

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: January 8, 2015	Agenda Item No.: 2
Project Description: Administrative Design Approval to allow a 485 square foot, two story addition. Colors and material to match existing single family residence.	
Project Location: 23710 Spectacular Bid Lane , Monterey	APN: 173-101-026-000
Planning File Number: PLN140400	Owner: Patel Natwarbhai & Nirmaladevi TRS Applicant/ Agent: Paul W. Davis
Planning Area: Greater Monterey Peninsula Area Plan	Flagged and staked: No
Zoning Designation: : LDR/B-6-UR-D-S (20") [Low Density Residential, Design Control, and Site Plan Review Overlays]	
CEQA Action: Categorically exempt per section 15303 of the CEQA Guidelines	
Department: RMA-Planning	

RECOMMENDATION:

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

- 1) Find the project Categorical exempt per section 15303 of the CEQA Guidelines; and
- 2) Approve Administrative Design Approval (PLN140400), based on the findings and evidence and subject to the conditions of approval (**Exhibit B**).

PROJECT OVERVIEW:

The project is a 485 square foot, two story addition to a single family residence on an approximately 2 acre property located at 23710 Spectacular Bid Lane, Monterey. On April 8, 1997, the Planning Commission approved the existing two story residence. The approval included a 20 foot height restriction on the residence (PC5898) Resolution No. 87-123 (see attachment). On May 29, 2014, Paul W. Davis, Architect, applied for a Design Approval for the proposed addition, which does not exceed the height of the existing residence. On November 13, 2014 a Notice of Pending Administrative Design Approval was mailed to all property owners within 300 feet on the subject property.

On November 21, 2014, neighbors John and Linda Hurtig, requested a public hearing for the proposed Design Approval (PLN140400). The basis of the Hurtig's request for a public hearing is that the proposed construction will diminish their ocean view and will result in a negative effect on their property value. (See further detail in exhibit E). Based on staff's review, the project is in compliance with all zoning districts requirements.

OTHER AGENCY INVOLVEMENT: In addition to RMA-Planning, the following agencies and departments reviewed this project:

- √ Environmental Health Bureau

Agencies that submitted comments are noted with a check mark ("√"). Conditions recommended by Environmental Health have been incorporated into the Condition Compliance Plan attached to the draft resolution (**Exhibit B**).

**EXHIBIT A
DRAFT RESOLUTION**

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

In the matter of the application of:
PATEL NATWARBHAI & NIRMALADEVI TRS (PLN140400)

RESOLUTION NO. [REDACTED]
Resolution by the Monterey County Hearing Body:

- 1) Finding the project Categorically exempt per section 15303 of the CEQA Guidelines; and
- 2) Approving the Administrative Design Approval to allow a 485 square foot, two story additions. Colors and material to match existing residence.

PLN140400, PATEL NATWARBHAI &
NIRMALADEVI TRS, 23710 Spectacular Bid
Lane, Monterey, Greater Monterey Peninsula
Area Plan (APN: 173-101-026-000)

The Patel application (PLN140400) came on for public hearing before the Monterey County Zoning Administrator on January 8, 2015. 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:** **PROJECT DESCRIPTION** – The proposed project Administrative Design Approval to allow a 485 square foot, two story addition. Colors and material to match existing residence.
EVIDENCE: a) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140400
On May 29, 2014, Patel applied for an administrative Design approval to Administrative Design Approval to allow a 485 square foot, two story additions, Colors and material to match existing residence.
b) The property is located at 23710 Spectacular Bid Lane Monterey, Greater Monterey Peninsula Area Plan (Assessor’s Parcel Number 173-101-026-000) The parcel is zoned LDR/B-6-UR-D-S (20), which allows for a single family dwelling; Therefore, the project is an allowed land use for this site.
c) On November 13, 2014 a Notice of Pending Administrative Design Approval was mailed to all property owners within 300 feet on the subject property. Notices of the pending approval were posted at the project site and were mailed to all parties that the Director has reason to know may be interested in the application.
d) The application, project plans, and related support materials submitted

by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN1400400.

2. **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 2010 Monterey County General Plan;
 - Greater Monterey Peninsula Area Plan
 - Monterey County Zoning Ordinance (Title 21);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 project was not referred to the Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the project is a Design Approval subject to review by the Zoning Administrator
 - c)
 - d) The project planner conducted a site inspection on December 22, 2014 to verify that the project on the subject parcel conforms to the plans listed above.
 - e) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN140400.
3. **FINDING:** **DESIGN** – The design of the proposed project assures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity without imposing undue restrictions on private property.
- EVIDENCE:**
- a) The colors and material will match existing single family dwelling, is consistent with neighborhood character, and assures visual integrity without imposing undue restrictions on private property.
 - b) The project planner conducted a site inspection on December 22, 2014 to verify that the project on the subject parcel conforms to the plans listed above.
 - c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development are found in Project File PLN140400.
4. **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 15303 categorically exempt single family dwelling.
 - b)
 - c) No adverse environmental effects were identified during staff review of the development application or during a site visit on December 22, 2014
 - d) None of the exceptions under CEQA Guidelines Section 15300.2 apply

to this project.

- e) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN140400.

5. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.

EVIDENCE: Section 21.44 of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.

DECISION

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

- 1) Find the project Categorically exempt per section 15303 of the CEQA Guidelines; and
- 2) Approve the Administrative Design Approval to Administrative Design Approval to allow a 485 square foot, two story additions. Colors and material to match existing residence. And materials and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 8 day of January, 2015 upon motion of xxxx, seconded by xxxx, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Name, Hearing Body*

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

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 [DATE]

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 Monterey County RMA-Planning and RMA-Building Services Department office in Salinas.

Form Rev. 9-22-2014

Monterey County RMA Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN140400

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Administrative Design Approval (PLN140400) allows a 485 square foot addition, 293 square foot first floor addition, a 192 square foot second story addition. Colors and material to match existing single family Residence. The property is located at 23710 Spectacular Bid Lane, Monterey (Assessor's Parcel Number 173-101-026-000), Greater Monterey Peninsula Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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 RMA - Planning. 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)

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: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Administrative Design Approval (Resolution Number ***) was approved by Zoning Administrator for Assessor's Parcel Number 173-101-026-000 on January 8, 2015. The permit was granted subject to 3 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

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.

3. PD041 - HEIGHT VERIFICATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible on-site until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor to the Director of RMA - Building Services for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (RMA - Planning and RMA - Building Services)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/Applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection.

Prior to the foundation pre-pour inspection, the Owner/Applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of RMA- Building Services for review and approval, that the height of first finished floor from the benchmark is consistent with what was approved on the building permit.

Prior to the final inspection, the Owner/Applicant/Engineer shall provide evidence from a licensed civil engineer or surveyor, to the Director of RMA- Building Services for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.

Project / Owner

**ADDITION TO
PATEL RESIDENCE**

2716 RECTACULAR BID LANE
MONTEREY, CA 93946
APN# 704-01-028

**THE
PAUL DAVIS
PARTNERSHIP
ARCHITECTS & PLANNERS**

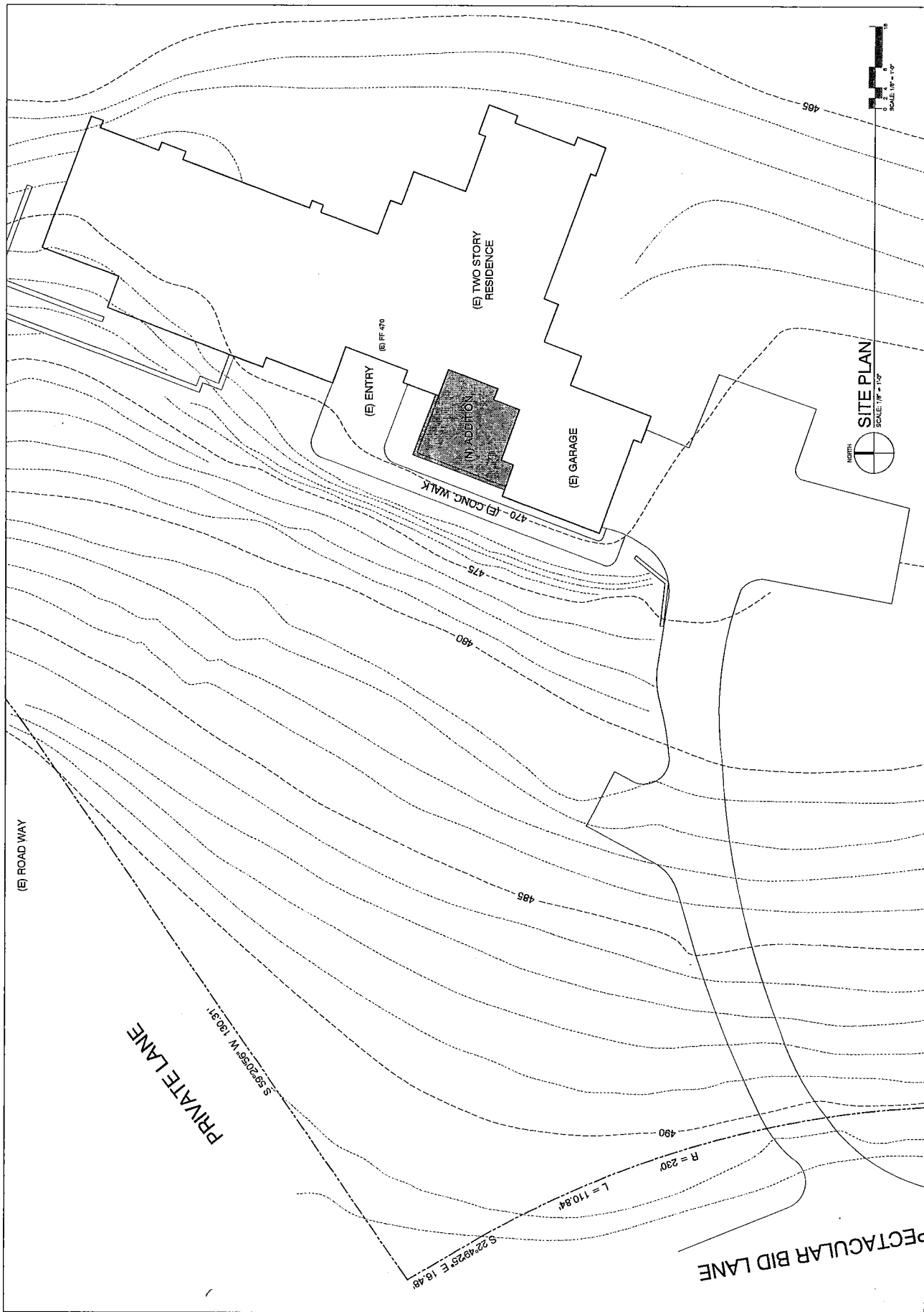
The Paul Davis Partnership, LLP
1000 California Street, Suite 200
San Francisco, CA 94108
(415) 775-2700 / FAX (415) 393-1029
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Drawn By: ML
Drawing Date: 8/14/14
Project Number: 1410

Sheet Title:

Sheet Number:

A1.1



(E) ROAD WAY

PRIVATE LANE

S 89°20'56" W 130.91'

S 22°49'25" E 16.48'

L = 110.84'

R = 230'

470 - (E) CONG. WALK

475 -

480 -

485 -

490 -

485 -



SITE PLAN

SCALE: 1/8" = 1'-0"

Sheet Number:

Project / Owner:
**ADDITION TO
 PATEL RESIDENCE**
 5771 BEECHCLIFF ROAD LANE
 MONTEREY, CA 92046
 APR 17, 2014

**THE
 PAUL DAVIS
 PARTNERSHIP
 ARCHITECTS & PLANNERS**
 The Paul Davis Partnership, LLP
 300 Edwards Street
 Redwood City, CA 94063
 (650) 752-7788 FAX (650) 752-7789
 E: paul@pauldavispartnership.com

Drawn By: ML
 Drawing Date: 5.14.14
 Project Number: 1419
 Revision:

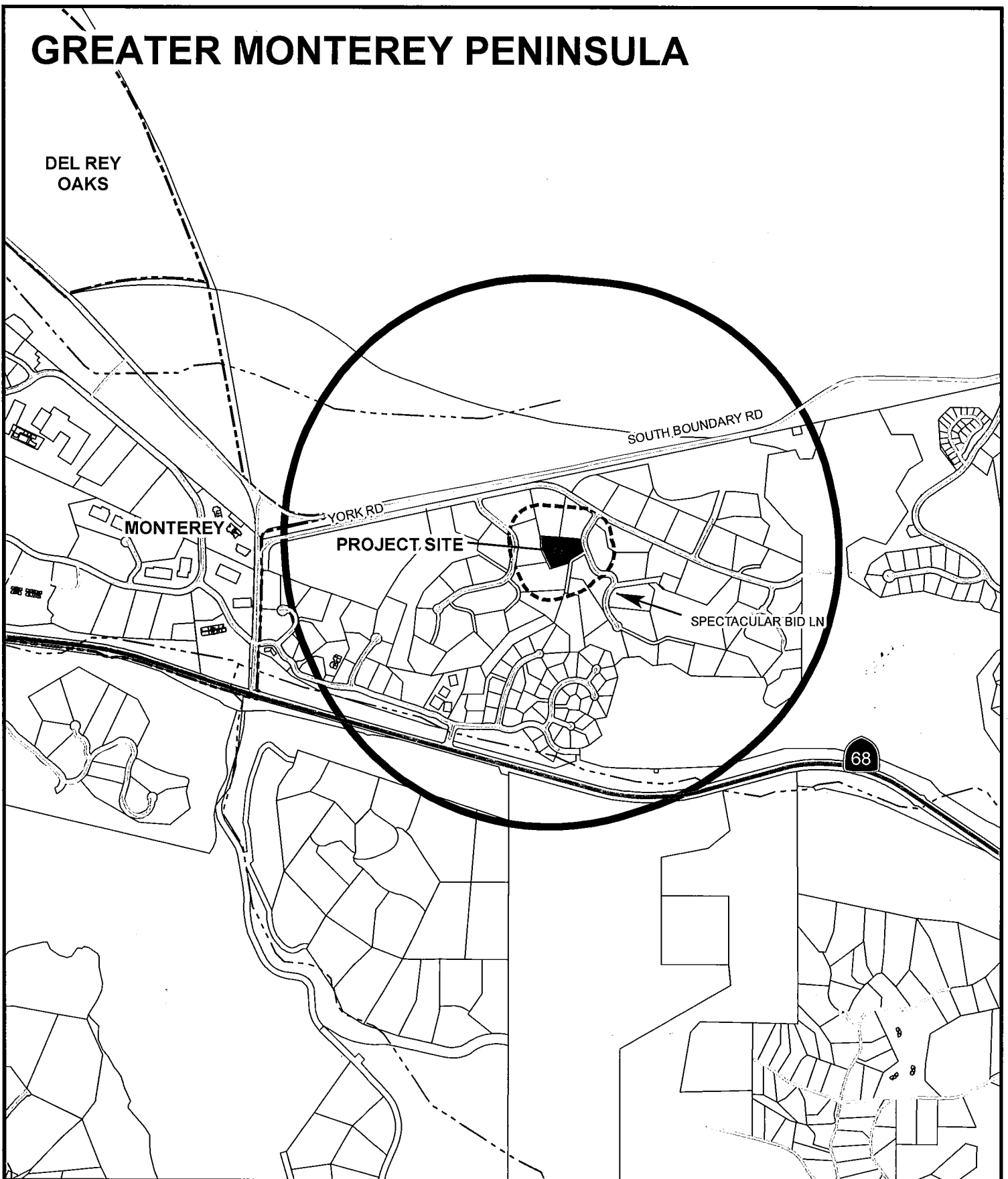
Sheet Title:
DETAILS

Sheet Number:
S2.2

<p>1 SCALE N.T.S.</p>	<p>2 SCALE N.T.S.</p>	<p>3 SCALE N.T.S.</p>	<p>4 SCALE N.T.S.</p>	<p>5 SCALE N.T.S.</p>
<p>6 SCALE N.T.S.</p>	<p>7 SCALE N.T.S.</p>	<p>8 SCALE N.T.S.</p>	<p>9 SCALE N.T.S.</p>	<p>10 SCALE N.T.S.</p>
<p>11 SCALE N.T.S.</p>	<p>12 SCALE N.T.S.</p>	<p>13 SCALE N.T.S.</p>	<p>14 SCALE N.T.S.</p>	<p>15 SCALE N.T.S.</p>
<p>16 SCALE N.T.S.</p>	<p>17 SCALE N.T.S.</p>	<p>18 SCALE N.T.S.</p>	<p>19 SCALE N.T.S.</p>	<p>20 SCALE N.T.S.</p>

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GREATER MONTEREY PENINSULA

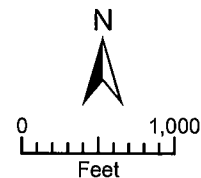


APPLICANT: PATEL

APN: 173-101-026-000

FILE # PLN140400

 2500' Limit  300' Limit  City Limits  Water



EXHIBIT 

PLANNER: BERNAL

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485 square foot addition

EXHIBIT C



Area of addition



Spectacular Bid Lane

EXHIBIT C

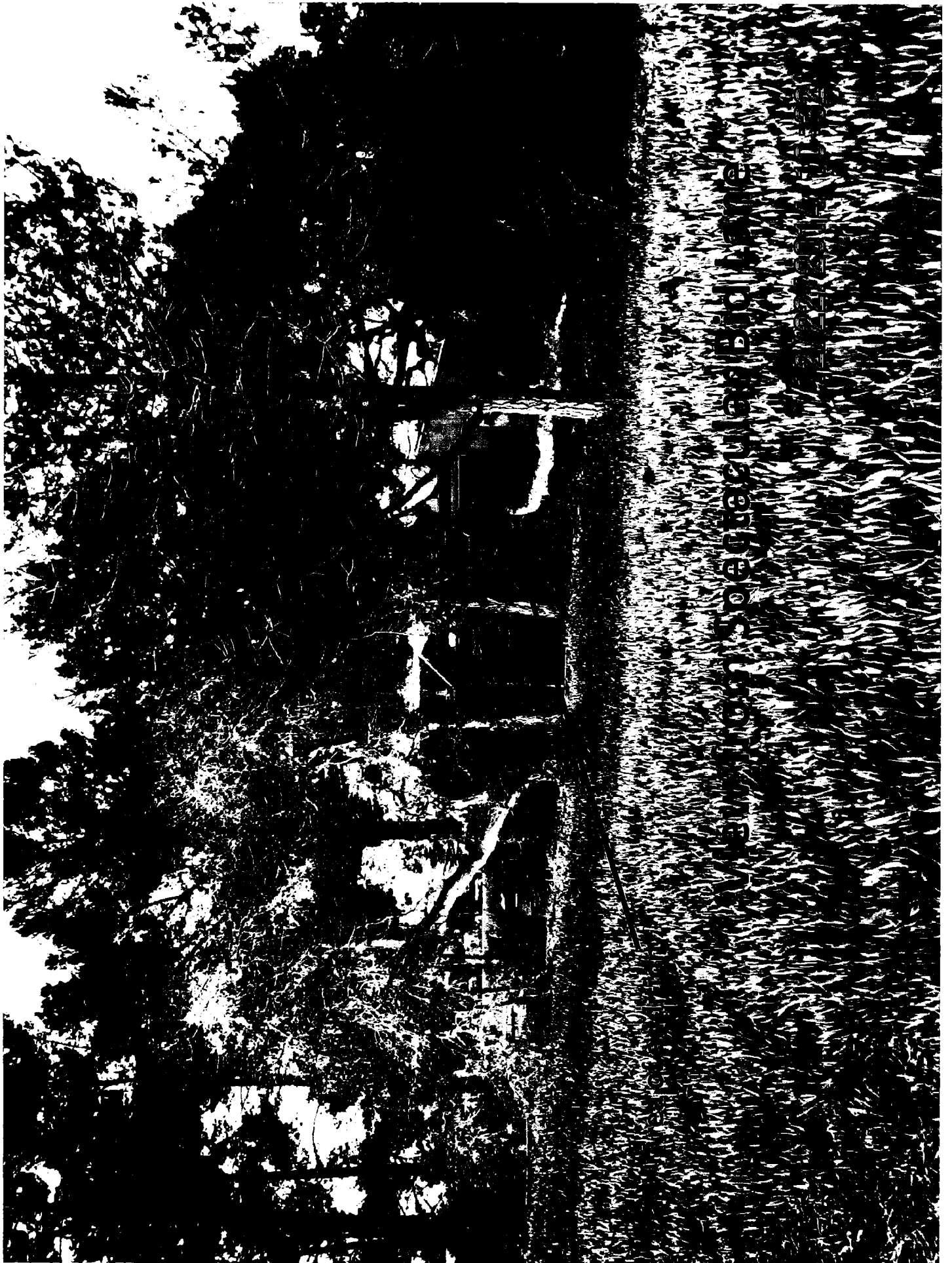
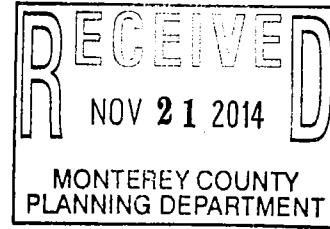


EXHIBIT C

Bernal, Lucy (Luciana) x5235

From: Linda Hoopaugh [hoopaughll@aol.com]
Sent: Friday, November 21, 2014 10:19 AM
To: Bernal, Lucy (Luciana) x5235
Subject: public hearing



Lucy Bernal,
Monterey County Resource Management Agency-Planning Department

Project File No. PLN140400
Assessor's Parcel No. 173-101-026-000

Pursuant to our telephone conversation of November 20, 2014, we are requesting a public hearing regarding a design approval to allow the construction of a 192 square foot second floor addition on the property located at 23710 Spectacular Bid Ln. Monterey CA, and owned by Natwarbhai & Nirmaladevi Patel.

We live directly across the street and are concerned that the 192 square foot addition will diminish our view of the ocean, Our view is one of the reasons we purchased this home and it would be devastating to us if in fact the new addition would obscure this view. Our second concern would be the resulting negative effect on our property's value.

I understand that the project has been reviewed by the planning board but we would greatly appreciate the opportunity to discuss this matter at a public hearing.

Thank you for your consideration in this matter.

John Hurtig
Linda Hurtig