

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 040229

A.P. # 009-041-026-000

FINDINGS & DECISION

In the matter of the application of
Michael & Tracy Leaton (PLN040229)

for a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of a Coastal Administrative Permit to allow conversion of existing structure to guesthouse (238 sq. ft.) and utility extension; a Coastal Development Permit for waiver of parking standards (to allow for one uncovered off-street compact space adjacent to garage); and Design Approval. The property is located at 24475 S San Luis Avenue, Carmel, westerly of the intersection of Highway 1 and San Luis Avenue, Coastal Zone, came on regularly for meeting before the Zoning Administrator on September 30, 2004.

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

1. FINDING: CONSISTENCY - The Project, as conditioned is consistent with applicable plans and policies, Carmel Area Land Use Plan, Coastal Implementation Plan (Part 4), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20) which designates this area as appropriate for residential development.

EVIDENCE: (a) PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the Carmel Land Use Plan, Coastal Implementation Plan (Part 4), Part 6 of the Coastal Implementation Plan. PBI staff have reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 20) and have determined that the project is consistent with the Carmel Land Use Plan, which designates this area as appropriate for residential development.

(b) The parcel is zoned Medium Density Residential, 2 units/acre, Design Control District, Coastal Zone ("MDR/2-D (CZ))."

(c) The guesthouse is an allowed use in the MDR zoning district under Section 20.12.040.C of the Zoning Ordinance.

(d) The Carmel Unincorporated/Highlands Land Use Advisory Committee recommended approval of the project by a vote of 6-0 (1 absent, 0 abstaining), on June 21, 2004, with a Committee comment that "(p)lanner must address regulation for one additional space needed for guest parking" and recommendation for approval, with condition that "required guest parking space (issue) be resolved."

(e) The project planner conducted a site visit, observing the structure proposed for guesthouse use and the parking area (two covered spaces in a garage), and determined that there are unusual characteristics of (the) use and specific features of the site pursuant to Section 20.58.050.C of the Monterey County Zoning Ordinance which merit a waiver of parking standards. An unusual characteristic of the use is that the owner does not

anticipate that guesthouse would be utilized more than 12 times per year, thus additional parking is not necessary. Specific features of the site, primarily the presence of the steep slope on the project parcel and the archaeological sensitivity of the area, make the off-street parking, which would be in a County right-of-way, a preferable alternative to excavation of slope.

(f) 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 PLN040229.

2. FINDING: 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. The permit is part of the administrative remedy for past construction. Zoning violation abatement cost, if any, have been paid.

EVIDENCE: Section 20.90.120 of the Monterey County Zoning Ordinance states in part that "(n)o department, commission, or public employee of the County of Monterey which is vested with the duty or authority to issue or approve permits, licenses or other entitlements shall issue or approve such permits, licenses or other entitlements nor determine a discretionary permit complete where there is an outstanding violation of this Title or the remaining portions of the Monterey County Coastal Implementation Plan involving the property upon which there is pending application for such permit, license or other entitlement unless such permit, license, or other entitlement is the, or part of the, administrative remedy for the violation." The Leaton Coastal Administrative Permit application (PLN040229) is part of the "administrative remedy" within the meaning of this Section of the Monterey County Zoning Ordinance.

3. 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: (a) The project was reviewed by Planning and Building Inspection Department, Public Works Department, Water Resources Agency, Environmental Health Division, and Carmel Highlands Fire Protection District. The respective departments and agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions.

4. FINDING: SITE SUITABILITY - The site is suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for suitability by Planning and Building Inspection Department, Public Works Department, Water Resources Agency, Environmental Health Division, and Carmel Highlands Fire Protection District. Conditions recommended have been incorporated where appropriate.

(b) Staff conducted a site visit to verify that the site is suitable for this use.

(c) Necessary public facilities are available and will be provided. In order to limit the use of the proposed uncovered off-street compact space, and in accordance with the

applicant's statement that the guesthouse would not be utilized more than 12 times per year, the Planning Division recommends a condition that would limit the use of the guesthouse to two months per calendar year.

(d) Preceding Findings and supporting Evidence.

5. **FINDING: CEQA:** - The project is exempt from environmental review.

EVIDENCE: (a) CEQA Guidelines Sections 15303(a) and 15305(b) categorically exempt this proposed development.

(b) No potential adverse environmental effects were identified during staff review of the development application or during the staff site visit(s) following the submittal of the application. No unusual circumstances exist for this project that would alter staff's determination that the project is categorically exempt from CEQA review.

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 or future trail or shoreline access as shown in Figure 3, the Public Access Map, of the Carmel Area 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.

(d) Staff site visit.

7. **FINDING: APPEALABILITY** - The project is appealable to the Board of Supervisors.

EVIDENCE: (a) Section 20.86.030.A of the Monterey County Coastal Implementation Plan (Part 1).

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, 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 CLERK TO 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 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 Marina.

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