

MIKE NOVO  
ZONING ADMINISTRATOR

COUNTY OF MONTEREY  
STATE OF CALIFORNIA

RESOLUTION NO. 030605

A. P. # 241-161-010-000

In the matter of the application of  
**Mark and Julia Brenneman (PLN030605)**

**FINDINGS AND DECISION**

to allow a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of a 1) a coastal administrative permit to allow for a 688 sq. ft. second story addition to an existing 1,220 sq. ft. one-story residence; propane tank with a grape-stake fence; trellis; and updated drainage; 2) a coastal administrative permit for development on 30% slopes totaling less than 100 sq. ft.; and 3) a coastal development permit for a modification of parking requirements, came on regularly for meeting before the Zoning Administrator on June 10, 2004.

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

**FINDINGS OF FACT**

- 1. FINDING: CONSISTENCY, SITE SUITABILITY, AND PUBLIC ACCESS** - The Brenneman Combined Development Permit (PLN030605) 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 138 Mt. Devon Road, Carmel Highlands, Coastal Zone. The parcel is zoned "LDR/1-D (CZ)," or Low Density Residential, 1 unit per acre, 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 20.70.050.B.4). 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 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.
- (b) The Geologic Hazards Investigation prepared by Ron Barto, Certified Engineering Geologist., dated January 22, 2004, concludes that the project site "lies within 1/8 mile radius of the Malpaso Fault, a potentially active fault. Although potentially active no documented seismic events have occurred within the area of this fault."

- (c) 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.
- (d) The parcel is zoned Low Density Residential, 1 unit per acre, Design Control (“LDR/1-D (CZ)”). The project is in compliance with Site Development Standards for a Resource Conservation District in accordance with Section 21.14.060.
- (e) The project and the site have been reviewed by the Monterey County Planning and Building Inspection Department, Carmel Valley Fire Protection District, Monterey County Water Resources Agency, Monterey County Parks Department; Monterey County Public Works Department, and 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.
- (f) 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.
- (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 PLN030572.

- 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) The areas of the property that are planned for development and located on slopes of greater than or equal to 30% are currently disturbed. The proposed addition to the single family residence will not impact any undisturbed land and equates to a minor alteration of existing conditions.  
(d) 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: MODIFICATION OF PARKING STANDARDS** – Due to unusual characteristics of the subject property, additional parking is not necessary per Section 20.58.050(c).  
**EVIDENCE:** The existing residence on the property was built prior to Monterey County Parking Standards. The property on which the project is sited does not contain enough space for covered parking within the setbacks of the property without needing a waiver of the policy prohibiting development on slopes of greater than 30%. Due to this unusual

characteristic of the subject property, County staff has determined that the modification of parking standards to eliminate the required covered parking space better meets the goals and objectives of the Carmel/Carmel Highlands Land Use Plan than the alternatives.

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: THIRTY PERCENT SLOPES** - The development on 30 percent slopes is allowed as there is no feasible alternative that would allow development to occur on slopes of less than 30 percent.

**EVIDENCE:** (a) The slopes are man-made slopes created when the existing house was constructed.  
(b) The total area of the slopes over 30% is no more than 100 square feet.  
(c) The area of slopes over 30% is immediately adjacent to the existing house.  
(d) Evidence for Finding #1, above.

7. **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.

**PASSED AND ADOPTED** this 10th day of June 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 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.