

MIKE NOVO
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 030431

A. P. # 103-061-017-000

In the matter of the application of
Robert J. Carroll TR (PLN030431)

FINDINGS AND DECISION

to allow a Combined Development Permit in accordance with Chapter 21.82 (Combined Development Permits) of the Monterey County Code, consisting of an amendment to a previously approved Administrative Permit (PLN010039) for the demolition of an existing single family residence and construction of a new 5,739 sq. ft. single family residence, 851 sq. ft. garage, 615 sq. ft. workshop, pool, septic, two water tanks, grading (322 cu. yds. cut/72 cu. yds. fill), and removal of three 18" oaks replacing the previously approved (PLN010039) 11,176 sq. ft. single family residence and garage, pool, and grading (495 cu. yds. cut/489 cu. yds fill), and removal of three 18" oaks; and Design Approval. The property is located at 566 Aguajito Road, Carmel, Gentry Hill, Greater Monterey Peninsula area., came on regularly for meeting before the zoning administrator on March 25, 2004.

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

1. FINDING: CONSISTENCY, SITE SUITABILITY, AND PUBLIC ACCESS - The Carroll Amendment (PLN030431) to the Carroll Administrative Permit (PLN010039) as described in Condition #1, and as conditioned, is consistent with the plans, policies, requirements and standards of the Greater Monterey Peninsula Area Plan and the Monterey County Zoning Ordinance (Title 21). The property is located at 566 Aguajito Road, Carmel (Assessor's Parcel Number 103-061-017-000), Gentry Hill, Greater Monterey Peninsula Area. The parcel is zoned "RDR/5.1-UR-D-S," Rural Density Residential, 5.1 acres per unit. The site is physically suitable for the use proposed

EVIDENCE: (a) The application and plans submitted for the Amendment to the Administrative Permit in project file PLN030431 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 a site visit to verify that the proposed project complies with the Greater Monterey Peninsula Area Plan. The project will not have a significant adverse visual impact when viewed from a public viewshed.
(d) The Greater Monterey Peninsula Land Use Advisory Committee (LUAC) reviewed the project on January 21, 2004 and recommended approval (vote 3 to 0 with two members absent) with a recommendation to retain one of the trees previously approved for removal through PLN010039. The LUAC's recommendation was not incorporated into the project since retention of the tree mentioned would result in negative impacts to other trees in the area due to the relocation of the house.

(e) A Forest Management Plan was prepared for the site by Forest City Consulting, on May 7, 2001. The Forest Management Plan was subsequently revised to address the changes in the project that required an amendment to the original permit. No additional protected trees are proposed for removal. Conditions of approval have been added to ensure compliance with the Forest Management Plan.

(f) A Soil Engineering Report was prepared by Landset Engineers, Inc for the site in May of 2001. The report is on file at the Monterey County Planning and Building Inspection Department. Landset Engineers, Inc. concludes that “the proposed development is feasible from a geologic and soil engineering standpoint provided the recommendations in the report are incorporated into the project plans.” A condition of approval has been added to ensure compliance with the Soil Engineering Investigation.

(g) The project and the site have been reviewed by the Monterey County Planning and Building Inspection Department, Carmel Highlands Fire Division, Monterey County Water Resources Agency, Monterey County Public Works 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.

(h) On December 13, 2001, the Monterey County Zoning Administrator approved the Carroll Administrative Permit (PLN010039). This project (PLN030431) is an amendment to the original Carroll project. Changes to the project are described above. Both the original project and the amendment are categorically exempt from CEQA.

(i) Following Findings and supporting Evidence.

2. FINDING: CEQA (Exempt) - The project is exempt from environmental review.

EVIDENCE:

(a) CEQA Guidelines §15301(l) Demolition of Structures, §15303(a) New Single Family Dwelling exempts the proposed development from environmental review.

(b) Project description and materials in the project file: PLN030431.

(c) No adverse environmental effects were identified during staff review of the development application and during the site visit.

(d) Three 18” oaks are proposed for removal. These oaks were approved for removal through the original permit (PLN010039). The Forest Management Plan concludes that a minimal amount of trees are proposed for removal for this project and no long term impacts will occur to the forest as a result of the proposed residence, as long as the remaining trees are properly protected during construction. As designed, the project has reduced tree removal to a minimum. Conditions have been added to ensure compliance with recommendations in the Forest Management Plan.

(e) The applicant is required to comply with Title 16 (Environment) of the Monterey County Code in terms of grading and erosion control requirements.

(f) Preceding and following findings and supporting evidence.

3. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement cost, if any, have been paid.
- EVIDENCE:** Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations on subject property.
4. **FINDING: TREE REMOVAL** – The project minimizes tree removal in accordance with the applicable goals, policies, and regulations of the Greater Monterey Peninsula Area Plan and Title 21, Zoning Ordinance.
- EVIDENCE:** (a) Three 18" oaks are proposed for removal. These oaks were approved for removal through the original permit (PLN010039). The Forest Management Plan concludes that a minimal amount of trees are proposed for removal for this project and no long term impacts will occur to the forest as a result of the proposed residence, as long as the remaining trees are properly protected during construction. As designed, the project has reduced tree removal to a minimum. Conditions of approval have been added to ensure compliance with recommendations in the Forest Management Plan.
- (b) A Forest Management Plan was prepared for the site by Forest City Consulting, on May 7, 2001. The Forest Management Plan was subsequently revised upon the request of planning to address the changes in the project that required an amendment to the original permit. No additional protected trees are proposed for removal. Conditions of approval have been added to ensure compliance with the Forest Management Plan.
- (c) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN030431.
- (d) Preceding and following findings and supporting evidence.
5. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance or operation of the project applied for will not under the circumstances of this particular case, be detrimental to the 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 improvements in the neighborhood or to the general welfare of the County.
- EVIDENCE:** Preceding findings and supporting evidence.
6. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Planning Commission.
- EVIDENCE:** Section 21.80 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 25th day of March, 2004.

Original Signed By:

MIKE NOVO
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 SECRETARY OF 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.