

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: July 26, 2012 Time: 1:30 P.M.	Agenda Item No.: 2
Project Description: Consider a Variance to allow demolitions and additions to existing legal non-conforming single family residence currently exceeding the required 45% maximum Floor Area Ratio (FAR) limits and resulting in a reduction of FAR from 59% to 58.3%. The project consists of: 1) a second floor interior remodel of 173 square foot master bath and closet; 2) a first floor remodel and demolition of a 147 square foot study and 119 square foot deck to allow construction of a 115 square foot covered deck; 3) a basement level conversion of 300 square feet of a 672 square foot garage to a den and bathroom with new 140 square foot deck; a Coastal Development Permit for development within 750 feet of a known archaeological resource; and Design Approval. Materials and colors of the exterior stucco (tan), wood eaves and trim to match the existing (off-white), roof (Eagle Roof Tile Cedar), clad windows (tan Anlin Catalina vinyl windows), and veneer and stone (Lompoc Ledge Cream).	
Project Location: 26231 Ocean View Avenue	APN: 009-431-023-000
Planning File Number: PLN120101	Owner: DeYoung, Paula A ET AL Agent:
Planning Area: Carmel Area Land Use Plan	Flagged and staked: Yes/No
Zoning Designation: : "MDR/2-D (18) CZ" [Medium Density Residential/2 units per acre, Design Control District (18 foot height limit) Coastal Zone	
CEQA Action: Categorically Exempt per CEQA Section 15301(e) and CEQA Section 15064.5 (c)(4)	
Department: RMA - Planning Department	

RECOMMENDATION:

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

- 1) Find the project Categorically Exempt per CEQA Section 15301(e) and CEQA Section 15064.5(c)(4); and
- 2) Approve the Variance, Coastal Development Permit and Design Approval, based on the findings and evidence and subject to the conditions of approval (**Exhibit B**);

PROJECT OVERVIEW:

The applicants' proposal includes demolitions and additions to an existing legal non-conforming single family residence constructed in 1980. The dwelling conforms to the current lot coverage of 35% and will not increase from the proposal. The structure was originally permitted with an FAR of 59% and exceeds the required 45% maximum floor area ratio limits. Therefore, the existing structure is legal non-conforming as to FAR. However, the proposal results in a reduction of floor area from 59% to 58.3%. Because floor area ratio exceeds the current 45% allowance, this request requires a Variance. There are a number of houses in the vicinity, including the subject property that became legal nonconforming as a result of the adoption of the 1983 Local Coastal Program (LCP). The variance request will reduce the FAR and will bring it closer in line with the currently regulations. Therefore, staff supports the Variance request.

Although the project is located within 750 feet of a known archaeological resource, pursuant to Section 20.146.090.B.5.c. Archaeological Resources Development Standards (CIP), the archaeological survey report may be waived by the Director of Planning if the proposed development does not involve land clearing or land disturbance. The project consists mostly of upper level remodeling; the only addition on the lower level is the addition of pavers to create a small patio. The area is previously disturbed and no land clearing will be involved to put down the pavers. For these reasons, the Director has waived the survey report.

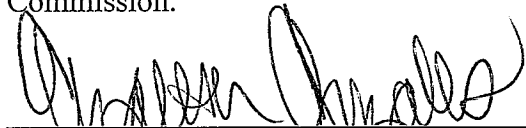
OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

- RMA - Public Works Department
- Environmental Health Bureau
- √ Water Resources Agency
- Carmel Highlands Fire Protection District
- Parks Department
- California Coastal Commission

Agencies that submitted comments are noted with a check mark ("√"). Conditions recommended by Water Resources Agency and RMA Planning have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit B**).

On May 21, 2012, the project was referred to the Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) for review. They unanimously recommended approval (5-0 vote) with no comments.

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



Elizabeth Gonzales, Associate Planner
(831) 755-5102, gonzales1@co.monterey.ca.us
July 3, 2012

cc: Front Counter Copy; Zoning Administrator; Carmel Highlands Fire Protection District; Public Works Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Wanda Hickman, Planning Services Manager; Bob Schubert, Senior Planner; Elizabeth Gonzales, Project Planner; Paula DeYoung, ET AL, Owner; Gail Hatter-Crawford, Agent; The Open Monterey Project; LandWatch; Planning File PLN120101

Attachments: Exhibit A Project Data Sheet
Exhibit B Draft Resolution, including:

- Conditions of Approval
- Site Plan, Floor Plan and Elevations,

Exhibit C Vicinity Map
Exhibit D Advisory Committee Minutes (LUAC)
Exhibit E Justification Letters (variance)

This report was reviewed by Bob Schubert  and Wanda Hickman 

EXHIBIT A

Project Information for PLN120101

Project Information:

Project Name: DE YOUNG PAULA A ET AL	
Location: 26231 OCEAN VIEW AVE CARMEL	
Permit Type: Variance	
Environmental Status: Exempt	Final Action Deadline (884): 7/22/2012
Existing Structures (sf): 2657	Coverage Allowed: 35%
Proposed Structures (sf): 2625	Coverage Proposed: 34%
Total Sq. Ft.: 2625	Height Allowed: 18
Tree Removal: 0	Height Proposed: 18
Water Source: Public	FAR Allowed: 45%
Water Purveyor: Cal Am	FAR Proposed: 58.3%
Sewage Disposal (method): Public	Lot Size: 4500
Sewer District: Carmel Aea Wastewater	Grading (cubic yds.): 0

Parcel Information:

Primary APN: 009-431-023-000	Seismic Hazard Zone: VI, UNDETERMINED
Applicable Plan: Carmel LUP	Erosion Hazard Zone: Moderate
Advisory Committee: Carmel/Carmel Highlands Advisory Committee	Fire Hazard Zone: Low
Zoning: MDR/2-D(18)(CZ)	Flood Hazard Zone: N
Land Use Designation: Residential	Archaeological Sensitivity: High
Coastal Zone: Carmel LCP	Viewshed: N
Fire District: Cypress FPD	Special Setbacks on Parcel: N

Reports on Project Parcel:

Soils Report #: n/a
Biological Report #: n/a
Geologic Report #: n/a
Forest Management Rpt. #: n/a
Archaeological Report #: n/a
Traffic Report #: n/a

**EXHIBIT B
DRAFT RESOLUTION**

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

In the matter of the application of:

DEYOUNG, PAULA A ET AL (PLN120101)

RESOLUTION NO. ----

Resolution by the Monterey County Hearing Body:

- 1) Finding the project Categorical Exempt per CEQA Section 15301(e) and CEQA Section 15064.5 (c)(4); and
- 2) Approving a Variance to allow demolitions and additions to existing legal non-conforming single family residence currently exceeding the required 45% maximum floor area ratio limits and resulting in a reduction of FAR from 59% to 58.3%. The project consists of: 1) a second floor interior remodel of 173 square foot master bath and closet; 2) a first floor remodel and demolition of a 147 square foot study and 119 square foot deck to allow construction of a 115 square foot covered deck; 3) a basement level conversion of 300 square feet of a 672 square foot garage to a den and bathroom with new 140 square foot deck; a Coastal Development Permit for development within 750 feet of a known archaeological resource; and Design Approval.

[PLN120101, DeYoung, Paula A ET AL, 26231 Ocean View Avenue, Carmel Area Land Use Plan (APN: 009-431-023-000)]

The Variance application (PLN120101) came on for public hearing before the Monterey County Zoning Administrator on July 26, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 1982 Monterey County General Plan;
 - Carmel Area Land Use Plan;

- Monterey County Coastal Implementation Plan Part 4;
- Monterey County Zoning Ordinance (Title 20);

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at 26231 Ocean View Avenue (Assessor's Parcel Number 009-431-023-000), Carmel Area Land Use Plan. The parcel is zoned "MDR/2-D (18) CZ" [Medium Density Residential/2 units per acre, Design Control District (18 foot height limit) Coastal Zone, which allows residential improvements. Therefore, the project is an allowed land use for this site.
- c) Variance The proposal includes demolitions and additions to an existing legal non-conforming single family residence constructed in 1980. The dwelling conforms to the current lot coverage of 35% and will not increase from the proposal. The structure was originally permitted with an FAR of 59% and exceeds the required 45% maximum floor area ratio limits. Therefore, the existing structure is legal non-conforming as to FAR. However, the proposal results in a reduction of floor area from 59% to 58.3%. Because floor area ratio exceeds the current 45% allowance, a variance is required. There are a number of houses in the vicinity, including the subject property that became legal nonconforming as a result of the adoption of the 1983 Local Coastal Program (LCP). The variance request will reduce the FAR and will bring it closer in line with the currently regulations. *See Findings #6, 7, 8*
- d) Design Approval Pursuant to Chapter 20.44, Design Control Zoning Districts, zoning for the project requires design review of structures to make sure they are appropriate to assure protection of the public viewshed, neighborhood character, and assure visual integrity. Colors and materials will match the existing single family dwelling. They consist of exterior stucco (tan), wood eaves and trim (off white); roofing materials (Eagle Roof dark Tile Cedar #CEDUr93089 Walden); clad windows (tan Anlin Catalina vinyl windows) and veneer stone (Lompoc Ledge Cream).
- e) Cultural Resources The project site is identified as an area of high archaeological sensitivity and located within 750 feet of a known archaeological resource. Pursuant to Section 20.146.090.B.5.c. Archaeological Resources Development Standards (CIP), the archaeological survey report may be waived by the Director of Planning if the proposed development does not involve land clearing or land disturbance. The project consists mostly of upper level remodeling; the only addition on the lower level is the addition of pavers to create a small patio. The area is previously disturbed and no land clearing will be involved to put down the pavers. For these reasons, the Director has waived the survey report.
- f) There is no tree removal proposed, no development on slopes exceeding 30%, nor any removal of Environmentally Sensitive Habitat areas. Except for legal nonconforming FAR, the project otherwise meets Site Development Standards required of Section 20.12.060 of Monterey County Code, Title 20.

- g) On May 21, 2012, the project was referred to the Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) for review. They unanimously recommended approval (5-0 vote) with no comments.
- h) The project planner conducted a site inspection on April 20, 2012 to verify that the project on the subject parcel conforms to the plans listed above.
- i) 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 PLN120101.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Carmel Highlands Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended by Planning and Water Resources Agency have been incorporated.
 - b) Staff did not identify any potential impacts to resources such as Biological Resources, Archaeological Resources, Soil/Slope Stability, etc. Therefore, no reports were required to be submitted by outside consultants. Although, located with 750 feet of a known archaeological resource, County interpretation determined that the archaeological survey report could be waived by the Director of Planning because the proposed development does not involve land clearing or land disturbance.
 - c) Staff conducted a site inspection on April 20, 2012 to verify that the site is suitable for this use.
 - d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120101.

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 the RMA - Planning Department, Carmel Highlands Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary public facilities are existing and available through Cal-Am

and Carmel Area Wastewater District.

- c) Staff conducted a site inspection on April 20, 2012 to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120101.

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

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on April 20, 2012 and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN120101.

5. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15301 (e) categorically exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structure before the addition. Proposed remodel consists of removing 147 square feet and adding 115 square feet.
 - b) Pursuant to CEQA Section 15064.5(c) 4, if an archaeological report is neither a unique archaeological nor an historic resource, the effects of the project shall not be considered a significant effect and need not be considered further in the CEQA process. Although, located with 750 feet of a known archaeological resource, County interpretation determined that the archaeological survey report could be waived by the Director of Planning because the proposed development does not involve land clearing or land disturbance.
 - c) No adverse environmental effects were identified during staff review of the development application during a site visit on April 20, 2012.
 - d) Staff conducted a site inspection on April 20, 2012 to verify that the site is suitable for this use.
 - e) 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 PLN120101.

6. **FINDING:** **VARIANCE (Authorized Use)** – The Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone

- regulation governing the parcel of property.
- EVIDENCE:**
- a) The parcel is zoned Medium Density Residential/ two (2) units per acre with Design Control Overlay, 18 foot maximum height limit, in the Coastal Zone ("MDR/2-D (18) (CZ)"). The authorized use is consistent with a residential use.
 - b) In accordance with Section 20.12.060 of the Monterey County Coastal Implementation Plan (Part 1), floor area ratio (FAR) in the MDR/2 Zoning District shall not exceed 45% while building site coverage shall not exceed 35%. However, prior to the adoption of the Local Coastal Program, the residence was constructed in 1980 which included the existing three level 2,657 square foot residence, creating a floor area ratio (FAR) of 59% and building site coverage of 35%, resulting in a legal nonconforming structure as to FAR, and thus authorizing the use.
 - c) 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 PLN120101.

7. **FINDING:** **VARIANCE (Special Circumstances)** - Because of special circumstances applicable to the subject property, including the size, shape, topography, location of the lot, or the surrounding area, the strict application of development standards in the Monterey County Codes is found to deprive the subject property of privileges enjoyed by other property owners in the vicinity under identical zoning classification.

- EVIDENCE:**
- a) Section 20.12.060 of Monterey County Code requires a building site coverage maximum of 35%. The intent of this regulation is to limit the amount of square footage on a lot to preserve natural views out on the Carmel Point.
 - b) As originally permitted, and prior to the adoption of the Local Coastal Program, approved development of the site included a 1,421 square foot main floor, a 448 square foot 2nd floor, and a 788 square foot basement; creating a floor area ratio (FAR) of 59% and building site coverage of 35% on a 4,500 square foot lot. Proposed construction reduces site coverage to 34% and FAR to 58.3%; thereby under these special circumstances, allowing them to continue to maintain their legal nonconforming floor area.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN120101.
 - e) The project planner conducted a site inspection on April 20, 2012 to verify the circumstances related to the property.

8. **FINDING:** **VARIANCE (Special Privileges)** - The variance shall not constitute a grant of privileges inconsistent with the limitations upon other property owners in the vicinity and zone in which such property is situated.

- EVIDENCE:**
- a) Building Inspection Department files indicate that the residence was constructed in 1980, prior to certification of the Local Coastal Program. As originally permitted, development of the site included the existing 2,657 square foot residence, creating a floor area ratio (FAR) of 59% and building site coverage of 35%, resulting in a legal nonconforming structure as to FAR.

- b) Pursuant to Section 20.68.020.A, no such land use shall be expanded, enlarged, increased, or extended to occupy a greater area than that occupied when the legal nonconforming use was established. Proposed remodeling includes removing 147 square feet and adding 115 square feet on the main floor; thereby reducing lot coverage and FAR.
- c) Staff recognizes that a number of houses in the vicinity exceed FAR and building site coverage, as these approvals were granted prior to adoption on the 1983 Local Coastal Program (LCP). There is no grant of special privilege as the County created the legal nonconforming FAR; a Variance is required because the FAR does not meet current standards in Monterey County Code (Title 20).
- d) The project planner conducted a site inspection on April 20, 2012 to identify circumstances related to other property in the vicinity and in the same zoning district.

9. - **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) 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.
 - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3 in 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) 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 PLN120101.
 - e) The project planner conducted a site inspection on April 20, 2012.

10. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission

- EVIDENCE:**
- a) Section 20.86.030 Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.
 - b) Section 20.86.030 Monterey County Zoning Ordinance states that the proposed project is subject to appeal by/to the Coastal Commission because the project includes conditional uses (Variance).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

1. Find the project Categorically Exempt per CEQA Section 15301(e) and CEQA Section 15064.5 (c)(4);
2. Approve a Variance to allow demolitions and additions to existing legal non-conforming single family residence currently exceeding the required 45% maximum floor area ratio

limits and resulting in a reduction of FAR from 59% to 58.3%. The project consists of: 1) a second floor interior remodel of 173 square foot master bath and closet; 2) a first floor remodel and demolition of a 147 square foot study and 119 square foot deck to include construction of a 115 square foot covered deck; 3) a basement level conversion of 300 square feet of a 672 square foot garage to a den and bathroom with new 140 square foot deck; a Coastal Development Permit for development within 750 feet of a known archaeological resource; and Design Approval, in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 26 day of July, 2012 upon motion of

Jacqueline Onciano, Zoning Administrator

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 _____.

(Coastal Projects)

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

EXHIBIT "B"

Monterey County Planning Department

DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN120101

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This permit for a Variance to allow demolitions and additions to existing legal non-conforming single family residence currently exceeding the required 45% maximum floor area ratio limits and resulting in a reduction of FAR from 59% to 58.3% was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. The project consists of: 1) a second floor interior remodel of 173 square foot master bath and closet; 2) a first floor remodel and demolition of a 147 square foot study and 119 square foot deck to include construction of a 115 square foot covered deck; 3) a basement level conversion of 300 square feet of a 672 square foot garage to a den and bathroom with new 140 square foot deck; a Coastal Development Permit for development within 750 feet of a known archaeological resource; and Design Approval. Materials and colors of the exterior stucco (tan), wood eaves and trim to match the existing (off-white), roof (Eagle Roof Tile Cedar), clad windows (tan Anlin Catalina vinyl windows), and veneer and stone (Lompoc Ledge Cream). The property is located at 26231 Ocean View Avenue, Carmel (Assessor's Parcel Number 009-431-023-000), Carmel Area Land Use Plan, Coastal Zone. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Variance (Resolution Number _____) was approved by the Zoning Administrator for Assessor's Parcel Number 009-431-023-000 on July 26, 2012. The permit was granted subject to 4 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department."
Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

3. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire on July 26, 2015 unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

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

4. WR049 - WATER AVAILABILITY CERTIFICATION

Responsible Department: Water Resources Agency

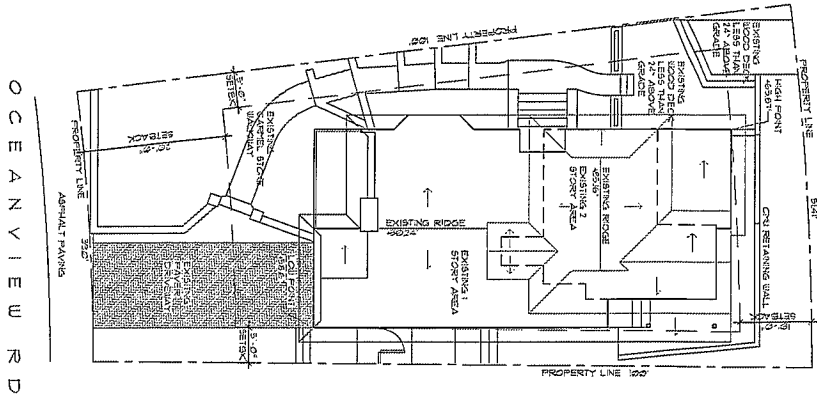
Condition/Mitigation Monitoring Measure: The applicant shall provide the Monterey County Water Resources Agency proof of water availability in the form of a complete Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permit, the owner/applicant shall submit a Water Release Form to the Water Resources Agency for review and approval.

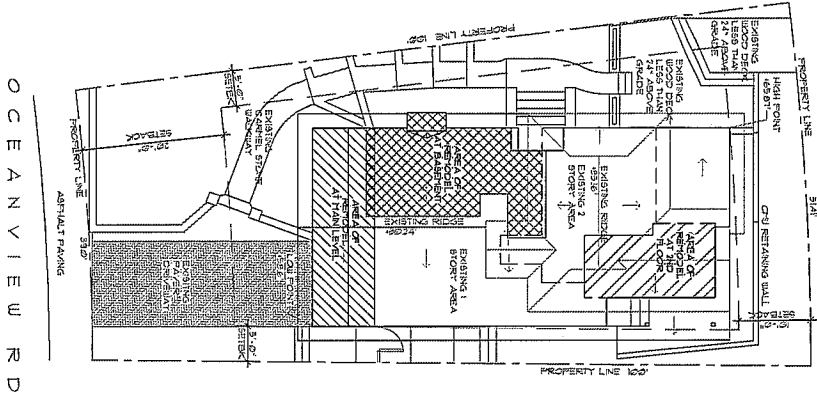
A copy of the Water Release Form can be obtained at the Monterey Peninsula Water Management District, the Water Resources Agency, or online at:
www.mcwra.co.monterey.ca.us.

EXHIBIT "B"

EXISTING SITE PLAN
1/8" = 1'-0"



PROPOSED SITE PLAN
1/8" = 1'-0"



PROJECT DATA

OWNER:
MR. & MRS. JERRY DEYOUNG
16223 OCEAN VIEW AVENUE
CARMEL, CA 95018
APN 009-431-023

CONTRACT TYPE:
R-3 (RESIDENCE) 1-1 (GARDEN)

CONTRACT NUMBER:
R-3 (RESIDENCE) 1-1 (GARDEN)

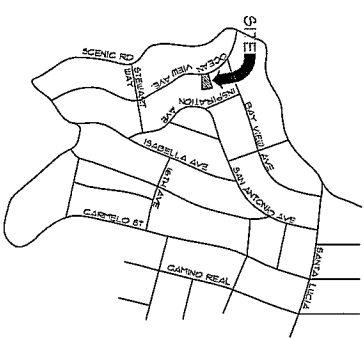
PROJECT SCOPE:
1

REMOVE 1ST FLOOR AREA & 1ST FLOOR, ADD 13' 6" OF 1ST FLOOR AREA & 1ST FLOOR, RECONFIGURE BATHROOMS, RECONFIGURE KITCHEN, RECONFIGURE HALLWAY, RECONFIGURE ENTRY, RECONFIGURE PORCH AND RELOCATE FRONT DECK & LIVING ROOM AT FIRST FLOOR.

BUILDING AREA	EXISTING	PROPOSED
1ST FLOOR	1410 SF	1410 SF
2ND FLOOR	1892 SF	1892 SF
3RD FLOOR	1892 SF	1892 SF
TOTAL EXISTING FLOOR AREA	5194 SF (124N)	5194 SF (124N)
TOTAL PROPOSED FLOOR AREA	5194 SF (124N)	5194 SF (124N)
1ST FLOOR AREA ADDED	0 SF	1310 SF (124N)
NO TREE REMOVAL	NO TREES	NO TREES

DRAWING INDEX

- A-1 EXISTING AND PROPOSED SITE PLAN
- A-2 PROPOSED FLOOR PLAN
- A-3 PROPOSED EXTERIOR ELEVATIONS
- A-4 EXISTING EXTERIOR ELEVATIONS



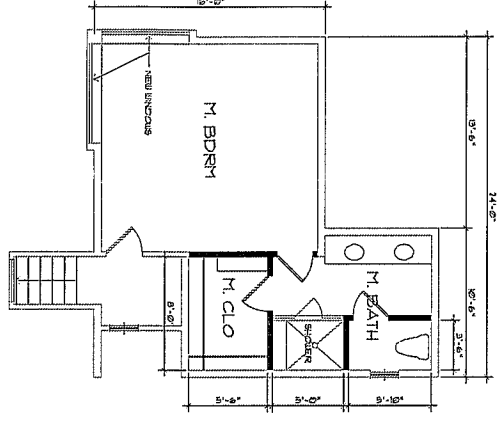
VICINITY MAP
NTS

REMODEL SINGLE FAMILY RESIDENCE FOR:
Mr. & Mrs. Jerry DeYoung
16223 OCEAN VIEW AVENUE CARMEL, CA
APN 009-431-023

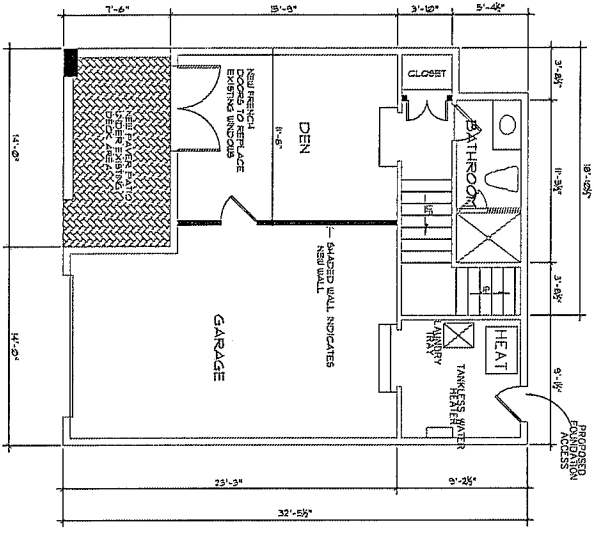
WILLIAM C MEFFORD
ARCHITECT

P.O. BOX 1072 PACIFIC GROVE, CA 95050
(831) 373-4567 LICENSE # C-22891

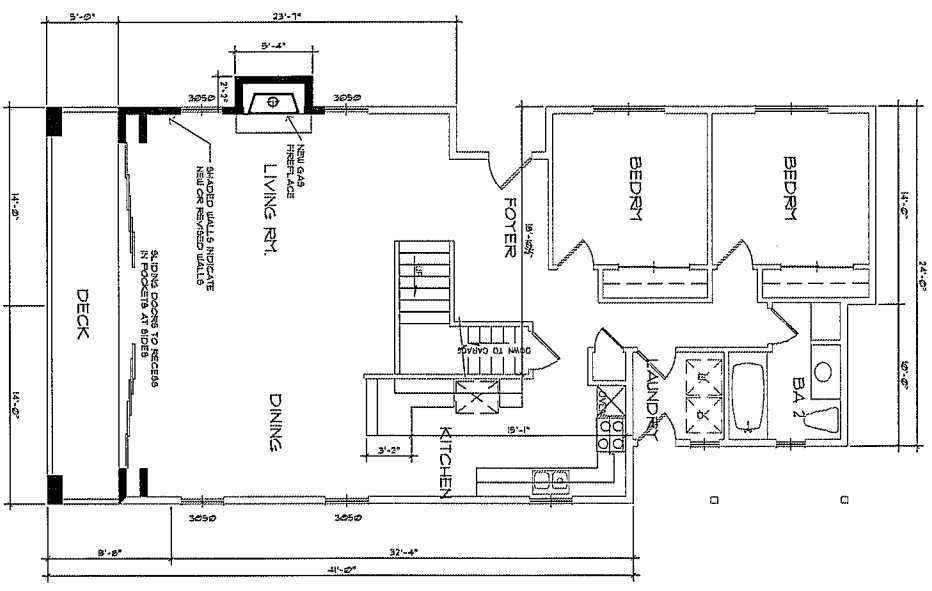
NO.	REVISIONS	DATE



2ND FLOOR PLAN
1/4" = 1'-0"



BASEMENT PLAN
1/4" = 1'-0"

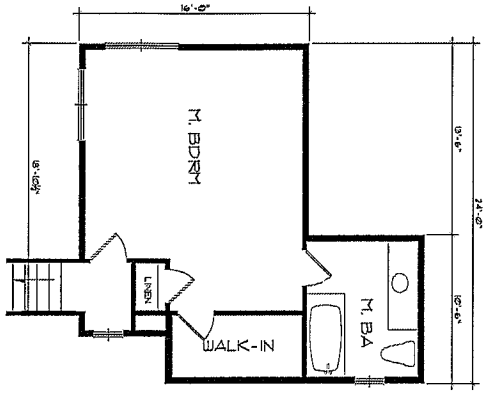


1ST FLOOR PLAN
1/4" = 1'-0"

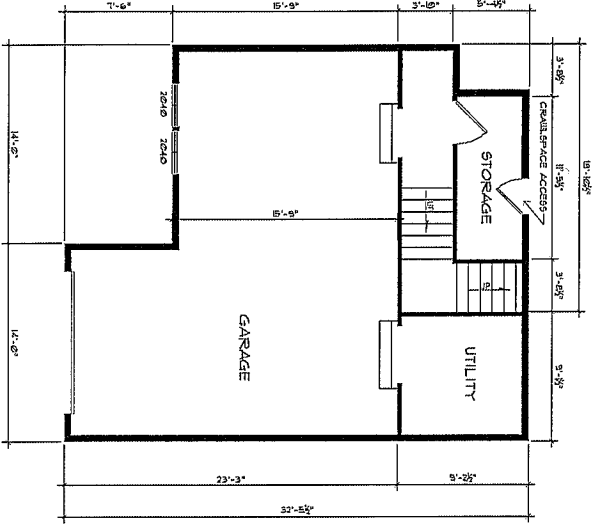
SHEET NO. **A-2**
 OF FIVE SHEETS
 PROJECT NO. 1620
 DRAWN BY:
 CHECKED BY:
 DATE: 2/1/2011
 REMODEL SINGLE FAMILY RESIDENCE FOR:
Mr. & Mrs. Jerry DeYoung
 26231 OCEAN VIEW AVENUE CARMEL, CA
 APN 029-431-023

WILLIAM C McFFORD
 ARCHITECT
 P.O. BOX 1072 PACIFIC GROVE, CA 93950
 (831) 373-4567 LICENSE # C-22893

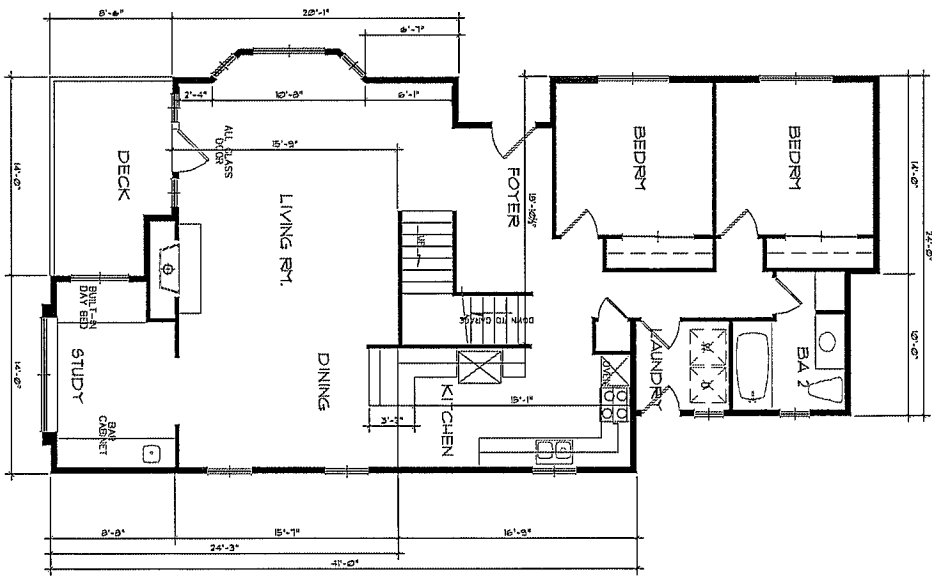
NO.	REVISIONS	DATE



2ND FLOOR PLAN
1/4" = 1'-0"



BASEMENT PLAN
1/4" = 1'-0"



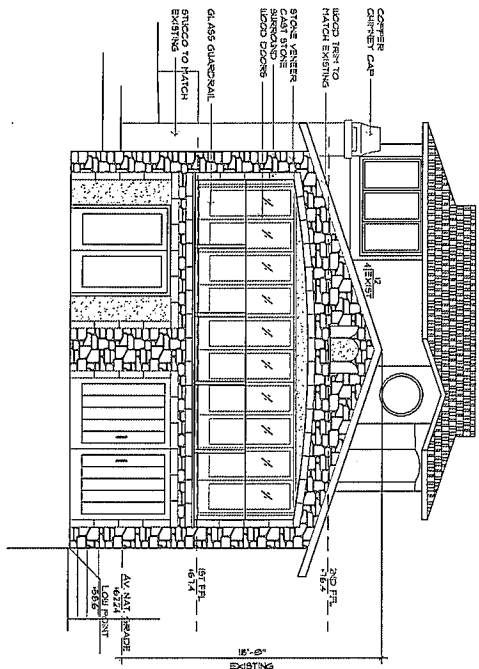
1ST FLOOR PLAN
1/4" = 1'-0"

DATE: 2/7/2011
 PROJECT NO.: 18292
 DRAWN BY: [blank]
 CHECKED BY: [blank]
 SHEET TITLE:
 EXISTING FLOOR PLANS
 SHEET NO.: A-3
 OF FIVE SHEETS

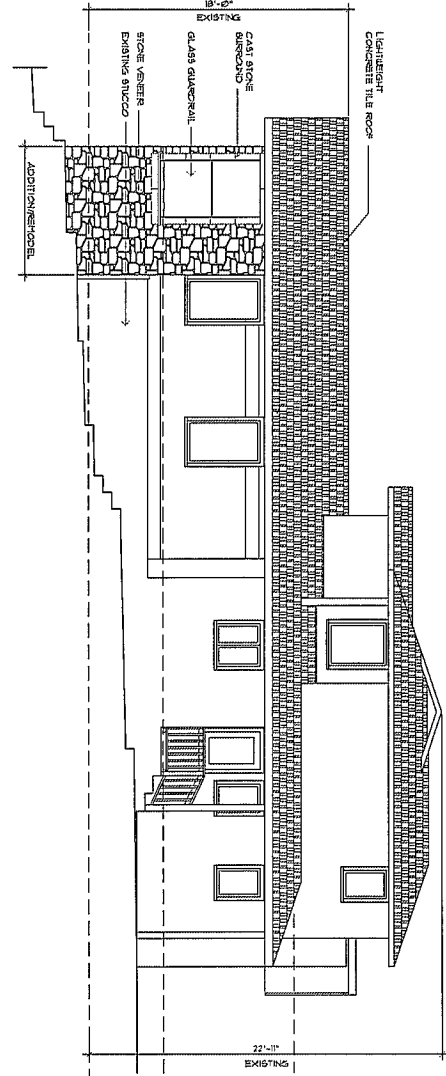
REMODEL SINGLE FAMILY RESIDENCE FOR:
Mr. & Mrs. Jerry DeYoung
 26231 OCEAN VIEW AVENUE CARTEL, CA
 APN 209-431-023

WILLIAM C MEFFORD
 ARCHITECT
 P.O. BOX 1072 PACIFIC GROVE, CA 93950
 (831) 373-4567 LICENSE # C-22893

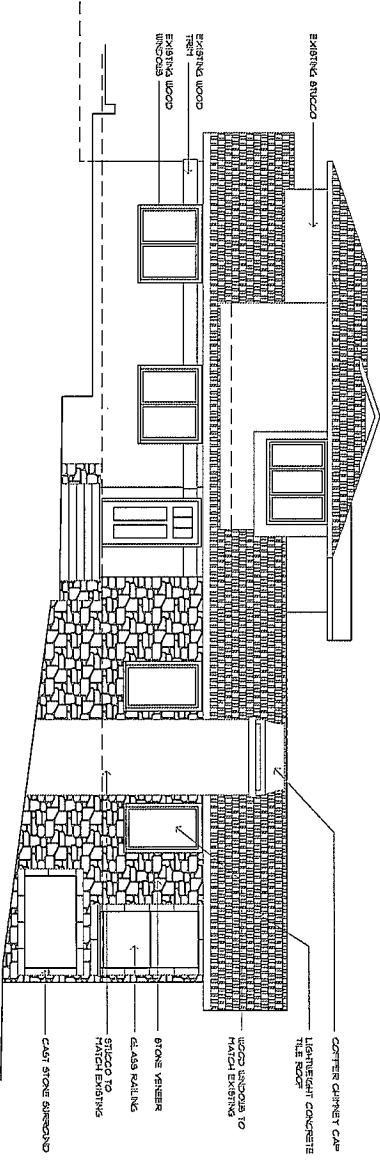
NO.	REVISIONS	DATE



WEST ELEVATION - FRONT
1/4" = 1'-0"



SOUTH ELEVATION
1/4" = 1'-0"



NORTH ELEVATION
1/4" = 1'-0"

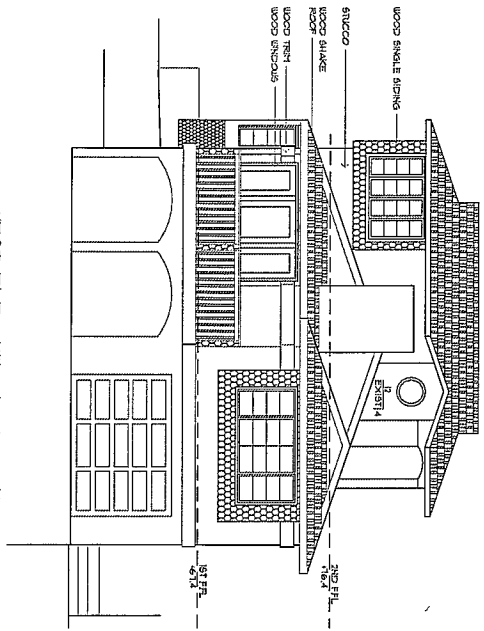
REVISIONS	
NO.	DATE

WILLIAM C. MEFFORD
ARCHITECT
P.O. BOX 1075 PACIFIC GROVE, CA 93950
(831) 373-4507 LICENSE # C-22895

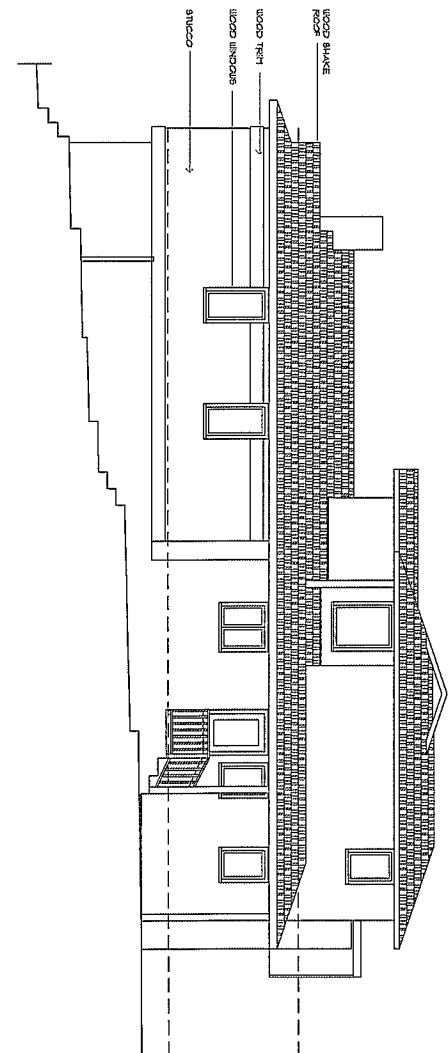
REMODEL SINGLE FAMILY RESIDENCE FOR:
Mr. & Mrs. Jerry DeYoung
26231 OCEAN VIEW AVENUE CARMEL, CA
APN 008-421-023

DATE: 2/1/83
PROJECT NO.: 1020
DRAWN BY:
CHECKED BY:
SHEET TITLE:
PROPOSED EXTERIOR ELEVATIONS
SHEET NO.: A-4
OF FIVE SHEETS

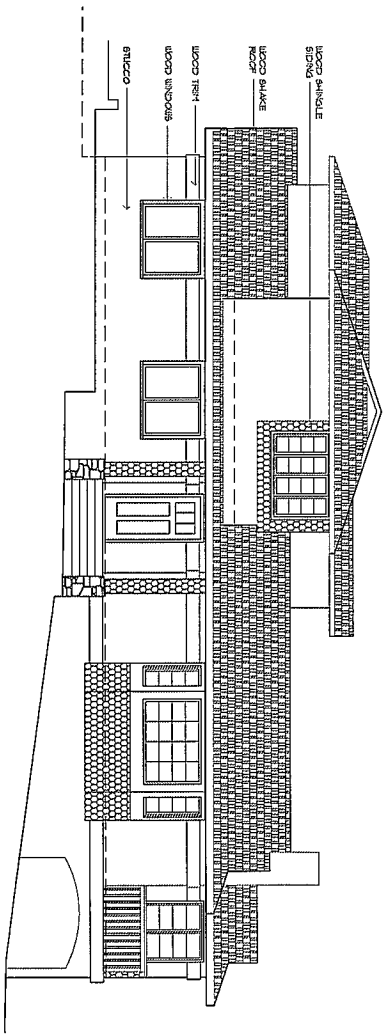
WEST ELEVATION - FRONT
1/4" = 1'-0"



SOUTH ELEVATION
1/4" = 1'-0"



NORTH ELEVATION
1/4" = 1'-0"



REMODEL SINGLE FAMILY RESIDENCE FOR:
Mr. & Mrs. Jerry DeYoung
 26731 OCEAN VIEW AVENUE CARMEL, CA
 APN 009-431-023

DATE: 2/7/03
 PROJECT NO.: 1000
 DRAWN BY:
 CHECKED BY:

SHEET TITLE:
 EXISTING
 EXTERIOR
 ELEVATIONS

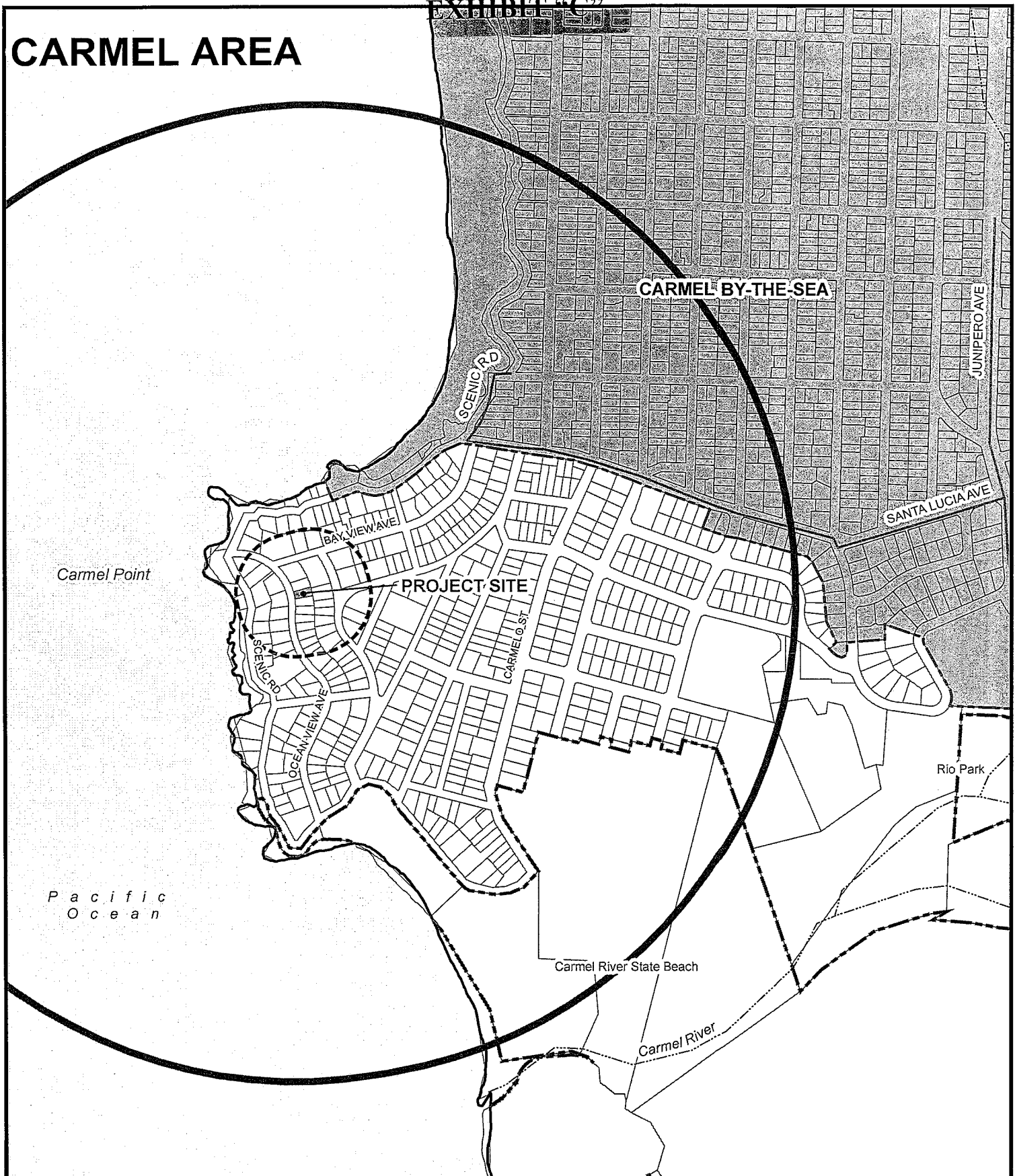
SHEET NO.
A-5
 OF FIVE SHEETS

WILLIAM C MEFFORD
 ARCHITECT

P.O. BOX 1072 PACIFIC GROVE, CA 93950
 (831) 373-4567 LICENSE # C-29893

REVISIONS
 NO. DATE

CARMEL AREA



APPLICANT: DE YOUNG

APN: 009-431-023-000

FILE # PLN120101

Water
 2500' Limit
 300' Limit
 City Limits

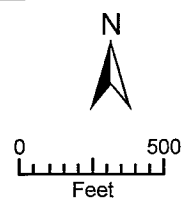


EXHIBIT "D"

MINUTES

Carmel Highlands Land Use Advisory Committee

Monday, May 21, 2012

FILE COPY
PLN120101

1. Meeting called to order by Davis at 9:10 pm

2. Roll Call

Members Present: Adam Jeselnick, Pete Davis, Al Weber, Barbara Raker, Mike Hirs

Members Absent: Hall, Meheen, WALD

3. Approval of Minutes:

No minutes

A. May 7, 2012 minutes

Motion: _____ (LUAC Member's Name)

Second: _____ (LUAC Member's Name)

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

4. **Public Comments:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

N/A

RECEIVED

MAY 23 2012

MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT.

5. **Scheduled Item(s)** – Refer to attached project referral sheet(s)

6. **Other Items:**

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

N/A

B) Announcements

N/A

7. Meeting Adjourned: 4:27 pm

Minutes taken by: HIRST

RECEIVED

MAY 23 2012

MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT.

Action by Land Use Advisory Committee Project Referral Sheet

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

RECEIVED

MAY 23 2012

Advisory Committee: **Carmel Unincorporated/Highlands**

Please submit your recommendations for this application by: **May 21, 2012**

Project Title: DE YOUNG PAULA A ET AL
File Number: PLN120101
File Type: ZA
Planner: GONZALES
Location: 26231 OCEAN VIEW AVE CARMEL

MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT

Project Description:

Variance to allow demolitions and additions to existing legal non-conforming single family residence currently exceeding the required 45% maximum floor area ratio limits and resulting in a reduction of FAR from 59% to 58.3%. The project consists of: 1) a second floor interior remodel of 173 square foot master bath and closet; 2) a first floor remodel and demolition of a 147 square foot study and 119 square foot deck to include construction of a 115 square foot uncovered deck; 3) a basement level conversion of 300 square feet of a 672 square foot garage to a den and bathroom with new 140 square foot deck; and Design Approval. Materials and colors of the exterior stucco, wood eaves and trim to match the existing: Roof (Eagle Roof Tile Cedar #CEDUr93089 Walden), Clad windows/tan Anlin Catalina vinyl windows, Veneer stone/Lompoc Ledge Cream. The property is located at 26231 Ocean View Avenue, Carmel (Assessor's Parcel Number 009-431-023-000), Carmel Area Land Use Plan, Coastal Zone.

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

Was a County Staff/Representative present at meeting? None (Name)

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
None			

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
<i>NONE</i>		

ADDITIONAL LUAC COMMENTS

RECEIVED

MAY 23 2012

MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT.

RECOMMENDATION :

Motion by: HIRST (LUAC Member's Name)

Second by: Weber (LUAC Member's Name)

Support Project as proposed

Recommend Changes (as noted above)

Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: Davis, Jesechick, Rainer, Hirst, Weber (5)

NOES: /

ABSENT: Hall, Meheen, Wald (3)

ABSTAIN: /

EXHIBIT "E"

ANTHONY LOMBARDO & ASSOCIATES

A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO
KELLY MCCARTHY SUTHERLAND
LINDA NEFF SUNDE

450 LINCOLN AVENUE, SUITE 101
P.O. Box 2330
SALINAS, CA 93902
(831) 751-2330
FAX (831) 751-2331

April 23, 2012

File No. 04486.000

Ms. Elizabeth Gonzales
Monterey County Planning
168 W. Alisal Street, Second Floor
Salinas, CA 93901

Re: Variance Request and Justification (PLN120101)

Dear Ms. Gonzales:

Jerry and Paula DeYoung are applying for a Variance and Design Approval for proposed changes to their existing single family residence, located at 26231 Ocean View Avenue. The project plans include modifications to the interior and exterior of the structure that will include: Remodel of the master bathroom; remodel areas of the main (middle) level to update the forward living areas, demolish a portion of the existing study and replace with deck area, and add a new section of living area over a portion of an existing deck; Remodel existing storage areas at the lower level to add a bedroom and bathroom; Replace an existing lower level window with french doors; Re-roof; install a paver patio under an existing deck; and modify siding and colors as noted in the application.

As noted in the project plans, this structure currently complies with coverage limits, and coverage will not increase from the proposed project. The existing structure was constructed in 1980. Based on Metroscan and County records, the structure was originally permitted with an FAR of 59%. The 45% limit was subsequently adopted. Therefore, the existing structure is legal non-conforming as to FAR. The variance requested will reduce the FAR and will bring it closer in line with the current regulations.

The special circumstances in this case are that the existing home is currently and legally over the allowable FAR. This project, as stated earlier, will reduce the FAR. This would be consistent with actions that the County has taken in similar applications, where non-conformity is being reduced. This is not a special privilege. There are other houses in the neighborhood that are over FAR. This application will reduce FAR, not increase it; and it may reduce FAR to below other houses in the neighborhood. This variance will not allow a use otherwise not allowed. The use is and will continue to be a single family residence in an area zoned for that use.

Sincerely,



Gail Hatter-Crawford
Sr. Land Use Specialist
Enclosures