

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY – PLANNING DEPARTMENT



MEMORANDUM

Date: September 26, 2012

To: Jacqueline Onciano, Zoning Administrator

From: Elizabeth Gonzales, Associate Planner
Wanda Hickman, Planner Services Manager

Subject: Weis PLN120304

On September 13, 2012, a letter was submitted at the Zoning Administrator hearing disputing the extension on the basis that the “property is clearly abandoned and the premises is an attractive nuisance.” The Zoning Administrator continued the item to September 27, 2012, to allow County staff to address the letter and visit the site. County staff visited the site and concurs that at one time there was gray plastic covering a black material that covered the roof. The plastic has since shredded over time and is now mostly missing, leaving the boards underneath open to view. Also, the landscaping has not been kept up, leaving the structure to look abandoned.

According to Chapter 20.90.030 of Monterey County Code (Title 20) Nonconformance to Provisions Declared a Nuisance, “Any structure in an unreasonable state of partial construction, set-up, erected, constructed, altered, enlarged, converted, moved, or maintained, contrary to the provisions of this Title and the remaining portions of the Monterey County Coastal Implementation Plan, and any use of any land, structure, or premises, established, conducted, operated, or maintained contrary to the provisions of this Chapter shall be, and the same is hereby declared to be, a violation of this Title, and a public nuisance.” An “unreasonable state of partial construction” exists if it has been more than 1 year since actual construction has begun, and;

- The construction work or required improvements have not been diligently pursued on a consistent basis; and
- The appearance of the structure or the building site substantially detract from the appearance of the neighborhood or reduce the property values in the immediate neighborhood; or
- The condition of the structure or the building site is detrimental to the public health, safety and welfare.

Also, according to Map A of the Carmel Area Land Use Plan, the parcel is located within the public viewshed. Pursuant to Key Policy 2.2.2 of the Carmel Area Land Use Plan, “to protect the scenic resources of the Carmel area in perpetuity, all future development within the viewshed must harmonize and be clearly subordinate to the natural scenic character of the area.” Landscaping plans are required by the County as a secondary protection. Based on the site visit, the appearance of the structure and site detract from the appearance of the neighborhood. Therefore, based on these policies, a Code Enforcement case has been opened until the following has been completed:

1. The existing tarp shall be removed and replaced with a new tarp and maintained until construction begins on the property; and
2. All landscaped areas and fences shall be continuously maintained and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

Staff is recommending a Continuance to October 25, 2012 so that the applicant can clear the violation.