Court, Pebble Beach (Assessor's Parcel Number 008-162-019-000), Macomber Estates, Del Monte Forest Area, Coastal Zone.

The Zoning Administrator described the project. The Del Monte Forest Land Use Advisory Committee recommended approval.

Jun Sillano, representative for the project, questioned Condition #25 regarding the wording of “retention” instead of “detention.” Al Mulholland recommended the wording stay the same. Mr. Sillano concurred with the Conditions.

After discussion the Zoning Administrator approved the Combined Development Permit subject to the Findings and Evidence and recommended Conditions.

3. MASSON JEREMY & DIANE TRS (PLN020310)

Use Permit for additions to an existing single family dwelling and construction of flood walls and an elevated rear patio within the Carmel River floodplain. The interior/exterior alterations and additions include a first floor addition of approximately 24 square feet and a second floor addition of approximately 446 square feet; a 6 foot stucco wall extending 18 feet into the front yard setback and a 6 foot screen wall encroaching into the side yard; and Design Approval. The project is located at 7008 Valley Greens Circle, Carmel (Assessor's Parcel Number 157-071-005-000), just south of Carmel River and east of Rancho San Carlos Road, Carmel Valley.

The Zoning Administrator described the project. The Carmel Valley Land Use Advisory Committee recommended approval.

Jerry Gere, architect, reviewed and accepted the conditions.

Virginia Coffey was concerned with the encroachment into the side yard with six foot screening wall.

After discussion the Zoning Administrator approved the Use Permit subject to the Findings and Evidence and recommended Conditions.

4. MISSION FIELDS PARTNERS LTD (PLN020395)

Combined Development Permit consisting of a Coastal Administrative Permit for the construction of a new 376 square foot attached garage, new 132 square foot covered porch, 180 square feet of new living space; Variance for encroachment into front yard setback; and Design Approval. The project is located at 26485 Mission Fields Road, Carmel (Assessor's Parcel Number 009-552-037-000).

The Zoning Administrator described the project. The Carmel Unincorporated/Carmel Highlands Land Use Advisory Committee recommended approval.

Marge Ingraham Viales, North County Coastal Land Use Advisory Committed, approved conditions, but was concerned with Conditions #5, “the proposed project equals or exceeds 50% of the market value of the

structure, the existing structure and addition shall be elevated in accordance with County Ordinance No. 3272” by the Water Resources Agency. Al Mulholland, Water Resources Agency, stated it was a FEMA regulation.

After discussion the Zoning Administrator approved the Combined Development Permit subject to the Findings and Evidence and recommended Conditions.

5. MUSHROOM FARMS (PLN020410)

Coastal Development Permit to construct a new 250,000 gallon waste water/storm water management pond, with associated pump, piping and aerator adjacent to an existing 28,300 gallon pond; Grading of 2,225 cu. yds. of cut and 2,225 cu. yds. of fill. The project site is located at 415 Hall Road, Watsonville (Assessor's Parcel Number 412-072-007-000), Royal Oaks Area, North County, Coastal Zone.

The Zoning Administrator described the project. The North County Coastal Land Use Advisory Committee recommended approval after responses were received regarding the concerns of safety, odor, water quality, soil stability, neighbors, and overdraft.

Gene Bettencourt accepted conditions.

After discussion the Zoning Administrator approved the Coastal Development Permit subject to Findings and Evidence and recommended Conditions.

6. ASPINWALL WILLIAM W (PLN020498)

Continued from 3/13/03. A Combined Development Permit to include: an Administrative Permit and a Variance for reduction of the front setback from 30 feet to 18 feet for a 785 square foot two-story addition (401 square foot garage and a 384 square foot second story billiard room) and a 117 square foot covered breezeway, attached to a 1,580 square foot single-story single family residence and a Design Approval. The property is located at 50 El Potrero, Carmel Valley (Assessor's Parcel Number 189-464-001-000), at the intersection of La Mital and El Potrero, Carmel Valley Village Area.

The Zoning Administrator described the project. The Carmel Valley Land Use Advisory Committee recommended approval.

William Aspinwall, owner and contractor, discussed Condition #6. After discussion Condition #6 was deleted.

Thomas and Margaret Miars, neighbors stated their concerns regarding privacy of their home, which is located about 30' from the proposed project addition and the reduced value of their home due to the increase value the proposed project would cause. The Zoning Administrator discussed property value issues, but stated the Planning and Building Inspection Department has no control over the values. It was proposed that

a new condition be added to reflect a Deed Restriction that no windows would be placed on the side of the addition facing the neighbors.

Mr. Aspinwall accepted the amended conditions.

After discussion the Zoning Administrator approved the Combined Development Permit subject to Findings and Evidence and recommended amended Conditions.

7. WARRICK & STEVENS (PLN010451)

Combined Development Permit consisting of an Administrative Permit to construct a two-story 2,348 sq. ft. single family dwelling, an 843 sq. ft. attached two-story accessory structure to be used as a shop and office, and a 710 sq. ft. Caretaker's Unit; a Use Permit request for driveway construction on slopes in excess of 30%; grading of 4,100 cu. yds. (2,500 cu. yds. cut/1,600 cu. yds. fill {900 cu. yds. export}); and Design Approval. The project is located at 31450 Via Las Rosas, Carmel Valley (Assessor's Parcel Number 197-171-001-000), Carmel Valley Master Plan area.

The Zoning Administrator described the project. The Carmel Valley Land Use Advisory Committee recommended approval of the project.

Terry Latasa, agent, was concerned with Condition #9, scenic easement requirement and 30% slope and would like to be allowed to add any necessary drainage, utilities or driveways. Condition #8, requires a drainage plan and there has been a soil report done that addresses all of the grading and drainage improvements. He has met with a licensed grading contractor and a local civil engineer, Ken Tunstall, on the site, who is prepared to do a grading and drainage plan. An Erosion Control Plan has been submitted to the County. Condition #19 requires maintenance of the Erosion Control Plan. Mr. Latasa spoke on the View Shed Easement issue and stated they were working with Jim Hysinger, a local land use attorney, drafting a View Shed Easement that both owners have agreed to sign.

Allison Stevens, one of the owners of the land, clarified the vote by the Land Use Advisory Committee. She stated that one was absent, one was against, one abstained, and five approved.

Molly O'Neil, neighbor, added to the record that they are in the process of a View Shed Easement because it is a three level home.

Tom Branson, president of the homeowners association, was concerned about receiving a copy of the Staff Report. He was given a copy to review. He was concerned with the roads, grading, and off site drainage, due to the truck traffic expected during the course of the project. It was noted that Conditions #10 & #18 covered the grading issue associated with project development and were added to help achieve the best management practices during construction of the project. Bryce Hori, Public Works, spoke regarding the issue and stated the roads are private and not controlled by the County.

After discussion the Zoning Administrator approved the Combined Development Permit as recommended subject to Findings and Evidence and Conditions.

8. TRAINER BEN & LAURIE (DA020297)

Continued from 3/13/03. Design approval to allow the construction of a 1,468 sq. Ft. Habitable area, 506 sq. ft. Covered porch, 473 sq. ft. open deck to upper level, and 956 sq. ft. habitable area, 168 sq. ft. covered walkway & porches to lower level addition to an existing one-story single family dwelling, and 879 sq. ft. new swimming pool & spa, 889 sq. ft. pool deck, 2,100 sq. ft. new detached horse barn with game room. Materials and colors to match the existing residence. The property is located at 26165 Rinconada Drive, Carmel Valley (Assessor's Parcel Number 416-361-032-000 & 416-361-033-000), east off of Lolos Laurels Grade between Highway 68 and Carmel Valley Road, Toro area.

The Zoning Administrator described the project stating that it was continued for a Field Trip to the community and the Trainer's. There was discussion regarding the field trip.

Ben Trainer stated that Staff members from the Planning Department were present along with several of the neighbors and looked at the proposed project from different points of view to ascertain what type impact the proposed building might have on the visual sensitivity issue as defined in the Master Plan. He felt that because he is in total conformance with every aspect of the County Ordinance that the project didn't present any particular negative impact on the visual sensitivity as defined in the Master Plan and therefore his assumption is that the project would be approved.

The Zoning Administrator stated he received an e-mail and a letter from Mr. Goodhue, who expressed his continuing concern about the character of the neighborhood and the extensions above the tree line. There were changes requested in the plans as they were submitted. As submitted there was a two story extension out to the viewing side of the property (downhill side), which projects out from the existing home. If the single story nature of the home along the slope of the scenic easement might facilitate the Trainer's need for additional home space and keep the house from coming above the ridgeline. This is subjective in the sense that everybody has an opinion regarding this. He requested a copy of the Geotechnical Report, because part of the extension that goes out is actually on fill material, as it is currently designed. The Trainer's made an offer that they were willing to pull the second story back, have a deck on that side and darken the colors so the visibility would be less.

After discussion the Zoning Administrator approved the Design Approval with the compromise that takes in some of the concerns of the neighbors and pulling the addition back 12' from the front of that lot, with the darker colors and 12' deck on the front with the structure remodeled. A condition of the Design Approval is that Building Plans will need to indicate the changes.

9. COLLIER ROBERT (PLN010126)

Continued from 3/13/03. Combined development permit consisting of a Coastal Administrative Permit to allow a change of use within an existing commercial building; a Coastal Development Permit to allow a residential unit on the existing second floor of a commercial building; a Variance to allow exterior modifications not in keeping with the moss landing design standards to an existing commercial building; and Design Approval. The project is located at 7951 moss landing road, moss landing (assessor's parcel number 133-211-008-000), northeast of the intersection with Sandholt road, coastal zone.

Timothy Johnston described the project. There was discussion on the Design Approval and the Design Guidelines. It was noted that findings could not be made for the proposed Design Approval or the Variance. The Use Permits were recommended for approval. Mr. Johnston requested an amendment to Condition #2 to state that, No Building or Use Permits shall be issued until the violation is cleared which would entail the Director's subsequent approval of a revised design in keeping with the Moss Landing Design Standards and add a sentence that would state that the approved design would have to be implemented and completed within one year of the approval. Failure to implement and complete the design within one year would render the project in violation of its conditions.

The Zoning Administrator discussed the Building and Code Violations. The violations would be effectively cleared after the design has been approved and completed and would allow the Planning and Building Inspection Department to issue the Use and Administrative Permits and the Building Permits. Then they would have one year to implement and complete the design, or they would be back in violation. The violation will be cleared before they actually do it. There was discussion regarding the 100' setback and the 100' open space requirement from the landward edge of wetland vegetation. He read from the regulation that was applicable: "where development is proposed on any portion of a parcel containing area within a 100' setback of the landward edge of Coastal Wetland vegetation, the setback shall be placed in an open space easement as a condition of project approval." It would not affect the existing structures; it would not affect non permanent structures. The 100' open space easement would affect any future permanent structures within that 100' setback. Staff must impose condition #5 pursuant to regulations, in order to not do so would require another Variance.

Todd Bessire, on behalf of the Collier's, clarified the requirement to get a Variance from a Design standard contained in the Zoning Code. There was discussion regarding the things that the Collier's have tried to do with the design. He requested that a possible condition be put in place that the building procedure could be phased in such a manner that he could accomplish a final design in five years. There was discussion regarding the 100' setback stating the Coastal Implementation Plan says, "It is further accepted that the permanent structures along Moss Landing Road on the west side of Moro Cojo Slough, which are located within the 100' setback, may be replaced, provided the replacement is the same location."

Melanie Mayer Gideon spoke of the open space easement and the wetland vegetation, stating that the remaining portion is fully developed and no reason for that to be in an open space easement. She proposed the open space easement is not the automatic 100' because there is the exception under that specific policy

that instead it be the top of the bank or the extent of the wetland vegetation and then to the east from there, excluding the permanent structures and permanent development that's already on the site from the open space easement.

Dennis Taylor, architect with Wald Ruhnke & Dost Architects. He submitted three designs and discussed the various architectural styles in Moss Landing. He suggested a five year time frame to complete a design beneficial to the Planning and Building Inspection Department, due the financial situation involved.

The Zoning Administrator discussed the designs, improvements to the community and location being a focal point of Sandholt Road and Moss Landing Road and the financial situation of Mr. Collier and stated that to date there is no acceptable design approval.

Mr. Johnston commented on the designs submitted and stated that there is no wide covered porch, extending across the front of the building, there is no false front, there is no wood siding, and no wood framed windows, but do have a couple of columns and wooden entrance doors, but stated that the Moss Landing Zoning District has been defined.

Mr. Taylor stated the project has the front set back working against it to achieve the canopy or the covered walkway suggested. The proposed overhangs for the front of the building lack just a few feet of being the full width of the building and other elements on other buildings do not cover the full width. He is proposing doing a round post as opposed to a square post. The whole street area is a variety of designs. They are proposing to add columns and also add some corbels. The other item is the wood element, plaster is a natural material.

Mr. Johnston responded to comments made by Mr. Bessire regarding the difficulty of making the findings for the Variance. This was made known to the applicants early on in a meeting with Mr. Calcagno at his office about the issue and explained the options and that at that time the Collier's had the option of appealing Staff's administrative interpretation to the Planning Commission with regards to our stance on requiring a design more in line with the design criteria, or they had the option of applying for a Variance. They were advised at that time that it would be difficult for Staff to support. In regards to the 100' open space easement, Staff's reading of the Ordinance is that it is not negotiable. It does not affect existing permanent structures. It does not affect future non-permanent structures. The new design does not meet the design criteria.

After discussion the Zoning Administrator, on the Combined Development Permit, denied the Variance, for the reason there are no adequate findings about changing the permit standard and furthermore we cannot address the special privileges. The Coastal Development Permit to allow the residential unit on the existing second floor of the commercial building is approved and the Design Approval is not approved. Condition #2 was also amended to add 'No Building or Planning Permits may be issued until the code violation is resolved. The applicant shall implement and complete the approved design within two years of the Director's approval of the exterior design.' Once the Design Approval is approved by the Director the Code

Violation is lifted and the Coastal Development and the Coastal Administrative Permit are issued at that time. There should be a time frame for completion of the Design Approval Request. Mr. Bessire stated that one year will be very difficult to satisfy the Design Approval and it most likely will require an appeal to the Board of Supervisors, if that's the appropriate mechanism. Mr. Bessire wanted to clarify the 100' setback and Condition #5 was amended to read, "An Open Space easement that covers the extent of the *landward edge of vegetation associated with coastal wetlands* shall be conveyed to the County. No structures shall be built within the Open Space easement area conveyed to the County. Condition #6 was amended to read, "A biological survey shall be performed by a qualified biologist *specializing in wetlands delineation* in order to establish the landward edge of vegetation associated with coastal wetlands, pursuant to Condition #5 above. The biologist's survey shall be submitted together with the easement deed forms and shall be subject to the approval by the Director of Planning and Building Inspection prior to the conveyance of the easement to the County."

After discussion the Zoning Administrator, with the Findings and Evidence submitted and the Conditions, as amended, approved the Combined Development Permit consisting of the Coastal Administrative Permit and the Coastal Development Permit without the Design Approval and without the Variance.

F. OTHER ITEMS: None

G. ADJOURNMENT: 12:20 p.m.

ATTEST:

LYNNE MOUNDAY
Zoning Administrator

/llmr