

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 030263

A.P. # 241-241-001-000

In the matter of the application of
Ronald B. Garren TR (PLN030263)

FINDINGS & DECISION

for a Coastal Development Permit in accordance with Title 20 (Monterey County Coastal Implementation Plan Ordinance) Chapter 20.140 (Coastal Development Permits) of the Monterey County Code, to allow Design Approval for additions to the main house (789.5 sq. ft.) and to a detached workshop (79 sq. ft.) previously added without benefit of a permit; a Variance to allow a reduction in the minimum distance between the main structure and a detached garage/game room from 10 feet to 3 feet, 3 inches, and a Coastal Development Permit for the removal of a 14 inch Monterey pine tree previously removed without the benefit of a permit. The property is located at 225 Lower Walden Road, Carmel Highlands, Carmel area, Coastal Zone, came on regularly for hearing before the Zoning Administrator on April 29, 2004.

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

FINDINGS OF FACT

1. FINDING: CONSISTENCY, SITE SUITABILITY AND PUBLIC ACCESS – The Garren Combined Development Permit (PLN030263), as described in Condition #1, and as conditioned, is consistent with the policies of the Monterey County Local Coastal Program (LCP) which for this site consists of the Carmel Area Land Use Plan, the “Regulations for Development in the Carmel Area” (Part 4) and the requirements and standards of the Monterey County Zoning Ordinance (Title 20). The property is located at 225 Lower Walden Road in the Carmel Highlands area. The parcel is zoned for “LDR/1” (Low Density Residential). The site is physically suitable for the use proposed. The project is in conformance with the public access and public recreation policies of the Coastal Act and the Local Coastal Program, and does not interfere with any form of historic public use or trust rights. No access is required as part of the project as no substantial adverse impacts on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

EVIDENCE: (a) The application and plans submitted for the Combined Development Permit and Design Approval in project file PLN030263 at the Monterey County Planning and Building Inspection Department.
(b) The applicant provided the Monterey County Planning and Building Inspection Department with a Design Approval Request, drawings, and a statement of materials and colors to be used.
(c) The project planner conducted site visits, most recently on February 3, 2004, to verify that the proposed project complies with the LCP.
(d) The Carmel Area Advisory Committee reviewed and recommended approval (5 - 0 vote) of the Variance and Design Approval on August 4, 2003.
(e) The project has been reviewed by the Monterey County Planning and Building Inspection Department, Carmel Highlands Fire Protection District, Monterey County Water Resources Agency, Monterey County Public Works Department, Monterey County Parks

Department, and Monterey County 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:** **VARIANCE:** Because of special circumstances applicable to the subject property the strict application of Title 20 is found to deprive subject property of privileges enjoyed by other properties in the vicinity under identical zone classification.
EVIDENCE: (a) Slopes on the parcel limit the areas that can be developed.
(b) The parcel's width and slopes in excess of 50% make development within the portion of the parcel adjacent to the proposed improvement impractical, which will preclude a reasonable anticipation of future development adjacent to the existing improvement necessitating full side yard clearance.
(c) The applicant's letter of justification for the variance in the file PLN 020241.
(d) A site visit by the project planner on February 3, 2004.
3. **FINDING:** **VARIANCE:** 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: (a) A number of variances have been issued for the reduction of side yard setbacks in the Carmel Highlands.
(b) A variance for the reduction of a side yard setback (PLN020241/ Hansen) was granted by the Zoning Administrator on October 10, 2002 for a property at 229 Lower Walden Road (APN 241-241-007-000). This property is immediately across the street from the subject property.
4. **FINDING:** **VARIANCE:** 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: (a) The use proposed is allowed per Section 20.14.040 of the Zoning Regulations (Title 20) for the "LDR" district.
5. **FINDING:** **CEQA:** The proposed project will not have a significant environmental impact.
EVIDENCE: (a) Section 15301 of the CEQA Guidelines categorically exempts additions to existing structures such as the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.
6. **FINDING:** **NO VIOLATIONS** – With the issuance of this permit the subject property will be in compliance with all rules and regulations pertaining to zoning uses, subdivisions and other applicable provisions of Title 20. Zoning violation abatement costs, if any, have been paid.
EVIDENCE: (a) Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property except for those that would be corrected through this permit.
7. **FINDING:** **HEALTH AND SAFETY** – 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: (a) Preceding findings and supporting evidence.

8. FINDING: APPEALABILITY – The decision on this project is appealable to the Board of Supervisors and the Coastal Commission.

EVIDENCE: Sections 20.86.030 and 20.86.080 of Title 20 Zoning Ordinance (Part 1 of the Monterey County Coastal Implementation Plan).

DECISION

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

PASSED AND ADOPTED this 29th day of April, 2004.

Original Signed By:

MIKE NOVO
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 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 Planning Commission 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.