

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

RESOLUTION NO. 05027

APN# 169-321-003-000
FINDINGS & DECISION

In the matter of the application of
KENNY JOHN P TR ET AL (PLN050145)

Permit Extension for a Combined Development Permit (PLN010238/Kenny & McFarland) consisting of: 1) an Administrative Permit to allow the construction of a one-story single family dwelling (4,029.9 square feet with an attached 732 square foot garage), grading (600 cubic yards cut, 400 cubic yards fill) and access road improvements (including grading to install a culvert [500 cubic yards cut, 440 cubic yards fill], toe slope improvements and asphalt paving) in a site plan review zoning district; 2) an Administrative Permit for the construction of a two-story second single family dwelling (6,907 square foot with an attached 1,332 square foot garage) not exceeding the zoning density of the parcel, 3) an Administrative Permit for a guesthouse (600 square foot); 4) a Use Permit to allow the removal of 35 oak trees (six or more inches in diameter); and 5) Design Approval. The property is located at the terminus of Vía Cazador, north of Carmel Valley Road, west of Tierra Grande Drive, Carmel Valley. The project came on regularly for hearing before the Planning Commission on June 29, 2005.

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

FINDINGS OF FACT

1. **FINDING:** Applicant timely filed an application for a Permit Extension to the previously approved Combined Development Permit (PLN010238/Kenny & McFarland) consisting of: 1) an Administrative Permit to allow the construction of a one-story single family dwelling (4,029.9 square foot with an attached 732 square foot garage), grading (600 cubic yards cut, 400 cubic yards fill) and access road improvements (including grading to install a culvert [500 cubic yards cut, 440 cubic yards fill], toe slope improvements and asphalt paving) in a site plan review zoning district; 2) an Administrative Permit for the construction of a two-story second single family dwelling (6,907 square foot with an attached 1,332 square foot garage) not exceeding the zoning density of the parcel, 3) an Administrative Permit for a guesthouse (600 square foot); 4) a Use Permit to allow the removal of 35 oak trees (six or more inches in diameter); and 5) Design Approval. The Permit Extension application is to allow an extension of the expiration date from January 28, 2005 to January 28, 2007.

EVIDENCE: Materials contained in Planning and Building Inspection file numbers PLN010238 and PLN050145.

2. **FINDING:** The application for a Permit Extension includes no changed circumstances from the previously approved Combined Development Permit (PLN010238/Kenny & McFarland).

EVIDENCE: (a) The Permit Extension application was reviewed by staff and no new issues were identified that were not addressed in the original permit. Staff has determined that the same land use plans and regulations apply to the Permit Extension, that the physical and biological site characteristics have not changed and that the Public Works Department has determined that traffic conditions are similar. The applicant/owner will be required to adhere to the original conditions/mitigation measures set forth in the Board of Supervisors Resolution No. 03-068 to address project issues.

(b) Materials contained in Planning and Building Inspection file numbers PLN010238 and PLN050145.

3. **FINDING:** Consideration of the subject request for a Permit Extension has been carried out pursuant to Monterey County Code Section 21.76.110.

EVIDENCE: Materials contained in Planning and Building Inspection file numbers PLN010238 and PLN050145.

EVIDENCE: The one year extension is granted with the understanding that the permit will expire after one-year unless "actual construction" as defined in County Code has begun.

4. **FINDING:** Notice of the Permit Extension has been carried out pursuant to Monterey County Code Section 21.78.040A.

EVIDENCE: Materials contained in Planning and Building Inspection file numbers PLN010238 and PLN050145.

5. **FINDING:** The proposed project will not have a significant environmental impact.

EVIDENCE: A Mitigated Negative Declaration was adopted by the Board of Supervisors on January 28, 2003. The Permit Extension application was reviewed by staff and no new environmental issues were identified that were not addressed in the original permit. Materials contained in Planning and Building Inspection file numbers PLN010238 and PLN050145.

6. **FINDING:** The decision on this Permit Extension is appealable to the Board of Supervisors.

EVIDENCE: Section 21.80.040.D of the Monterey County Zoning Ordinance (Title 21).

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 29th day of June, 2005 by the following vote:

AYES: Errea, Hawkins, Sanchez, Salazar, Rochester, Wilmot

NOES: Vandever, Diehl

ABSTAIN: Parsons

ABSENT: Padilla

DALE ELLIS, SECRETARY

Copy of this decision mailed to the applicant on

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 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 and Building Inspection Department office in Marina.

2. The construction or use authorized by this permit must start within two years of the date of approval of this permit unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan.

Monterey County Planning and Building Inspection Condition Compliance & Mitigation Monitoring and/or Reporting Plan	Project Name: Kenny & McFarland	
	File No: PLN050145	APN: 169-321-003-000
	Approval by: Planning Commission	Date: June 29, 2005

**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>Impact Addressed, 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 Clearing Condition</i>	<i>Timing</i>	<i>Verif- ication of comp- liance</i>
1		PBD029 - SPECIFIC USES ONLY The Kenny & McFarland Permit Extension (PLN050145) allows for a one (1) year extension of a Combined Development Permit (PLN010238) consisting of: 1) an Administrative Permit to allow the construction of a one-story single family dwelling (4,029.9 square feet with an attached 732 square foot garage), grading (600 cubic yards cut, 400 cubic yards fill) and access road improvements (including grading to install a culvert [500 cubic yards cut, 440 cubic yards fill], toe slope improvements and asphalt paving) in a site plan review zoning district; 2) an Administrative Permit for the construction of a two-story second single family dwelling (6,907 square foot with an attached 1,332 square foot garage) not exceeding the zoning density of the parcel, 3) an Administrative Permit for a guesthouse (600 square foot); 4) a Use Permit to allow the removal of 35 oak trees (six or more inches in diameter); and 5) Design Approval. The property is located at the terminus of Vía Cazador (Assessor's Parcel Number 169-321-003-000), north of Carmel Valley Road, west of Tierra Grande Drive, Carmel Valley. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Impact Addressed, 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 Clearing Condition</i>	<i>Timing</i>	<i>Verif- ication of comp- liance</i>
		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. 05027) was approved by the Planning Commission for Assessor's Parcel Number 169-321-003-000 on May 25, 2005. 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 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 grading and 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	
3		WR8 - COMPLETION CERTIFICATION The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention/retention facilities have been constructed in accordance with approved plans. (Water Resources Agency)	Submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan.	Owner/ Applicant/ Engineer/ Contractor	Prior to final inspection	
4		PREVIOUS CONDITIONS/MITIGATION MEASURES The applicant/owner shall adhere to conditions/mitigation measures set forth in the Board of Supervisors Resolution No. 03-068 (PLN010238, Kenny & McFarland). (Planning and Building Inspection)	Adhere to conditions/mitigation measures set forth in Resolution No. 03-068 (PLN010238, Kenny & McFarland) and that construction occur within the one (1) year time extension period of the permit is void.	Owner/ Applicant	Ongoing unless otherwise stated	