

RESOLUTION NO. 010207

A.P.# 189-011-023-000

In the matter of the application of  
**Mary Morse Shaw TR et al**

**FINDINGS & DECISION**

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to rebuild existing garage on a lot partially within the floodplain, located at River Ranch Carmel Valley Road, Carmel Valley, west of Los Laureles Grade Road, Carmel Valley area, came on regularly for hearing before the Zoning Administrator on February 28, 2002.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

**FINDINGS OF FACT**

1.     **FINDING:**     The subject Use Permit and Design Approval (PLN010207), as described in Condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, the Carmel Valley Master Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 580 West Carmel Valley Rd, at Laureles Grade, in the Carmel Valley area. The parcel is zoned "LDR/2.5-D-S" or Low Density Residential, 2.5 units per acre with Design and Site controls. The site is physically suitable for the use proposed.  
**EVIDENCE:**     The application and plans submitted for the Administrative Permit in project file PLN010207 at the Monterey County Planning and Building Inspection Department.  
**EVIDENCE:**     The Biological Report prepared by Rana Creek Habitat Restoration dated October 3, 2001, that there will be no adverse impacts as a result of the garage remodel project.  
**EVIDENCE:**     Design Approval Request form with plans recommended for approval by a 6-0 vote by the Carmel Valley Land Use Advisory Committee.  
**EVIDENCE:**     The project has been reviewed by the Monterey County Planning and Building Inspection Department, Carmel Valley Fire Protection District, Water Resources Agency, Public Works Department and Health Department. There has been no indication from these agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.
  
2.     **FINDING:**     The proposed project is partially in the floodplain.  
**EVIDENCE:**     Monterey County Water Resource Agency has identified this parcel to be partially located in the Floodway and Zone A-10, 100 year floodplain of the Carmel River as shown on FEMA Flood Insurance Rate Map 060196 0205D, map date January 30, 1984.  
**EVIDENCE:**     The conditions placed on the project by the Monterey County Water Resource Agency, conditions 6, 7, & 8.
  
3.     **FINDING:**     The proposed project will not have a significant environmental impact.  
**EVIDENCE:**     Section 15301(1)(4) of the Monterey County CEQA Guidelines categorically exempts Accessory Structures from environmental review. No adverse environmental impacts were identified during staff review of the project application.

4. FINDING: Monterey Peninsula Water Management District's water allotment system, for properties within its own jurisdiction, excludes garages without plumbing.  
EVIDENCE: 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 the project file.
5. FINDING: In view of the preceding finding, and the fact that the present application for a use permit otherwise meets all County requirements, the County approves the application.  
EVIDENCE: 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 the project file.
6. FINDING: The establishment, maintenance, and operation of the proposed development applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.  
EVIDENCE: The project as described in the application and accompanying material, was reviewed by the Department of Planning and Building Inspection, Carmel Valley Fire Protection District, Public Works, Parks Department, Environmental Health Division, and the Water Resources Agency. The preceding departments 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 or the county in general.
7. FINDING: The project is appealable to the Planning Commission.  
EVIDENCE: Sections 21.80.020 and 21.80.040 (B) of the Monterey County Zoning Ordinance.

### DECISION

THEREFORE, it is the decision of said Zoning Administrator that said application for a Use Permit be granted as shown on the attached sketch, and subject to the following conditions:

1. The subject Use Permit and Design Approval (PLN010207) allows rebuilding of a 892.5 square foot detached garage in the Carmel River Floodplain. The property is located at 580 West Carmel Valley Rd, Carmel Valley Area. 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 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)**

#### Prior to the Issuance of Grading and Building Permits:

2. The applicant shall record a notice which states: "A permit (Resolution No. 010207) was approved by the Zoning Administrator for Assessor's Parcel Number 189-011-023-000 on February 28, 2002. The permit was granted subject to 9 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 building permits or commencement of the use. **(Planning and Building Inspection)**

3. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. If applicable, the applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. **(Planning and Building Inspection)**
4. Lowest floor and attendant utilities shall be constructed at least 192 feet above mean sea level (NGVD 1929). To provide for the floodproofing and certification of the lowest floor elevation, a reference marker set to the elevation of the lowest floor shall be established at the building site by a licensed land surveyor prior to start of construction. An elevation certificate for the finished floor shall be completed by a registered civil engineer or licensed surveyor and provided to the Monterey County Water Resources Agency prior to the inspection and approval of the building foundation by the building inspector. **(Water Resources Agency)**
5. Proposed development shall be set back at least 200 feet from top of bank, as defined in County Floodplain Ordinance #3272 the top of the bank shall be defined by a professional engineer and shown on the site plan prior to issuance of any grading and/or building permits. **(Water Resources Agency)**
6. Owner shall record a notice stating that “the property is located within or partially within a floodplain and may be subject to building and/or land use restrictions.” A copy of the recorded notice shall be provided to the County Water Resources Agency. **(Water Resources Agency)**

**Prior to Final Building Inspection/Occupancy:**

7. The root system of the cottonwoods, box elders, willows, and oak trees near the dwelling and garage shall be protected by bridging during grading and construction. All protected trees shall be preserved the provide stability for the riparian areas. **(Planning and Building Inspection)**
8. The approved materials and colors to be used for the garage shall match existing in materials and color (red). **(Planning and Building Inspection)**

**Continuous Permit Conditions:**

9. The applicant shall not expand the 892.5 square footage of the garage without prior approval from the Director of Planning and Building Inspection.

**PASSED AND ADOPTED** this 28th day of February, 2002.

Original Signed By:

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LYNNE MOUNDAY  
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE PLANNING COMMISSION 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 90<sup>th</sup> 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. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.