

LYNNE MOUNDAY
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 020395

A. P. # 009-552-037-000

In the matter of the application of
Mission Fields Partners LTD (PLN020395)

FINDINGS AND DECISION

to allow a **Combined Development Permit** in accordance with Title 21 (Zoning) Chapter 21.76 (Combined Development Permits) of the Monterey County Code, consisting of a Coastal Administrative Permit for the constructing of a new 376 sq. ft. attached garage, new 132 sq. ft. covered porch, 180 sq. ft. of new living space; Variance for encroachment into front yard setback; and Design Approval, located at 26485 Mission Fields Road, Carmel, came on regularly for meeting before the Zoning Administrator on March 27, 2003.

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

- 1. FINDING:** The subject project is for a Combined Development Permit consisting of a Coastal Administrative Permit for the construction of a new 376 square foot attached garage, new 132 square foot covered porch, 180 square foot living space; Variance for encroachment into front yard setback; and Design Approval. The property is located at 26485 Mission Fields Road, Carmel (Assessor's Parcel Number 009-552-037-000), Carmel area, Coastal Zone. The parcel is zoned "MDR/2-D (CZ)" or Medium Density Residential 2 acres/unit and Design Control District. Except for the Variance request, the project described in the application and accompanying materials conforms with the plans, policies, requirements and standards of the Carmel Area Land Use Plan, Carmel Coastal Implementation Plan (Part 4), Part 6 of the Monterey County Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20).

EVIDENCE: The application and plans submitted for the Combined Development Permit in the project file at the Monterey County Planning and Building Inspection Department.

EVIDENCE: The application and plans submitted for the Variance, including the justification letter, in the project file at the Monterey County Planning and Building Inspection Department.

EVIDENCE: Field inspection by the project planner on January 5, 2003 to verify that, except for the variance request, the proposed project complies with the Monterey County Coastal Implementation Plan (Part 4).

EVIDENCE: Design Approval Request form with plans recommended for approval on March 3, 2003 by the Carmel Highlands/Unincorporated Land Use Advisory Committee by a vote of 4 to 0 for approval.

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

EVIDENCE: Waiver for Archaeological Report Requirement granted by Lynne Mounday, Monterey County Department of Planning and Building Inspection Staff Archeologist, March 11, 2002.

2. **FINDING:** The site is suitable for the use proposed.

EVIDENCE: There has been no testimony received, either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, applicable Fire Department, Public Works Department and Environmental Health Division. There has been no indication from those 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.

3. **FINDING:** The establishment, maintenance, or operation of the use or buildings 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, appropriate Fire Department, 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.

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

EVIDENCE: CEQA Guidelines section 15301, dealing with new construction categorically exempts this type of project from environmental review. No adverse environmental impacts were identified during review of the proposed project.

5. **FINDING:** There are special circumstances applicable to the subject property related to the variance application described in Finding #1, including size, shape, topography, location or surroundings, that the strict application of Title 20 would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. Although it was determined that special circumstances exist, variances are granted on a case-by-case basis and the findings and evidence contained for the subject property do not necessarily apply to other parcels.

EVIDENCE: The size of the subject property, 0.15 acres (6,111 square feet), is smaller than the zoning district's minimum size of 2 acres. The small parcel size limits opportunities to expand the living space of the existing one-story structure without encroaching into setback areas.

EVIDENCE: The project would reduce the front yard setback distance from 20 to 16 feet from the front property line. Based on the planner's site visit, there are many parcels in the Mission Fields area that benefit from encroachment into the front yard setback area.

EVIDENCE: The application and plans submitted for the Variance, including the justification letter, in the project file at the Monterey County Planning and Building Inspection Department.

- 6. FINDING:** The variance for the project described in Finding #1 does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and identical zoning classification in which such property is situated.

EVIDENCE: Based on staff's site visit, there are many parcels in the Mission Fields area that benefit from encroachment into front yard setback areas. The project would reduce the front yard setback distance from 20 to 14 feet from the front property line.

EVIDENCE: The proposed house is consistent in size with neighboring residences. The variance will allow the new one-story garage to be constructed a minimum distance of 14 feet from the front property line. The existing garage will be converted to living area, and will remain one-story in height, thereby preserving the scale of the subject parcel with that of the greater neighborhood.

EVIDENCE: The application and plans submitted for the Variance, including the justification letter, in the project file at the Monterey County Planning and Building Inspection Department.

- 7. FINDING:** The Variance does not grant a use or activity that is not otherwise expressly authorized by the zone regulation governing the parcel of property.

EVIDENCE: The use is allowed per Section 20.14.040.A, Principal Uses Allowed in the Medium Density Residential (CZ) zoning district.

- 8. FINDING:** The qualifications of Findings 5 and 6 apply to the land, structure, or use of which the Variance is sought.

EVIDENCE: The Variance is a request to reduce the required front yard setback for the designated zoning district. As described in Findings 5 and 6, a Variance can only be approved where the limitation causing the Variance request meets all of the following criteria: 1) a physical constraint related to the subject property, 2) deprives the property of privileges enjoyed by other similarly situated properties, and 3) the Variance would not be a grant of special privileges inconsistent with other similarly situated properties. See evidence for Findings 5 and 6.

- 9. FINDING:** The project is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: Sections 20.78.050.E, 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan.

DECISION

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. This Combined Development Permit is for a Coastal Administrative Permit for the construction of a new 396 square foot attached garage, conversion of the existing attached garage to additional living space and construction of 180 square foot additional living space, construction of a new covered porch and entryway;

Variance to allow a reduction of the front yard setback from 20 feet to 14 feet; and Design Approval. 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:

1. The applicant shall record a notice which states: "A permit (Resolution 020395) was approved by the Zoning Administrator for Assessor's Parcel Number 009-552-037-000 on March 27, 2003. The permit was granted subject to 16 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)**
2. 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. 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. **(Planning and Building Inspection Department)**
3. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
4. Prior to issuance of any grading or building permits, the applicant shall provide a substantial improvement determination to the County Water Resources Agency that includes an appraisal of the market value of the structure and a cost estimate for the proposed project. If the proposed project equals or exceeds 50 percent of the market value of the structure, the existing structure and addition shall be elevated in accordance with County Ordinance No. 3272. **(Water Resources Agency)**
5. If the proposed remodel/addition is determined to be a substantial improvement, the lowest floor and attendant utilities for the existing structure and proposed addition shall be elevated to a minimum of 25 feet mean sea level (NGVD 1929). To provide for the flood proofing 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 County Water Resources Agency prior to the inspection and approval of the building foundation by the building inspector. **(Water Resources Agency)**

6. If the proposed garage is wet flood proofed, the owner shall record a Non-Conversion Agreement stating: “Enclosed areas, below the Base Flood Elevation (BFE) shall be used solely for parking of vehicles, limited storage, or access to the building. All interior walls, ceilings and floors below the BFE shall be unfurnished or constructed of flood resistant materials. Mechanical, electrical and plumbing devices shall not be installed below the BFE. The walls of the enclosed areas below the BFE shall be equipped and remain equipped with vents in accordance with County Ordinance No. 3272.” A copy of the recorded notice shall be provided to the County Water Resources Agency. **(Water Resources Agency)**
7. Owner shall record a notice stating: “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, S.C.)**
8. Prior to the issuance of a building permit, the applicant shall obtain from the Monterey County Water Resources Agency (MCWRA), proof of water availability on the property in the form of an approved Water Release Form. **(Water Resources Agency, S.C.)**

Prior to Final Building Inspection/Occupancy:

10. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
 - a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculation system.
 - b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. **(Water Resources Agency & Planning and Building Inspection)**
11. The site shall be landscaped. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. The project will be subject to a landscape plan review fee which shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. **(Planning and Building Inspection Department)**

Continuous Permit Conditions:

12. Size of letters, numbers and symbols for addresses shall be a minimum of 3 inch letter height, 3/8 inch stroke, contrasting with the background color of the sign. **(Fire District)**
13. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located. **(Fire District)**
14. Remove flammable vegetation from within 30 feet of the structure (or to property line). Limb trees 6 feet above ground. Remove tree limbs from within 10 feet of chimneys. **(Fire District)**
15. 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 (165 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)**
16. All landscaped areas and/or fences shall be continuously maintained by the property owner and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 27th day of March, 2003..

Original Signed By: _____
LYNNE MOUNDAY
ZONING ADMINISTRATOR

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.

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