

MIKE NOVO  
ZONING ADMINISTRATOR

COUNTY OF MONTEREY  
STATE OF CALIFORNIA

RESOLUTION NO. 030465

A. P. # 243-032-019-000

In the matter of the application of  
**Thomas & Constance North (PLN030465)**

**FINDINGS & DECISION**

to allow a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of an Administrative Permit to allow the construction of a 1,082 sq. ft. second floor addition, 336 sq. ft. first floor addition, remodel of an existing single family dwelling, and Design Approval. The property is located at 2717 Pradera Road, Carmel, Carmel Meadows area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on July 8, 2004.

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

**1. FINDING: CONSISTENCY, SITE SUITABILITY, AND PUBLIC ACCESS** - The North Administrative Permit (PLN030465) as described in Condition #1, and as conditioned, is consistent with the plans, policies, requirements and standards of the Local Coastal Program (LCP). The LCP for this site consists of the Carmel Area Land Use Plan, Carmel Area Coastal Implementation Plan (Part 4), Part 6 of the Coastal Implementation Plan, and Part 1 of the Coastal Implementation Plan (Title 20 Zoning Ordinance). The property is located at 2717 Pradera Road, Carmel, Coastal Zone. The parcel is zoned "MDR/2-D (18) (CZ)," or Medium Density Residential, 2 units per acre, in a design review district, with an 18 foot height limit, in the Coastal Zone. 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 (see Section 20.70.050.B.4 of the Zoning Ordinance). 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 Zoning Ordinance (Coastal Implementation Plan), can be demonstrated.

**EVIDENCE:** (a) The project planner conducted an on-site inspection to verify that the project is consistent with the plans listed above. The development will not have a significant adverse visual impact when viewed from a public viewing area, with the recommended Condition of Approval.

(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 parcel is zoned Medium Density Residential, 2 units per acre, Design Control ("MDR/2-D (18) (CZ)"). The project, as conditioned, is in compliance with Site

Development Standards for a Medium Density Residential Zoning District in accordance with Section 20.12 of the Monterey County Zoning Ordinance.

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

(e) The subject property is not described as an area where the Local Coastal Program requires access and is not indicated as part of any designated trails or shoreline access. No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

(f) The Carmel/Carmel Highlands Land Use Advisory Committee (LUAC) reviewed the project on March 15, 2004 and recommended approval by a 4 to 3 vote.

(g) 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 PLN030465.

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

**EVIDENCE:** (a) CEQA Guidelines Section 15301(e) categorically exempts additions to structures and Section 15304 exempts minor alterations to land.

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

(c) 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: 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.

5. **FINDING: VARIANCE, SPECIAL CIRCUMSTANCES** – There are no special circumstances applicable to the subject property, including the size, shape, topography, location of the lot, or the surrounding area, such that the strict application of Section 20.14.060.C.1 (Site Development Standards, Maximum Height) of the Title 20 (Zoning Ordinance) is not found to deprive the subject property of privileges enjoyed by other property owners in the vicinity under an identical zoning classification.

**EVIDENCE:** (a) The proposed new development can be built within the maximum allowable height limit of 18 feet above average natural grade. There are also other locations on the property where the addition can be placed in compliance with zoning regulations. Therefore, Condition 3 requires that revised building plans shall be submitted indicating that all new additions to the existing structure are designed at or below 18 feet above average natural grade, consistent with the maximum allowable height limitation for the MDR/2-D(18)(CZ) zoning district.  
(b) Project plans & materials found in planning file PLN030465.

6. **FINDING: VARIANCE, SPECIAL PRIVILEGE** – A variance to exceed the maximum allowable height limit would constitute a granting of privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

**EVIDENCE:** (a) The proposed project includes a second floor addition to an existing one-story single-family dwelling which would rise to 19.5 feet above average natural grade. New additions to the existing house can be built within the maximum 18-foot allowable-height limit, as have similar projects in the vicinity which have been approved since the Carmel Area Land Use Plan was amended to lower allowed heights in the Carmel Riviera, from 24 to 18 feet, on April 9, 1991. There are also other locations on the property where the addition can be placed in compliance with zoning regulations. Therefore, Condition 3 requires that revised building plans shall be submitted indicating that the addition to the existing structure be certified to be no more than 18 above average natural grade, consistent with the maximum allowable height limitation for the MDR/2-D(18)(CZ) zoning district.  
(b) Other property owners in the vicinity and zone have been required to conform to the 18 foot height limit.  
(c) Project plans & materials found in planning file PLN030465.

7. **FINDING: VARIANCE, ALLOWED USE:** 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 single-family residential use proposed is allowed per Section 20.12.040 of the Zoning Regulations (Title 20) for the “MDR” district.

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

**EVIDENCE:** Sections 20.86.030 and 20.86.080 of the Monterey County Zoning Ordinance (Title 20).

## **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 and the Variance is denied.

**PASSED AND ADOPTED** this 8th day of July, 2004.

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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 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 90<sup>th</sup> 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.