

LYNNE MOUNDAY
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

020333

RESOLUTION NO.

000

A.P.# 243-031-002-

In the matter of the application of
DECISION

FINDINGS &

Daniel & Charmaine Warmenhoven (PLN020333)

for a Coastal Administrative Permit in accordance with Title 20 (Zoning) Chapter 20.76 (Coastal Administrative Permits) of the Monterey County Code, to allow an additional 354 sq. ft. of basement space, a new exterior entry and enclosure of 54 sq. ft. of existing storage area within 50 feet of a Coastal bluff and Design approval, located at 2665 Ribera Road, Carmel, Carmel Meadows area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on January 9, 2003.

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

FINDINGS OF FACT

1. **FINDING:** The Warmenhoven application (PLN020333), as described in condition #1, is consistent with the policies of the Carmel Area Land Use Plan, the Regulations for Development in the Carmel Area Land Use Plan (Part 4 of the Monterey County Coastal Implementation Plan), and the requirements and standards of the Monterey County Zoning Ordinance (Title 20). The property is located at 2665 Ribera Road in the Carmel Meadows area. The parcel is zoned "MDR/2-d(18')(CZ)," Medium Density Residential, 2 units per Acre, Design Control, 18 foot height limit, Coastal Zone. The site is physically suitable for the use proposed.
EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:
 - (a) The certified Carmel Area Land Use Plan
 - (b) The certified Monterey County Coastal Implementation Plan Regulations for the Medium Density Residential Zoning District in the Coastal Zone, and
 - (c) Chapter 20.146 of the Monterey County Coastal Implementation Plan, "Regulations for development in the Carmel Area Land Use Plan."**EVIDENCE:** The application and plans submitted for the Coastal Development Permit and Design Approval in project file PLN020333 of the Monterey County Planning and Building Inspection Department.
EVIDENCE: A geotechnical report has been prepared by Grice Engineering, Inc. (Geotechnical Soils-Foundation Geoseismic & Geological Hazards Report for the Warmenhoven Residence, 2665 Ribera Road, Carmel, California; dated October 2002) that evaluated the geotechnical properties and geological hazards of the site. The report has indicated that the site is adequate for the proposed construction provided the recommendations of the geotechnical report are followed. Condition 3 requires compliance with the recommendations of the report.

EVIDENCE: The project planner conducted site visits on August 15, 2002 and November 21, 2002 to verify that the proposed project complies with the Monterey County Coastal Implementation Plan.

EVIDENCE: On November 18, 2002, the Carmel Unincorporated/Highlands Land Use Advisory Committee voted 7 to 0 to recommend approval.

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.

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

EVIDENCE: The California Environmental Quality Act (CEQA) categorically exempts this project from environmental review pursuant to CEQA Guideline Section 15301(a), Class 1 (*Interior or Exterior Alterations*). No potentially adverse environmental impacts were identified during review of the proposed project.

3. **FINDING:** No written request, based on a substantive issue, for public hearing or other evidence of public controversy or public opposition as described in Section 20.70.060A, Title 20, Monterey County Code (Zoning) was found to exist.

EVIDENCE: Materials in project file.

4. **FINDING:** Public notice of the pending Administrative Permit was provided pursuant to Section 20.70.040, Title 20, Monterey County Code (Zoning).

EVIDENCE: Materials in project file.

5. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, and any other applicable provisions of Title 20. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: Sections 20.12 and 21.44 of the Monterey County Code (Zoning). Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.

6. **FINDING:** The establishment, maintenance, or operation of the use or building 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 materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Carmel Highlands Fire Protection District, Public Works Department, and Water Resources Agency. The respective 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.

EVIDENCE: A geotechnical report has been prepared by Grice Engineering, Inc. (Geotechnical Soils-Foundation Geoseismic & Geological Hazards Report for the Warmenhoven Residence, 2665 Ribera Road, Carmel, California; dated October 2002) that evaluated the geotechnical properties and geological hazards of the site. The report has indicated that the site is adequate for the proposed construction provided the recommendations of the geotechnical report are followed. Condition 3 requires compliance with the recommendations of the report.

7. **FINDING:** The decision on this project is appealable to the Board of Supervisors and the California

Coastal Commission.

EVIDENCE: Section 20.86 of Title 20 (Zoning Ordinance).

DECISION

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

1. The Warmenhoven Project (PLN020333) consists of a Coastal Development Permit to allow an additional 354 square feet of basement space, new exterior side entry, and enclosure of 54 square feet of existing storage area within fifty feet of a coastal bluff, and Design Approval. The site is located at 2665 Ribera Road, Carmel (Assessor's Parcel Number 243-031-002-000), Carmel Meadows Area, Coastal Zone. The project is 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 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 Coastal Development Permit and Design Approval (Resolution No. 020333) were approved by the Zoning Administrator for Assessor's Parcel Number 243-031-002-000 on January 9, 2003. The permit was granted subject to 5 conditions, 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. The applicant shall record a notice which states: "A Geotechnical Soils-Foundation Geoseismic & Geological Hazards Report for the Warmenhoven Residence, 2665 Ribera Road, Carmel, California," dated October 2002, was prepared for this site by Grice Engineering, Inc., and is on file in the Monterey County Planning and Building Inspection Department in project File No. PLN020333. The recommendations in said report shall be followed in all further development of this property." 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 use. **(Planning and Building Inspection)**

Prior to Final Inspection/Occupancy:

4. All exterior lighting shall be unobtrusive, compatible with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. 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 Department)**

Ongoing Permit Conditions:

5. If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection Department)**

PASSED AND ADOPTED this 9th day of January, 2003.

Original Signed By:

LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS AND THE COASTAL COMMISSION.

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

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 Salinas.

2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.