

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 040004

A.P. # 187-111-012-000

In the matter of the application of
Katherina MacGown (PLN040004)

FINDINGS & DECISION

for an Administrative Permit in accordance with Title 21 (Zoning) Chapter 21.70 (Administrative Permits) of the Monterey County Code, to allow the demolition of a 1,756 sq. ft. single family dwelling and construct a new 1,805 sq. ft (coverage) two-story single family dwelling including a patio (200 sq. ft.), second story deck (96 sq. ft.) and Design Approval. With removal and relocation of two multi-trunk (18" - 22" DBH) oaks. The property is located at 55 La Rancheria Road, Carmel Valley, northerly of La Rancheria Road with existing access approximately 200 yards from Laureles Road, Carmel Valley Master Plan area., came regularly for hearing before the Zoning Administrator on September 30, 2004.

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

FINDINGS OF FACT

1. FINDING: CONSISTENCY – The MacGown Administrative Permit and Design Approval application (PLN040004), as described in condition No. 1, is consistent with the plans and policies of the Monterey County General Plan, the Carmel Valley Master Plan, and the requirements and standards of the Monterey County Zoning Ordinance (Title 21). The property is located at 55 La Rancheria Road, Carmel Valley (Assessor’s Parcel Number 187-111-012-000), northerly of La Rancheria Road with existing access approximately 200 yards from Laureles Road, Carmel Valley Master Plan Area. The parcel is zoned “LDR/1-D-S,” or Low Density Residential, 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.

(b) 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.

(c) The Soil Engineering Investigation (Project LSS-0293-01) prepared by Landset Engineers, Inc., dated March 31, 2004 concludes that the site is suitable for the proposed development, provided the recommendations of the report are followed.

(d) On April 16, 2004, a demolition permit (BP040985) was received and issued.

(e) The application, plans, and supporting materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the

proposed development, found in project File PLN040004.

(f) The applicant provided a revised submittal on July 9, 2004, amending the site plan to allow for removal and relocation (transplanting) of the oak trees, and agreed to a condition, which would provide for an arborist to inspect the relocation to ensure long-term survival. Another revised submittal was provided on Sept. 7, 2004, which included clarification of height from average natural grade.

(g) The applicant provided the Monterey County Planning and Building Inspection Department with a Design Approval Request, drawings, photographs and a statement of materials and colors to be used found in project File PLN040004.

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

EVIDENCE: (a) There has been no testimony received, either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Carmel Valley Fire Protection District, Public Works Department and Environmental Health Division. There has been no indication from those 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.

3. FINDING: TREE REMOVAL – The tree removal is the minimum required under the circumstances of the case, and will not involve a risk of adverse environmental impacts. The tree(s) are in danger of falling too close to existing or proposed structures.

EVIDENCE: (a) In order to maintain fire and zone setbacks while utilizing the existing pad for development of a structure, the specified oaks will need to be relocated. The proposal for removal and relocation, as described on the site plans and in Condition No. 1, avoids impact to numerous other trees on the property, and minimizes the number of trees impacted. The trees are not landmark oaks pursuant to Section 21.64.260.C.5 of the Monterey County Zoning Ordinance.

(b) Due to the project condition requiring inspection by an arborist, there is not a risk of adverse environmental impacts such as soil erosion, water quality, ecological impact(s), noise pollution, air movement, or wildlife habitat.

(c) If the proposed structure were to be built around the two proposed oak clusters, the danger of limbs or trunks of the multi-trunk tree(s) falling on a structure on the property would be greater than if the trees were removed and relocated to another part of the property.

4. FINDING: CEQA (Exempt) – The project is exempt from environmental review. .

EVIDENCE: (a) The State CEQA Guidelines categorically exempts this project from environmental review pursuant to CEQA Guideline Section 15303 (a), Class 3 (*exemption for one single family residence*), 15061 (b)(2) and (3) (*activities exempt from CEQA*).

(b) No adverse environmental impacts were identified during review of the proposed project.

(c) Preceding findings and supporting evidence.

5. **FINDING: REFERRAL TO PUBLIC HEARING** – The application was referred to public hearing because (a) there was a request for a public hearing by the applicant, and (b) there was evidence of public controversy surrounding the proposed development.
EVIDENCE: (a) Requests for a public hearing were made by both applicant and neighbor. (b) Evidence of public controversy as described in Section 21.70.060.A, Title 21, Monterey County Code (Zoning) or 21.78 was found to exist.
6. **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 21. No violations exist on the property, and that all zoning violation abatement costs, if any, have been paid.
EVIDENCE: (a) Staff reviewed the Monterey County Planning and Building Inspection Department records and is not aware of any violations on subject property.
(b) Sections 21.14, 21.44 and 21.45 of the Monterey County Code (Zoning).
7. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, happiness, and general welfare of persons residing or working 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.B of the Monterey County Zoning Ordinance, Title 21.

DECISION

THEREFORE, it is the decision of said Zoning Administrator that said application for an Administrative Permit be granted as shown on the attached sketch, and subject to the attached conditions.

PASSED AND ADOPTED this 30th day of September 2004.

MIKE NOVO
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE 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

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 Planning Commission 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.