

MIKE NOVO
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 060002

A. P. # 229-051-025-000

In the matter of the application of
Roy & Carol Whitefield TRS (PLN060002)

FINDINGS AND DECISION

for a **Combined Development Permit** in accordance with Title 21 (Zoning) Chapter 21.76 (Combined Development Permits) of the Monterey County Code, to allow a Coastal Administrative Permit per Section 20.68.040A for the expansion of a legal non-conforming structure locations and height, and a Variance for addition to the 35 percent lot coverage. No grading or filling is proposed for the project. The existing townhouse is 1,574 sq. ft., proposed additions total 292.5 sq. ft. Location of the project is at 292 Dunes Way, in the Castroville area, Coastal Zone, and came on regularly for meeting before the Zoning Administrator on April 27, 2006.

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

FINDINGS OF FACT

1. FINDING: CONSISTENCY – The Project 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 North County Land Use Plan, North County Coastal Implementation Plan (Part 2), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20). The property is located at 292 Dunes Way, Castroville area in the Coastal Zone. The parcel is zoned MDR B-6 (CZ) (Medium Density Residential, cannot be further subdivided, Coastal Zone). The site is physically suitable for the use proposed.

EVIDENCE: (a) PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the Local Coastal Program (LCP). The LCP for this site consists of the North County Land Use Plan, North County Coastal Implementation Plan (Part 2), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20). Staff notes are provided in Project File PLN060002.

(b) Project planner conducted an on-site inspection on 20 Jan 2006.

(c) The subject parcel is 4,000 sq. ft., the zoning specifies minimum lot size of 6,000 sq. ft. (§20.12.060A) unless part of a planned unit development.

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

EVIDENCE: (a) Agency Review. The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency,

Environmental Health, Parks and North County Fire District. Conditions recommended have been incorporated.

(b) Project Planner conducted an on-site visit on 20 Jan 2006 to verify that the site is suitable for this use.

3. FINDING: PUBLIC ACCESS – 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. 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 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.

(b) Staff site visit 20 Jan 2006.

(c) North County Land Use Plan, Figure 6, Shoreline Access/Trails map.

4. FINDING: CEQA (Exempt) – The proposed project will not have a significant environmental impact.

EVIDENCE: (a) Section 15301(e) of the CEQA Guidelines categorically exempts the proposed development from environmental review. The proposed addition qualifies for this categorical exemption since it involves negligible or no expansion of an existing use.

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

(c) There are no unusual circumstances related to the project or property.

5. 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 20.147.030.A.1.b of the Monterey County Coastal Implementation Plan would deprive the subject property of privileges enjoyed by other property owners in the vicinity under the identical zoning classification.

EVIDENCE: (a) The proposed additions will maintain the existing setbacks and will be constructed on existing decking; thus no additional coverage will result.

(b) Current lot size of 4,000 sq. ft. is below the 6,000 sq. ft. minimum for this zoning classification.

6. FINDING: VARIANCE (Special Privileges) – The variance to exceed the allowed lot coverage would not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the subject property is situated.

EVIDENCE: Resolutions 92-021 (Sven Simonsen), 93-106 (Richard Kelvey), 94-063 (Philip Berolzheimer) and 94-186 (Delmar Tonge) adopted by the Planning Commission to exceed the lot coverage requirements by converting deck areas into habitable space.

7. FINDING: VARIANCE (Authorized Use) – A 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.

- (a) Agency Review. The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks and Pebble Beach Community Services. Conditions recommended have been incorporated.
- (b) Project Planner conducted an on-site visit on 20 Jan 2006 to verify that the site is suitable for this use.
- (c) The use of the project site for residential use is allowed pursuant to North County Coastal Implementation Plan Section 20.12.040.A.

8. 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.

EVIDENCE: Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.

9. 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: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, North County Fire District, and Water Resources Agency. The respective departments 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; or the County in general. There has been no indication from these agencies that the site is not suitable for the proposed development.

10. FINDING: APPEALABILITY – The decision on this project is appealable to the Board of Supervisors and the Coastal Commission.

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

- (d) Pursuant to California Coastal Commission Map 80, the subject parcel is on the seaward of the first public road (Highway One), and therefore is appealable to the California Coastal Commission.

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 27th day of April, 2006.



MIKE NOVO, ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON MAY 11 2006

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

MAY 21 2006

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 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 Salinas.

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

Monterey County Planning and Building Inspection
Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: Whitfield

File No: PLN060002

Approval by: Zoning Administrator

APNs: 229-051-025-000

Date: 27 April 2006

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verificati on of Complian ce (name/dat e)</i>
1		<p>PBD029 - SPECIFIC USES ONLY This Combined Development Permit (PLN06002) allows for a Coastal Administrative Permit for the expansion of a legal non-conforming structure location and height, and a variance for addition to exceed the 35 percent lot coverage. The existing townhouse is 1,574 sq. ft., the proposed additions total 292.5 sq. ft. The property is located at 292 Dunes Way (Assessor's Parcel Number 292-051-025-000). This permit was approved 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)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other-wise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verificati on of Complian ce (name/dat e)</i>
2		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 060002) was approved by the Planning Commission for Assessor's Parcel Number 229-051-025-000 on 27 April 2006. The permit was granted subject to eight (8) conditions of approval which 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)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3		PBD021 – LIGHTING – EXTERIOR LIGHTING PLAN All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 2 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection)	Submit three copies of the lighting plans to PBI for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	
4		PBD014 - GRADING-WINTER RESTRICTION No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. (Planning and Building Inspection)	None	Owner/ Applicant	Ongoing	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verificati on of Complian ce (name/dat e)</i>
5		<p>PBD030 - STOP WORK - RESOURCES FOUND If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (Planning and Building Inspection)</p>	<p>Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.</p>	<p>Owner/ Applicant/ Archaeo- logist</p>	<p>Ongoing</p>	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
6		<p>WR40 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:</p> <p>a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.</p> <p>b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)</p>	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	
7		<p>PBD006 - DEED RESTRICTION Prior to the issuance of a building permit the applicant shall record a deed restriction limiting the subject parcel to the total impervious square footage allowed by Combined Development Permit #060002 (1,866.5 square feet). (Planning and Building Inspection)</p>	Submittal of approved and Recorded Deed Restriction to PBI.	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
8		FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. North County FD	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection	
			Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	

END OF CONDITIONS

