

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 03092

A.P. # 416-011-005-000

FINDINGS AND DECISION

In the matter of the application of
Lou Sena (PLN020086)

for a Coastal Development Permit in accordance with Title 20.1 (Monterey County Coastal Implementation Plan Ordinances) Chapter 20.140 (Coastal Development Permits) of the Monterey County Code, for an equal Lot Line Adjustment of 5.31 acres between an 8.73 acre lot (Parcel 1) and an 11.27 acre lot (Parcel 2) resulting in no change in acreage for either parcel, located at 3000 Red Wolf Drive, Carmel, east of Highway 1, Carmel Highlands Area, Coastal Zone, came on regularly for hearing before the Planning Commission on December 10, 2003.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

- 1. FINDING: CONSISTENCY** – The Project, as conditioned, is consistent with all applicable plans and policies, including the *Carmel Area Land Use Plan* and the development standards and zoning regulations contained in the certified Coastal Implementation Plan, specifically Chapter 20.146 (*Regulations for Development in the Carmel Area Land Use Plan*), and the zoning code (Title 20) and Part 6 of the Coastal Implementation Plan (Appendices). The parcels are designated as “WSC/40-D (CZ)” (*Watershed and Scenic Conservation, 40 acres per unit, Design Control District, Coastal Zone*) which conditionally allows lot line adjustments.
- EVIDENCE:** (a) Planning and Building Inspection Department (PBID) staff have reviewed the project as contained in the application and accompanying materials for consistency with the *Carmel Area Land Use Plan*, the *Regulations for Development in Carmel Area Land Use Plan*, and Part 6 of the Coastal Implementation Plan (Appendices). PBID 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 Area Land Use Plan* which conditionally allows lot line adjustments. Permit application, plans, and materials contained in Project File No. PLN020086.
- (b) The project planner conducted onsite inspections in August of 2002 on September 4, 2003, to verify that the project on the subject parcel conforms to the plans mentioned above.
- (c) The project for a lot line adjustment is a conditionally allowed use in accordance with Chapter 20.17 (WSC [CZ] Districts) of Title 20.
- (d) The parcels are zoned Watershed and Scenic Conservation, 40 acres per unit, Design Control District, Coastal Zone (“WSC/40-D [CZ]”). The project, as approved in conjunction with permit application File No. PLN030174, is in compliance with the Site Development Standards for Watershed and Scenic Conservation Districts in accordance with Chapter 20.17 of Title 20 (WSC [CZ] Districts).
- (e) **LAND USE ADVISORY COMMITTEE:** The Carmel Area Land Use Advisory Committee recommended approval of the project by a vote of 6 to 0. LUAC meeting minutes dated July 7, 2003.
- (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 No. PLN020086.

2. **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, Public Works, Water Resources Agency, Environmental Health, Parks & Recreation, and the Carmel Highlands FPD. Conditions recommended have been incorporated.
- (b) Technical reports by outside consultants (to include biologists and an archaeologist) indicate that there are no unmitigatable physical or environmental constraints that would indicate the site is not suitable for the use proposed. Agency staff concurs. The complete list of technical reports can be found under Section IX (References) of the previously adopted Mitigated Negative Declaration and of the newly prepared supplemental Initial Study and Mitigated Negative Declaration, and are included herein by reference. Reports are in Project File No. PLN020086 and PLN980353.
- (c) The project planner conducted onsite inspections in August of 2002 on September 4, 2003, to verify that the site is suitable for this use.
- (d) Necessary public facilities are available and will be provided.
3. **FINDING: CEQA** – The project is subject to environmental review pursuant to requirements of the California Environmental Quality Act. On the basis of the whole record before the Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned, and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.
- EVIDENCE:** (a) CEQA Guidelines Section 15300.2 (Exceptions) disallows the project to be categorically exempted from CEQA review due the project's location, the potential for significant effects, and its proximity to a scenic highway.
- (b) Potentially adverse environmental effects were identified during staff review of the development application and during site visits in August of 2002 on September 4, 2003.
- (c) The PBID prepared a supplemental Initial Study pursuant to CEQA relative only to those new issues raised by the current permit applications (PLN030174 & PLN020086) that were not addressed by the previously adopted Mitigated Negative Declaration associated with Project File No. PLN980353. The new Initial Study identified potentially significant effects relative to maritime chaparral habitat only. Project revisions combined with proposed mitigation measures reduce all potential impacts to insignificant levels. The Initial Study is on file in the office of PBID and is hereby incorporated by reference (File No. PLN020086). All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval.
- (d) A separate Mitigation Monitoring and Reporting Program has been prepared for this permit in accordance with Monterey County regulations and is designed to ensure compliance with the conditions and mitigation measures applicable to this project during project implementation.
- (e) Evidence that has been received and considered include:
- i. The application, plans, materials, and technical reports, which are listed under Section IX (References) of the Initial Study (see Exhibit "D"), and which are included herein by reference.
 - ii. Staff report that reflect the County's independent judgment.
 - iii. Information and testimony presented during public hearings (as applicable).
- (f) The Mitigated Negative Declaration was circulated for public review from October 10, 2003, to November 11, 2003.
- (g) The Monterey County Department of Planning and Building Inspection, (located at 2620 First Avenue, Marina, CA, 93933) is the custodian of documents and other materials that

constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based. Reports are in Project File No. PLN020086.

- 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, and all zoning violation abatement cost, if any, have been paid.
- EVIDENCE:** Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject property.
- 5. 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 section 20.70.050.B.4 of Title 20).
- 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 trails or shoreline access as shown in Figure 3 of the Public Access Map 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) Staff site visits in August of 2002 on September 4, 2003.
- 6. 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:** Preceding findings and supporting evidence.
- 7. FINDING: APPEALABILITY** – The project, as approved by the Coastal Development Permit, is appealable to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:** Sections 20.86.030 and 20.86.080 of the Monterey County Coastal Implementation Plan.

DECISION

THEREFORE, it is the decision of the Planning Commission of the County of Monterey that said application for a Coastal Development Permit be granted subject to the conditions as shown on the attached conditions matrix.

PASSED AND ADOPTED this 10th day of December, 2003, by the following vote:

AYES: Hawkins, Padilla, Brennan, Sanchez, Diehl, Salazar, Rochester, Wilmot
 NOES: None
 ABSENT: Errea, Parsons

Original Signed By:

JEFF MAIN, SECRETARY

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 OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, 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.