Before the Zoning Administrator in and for the County of Monterey, State of California

In the matter of the application of:

DR. JEFFREY HOGANS (PLN080211) RESOLUTION NO. 080211

Resolution by the Monterey County Zoning Administrator:

- 1) Found the project categorically Exempt per CEQA Guidelines Section 15301(e).
- 2) Approved a Combined Development Permit consisting of: (1) A Variance to increase existing building site coverage from 51% to 88%; (2) Use Permit for modifications to provisions of County Parking Standards and; (3) An Administrative Permit and Design Approval for development of a new 682 square foot addition to an existing 2,345 square foot Veterinary Hospital in a Heavy Commercial with Design Control, and Site Plan Review District.

(PLN080211, Dr. Jefferey Hogans, 13738 Center Street, Carmel Valley, Carmel Valley Master Plan (APN: 189-221-019-000)

The application (PLN080211) came on for public hearing before the Monterey County Zoning Administrator on October 29, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:**

CONSISTENCY – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

EVIDENCE: a)

During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:

- the Monterey County General Plan,
- Carmel Valley Master Plan,
- Carmel Valley Master Plan, Inventory and Analysis,
- Monterey County Zoning Ordinance (Title 21)

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

b) The property is a corner lot located at 13738 Center Street, Carmel Valley (Assessor's Parcel Number 189-221-019-000, Carmel Valley Master Plan. The parcel is zoned Heavy Commercial with Design Review and Site Plan Review District overlays ("HC-D-S") which allows a broad range of commercial activities, including boarding kennels and similar uses (veterinary hospitals). Therefore, the project is an allowed land use for this site.

- c) Combined Development Permit consisting of: (1) A Variance to increase existing building site coverage from 51% to 88%; (2) Use Permit for modifications to provisions of County Parking Standards and; (3) An Administrative Permit and Design Approval for development of a new 682 square foot addition to an existing 2,345 square foot Veterinary Hospital in a Heavy Commercial with Design Control, and Site Plan Review District. The proposed development is consistent with the surrounding land uses, character and development of the area.
- d) The project planner conducted a site inspection on October 18, 2008 to verify that the project on the subject parcel conforms to the plans listed above.
- e) The project was referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC due to significant land-use issues that necessitate review prior to a public hearing. The LUAC unanimously recommended approval.
- f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA Planning Department for the proposed development found in Project File PLN080211.
- 2. **FINDING: SITE SUITABILITY** The site is physically suitable for the use proposed.
 - EVIDENCE: a) The project has been reviewed for site suitability by the following departments and agencies: RMA Planning Department, Carmel Valley 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 for the proposed development. Conditions recommended have been incorporated.
 - b) Parking requirements for a Veterinary Hospital are 1 space per 250 square feet, Section 21.58.040. The proposed addition will increase the building size to 3,027 square feet. A Veterinary Clinic this size would therefore require 12 parking spaces. Parking and landscaping for the site is provided on a large common lot. Parking for all of the uses requires approximately 165 spaces. Currently, 115 spaces are provided. The Zoning Ordinance allows deviations from the parking requirements in situations where appropriate, due to unusual characteristics such as a vicinity which does not necessitate the number of parking spaces, type of design, or improvements required by ordinance. In this particular case, the parking is managed by the Carmel Valley Center Parking Association. A resolution has been provided by the Carmel Valley Center Parking Association stating that current parking is adequate and will remain adequate with the proposed addition to the Veterinary Hospital.
 - c) Staff conducted a site inspection on October 18, 2008 to verify that the site is suitable for this use.
 - d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File

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 RMA Planning Department, Carmel Valley Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. The respective departments/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.
- b) The site is suitable for the proposed development. Adequate parking is provided and owned in common by the Carmel Valley Center Parking Association. Necessary public facilities are available.
- c) Preceding findings and supporting evidence for PLN080211.

4. **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: a)

- a) Staff reviewed Monterey County RMA Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
- b) Staff conducted a site inspection on October 18, 2008 and researched. County records to assess if any violation exists on the subject property.
- c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080211.

5. **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)

- a) California Environmental Quality Act (CEQA) Guidelines Section 15301(e)(1), categorically exempts additions to existing structures when the addition will not result in an increase of more than 2,500 square feet.
- b) The proposed project would allow for a 682 square foot addition to an existing 2,345 square foot veterinary hospital.
- c) No adverse environmental effects were identified during staff review of the development application during a site visit on October 18, 2008.
- d) See preceding and following findings and supporting evidence.

6. **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 property has a zoning designation of HC-D-S.

- b) A Veterinary Hospital is allowed in the HC zone identified in Section 21.20.050(S)(T).
- c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080211.

7. **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 development standards in the Monterey County Codes is found to deprive the subject property of privileges enjoyed by other property owners in the vicinity under identical zoning classification.

EVIDENCE: a)

- Site development standards allowed in the HC zone are identified in Section 21.20.070. Maximum building site coverage for the HC district is 50%. The property is currently a legal-non conforming structure at 51% building site coverage. The intent of this regulation (21.20.70) is to ensure adequate open-space on-site for parking and landscaping. Section 21.20.070 also requires landscaping to cover a minimum of 10% of the site. Landscaping is currently deficient, with no proposed changes. The adjoining parcels owned by the Carmel Valley Center Parking Association have adequate landscaping, which offset the deficiency for landscaping on the subject parcel. Section 21.58.040 requires that, Veterinary Hospitals provide not less than 1 space per 250 square feet of net floor area. Parking is not currently available on-site due to the restrictive size of the lot. Adequate parking is provided offsite and is owned in common by the Carmel Valley Center Parking Association.
- b) The subject parcel is a corner lot of approximately 0.10 acres, and is restricted in available building space. This has resulted in creating a special circumstance in which the subject property owner is very limited in regards to building site-coverage and thus denied a privilege enjoyed by others properties in the vicinity.
- c) The majority of lots in the immediate vicinity under the same zoning district (HC) exceed the maximum building site coverage.
- d) The lots zoned (HC) in the vicinity (Carmel Valley Village area), lack universal conformity with many of the prescribed policies and regulations pertaining to heavy commercial uses and site development standards, including required parking and landscaping. The area primarily consists of lots and structures that were established prior to the heavy commercial zoning of the district. Subsequently, the character and use of the district has necessitated site development standards that significantly deviate from those of typical heavy commercial district.
- e) There are special circumstances on the site that warrant a variance to increase the allowed building site coverage requirement provided there is no special privilege (*Finding 8*) and it is an authorized use (*Finding 6*).
- f) There are special circumstances on the site that warrant a variance to the required on-site parking and landscaping requirements provided there is no special privilege (*Finding 8*) and it is an authorized use (*Finding 6*).

- g) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080211.
- h) The project planner conducted a site inspection on October 18, 2008 to verify the circumstances related to the property.
- 8. **FINDING:** VARIANCE (Special Privileges) The variance shall 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) The allowed building site coverage for this area is 50%. Other properties in the immediate vicinity and under the same zone classification have structures which exceed the maximum allowed site coverage. Adequate landscaping and parking (Carmel Valley Center Parking Association) will continue to be provided. Therefore, allowing an increase in building site coverage would not constitute a special privilege.
 - b) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080211.
 - c) The project planner conducted a site inspection on October 18, 2008 to identify circumstances related to other property in the vicinity and in the same zoning district.
 - d) Board testimony (10/29) from applicant Todd Bessier, and owner Dr. Jeffrey Hogans.
- 9. **FINDING:** APPEALABILITY The decision on this project may be appealed to the Board of Supervisors.
 - **EVIDENCE:** a) Section 21.80.040 Monterey County Zoning Ordinance (Title 21).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

- A. Categorically Exempt per CEQA Guidelines Section 15301(e).
- B. Approve a Combined Development Permit consisting of: (1) A Variance to increase existing building site coverage from 51% to 88%; (2) Use Permit for modifications to provisions of County Parking Standards and; (3) An Administrative Permit and Design Approval for development of a new 682 square foot addition to and existing 2,345 square foot Veterinary Hospital in a "HC-D-S" Heavy Commercial with Design Control, and Site Plan Review District, in general conformance with the attached sketch (Exhibit 2) and subject to the conditions (Exhibit 1), both exhibits being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 29th day of October, 2009.

- g) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080211.
- h) The project planner conducted a site inspection on October 18, 2008 to verify the circumstances related to the property.
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 - b) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080211.
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DECISION

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PASSED AND ADOPTED this 29th day of October, 2009.

MIKE NOVO, ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE NOV 0.2 2009.

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 TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE $\,$ NOV $\,1.2\,$ 2009

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 Department and Building Services Department office in Salinas.

2. This permit expires 4 years after the above date of granting thereof unless construction or use is started within this period.

RESOLUTION 080211 - EXHIBIT 1

Monterey County Resource Management Agency Planning Department

Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: Holt

File No: PLN080211 APNs: 189-221-019-000

Approved by: Zoning Administrator Date: October 29, 2009

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

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures 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)
10 (2 yr. 2)		RMA - Plan	ning Department			
1.		PD001 - SPECIFIC USES ONLY This Variance (PLN080211) allows a Combined Development Permit consisting of: (1) A Variance to	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise	
	increase existing building site coverage from 51% to 88%; (2) Use Permit for modifications to provisions of County Parking Standards and; (3) An Administrative Permit and Design Approval for development of a new 682 square foot addition to an existing 2,345 square foot Veterinary Hospital in a Heavy Commercial with	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 the RMA - Planning Department.	RMA - Planning	stated		
	,	Design Control, and Site Plan Review District. The property is located at 13738 Center Street, Carmel Valley (Assessor's Parcel Number 189-221-019-000), Carmel Valley Master Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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. (RMA-Planning Department)	To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.	WRA RMA - Planning		

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures 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)
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 080211) was approved by the Zoning Administrator for Assessor's Parcel Number 189-221- 019-000 on October 8, 2009. The permit was granted subject to 12 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)	Obtain appropriate form from the RMA-Planning Department. The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner/ Applicant RMA- Planning	Prior to the issuance of grading and building permits or commencement of use.	
3.		PD032(A) - PERMIT EXPIRATION The permit shall be granted for a time period of 4 years, to expire on October 8, 2013 unless use of the property or actual construction has begun within this period. (RMA – Planning Department)	The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.	Owner/ Applicant	As stated in the conditions of approval	
		RMA – Publi	c Works Department			
4.		PW0006 – CARMEL VALLEY The Applicant shall pay the Carmel Valley Master Plan Area Traffic Mitigation fee pursuant to the Board of Supervisors Resolution NO. 95-140, adopted September 12, 1995 (Fees are updated annually based on CCI). (Public Works)	Applicant shall pay to PBI the required traffic mitigation fee.	Owner/ Applicant	Prior to Building Permits Issuance	
5.		NON-STANDARD – TAMC FEES Prior to the issuance of building permits, applicant shall pay the Transportation Agency for Monterey County (TAMC) regional traffic mitigation fee identified in the TAMC nexus study. (Public Works)		Owner/ Applicant	Prior to Building Permits Issuance	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures 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)
		Monterey County	Water Resources Agency		Pod storogation englis	
6.		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: 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. 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)	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/ occupancy	
7.		WR43 - WATER AVAILABILITY CERTIFICATION The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	

Permit Cond. Number	Mitig. Conditions of Approval and/or Mitigation Measures and Number 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)
		ire Agency re for Carmel Valley Fire)			
8.	FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. Responsible Land Use Department: Carmel Valley Fire District	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner Applicant or owner	Prior to issuance of building permit. Prior to final building inspection	
9.	FIRE028 - ROOF CONSTRUCTION - (CARMEL VALLEY FPD) All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. Responsible Land Use Department: Carmel Valley Fire District.	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

Permit Cond, Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures 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)
10.		FIRE030 – NON-STANDARD CONDITIONS- EMERGENCY ACCESS KEYBOX – emergency access keybox shall be installed and maintained. The type and location shall be approved by the fire department.	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant/ Owner	Prior to issuance of building permit	
		changed so that the emergency access keybox can be	Applicant shall schedule fire dept. Clearance inspection for each phase of development.	Applicant/ Owner	Prior to final building inspection	
11.		FIRE030 – NON-STANDARD CONDITIONS-PORTABLE FIRE EXTINGUISHERS – Portable fire extinguishers shall be installed and maintained in accordance with NFPA Standard 10. Responsible Land	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant/ Owner	Prior to issuance of building permit	
		Use Department: Carmel Valley Fire District.	Applicant shall schedule fire dept. Clearance inspection for each phase of development.	Applicant/ Owner	Prior to final building inspection	
12.		FIRE030 – NON-STANDARD CONDITIONS- MEDICAL GAS SYSTEM – The medical gas system shall be installed and certified in accordance with Section 3006 of the California Fire Code and with the California	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant/ Owner	Prior to issuance of building permit	
	;	Mechanical Code. Signage shall be posted and Maintained on the building exterior in accordance with NFPA Standard 704. Responsible Land Use Department: Carmel Valley Fire District.	Applicant shall schedule fire dept. Clearance inspection for each phase of development.	Applicant/ Owner	Prior to final building inspection	

END OF CONDITIONS
Rev. 07/29//2009

CARMEL VALLEY VETERINARY HOSPITAL CARMEL VALLEY, CA

CALIFORNIA, USA JEFF HOGANS, D.V.M.

9/17/2008 SITE PLAN APPROVAL

INDEX TO DRAWINGS

TITLE SHEET

ARCHITECTURAL SITE PLAN

REFERENCE FLOOR PLAN SPECIAL SYSTEMS PLAN

LEGEND:

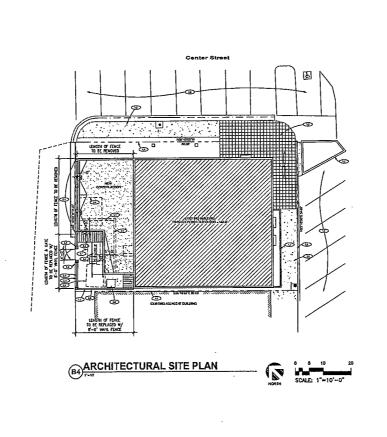
GENERAL NOTES

ABBREVIATIONS:

OUTSIDE DAMPETER
OWNER FURMISHED
OWER FLAM
OPERATING ROOM
FER CUBIC FOOT
PAINTED GYPSUM B
PROPERTY LIME
FER LINEAR FOOT
POUNDS PER SOUM
ROUGH DRAIN
ROUGH OPENING
SOULD CORE OR SEE

CONSULTANTS

PROJECT DATA:



Plot Date; Sep 17, 2008-0450 pm Drawlog Name; GiArchive\200707

KEYNOTES @

- 2.1 WOOD FENCE & GATE TO BE REPLACED
 2.2 SHOT TO BE DEMOUSHED
 2.3 SEPTIC TAME TO REWAY
 2.4 WOOD FENCE TO BE DEMOUSHED
 2.5 NEW ACT HIGH HIMM FENCE
 2.6 ACCURIT TO BE REQUISED
 2.7 EXISTING CONCRETE PAYERS

DIVIDION T-TI€RMAL & HOLSTURE PROTECTION

ARCHITECTURAL SITE PLAN CARMEL VALLEY VETERINARY HOSPITAL

HOGANS
PROJECT NO. 19787
DRAWNE HS
DATE: #17/05

AS101 2 OF -

