

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: September 30, 2004 @ 9:25 AM	Agenda Item: #7
Project Description: Combined Development Permit (Leaton; PLN040229) consisting of a Coastal Administrative Permit to allow conversion of existing structure to guesthouse (238 sq. ft.) with utility extension; Coastal Development Permit for waiver of parking standards (to allow for one uncovered off-street compact space adjacent to garage); and Design Approval.	
Project Location: 24475 S. San Luis Avenue, Carmel (Assessor's Parcel Number 009-041-026-000), westerly of the intersection of Highway 1 and San Luis Avenue, Coastal Zone.	
Planning Number: PLN040229	Name: Leaton, Michael Guy and Tracy Piazza
Plan Area: Carmel LUP	Flagged and Staked: Yes
Zoning Designation: MDR/2-D (CZ), or "Medium Density Residential, 2 acres per unit, with Design Control (Coastal Zone)."	
CEQA Action: Exempt pursuant to §15303(a) and §15305(b), CEQA Guidelines	
Department: Planning and Building Inspection	

RECOMMENDATION:

Approve the Combined Development Permit based on the Findings and Evidence (**Exhibit "B"**) and subject to proposed conditions (**Exhibit "C"**).

PROJECT ISSUES:

The project involves the conversion of an existing structure built without permits to a guesthouse use. This Combined Development Permit is part of the administrative remedy for the violation. The existing structure conforms to the requirements for a guesthouse. At issue is the parking requirement for a guesthouse. Due to that the existing parking is only adequate for the single family residence, and in consideration of the fact that significant cut into slope would be required to expand the existing garage, staff does not recommend that additional expansion of the garage be allowed on this site.

Because the recommended parking space location would not be on the same site as the use to which it relates, a Coastal Development Permit is required for a waiver of parking standards. Staff recommends that, pursuant to Section 20.58.050.C of the Monterey County Zoning Ordinance, approval be granted of an uncovered off-street compact parking space, "due to the unusual characteristics of (the) use or its immediate vicinity." An unusual characteristic of the use on this site is that the owner does not anticipate that guesthouse would be utilized more than 12 times per year, thus another covered parking area is not necessary. Specific features of the site, primarily the presence of the steep slope on the project parcel and the archaeological sensitivity of the area, make the off-street parking (which would be in a County right-of-way) a preferable alternative to excavation of slope. The Public Works Department has reviewed the proposal and has submitted comment (**Exhibit "F"**), stating that "if the waiver is approved, we would recommend the following condition: That the applicant obtain an encroachment permit from the Department of Public Works and construct a parking stall along the frontage of San Luis Avenue subject to the approval of the Department of Public Works."

A parking plan (**Exhibit "G"**) has been submitted to the Planning Division and the Public Works Department. A condition is recommended by the Planning Division, limiting the use of the guesthouse to two months per year, which would minimize use of the proposed parking space. Additionally, the applicant would be required to use the proposed space for guesthouse use only.

OTHER AGENCY INVOLVEMENT:

- ✓ Water Resources Agency
- ✓ Environmental Health Division
- ✓ Public Works Department
- ✓ Parks Department
- ✓ Carmel Highlands Fire Protection District
- ✓ Carmel Unincorporated / Highlands Land Use Advisory Committee

All have reviewed this project. The Planning Division, Water Resources Agency, and Public Works Department have proposed conditions (Exhibit “B”).

The Carmel Unincorporated / Highlands Land Use Advisory Committee recommended approval of the project by a vote of 6-0 (1 absent, 0 abstaining), on June 21, 2004, with a Committee comment that “(p)lanner must address regulation for one additional space needed for guest parking.” The recommendation for approval came with a condition that “required guest parking space (issue) be resolved.”

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

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cc: Public Works; Water Resources Agency; Environmental Health; Carmel Highlands Fire Protection District; Colin Gallagher; Dale Ellis; Lynne Mounday; Owner; Applicant; Project File

Attachments: Exhibit A: Project Data Sheet
Exhibit B: Recommended Findings and Evidence
Exhibit C: Recommended Conditions of Approval
Exhibit D: Land Use Advisory Committee Recommendation
Exhibit E: Owner’s Letter Requesting Waiver of Parking Standards
Exhibit F: Public Works Department Comments
Exhibit G: Parking Plan
Exhibit H: General Site Plan
Exhibit I: Vicinity Map

This report reviewed by Lynne Mounday, Planning and Building Services Manager.

EXHIBIT “B”
RECOMMENDED FINDINGS AND EVIDENCE

1. **FINDING:** **CONSISTENCY** - The Project, as conditioned is consistent with applicable plans and policies, Carmel Area Land Use Plan, Coastal Implementation Plan (Part 4), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20) which designates this area as appropriate for residential development.

EVIDENCE: (a) PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the Carmel Land Use Plan, Coastal Implementation Plan (Part 4), Part 6 of the Coastal Implementation Plan. PBI staff have reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 20) and have determined that the project is consistent with the Carmel Land Use Plan which designates this area as appropriate for residential development.

(b) The parcel is zoned Medium Density Residential, 2 units/acre, Design Control District, Coastal Zone (“MDR/2-D (CZ)).”

(c) The guesthouse is an allowed use in the MDR zoning district under Section 20.12.040.C of the Zoning Ordinance.

(d) **LAND USE ADVISORY COMMITTEE:** The Carmel Unincorporated/Highlands Land Use Advisory Committee recommended approval of the project by a vote of 6-0 (1 absent, 0 abstaining), on June 21, 2004, with a Committee comment that “(p)lanner must address regulation for one additional space needed for guest parking” and recommendation for approval, with condition that “required guest parking space (issue) be resolved.”

(e) The project planner conducted a site visit, observing the structure proposed for guesthouse use and the parking area (two covered spaces in a garage), and determined that there are unusual characteristics of (the) use and specific features of the site pursuant to Section 20.58.050.C of the Monterey County Zoning Ordinance which merit a waiver of parking standards. An unusual characteristic of the use is that the owner does not anticipate that guesthouse would be utilized more than 12 times per year, thus additional covered parking is not necessary. Specific features of the site, primarily the presence of the steep slope on the project parcel and the archaeological sensitivity of the area, make the off-street parking, which would be in a County right-of-way, a preferable alternative to excavation of slope.

(f) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN040229.

2. **FINDING:** **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. The permit is part of the administrative remedy for past construction. Zoning violation abatement cost, if any, have been paid.

EVIDENCE: Section 20.90.120 of the Monterey County Zoning Ordinance states in part that “(n)o department, commission, or public employee of the County of Monterey which is vested with the duty or authority to issue or approve permits, licenses or other entitlements shall issue or approve such permits, licenses or other entitlements nor determine a discretionary permit complete where there is an outstanding violation of this Title or the remaining portions of the Monterey County Coastal Implementation Plan involving the property upon which there is pending application for such permit, license or other entitlement unless such permit, license, or other entitlement is the, or part of the, administrative remedy for the violation.” The Leaton Coastal Administrative Permit application (PLN040229) is part of the “administrative remedy” within the meaning of this Section of the Monterey County Zoning Ordinance.

3. **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 Planning and Building Inspection Department, Public Works Department, Water Resources Agency, Environmental Health Division, and Carmel Highlands Fire Protection District. The respective departments and 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. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions.

4. **FINDING: SITE SUITABILITY** - The site is suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for suitability by Planning and Building Inspection Department, Public Works Department, Water Resources Agency, Environmental Health Division, and Carmel Highlands Fire Protection District. Conditions recommended have been incorporated where appropriate.

(b) Staff conducted a site visit to verify that the site is suitable for this use.

(c) Necessary public facilities are available and will be provided. In order to limit the use of the proposed uncovered off-street compact space, and in accordance with the applicant’s statement that the guesthouse would not be utilized more than 12 times per year, the Planning Division recommends a condition that would limit the use of the guesthouse to two months per calendar year.

(d) Preceding Findings and supporting Evidence.

5. **FINDING: CEQA:** - The project is exempt from environmental review.

EVIDENCE: (a) CEQA Guidelines Sections 15303(a) and 15305(b) categorically exempt this proposed development.

(b) No potential adverse environmental effects were identified during staff review of the development application or during the staff site visit(s) following the submittal of the application. No unusual circumstances exist for this project that would alter staff's determination that the project is categorically exempt from CEQA review.

6. **FINDING: PUBLIC ACCESS** - The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

EVIDENCE (a) The subject property is not described as an area where the Local Coastal Program requires access.
(b) The subject property is not indicated as part of any designated or future trail or shoreline access as shown in Figure 3, the Public Access Map, of the Carmel Area Land Use Plan.
(c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
(d) Staff site visit.

7. **FINDING: APPEALABILITY** - The project is appealable to the Board of Supervisors.

EVIDENCE: (a) Section 20.86.030.A of the Monterey County Coastal Implementation Plan (Part 1).

Exhibit “C” Monterey County Planning and Building Inspection Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: Leaton, Micheal Guy and Tracy Piazza (PLN040229) <i>File No:</i> <u>PLN040229</u> <i>APNs:</i> <u>009-041-026-000</u> <i>Approval by:</i> <u>ZONING ADMINISTRATOR</u> <i>Date:</i> <u>9/30/04</u>
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1		PBD029 - SPECIFIC USES ONLY This Combined Development Permit (Leaton; PLN040229) consists of a Coastal Administrative Permit to allow conversion of existing structure to guesthouse (238 sq. ft.) with utility extension; Coastal Development Permit for waiver of parking standards (to allow for one uncovered off-street compact space adjacent to garage); and Design Approval. The guesthouse use approved by this permit is limited to two months per calendar year. The project is located at 24475 S. San Luis Avenue, Carmel (Assessor’s Parcel Number 009-041-026-000), Westerly of the intersection of Highway 1 and San Luis Avenue (Carmel Land Use Plan Area), Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other- wise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		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 Planning and Building Inspection. 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. (Planning and Building Inspection)				
2		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. 040229) was approved by the Director of Planning and Building Inspection for Assessor's Parcel Number 009-041-026-000 on <u>September 30, 2004</u> . The permit was granted subject to 8 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
3		<p>PBD030 - STOP WORK - RESOURCES FOUND</p> <p>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 Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society 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 the discovery. (Planning and Building Inspection)</p>	<p>Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection 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.</p>	Owner/ Applicant/ Archaeologist	Ongoing	
4		<p>PBD006 - DEED RESTRICTION - USE</p> <p>Prior to the issuance of a building permit the applicant shall record a deed restriction as a condition of project approval stating the regulations applicable to the Guesthouse. (Planning and Building Inspection)</p>	<p>Submittal of approved and Recorded Deed Restriction to PBI.</p>	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	
5		<p>PBDXXX – NON-STANDARD LANGUAGE</p> <p>Applicant shall utilize the uncovered off-street compact space (as approved by this permit) for guesthouse use only. (Planning and Building Inspection)</p>	<p>Adhere to conditions and uses specified in the permit.</p>	Owner/ Applicant	Ongoing	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
6		<p>PWXXX – NON-STANDARD LANGUAGE The applicant shall obtain an encroachment permit from the Department of Public Works and construct a parking stall along the frontage of San Luis Avenue, subject to the approval of the Department of Public Works. (Public Works Department)</p>	Applicant shall obtain encroachment permit from Public Works.	Owner/ Applicant	Prior to issuance of building permit.	
7		<p>WR40 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:</p> <p>a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.</p> <p>b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)</p>	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
8		WR43 - WATER AVAILABILITY CERTIFICATION The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	