

LYNNE MOUNDAY
MONTEREY
ZONING ADMINISTRATOR

COUNTY OF
STATE OF CALIFORNIA
RESOLUTION NO. 020498

A. P. # 189-464-001-000

In the matter of the application of
William W. Aspinwall (PLN020498)

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 an Administrative Permit and a Variance for reduction of the front setback from 30 feet to 18 feet for a 785 sq. ft. two-story addition (401 sq. ft. garage and a 384 sq. ft. second story billiard room) and a 117 sq. ft. covered breezeway, attached to a 1,580 s. ft. single-story single family residence and Design Approval, located at 50 El Potrero, Carmel Valley, at the intersection of La Mital and El Potrero, Carmel Valley Village area, 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 Aspinwall application (PLN020498), as described in condition #1 is for an Administrative Permit, a Variance and Design Approval. The property is located at 50 El Potrero (Assessor's Parcel Number 189-464-001-000), at the intersection of La Mital and El Potrero, Carmel Valley (Assessor's Parcel Number 189-464-001-000) and is zoned "LDR/2.5-D-S" or Low Density Residential, 2.5 acres per unit, with Design and Site Review requirements. The project, as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, Carmel Valley Master Plan Area, and the Monterey County Zoning Ordinance (Title 21). The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and other applicable provisions of Title 21. Zoning violation abatement costs, if any, have been paid.
EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with the General Plan and Carmel Valley Master Plan.
EVIDENCE: The project planner conducted a site visit on December 9, 2002, to verify that the proposed project complies with the Monterey County Zoning Ordinance.
EVIDENCE: On January 27, 2003, the Carmel Valley Land Use Advisory Committee voted 6 to 0 to recommend approval with a condition to require down-lighting.
EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.

EVIDENCE: A “Preliminary Archeological Reconnaissance” of the subject parcel was conducted on January 14, 2003, by Archeological Consulting. The report concludes that there is no evidence of any significant archeological resources on the parcel.

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

EVIDENCE: Section #15301(e)(1) of the CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.

EVIDENCE: Staff site visit and preceding finding.

3. **FINDING:** The Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

EVIDENCE: Approval of the Variance would not be a special privilege since the other properties nearby have front setbacks equal to or less than the proposed setback for this project.

EVIDENCE: Applicant’s justification for a Variance and materials in file.

4. **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 accessory structure is allowed per Section #21.14.030(f), of the “LDR” zoning district regulations.

5. **FINDING:** Granting of a Variance would not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.

EVIDENCE: Special circumstances exist as follows:

- a. The property currently has two front setbacks which restricts development.
- b. The site for the proposed garage is reasonable given the location of the existing residence.
- c. Currently there is no covered parking on the property.

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 and Parks Departments, 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 decision on this project is appealable to the Planning Commission.

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

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. The Aspinwall A Combined Development Permit includes: An Administrative Permit and a Variance for reduction of the front setback from 30 feet to 18 feet for the 785 square foot two-story addition (a 401 square foot garage and a 384 square foot, non-habitable, second story billiard room) and a 117 square foot covered breezeway, attached to a 1,580 square foot single-story single family residence and Design Approval. 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 Variance (Resolution PLN020498) was approved by the Zoning Administrator for Assessor's Parcel Number 189-464-001-000 on March 27, 2003. 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. 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. **(Carmel Valley Fire District)**
5. 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. **(Carmel Valley Fire District)**

6. A Deed Restriction shall be recorded stating “Applicant shall build no windows on the side of the second story addition facing the neighbor’s house.” **(Planning and Building Inspection)**
7. Prior to the issuance of a building permit, the applicant shall obtain from the Monterey County Water Resource Agency (MCWRA), proof of water availability on the property in the form of an approved Water Release Form. **(Water Resource Agency)**

Prior to Final Building Inspection/Occupancy:

8. The applicant shall comply with Ordinance No. 3539, 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 recirculating 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)**

Continuous Conditions:

9. 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)**

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

Original Signed By:

LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO 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 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.