

MIKE NOVO
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 040205

A. P. # 243-053-006-000

In the matter of the application of
Philo & Carol Holland (PLN040205)

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 an Administrative Permit for the remodel and addition to a single-family residence, a Variance to reduce a legal non-conforming coverage from 51% to 45% (allowable coverage is 35%) and a Design Approval. The project is located at 2884 Pradera Road, Carmel, at the corner of Pradera and Cuesta Way, Carmel, Coastal Zone, came on regularly for meeting before the Zoning Administrator on August 12, 2004.

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

1. FINDING: CONSISTENCY and SITE SUITABILITY – The Holland Combined Development Permit (PLN040205) as described in Condition #1, and as conditioned, is consistent with the plans, policies and standards of the Local Coastal Program (LCP). The LCP for this site consists of the Monterey County General Plan, 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 (Zoning Ordinance). The property is located at 2884 Pradera Road, Carmel (Assessor's Parcel Number 243-053-006-000). The parcel is zoned “MDR/2-D(18)(CZ)” or Medium Density Residential, 2 units per acre, Design Approval, 18 foot height limit in the Coastal Zone.

EVIDENCE: (a) The application and plans submitted for the Variance are found in file PLN040205 at the Monterey County Planning and Building Inspection Department.

(b) Staff conducted a site visit on July 27, 2004 to verify that the proposed project, with the Variance, complies with regulations in Title 20, as well as policies in the Carmel Area Plan. The proposed project will not have a significant adverse effect on the public viewshed as conditioned.

(c) The Carmel Unincorporated/Highlands LUAC reviewed the project and recommended approval by a vote of 4-0 on June 7, 2004. The LUAC made the recommendation that the lighting be at or near ground level and be shaded to control impacts on the neighbors.

(d) The project has been reviewed and found in compliance under Monterey County Ordinance 20, sections 20.12.030 and 20.78.040.

(e) The project has been reviewed by the Monterey County Planning and Building Inspection Department, Carmel Highlands Fire Protection District, Monterey County Water Resources Agency, 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: (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. 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.

- 3. FINDING: VARIANCE (Special Circumstances)** - Because of special circumstances applicable to the subject property, including the size, shape, topography, location of the lot, or the surrounding area, the strict application of Section 20.12.060.E of the Monterey County Coastal Implementation Plan Part 1 is found to deprive the subject property of privileges enjoyed by other property owners in the vicinity under an identical zoning classification.

EVIDENCE: (a) The existing residence is legal non-conforming as to lot coverage. The parcel is located in a MDR district that allows 35% maximum lot coverage. The existing residence exceeds the maximum coverage at 51% (4,279 sq. ft.). In this case, the strict application of the 35% maximum coverage requirement would deprive the applicant of the opportunity to improve the property by remodeling and making a small addition.

(b) The intent of the coverage limitations (Section 20.12.060.E of the Monterey County Coastal Implementation Plan, Part 1) is to limit the amount of the parcel that can be covered, thereby protecting the vicinity significant resources, such as open space, visual character, low noise and light pollution. Although, the proposed project exceeds the 35% limit for structural coverage by 814 square feet, the proposed 3,758 square feet (44%) of coverage will cause the existing non-conforming structure to be closer to conformance with the 35% maximum allowable coverage. The project meets all other zoning requirements regarding size and bulk (i.e. Floor Area Ratio) and setbacks.

(c) Materials and documents in Project File No. PLN040205.

(d) The property is nonconforming as to lot size. The Zoning District establishes a density of two units per acre. The lot size is 8,412 square feet.

- 4. FINDING: VARIANCE (Special Privileges)** - The variance to exceed the allowable coverage does not constitute a grant of privileges inconsistent with the limitations upon other property owners in the vicinity and zone in which such property is situated.

EVIDENCE: (a) There are at least 3 other instances where existing homes on the same block (2724, 2754, and 2814 Pradera) that were constructed at approximately the same time as the subject home exceed 35% lot coverage and will remain in their non-conforming state.

(b) Materials and documents in Project File No. PLN040205.

(c) Section 20.08.060, Sheet 16, which designates Carmel Meadows MDR/2-D(CZ), including the properties cited in Evidence (a) above.

- 5. FINDING: VARIANCE (Authorized Use)** – The Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

EVIDENCE: (a) The project for an addition to a single-family dwelling and remodeling is an allowed use under the property's Medium Density Residential designation.

6. FINDING: NO VIOLATIONS - The subject property is in compliance with all other 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.

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.

EVIDENCE: Section 20.86.040 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 12th day of August, 2004.

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 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.