

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 030523

A.P.# 229-071-001-000

In the matter of the application of
Alexander Block Limited Partnership (PLN030523)

FINDINGS & DECISION

for a Combined Development Permit in accordance with Title 20 (Zoning) Chapter 21.76 (Combined Development Permits) of the Monterey County Code, consisting of a Coastal Administrative Permit to allow for the construction of a 126 sq. ft. addition to a one-story 1,460 sq. ft. single family dwelling in a planned unit development and variance to allow an addition to lot coverage from 39% existing to 49% proposed. The project is located at 204 Monterey Dunes Way, Castroville, south of Monterey Dunes Club House, North County area, Coastal Zone, came on regularly for hearing before the Zoning Administrator on August 12, 2004.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto, now makes the following findings and decision:

FINDINGS OF FACT

- 1. FINDING: CONSISTENCY & SITE SUITABILITY** – The Combined Development Permit as described in Condition #1 and as conditioned is consistent with the plans, policies, requirements and standards of the Monterey County General Plan, the North Monterey County Land Use Plan, Monterey County Coastal Implementation Plan Part 2, and the Monterey County Zoning Ordinance (Title 20). The site is physically suitable for the use proposed.

EVIDENCE: (a) The application and plans submitted for the Combined Development permit are found in file PLN030523 at the Monterey County Planning and Building Inspection Department.

EVIDENCE: (b) Staff conducted a site visit on August 7, 2003 to verify that the proposed project complies with regulations in Title 20, as well as policies in the Plans listed above. The proposed project will not have a significant adverse effect on the public viewshed as conditioned.

EVIDENCE: (c) The North County Coastal Land Use Advisory Committee reviewed the Combined Development Permit and Design Approval and recommended approval by a vote of 5-0 on June 21, 2004. The LUAC expressed a concern about this project setting a precedent for remodeling at the Monterey Dunes Colony and variances for coverage. These items are discussed in the variance findings below.

EVIDENCE: (d) The project has been reviewed and found to be in compliance under Title 20, sections 20.12.040 and 20.42.030 (F).

EVIDENCE: (e) The project has been reviewed by the Monterey County Planning and Building Inspection Department, North County Fire Protection District, 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: CEQA (Exempt) -** The project is exempt from environmental review.
EVIDENCE: CEQA Guidelines Section 15301 (e) categorically exempts additions to existing structures from environmental review. 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.
EVIDENCE: The project is filling in a previously disturbed 12'5" wide area between existing deck and fenced courtyard.
- 3. FINDING: NO VIOLATIONS -** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of Title 20. Zoning violation abatement costs, if any, have been paid.
EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.
- 4. FINDING: VARIANCE (SPECIAL CIRCUMSTANCES AND NO GRANT OF SPECIAL PRIVILEGES) -** There are special circumstances applicable to the subject property, including size, shape, topography, location or surroundings. As a result, the strict application of Title 20 would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The Combined Development Permit described in Condition #1 does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and identical zoning classification in which such property is situated. Variances are granted on a case-by-case basis and the findings and evidence for this project do not necessarily apply to other parcels.
EVIDENCE: (a) **SPECIAL CIRCUMSTANCES** - The size of the subject property is quite small at 4,000 sq. ft. However, being part of a planned unit development (PUD) there is a great deal of open space that is held in common for the beneficial use and enjoyment of all of the property owners. There are 105 acres owned by Monterey Dunes Colony and the bulk of it is in open space. By the utilization of the common open space and restricting the separately owned lot to below the minimum of 6,000 sq. ft. required in the MDR zoning, the PUD limits the impact of the development. However, the strict application of the 35% coverage requirement (in the MDR Zoning District) deprives the subject property of the right to add to structures enjoyed by other properties in the vicinity and under identical zone classification.
EVIDENCE: (b) **NO GRANT OF SPECIAL PRIVILEGE-** Approval of the Variances as described in Condition #1 and Finding #1, will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and identical zoning classification because several other properties in the same subdivision have been granted

variances to exceed lot coverage for similar additions (PC94171, Tonge; PC93187, Berolzheimer; PC07904, Simonsen; ZA95059, Krausz).

EVIDENCE: (c) Staff's site visit and analysis of other properties in the vicinity and under identical zone classification.

EVIDENCE: (d) The application and plans submitted for the Variance and Design Approval, including the Variance Justification Letter, in project file PLNO30523 at the Monterey County Planning and Building Inspection Department.

5. **FINDING: VARIANCE (NO GRANT OF UNAUTHORIZED USE)** – The Variance does not grant a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property.

EVIDENCE: The residential use is allowed per Section 20.12.040(A), Principal Uses Allowed in the Medium Density Residential zoning district.

6. **FINDING: PUBLIC ACCESS** - The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). No access is required as part of the project as no substantial adverse impact 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 subject property is not described as an area where the Local Coastal Program requires access.

(b) The subject property is not indicated as part of any designated trails or shoreline access as shown in the Moss Landing Community Plan Public Access and Recreation Map, of the North County Land Use Plan.

(c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

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 Board of Supervisors and the California Coastal Commission.

EVIDENCE: Section 20.86.040 of the Monterey County Zoning Ordinance (Title 20).

DECISION

THEREFORE, it is the decision of said Zoning Administrator 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 12th day of August, 2004.

MIKE NOVO
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE 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 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 Salinas.

2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.