

MIKE NOVO
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 030306

A. P. # 416-082-013-000

In the matter of the application of
Karen Blackwell-Conners et al. (PLN030306)

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 (1) Administrative Permit to allow for the construction of a new 2,400 square foot two story, single family dwelling with a 507 square foot detached two car garage; 3,000 gallon water tank (2) an Administrative Permit to allow for a second story guesthouse addition above garage (3) Use Permit request for driveway construction on slopes in excess of 30 percent; 3,000 gallon water tank; grading of 1,350 cubic yards (900 cubic yards cut/450 cubic yards fill); Restoration and Design Approval. The existing trailer to be removed following use as a temporary residence during construction of the single-family dwelling. The property is located at 11751 Camino Escondido, Lot 1 of Rancho Escondido, Carmel Valley, 0.5 miles from the Camino Escondido and Laureles Grade intersection, Greater Monterey Peninsula area, came on regularly for meeting before the Zoning Administrator on May13, 2004.

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

1. FINDING: CONSISTENCY - The Blackwell Combined Development Permit and Design Approval, as described in condition #1 and as conditioned is consistent with the plans, policies, requirements and standards of the Monterey County General Plan, Greater Monterey Peninsula Area Plan and the Monterey County's Zoning Ordinance (Title 21). The property is located at 11751 Camino Escondido Road, Carmel Valley, Greater Monterey Peninsula Area. The parcel is zoned "RC/10-D-S" Resource Conservation, with Design and Site Review overlays. The site is physically suitable for the use proposed.

EVIDENCE: (a) The text and policies of these documents have been evaluated during the course of review of this application. No conflicts were found to exist. No communication was received during the course of review of this project to indicate that there is any inconsistency with the text and policies of these documents. The Planning and Building Inspection staff reviewed the project for consistency with:

- Monterey County General Plan
- Greater Monterey Peninsula Area Plan
- Chapters 21.36, Resource Conservation; 21.44, Design Control; 21.45 Site Plan Review; 21.64.230

(b) Project planner conducted on-site inspections on June 18, July 10 and September 30, 2003, to verify that the project is consistent with the plans listed above.

(c) Design Approval request form, with recommendation for approval of the project by the Greater Monterey Peninsula Land Use Advisory Committee on October 1, 2003 with a vote of 3 -0. The guesthouse is visually consistent and compatible with the main residence on site and other residences in the area.

(d) The “Geologic and Soil Engineering Report” report was prepared for this site by ATI Architects and Engineers on May 8, 2003 concludes that the site is suitable for the proposed development provided recommendations in the report are incorporated in the project design and are implemented during construction.

(e) The application and plans submitted for the Combined Development Permit and Design Approval in project file PLN030306 at the Monterey County Planning and Building Inspection Department.

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

EVIDENCE: (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and Salinas Fire Protection District. Conditions recommended have been incorporated.

(b) Project planner conducted on-site inspections to verify that the project is consistent with the plans listed above.

(c) The application and plans submitted for the Combined Development Permit and Design Approval in project file PLN030306 at the Monterey County Planning and Building Inspection Department.

3. **FINDING: CEQA (Exempt)** - The project is exempt from environmental review pursuant to the *California Environmental Quality Act* (CEQA) Guidelines Section 15301 (a), Class 1 (*Interior or Exterior Alterations*). No potentially adverse environmental effects were identified and Section 15061(b)(3).

EVIDENCE: (a) No adverse environmental effects were identified during staff review of the development application and during the site visit. There are no environmentally sensitive habitats or trees that would be impacted. There are no unusual circumstances related to the project or property. Visual impacts would not be significant.

(b) The proposed single family dwelling, garage and guesthouse will be located in an existing road turnaround. The area is relatively level surrounded by Oak trees and low underlying brush. Additional grading consists of cutting into the hillside to construct a retaining wall in this location.

(c) No oak trees are proposed for removal and the proposed fill areas in the slope are to accommodate the turn around requirements by the Salinas Rural Fire Department.

(d) The “Geologic and Soil Engineering Report” report was prepared for this site by ATI Architects and Engineers on May 8, 2003 concludes that the site is suitable for the proposed development provided recommendations in the report are incorporated in the project design and are implemented during construction.

(e) The applicant is required to comply with Title 16 Erosion Control Ordinance Section 16.12.10 and 20. These recommendations are included as permit conditions and are consistent with the Greater Monterey Peninsula Area Plans mitigation measures addressing increased erosion as a result of clustered residential development.

4. **FINDING: 30 PERCENT SLOPE WAIVER** - The proposed development better achieves the goals, policies, and objectives of the Monterey County General Plan and the Greater Monterey Peninsula Area Plan than other development alternatives.

EVIDENCE: (a) The proposal is consistent with policy GMP 17.3.1.1 providing adequate roads for fire protection. The existing access road was installed on slide formed slopes, which will require development on an excess of 30 percent slope while incorporating access road improvements conditioned by the Salinas Rural FPD.

(b) The current site has eliminated the need to create a new roadway through the property; a roadway, which would have crossed back and forth across the site and to build on a historical landslide area in order to comply with the access road standards and requirements of the Salinas Rural Fire FPD

(c) The detached garage with the second story guesthouse will impact slopes in excess of the thirty percent slopes; however, it is minimal in terms of the percentage of the lot, representing less than five percent total coverage of its building site.

(d) The “Geologic and Soil Engineering Report” report was prepared for this site by ATI Architects and Engineers on May 8, 2003 concludes that the site is suitable for the proposed development provided recommendations in the report are incorporated in the project design and are implemented during construction.

(e) The application and plans submitted for the Combined Development Permit and Design Approval in project file PLN030306 at the Monterey County Planning and Building Inspection Department

5. FINDING: VIOLATIONS - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of Title 21. The permit is part of the administrative remedy for past construction. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: Section 21.84.120 of the Monterey County Zoning Ordinance states in part that “(n)o department, commission, or public employee of the County of Monterey which is vested with the duty or authority to issue or approve permits, licenses or other entitlements shall issue or approve such permits, licenses or other entitlements nor determine a discretionary permit complete where there is an outstanding violation of this Title involving the property upon which there is pending application for such permit, license or other entitlement unless such permit, license, or other entitlement is the, or part of the, administrative remedy for the violation.” The Blackwell Use Permit application (PLN030306) is part of the “administrative remedy” within the meaning of this Section of the Monterey County Zoning Ordinance

6. FINDING: Public notice of the pending Combined Development Permit was provided pursuant to Section 21.70.040, Title 21, Monterey County Code (Zoning).

EVIDENCE: Materials in project file.

7. FINDING: HEALTH AND SAFETY - The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use; or be detrimental or injurious to property and improvement in the neighborhood; or to the general welfare of the County.

EVIDENCE: Preceding findings and supporting evidence.

8. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Planning Commission.

EVIDENCE: Section 21.80.040 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 attached conditions.

PASSED AND ADOPTED this 13th day of May, 2004.

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 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.