

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 040278

A.P. # 009-441-015-000

In the matter of the application of
Michael J. King (PLN040278)

FINDINGS & DECISION

for a Coastal Development Permit in accordance with Title 20.1 (Monterey County Coastal Implementation Plan Ordinance) Chapter 20.140 (Coastal Development Permits) of the Monterey County Code, to allow an extension to a Coastal Development Permit for a single family dwelling and Grading, came on regularly for hearing before the Zoning Administrator on November 18, 2004.

Said Director of Planning and Building Inspection, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

- FINDING:** Applicant timely filed an application for an extension to the previously approved Coastal Administrative Permit (PLN965205), to allow for a two-year extension of the June 19, 2004 expiration date. The application is to extend the expiration date of the previously approved Coastal Administrative Permit (PLN965205) to allow Combined Development Permit consisting of: Coastal Development Permit for a single-family dwelling and Grading: Design Approval. Property is located on Lots 22, 24 and 25, No. 7, northeasterly of Scenic Road/Ocean View Avenue intersection, Carmel-by-the Sea, Carmel Point Area.

The extension request is to allow an extension of the expiration date from June 19, 2004 to June 19, 2006.

EVIDENCE: Materials contained in Planning and Building Inspection file number PLN965205.

- FINDING:** The application for an extension includes no changed circumstances from the previously approved Coastal Administrative Permit (PLN965205)

EVIDENCE: Letter from Neil Thompson, Traffic Engineer, for the Monterey County Public Works Department is contained in the Planning and Building Inspection File Number PLN965205.

- FINDING:** Project Land Use Technician conducted an on-site inspection on August 25, 2004.

EVIDENCE: The subject request for extension has been carried out pursuant to Monterey County Code Section 20.76.120.A.

Materials contained in Planning and Building Inspection File Number PLN965205.

4. **FINDING:** Notice of the permit extension has been carried out pursuant to Monterey County Code Section 20.84.040.A. Written objections were received during the required ten (10) working day notice period, but have been resolved.
EVIDENCE: Materials contained in Planning and Building Inspection File Number PLN965205.
5. **FINDINGS:** The proposed project will not have a significant environmental impact.
EVIDENCE: Section 153003 (Small Structures and Section 153002. (Exception) California Environmental Quality Act CEQA Guidelines categorically exempts this project
(a) Drainage and erosion control were the only significant adverse impacts, which are avoidable through implementation of the mitigation measures.
(b) An archaeological survey prepared by Holman and Associates dated May 18, 1993, reported evidence of cultural materials on site. Mitigation plans require that a qualified professional archaeologist provide excavation and monitoring services.
6. **FINDING:** The project is appealable to the Board of Supervisors and the California Coastal Commission.
EVIDENCE: Section 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan.

DECISION

THEREFORE, it is the decision of said Zoning Administrator that said application for a Coastal Development Permit be granted as shown on the attached sketch, subject to the following conditions:

1. This permit allows an extension to a Coastal Development Permit (PLN965205), which allows a two story, 5,842 square foot single family dwelling with an underground garage and basement and 1,362 cubic yards of grading in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**
2. That the applicant shall record a notice which states: "A permit (Resolution #PLN040278) was approved by the Monterey County Zoning Administrator for Assessor's Parcel Number 009-441-015-000 on November 18, 2004. The permit was granted subject to 4 conditions of approval that run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection" prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**
3. That all conditions set forth in Permit 965205 shall remain in force.

4. A Construction Management Plan shall be submitted to the Planning and Building Inspection Department prior to issuance of Building Permits. The plan shall demonstrate adequate areas for parking, storage, and waste on the project site. Parking may be allowed on Ocean View Avenue along the project frontage as approved as part of the Construction Management Plan. (**Planning and Building Inspection**)

PASSED AND ADOPTED this 18th day of November 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 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 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.