

RESOLUTION NO. 080018

A.P.# 009-403-018-000

In the matter of the application of
Alexius and Mary Aiu (PLN080018)

FINDINGS & DECISION

for a **Coastal Administrative Permit** in accordance with Chapter 20.76 (Coastal Administrative Permits) of Title 20, Monterey County Code (Zoning), to allow a single designated uncovered parking space within the front setback. The property is located at 26257 Valley View Avenue, Carmel, Carmel Area Land Use Plan, Coastal Zone, and came on regularly for meeting before the Zoning Administrator on May 29, 2008.

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

FINDINGS OF FACT

1. FINDING: CONSISTENCY – The project as described in Condition No.1 and as conditioned, policies, requirements, and standards of the Monterey County General Plan, certified Monterey County Local Coastal Program (LCP). The LCP for this site consists of the Carmel Area Land Use Plan, Coastal Implementation Plan (Part 4), and the Coastal Implementation Plan Appendices (Part 6); Monterey County Coastal Implementation Plan (Part 1) or Zoning Ordinance (Title 20), which designates this area as appropriate for residential development.

EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of the application. No conflicts were found to exist. No communications were received during the course of review of the project to indicate that there is any inconsistency with the text, policies, and regulation in these documents.

(b) The property is located at 26257 Valley View Avenue, Carmel, (Assessor's Parcel Number 009-403-018-000) north of the intersection of the intersection of Valley View Avenue and 16th Street in the Carmel Area (Coastal Zone). The parcel is zoned Medium Density Residential, 2 units per acre with an 18 foot height limit, in the Coastal Zone ["MDR/2 D (18) (CZ)"] which allows a density of two residential units per acre. The proposed development includes a Coastal Administrative Permit to allow a single designated uncovered parking space within the front setback.. The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 20, and is therefore suitable for the proposed development.

(c) The project planner conducted a site inspection in April 21, 2008 to verify that the project on the subject parcel conforms to the plans listed above.

(d) The project is consistent with the following development standards as required by Section 20.12.060 of the Monterey County Zoning Ordinance (Title 20) for those areas designated Medium Density Residential, 2 units per acre

- Height: Allowed height measured from the average natural grade for a main structure is 18 feet. The existing residence is a two-story structure that measures approximately 19.11 feet at the highest point. The structure predates the 18-foot height limit because

it was constructed sometime in the 1930's and is therefore considered legal non-conforming.

- Setbacks: Main structures require a minimum setback of 20 feet (front), 5 feet (side), and 10 feet (rear). The parcel will be accessed by a private driveway that intersects Valley View Avenue. The existing residence is located approximately 20.6 feet from the edge of the public right-of-way, 5 feet, and 7 feet from the side property line and approximately 52.4 feet from the rear property line.
 - Development Density: Maximum density allowed within the MDR/2 zoning district is (2) units per acre. The parcel is approximately 5,221 square feet or 0.12 acres.
 - Building Site Coverage: Maximum allowed building site coverage within the MDR zoning designation is 35% and 45% for Floor Area Ratio, as proposed the project maintains site coverage of 34.6% and a Floor area Ratio of 36.6%.
- (e) The project was not referred to the Carmel Highlands Coastal Land Use Advisory Committee for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the project does not involve slope restrictions, ridgeline/viewshed development; and is exempt from CEQA per Section 15305 (a).
- (f) The application, project plans, and related support materials submitted by the applicant to the Monterey County RMA - Planning Department for the proposed development, found in Project File PLN080018, were found to be consistent with all the policies within the Carmel Land Use Plan, Coastal Implementation Plan Part 4 and the Coastal Implementation Plan Part 1 Section 20.12.

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

- EVIDENCE:**
- (a) The project has been reviewed for suitability by the following departments and agencies: RMA - Planning Department, Cypress Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable. Conditions recommended have been incorporated.
- (b) An Archaeological report prepared for the property concluded that the project site does not contain surface evidence of potentially significant resources.
- (c) The following reports have been prepared:
“Archaeological Report” (*LIB080214*) prepared by Susan Morley, M.A. Registry of Professional Archaeologist. The report is dated January 2007 Pacific Grove, CA.
- (d) Staff conducted a site inspection on April 21, 2008 to verify that the site is suitable for this use.
- (e) The application, project plans, and related support materials submitted by the applicant to the Monterey County RMA - Planning Department for the proposed development, found in Project File PLN080018.

3. FINDING: CEQA (Exempt) – The project is categorically exempt from environmental review and “no unusual” circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- (a) California Environmental Quality Act (CEQA) Guidelines Section 15305 (a) Class 5 categorically exempts minor alterations in land use limitations, i.e. allow the encroachment into the front setback by allowing that area to be utilized as a parking space in order to meet the current parking standards per Section 20.58.040 & 20.58.050 E of the Monterey County Coastal Implementation Plan Part 1, Title 20.

7. **FINDING: HEALTH AND SAFETY** – The establishment, maintenance, and operation of the proposed development applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

EVIDENCE: (a) The subject project if approved would not require variances or exception to any Health and Safety regulations within the county codes. The project as conditioned is consistent with all county regulations and Land Use Plan policies.

(b) The project as proposed was noticed for a public hearing as required under Section 20.84.040 of the Coastal Implementation Plan Part 1.

(c) Preceding findings and supporting evidence.

8. **FINDING: APPEALABILITY** – The decision on this project is appealable to the Board of Supervisors. It is not appealable to the California Coastal Commission.

EVIDENCE: Per Sections, 20.86.030 and 20.86.040 (Monterey County Zoning Ordinance Implementation Plan) of Title 20 of the Monterey County Zoning Ordinance.

DECISION

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

PASSED AND ADOPTED this 29th day of May, 2008.



JEFF MAIN, ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON JUN 23 2008

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 JUL - 3 2008

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS. IT IS NOT APPEALABLE TO THE COASTAL COMMISSION.

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 RMA - Planning Department and RMA - Building Services in Salinas.

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

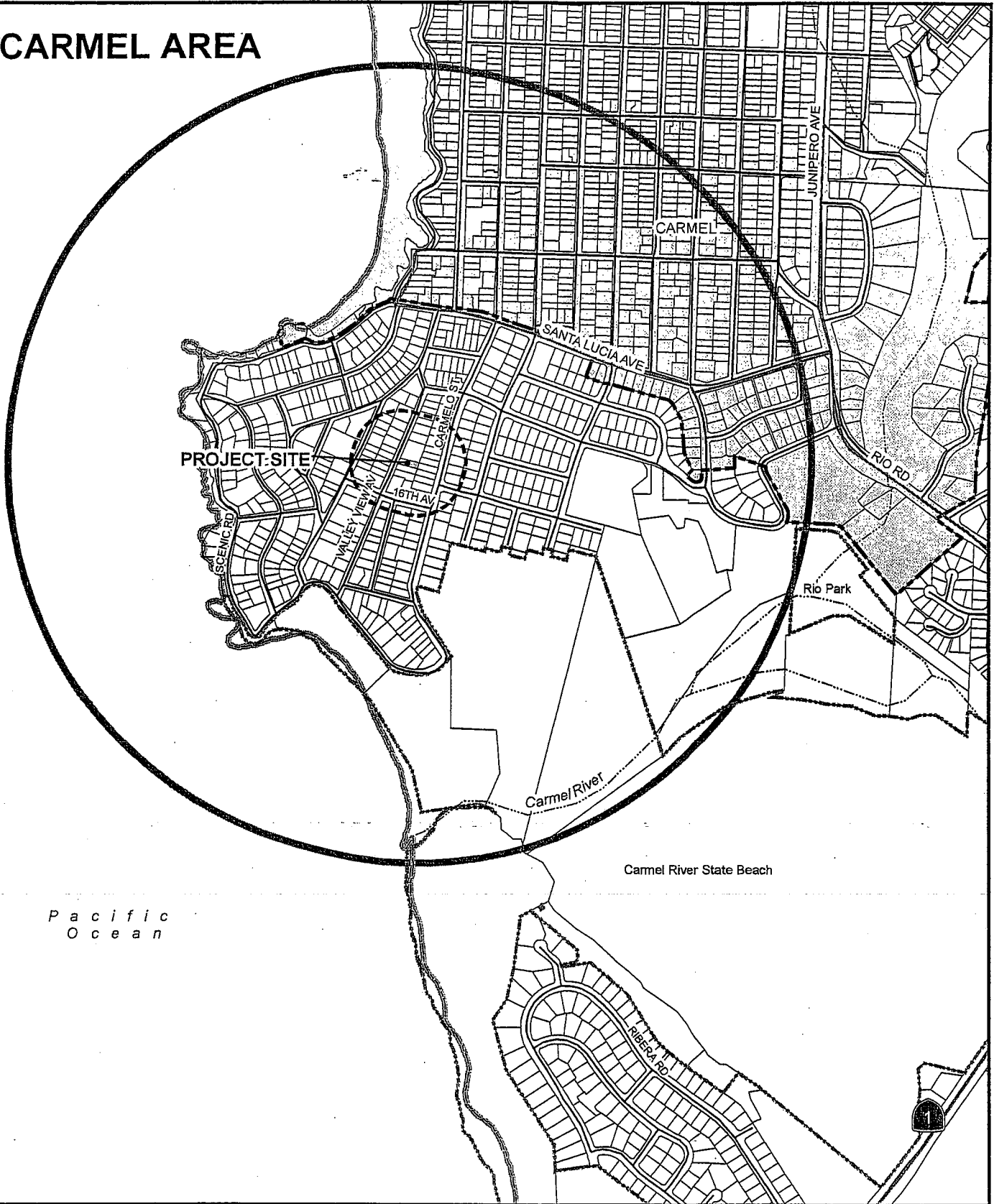
		Department)			
2		<p>PD004 - INDEMNIFICATION AGREEMENT The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	<p>Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final/parcel map, whichever occurs first and as applicable.</p>

3		<p>PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. 080018) was approved by the Director of Planning and Building Inspection for Assessor's Parcel Number 009-403-018-000 on May 29, 2008. The permit was granted subject to 5 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)</p>	<p>Proof of recordation of this notice shall be furnished to the RMA - Planning Department.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of grading and building permits or commencement of use.</p>	
4		<p>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT 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 RMA - Planning 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. (RMA - Planning Department)</p>	<p>Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning 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/ Archaeologist</p>	<p>Ongoing</p>	

5		<p>PW0005 – ENCROACHMENT (STD DRIVEWAY) Obtain an encroachment permit from the Department of Public Works and construct a standard driveway connection to (<u>Valley View Avenue</u>).(Public Works)</p>	<p>Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupancy or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.</p>	<p>Owner/ Applicant</p>	<p>Prior to Building/ Grading Permits Issuance</p>	
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END OF CONDITIONS




CARMEL AREA

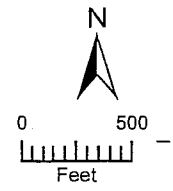


APPLICANT: AIU

APN: 009-403-018-000

FILE # PLN080018

 300' Limit  2500' Limit  City Limits



PLANNER: MONTANO