

MONTEREY COUNTY PLANNING COMMISSION

Meeting: July 30, 2008 Time: 9:00 A.M.	Agenda Item No.: 2
Project Description: Extension request for a previously approved Coastal Development Permit (PC07666). The Coastal Development Permit consists of: a museum open to the public 12 hours per week (by appointment only) on Friday and Saturday; two on-site fundraising activities each year; live music for the two yearly fundraisers and the ability to sell gifts for the support of Robinson Jeffers Tor House Foundation; and six yearly board meetings limited to 21 persons.	
Project Location: 26304 Ocean View Avenue, Carmel	APN: 009-432-021-000
Planning File Number: PLN080208	Name: Robinson Jeffers Tor House Foundation, Property Owner/Agent
Plan Area: Carmel Land Use Plan	Flagged and staked: No
Zoning Designation: : “MDR/2-D(18) (CZ)” [Medium Density Residential, 2 units per acre in a Design Control District with a height limit of 18 feet, (Coastal Zone)]	
CEQA Action: Categorically Exempt per Section 15303 (a)	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission approve the Coastal Development Permit in perpetuity for the continued operation of the museum based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions (**Exhibit D**).

SUMMARY:

The Applicant is requesting a permanent extension of a previously approved Coastal Development Permit (PC07666) for the operation of the Robinson Jeffers Tor House as a museum. The previous Coastal Development Permit extension (PLN980280) was approved by the Director of Planning for a 10-year period and is set to expire on November 19, 2008.

Condition Nos. 6, 7, and 9, (Resolution 91-18) have not been met, however, they have been incorporated in this staff report as described in **Exhibit D** for compliance.

DISCUSSION:

The project is located at 26304 Ocean View Avenue in Carmel within the Carmel Land Use Plan. The property is accessed through Ocean View Avenue, off of Stewart Way. The attorney, Sean Flavin, on behalf of the Robinson Jeffers Tor House Foundation, is requesting the extension of a previously approved Coastal Development Permit (PC07666) in perpetuity for the operation of the Robinson Jeffers Tor House as a museum. The existing structures are on the National Historical Places. The previous Coastal Development Permit extension (PLN980280) was approved by the Director of Planning for a 10-year period and is set to expire on November 19, 2008 (Resolution No. 980280). Per Section 20.70.110 of the Monterey County Zoning Ordinance Title 20, the applicant submitted a written request on February 7, 2008 to extend the permit.

The project was approved with a total of 9 conditions on January 30, 1991 (Resolution 91-18). Condition Nos. 6 (Indemnification Agreement), 7 (“HR” zoning overlay) and 9 (Permit Approval Notice), have not been met. In order to comply with Condition No. 7, the applicant has submitted a letter, dated June 13, 2008, requesting a combining “HR” zoning district pursuant to Monterey County Code Section 20.54 “Regulations for Historic Resources or HR (CZ) Districts.”

For conditions 6 and 9, staff requires compliance under this permit and they have been incorporated in this staff report as described in **Exhibit D** for compliance. The Indemnification Agreement and Permit Approval Notice were required per PC07666, Planning Commission Resolution No. 91-18.

The project is Categorical Exempt by CEQA per Section 15303 (a) – New construction or conversion of small structures. The project proposes to utilize existing residential structure for public use involving no expansion of use beyond that existing. The project does not create an environmental impact. The project does not involve the construction of new structures, grading or tree removal.

OTHER AGENCY INVOLVEMENT:

- ✓ Cypress Fire Protection District
- ✓ Public Works Department
- ✓ Parks Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project. Conditions recommended by Cypress Fire Protection District and Environmental Health have been incorporated into the condition compliance reporting plan (**Exhibit D**).

The project was not referred to the Carmel/Highlands Land Use Advisory Committee (LUAC) 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 proposal does not involve any changes to the current use and does not apply to the review guidelines.

Note: The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

Maria Lopez, Land Use Technician
(831) 755-5239, lopezmd@co.monterey.ca.us
July 21, 2008

cc: Front Counter Copy; Planning Commission Members (10); County Counsel; Cypress Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Laura Lawrence, Planning Services Manager; Maria Lopez, Planner; Carol Allen; Alex Vardamis, Applicant; Sean Flavin, Agent; File PLN080208.

Attachments: Exhibit A Project Data Sheet
Exhibit B Project Discussion
Exhibit C Recommended Findings and Evidence
Exhibit D Recommended Conditions of Approval
Exhibit E Resolutions 91-18 and 980280
Exhibit F Vicinity Map
Exhibit G Project Correspondence
Exhibit H Site Plan

This report was reviewed by Laura Lawrence, Planning Services Manager

EXHIBIT B

Project Discussion

Project Setting and Permit History

The project is located at 26304 Ocean View Avenue in Carmel within the Carmel Land Use Plan. The parcel is zoned “MDR/2-D (18) (CZ)” or Medium Density Residential 2 units per acre in a Design Control District with an 18-foot height limit in the Coastal Zone. The property is accessed through Ocean View Avenue, off of Stewart Way. The subject property is an approximately .65 acre parcel located in the Jeffers Estates, as recorded under Volume 7, Cities and Towns, Page 93.

The Planning Commission Resolution No. 91-18 was approved with a total of 9 conditions on January 30, 1991. Condition Nos. 6, 7 and 9, have not been met, however, they have been incorporated in this staff report, as described in **Exhibit D** for compliance. The Tor House is recognized under the National Register of Historical Places. In order to comply with Condition No. 7, the applicant submitted a letter requesting a combing “HR” zoning district pursuant to Monterey County Code Section 20.54 “Regulations for Historic Resources or HR (CZ) Districts.”

Condition No. 2 was included in Resolution No. 91-18 requiring temporary parking signs for the two fundraising activities. This condition included temporary “No Parking Signs along the east side of Ocean View Avenue and the south side of Stewart Way. In the 17 years since the project was approved, fundraisers have been held twice a year without posting the “Temporary-No Parking” signs along Ocean View Avenue and Stewart Way. For these events, visitors have been parking along Ocean View Avenue and Stewart Way without incident. No complaints from neighbors have been documented. Adequate parking exists on the project site for all other uses (tours and board meetings). Because no complaints have been received and applying this condition in the future could cause an undue burden on other neighboring streets, staff is recommending deleting this condition.

The previous Coastal Development Permit extension (PLN980280) was approved by the Director of Planning for a 10-year period and is set to expire on November 19, 2008. Per section 20.70.110 of the Monterey County Zoning Ordinance Title 20, the applicant submitted a written request on February 7, 2008 to extend the permit. The applicant is not proposing any changes to the current use. Because the Tor House is on the National Register of Historic Places, the applicant submitted a letter, dated June 13, 2008, requesting the extension of this Coastal Development Permit to continue the operation of the museum as a permanent use that runs with the land. As a result, subsequent review of this permit is not necessary because impacts have been addressed. Therefore, staff is recommending this permit be granted in perpetuity.

On July 3, 2008, the project was referred to the Historic Resources Review Board as an informational item. Based on the information presented to the Review Board, they supported the project and no other issues were raised.

CEQA

The project is Categorical Exempt by CEQA per Section 15303 (a) – New construction or conversion of small structures. The project proposes to utilize existing residential structure for public use involving no expansion of use beyond that existing. The project does not create an environmental impact. The project does not involve the construction of new structures, grading or tree removal.

Conclusion

No unusual circumstances, unresolved issues, or adverse environmental impacts were identified during project review. The proposed project, as described and conditioned, is consistent with the General Plan, the Carmel Land Use Plan and the Monterey County Zoning Ordinance (Title 20). Therefore, staff recommends that the Planning Commission approve the extension to continue the operation of the museum in perpetuity.

EXHIBIT C

RECOMMENDED FINDINGS AND EVIDENCE

1. FINDING: CONSISTENCY – The project, as described in Condition No. 1 of and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Carmel Land Use Plan, Coastal Implementation Plan Part 4, and the Monterey County Zoning Ordinance (Title 20), which designates this area as appropriate for development.

EVIDENCE:

- (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. 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 located at 26304 Ocean View Avenue (Assessor's Parcel Number 009-432-021-000), Carmel Land Use Plan. The parcel is zoned "MDR/2-D (18) (CZ)" or Medium Density Residential 2 units per acre with an 18 foot height limit in the Coastal Zone which allows an extension for a previously approved Coastal Development Permit (PC07666). The Coastal Development Permit consists of: a museum open to the public 12 hours per week (by appointment only) on Friday and Saturday; two on-site fund raising activities each year; live music for the two yearly fundraisers and the ability to sell gifts for the support of Robinson Jeffers Tor House Foundation; and six yearly board meetings limited to 21 persons. Therefore, the property is suitable for the proposed development.
- (c) The project planner conducted a site inspection on May 23, 2008 to verify that the project on the subject parcel conforms to the plans listed above.
- (d) The applicant has requested in writing that the subject parcel shall impose an "HR" zoning overlay and is part of condition of approval from planning file PC07666.
- (e) The project was scheduled before the Historic Resources Review Board (HRRB) on July 3, 2008 as an informational item. Based on the information presented to the Review Board they supported the project and no other issues were raised.
- (f) The applicant submitted a letter dated February 7, 2008 requested to extend the Coastal Development Permit (PC07666).
- (g) The applicant submitted an additional letter, dated June 13, 2008, requesting that the Coastal Development Permit be extended in perpetuity.
- (h) The project as proposed is consistent with the Coastal Implementation Plan Part 1 Section 20.64.300 regulations for historic resources.
- (i) The project was not referred to the Carmel/Highlands Land Use Advisory Committee (LUAC) 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 proposal does not involve any changes to the current use and does not apply to the review guidelines.
- (j) 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 PLN080208.

- 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, Cypress Fire Protection District, Parks, 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) No technical reports by outside consultants were prepared for this parcel. Physical or environmental constraints were not assessed as this has been an undisturbed area since the establishment of the first cottage structure by Robinson Jeffers in 1914.
- (c) An archaeological report has not been prepared for this parcel. The continuation of the use will not affect the site. The project does not involve land clearing or disturbance; an archaeological report may be waived by the Director of Planning per Section 20.146.090 5(c) of the Monterey County Coastal Implementation Plan Part 4. The existing structure is about 95 years old and is recognized under the National Register of Historical Places.
- (d) Staff conducted a site inspection on May 23, 2008 to verify that the site is suitable for this use.
- (e) Materials in Project File PLN080208.
- 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 15303(a) categorically exempts new construction or conversion of small structures.
- (b) No adverse environmental effects were identified during staff review of the development application during a site visit on May 23, 2008.
- (c) No development is proposed.
- 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. Zoning violation abatement costs, if any, have been paid.
- EVIDENCE:** Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
- 5. 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:** See evidence in Findings 1 and 2.

6. FINDING: APPEALABILITY - The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

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

(b) Section 20.86.080 of the Monterey County Coastal Implementation Plan - Part 1 (Coastal Commission) because the project requires a Coastal Development Permit.

EXHIBIT D
Monterey County Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: Robinson Jeffers Tor House Foundation
File No: PLN080208 **APNs:** 009-432-021-000
Approved by: RMA - Planning Commission **Date:** 07/30/2008

**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 Measures 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>Verification of Compliance (name/date)</i>
1.		<p>PD001 - SPECIFIC USES ONLY This Coastal Development Permit (PLN080208) allows the extension of a previously approved Coastal Development Permit (PC07666) in perpetuity. The Coastal Development Permit consists of: a museum open to the public 12 hours per week open (by appointment only); two on-site fund raising activities each year; live music for the two yearly fundraisers and the ability to sell gifts for the support of Robinson Jeffers Tor House foundation; and four on site board meetings per year limited to 21 persons. The property is located at 26304 Ocean View Avenue, Carmel (Assessor's Parcel Number 009-432-021-000), Carmel Land Use Plan. 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 the RMA - Planning Department. Any use or construction not in substantial conformance</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

<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. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		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. 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. (RMA - Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit Resolution _____ was approved by the Planning Commission for Assessor's Parcel Number 009-432-021-000 on July 30, 2008. The permit was granted subject to 8 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)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Within 30 days of project approval	

<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. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
3.		<p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>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</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	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	

<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. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)				
4.		PDSP001 – HOURS OF OPERATION (NON-STANDARD) The Tor House shall be open no more than 12 hours per week for the docent-led tours (by appointment only). The hours shall be apportioned for the 6 hours each on Friday and Saturday. These hours shall be restricted to daytime hours only between the hours of 10:00 am and 4:00 pm. At any given time, a maximum of six (6) visitors are allowed on-site per tour. (RMA – Planning Department)	The facility shall comply with the hours of operation as outlined in the condition.		Ongoing	
5.		PDSP003 – REGULATIONS FOR MEETINGS (NON-STANDARD) No more than 6 board meetings shall be held on site each year. These board meetings shall be held during weeks days, with no more than 21 board members present at each meeting. (RMA – Planning Department)	The facility shall comply with the Regulations for Meetings as outlined in the condition.		Ongoing	
6.		PDSP004 – REGULATIONS FOR RESTROOM FACILITIES (NON-STANDARD) The restroom facilities to serve the public be furnished on-site, subject to the approval of the Environmental Health Department. (RMA – Planning Department and Health Department)			Ongoing	Staff verified condition at the time of site visit on May 27, 2008

<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. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
7.		PDSP005 – REGULATIONS FOR ENTERTAINMENT (NON-STANDARD) The live entertainment used for each of the two yearly fundraisers shall be restricted to a small musical group no larger than a quintet with no artificial amplification. That sound levels be in the keeping with surrounding normal residential areas. (RMA – Planning Department)	The facility shall comply with the Regulations for Entertainment as outlined in the condition.		Ongoing	
8.		PDSP006 – COMBINING “HR” ZONING DISTRICT (NON-STANDARD) The applicant shall request a combining “HR” zoning district pursuant to Section 20.54 “Regulations for Historic Resources or HR (CZ) districts” of the Coastal Implementation Plan. (RMA – Planning Department)				Applicant submitted a letter dated 6/13/2008 and filed in project file

End of Conditions

COMBINED DEVELOPMENT PERMIT EXTENSION
FILE NUMBER 980280
(Carmel Area)

FINDINGS AND DECISION

In the matter of the application of **Robinson Jeffers Tor House Foundation** request for an Extension to a Coastal Development Permit (PC7666) in accordance with Title 20 (Zoning Ordinance) Chapter 20.70.110 (Extensions of Coastal Development Permits) of the Monterey County Code, to allow an extension of the November 19, 1998 expiration date. The application for the approved Coastal Development Permit (PC7666) to allow a museum open to the public 12 hours per week (by appointment) on Friday and Saturday, two on-site fund raising activities each year, six yearly board meetings limited to 21 persons, live music for the two yearly fund raisers and the ability to sell gifts for the support of Tor House, from November 19, 1998 to November 19, 2008, located at 26304 Ocean View Avenue, between Ocean Views Avenue and Scenic Road, Carmel area, Coastal Zone. (APN 009-432-021-000).

The Director of Planning and Building Inspection, having considered the application and the evidence presented hereby makes the following required findings of fact:


FINDINGS OF FACT

1. FINDING: The applicant, Robinson Jeffers Tor House Foundation, timely filed an extension request to Coastal Development Permit No. PC7666. The extension request is to allow the continued use of Robinson Jeffers Tor House as a museum open to the public 12 hours per week (by appointment) on Friday and Saturday, two on-site fund raising activities each year, six yearly board meetings limited to 21 persons, live music for the two yearly fund raisers and the ability to sell gifts for the support of Tor House from November 19, 1998 to November 19, 2008.
EVIDENCE: Materials as contained in the Monterey County Planning and Building Inspection Department File Number 980280.
2. FINDING: Public notice of the request for an extension to Planning and Building Inspection Project File Number 980280 was carried out, pursuant to Monterey County Code Section 20.70.110.
EVIDENCE: Materials as contained in the Monterey County Planning and Building Inspection Department File Number 980280.
3. FINDING: No written objections were received during the required ten (10) working day notice period.
EVIDENCE: Materials contained in the Monterey County Planning and Building Inspection Department File Number 980280.

DECISION

THEREFORE, IT IS THE DECISION OF THE DIRECTOR OF PLANNING AND BUILDING INSPECTION THAT SAID REQUEST FOR AN EXTENSION TO PC7666 BE GRANTED TO CHANGE THE DATE OF EXPIRATION FROM NOVEMBER 19, 1998 TO NOVEMBER 19, 2008.

PASSED AND ADOPTED THE 7TH DAY OF JANUARY, 1999.


WILLIAM L. PHILLIPS,
DIRECTOR PLANNING AND BUILDING INSPECTION

PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION NO. 91-18

A.P. # 009-432-21

FINDINGS AND DECISION

In the matter of the application of Robinson Jeffers Tor House (PC-7666) for a Coastal Development Permit in accordance with Title 20.1 (Monterey County Coastal Implementation Plan Ordinances) Chapter 20.140 (Coastal Development Permits) of the Monterey County Code, to allow museum, docent tours and garden party; Open for 12 hours to the public (appointment only), two on-site fund raising activities each year, six on-site board meeting (no more than 21 persons) per year, live music in the form of a small musical group for two yearly fundraisers and the ability to sell gifts at these fundraisers, located on Lot 9, Jeffers Estates, Carmel area, fronting on Scenic and Ocean View Avenues, Coastal Zone, came on regularly for hearing before the Planning Commission on January 30, 1991.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. **FINDING:** The use proposed in this application, given the conditions imposed upon the use, together with the provisions of its design, is consistent with the Carmel Area Land Use Plan policies and the regulations contained in the certified Coastal Implementation Plan, specifically Chapter 20.146 "Regulations for Development in the Carmel Area Land Use Plan Area".

EVIDENCE: This area is designated as "MDR/2 (18) (CZ) (Medium Density Residential 2 acres/unit, 18 foot height limit). Staff research of the materials presented and field review of this project has determined this project conforms to the development standards and zoning district regulations addressing the use of the site as an existing visitor-serving center and historical site.

EVIDENCE: Field inspection of the site by the planner, project plans contained in file PC-7666, review of the materials submitted by the applicant, meetings in subcommittee with representatives of the Planning Commission, adjacent property owners and representatives of the Tor House and Tor House background information. In light of these materials, the Planning and Building Inspection Department staff reviewed the project, ad materials, for conformity with(1) the certified Carmel Area Coastal Land Use Plan, and (2) The certified Monterey County Coastal Implementation Plan. Staff determined that the project is in conformity with Chapter 20.146 of the Monterey County Coastal Implementation Plan and the policies of the Carmel Area Land Use Plan Area.
2. **FINDING:** The uses requested include 12 hours open to the public per week (by appointment only) on Friday, Saturday and Sunday, two on-site fund raising activities each year, 6 yearly on-site board meetings with no more than 21 persons present at the meeting, live music in the form of a small classical music group for the two yearly fundraisers and the ability to sell gifts at these fundraisers for support of the Tor House. The subject site is a 1/2 acre parcel located in the Carmel Point and is bounded by both Ocean View Avenue and Scenic Road, Carmel Land Use Plan area.

EXHIBIT E PAGE 2 OF 6 PAGES

EVIDENCE: Planning Commission File No. 7666, along with materials and information derived from an on-site investigation by Planning and Building Inspection Department staff.

3. FINDING: The site of the proposed development is physically suitable for the proposed type of development. As determined by staff review of the project and a field check, the site appears to be suitable for the project as proposed.

EVIDENCE: The proposed development is a continuation of an on-going visitor-serving use which has been in operation for the past 10 years. The Tor House structures are at least 70 years.

No new construction or any other type of physical changes are proposed as a part of the Coastal Development Permit. The Coastal Development Permit, subject to the attached conditions of approval, will pose no impact to environmentally sensitive habitats, is not a ridgeline use does not have a significant impact on the surrounding visual resources and is not proposed on slopes of 30% or above.

4. FINDING: The proposed project will not have a significant environmental impact.

EVIDENCE: Section 15303 3 (A) of the Monterey County CEQA Guidelines Categorically exempts single family dwellings from environmental review. No adverse environmental impacts were identified during review of the proposed project.

5. FINDING: In approving the proposed project, the Planning Commission finds that the establishment, maintenance or operation of the project as applied for will not, under the circumstances of the Coastal Development Permit process, be detrimental to health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the Tor House or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: This project has been reviewed by all responsible agencies in the County and conditions of approval have been applied to this project as deemed necessary by the Departments of Planning and Building Inspection Department, Public Works, Flood Control and Health to insure the public health, safety and orderly development in the surrounding area.

6. FINDING: That the project as proposed is consistent with Section 20.146.090 of the Coastal Implementation Plan dealing with development in archaeologically sensitive areas.

EVIDENCE: Although there has been no archaeological report prepared for this use, the project as proposed is a continuation of a use and at a site more than 70 years old. No new physical construction or impacts are proposed and so no impacts to the archaeological sensitivity of the site will occur.

7. FINDING: That the project as proposed is consistent with the Coastal Implementation Plan Section 20.139 dealing with development in historically significant areas.

EVIDENCE: The Tor House is more than 70 years old and is very much integrated into the history of the Carmel Point area. No new physical construction or impacts are proposed and so no impacts to the historic structure will occur. Pursuant to Section 20.139 "Regulations for Historic and Archaeologic Resources or HR (CZ) districts", a condition of approval has been included for the permit which combining "HR" zoning district. The purpose of this zoning district is to promote the public health, safety and general welfare providing for the identification, protection, enhancement, perpetuation and use of improvements, buildings, structures....places and area within the County that reflect special elements of the county's architectural, artistic, cultural...aesthetic, historical..social and other heritages. This zoning district will ensure that there will be no material change in the structures without complete review of the County through the Historical Resources Review Board. Material changes includes alterations to structures such as painting and repainting, landscaping, fencing, installation of lighting fixtures and other building appendages.

8. **FINDING:** The project, as approved by the Coastal Development Permit, is appealable to the Board of Supervisors. It is not appealable to the California Coastal Commission.

EVIDENCE: Section 20.140.080 G and J of the Monterey County Coastal Implementation Plan.

Decision

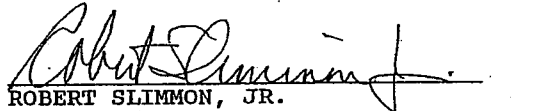
THEREFORE, it is the decision of said Planning Commission that said application for a Coastal Development Permit be granted as shown on the attached sketch, subject to the following conditions:

1. That the Tor House shall be open no more than 12 hours per week for the docent-led tours (by appointment only). The hours shall be apportioned for the 6 hours each on Friday and Saturday. These hours shall be restricted to daytime hours only between the hours of 10:00a.m. and 4:00 p.m.. At any given time, a maximum of six (6) visitors are allowed on-site (Planning and Building Inspection).
2. That there be, per year, no more than 2 on-site fund-raising activities. These shall be open to the public and not subject to reservation. These two events shall require temporary (activity duration only) "No-Parking" areas be set up on the entire east side of Ocean View Avenue and the entire south side of Stewart Lane. This "No-Parking" request is to be initiated by the Applicant (Tor House) through a letter to the Board of Supervisors, requesting a "temporary No-Parking" ordinance. This process must be initiated at least 60 days prior to the date of the planned activity. The Applicant is responsible for the placing of temporary barriers during these two activities. On-site sales are allowed during these twice-yearly activities with all sales being conducted by and all profits realized solely by the Tor House Foundation. (Planning and Building Inspection)
3. That there be no more than 6 board meetings on site each year. These board meeting shall be held during week days, with no more than 21 board members present at each meeting.

4. That restroom facilities to serve the public be furnished on-site, subject to the approval of the Environmental Health Department (Health Department and Planning and Building Inspection).
5. That the live entertainment used for each of the 2 yearly fundraisers be restricted to a small musical group no larger than a quintet with no artificial amplification. That sound levels be in the keeping with surrounding normal residential areas. (Planning and Building Inspection)
6. The property owner agrees as a condition of the approval of this permit to defend at their sole expense any action brought against the County because of the approval of this permit. The property owner will reimburse the County for any court costs and attorneys' 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 any such action; but such participation shall not relieve applicant of their obligations under this condition. Said agreement shall be recorded prior to the issuance of building permits or use of the property. (Planning and Building Inspection).
7. The applicant shall request a combining "HR" zoning district pursuant to Section 20.139 "Regulations for Historic and Archaeologic Resources or HR (CZ) districts" of the Coastal Implementation Plan (Contact the Monterey County Planning and Building Inspection).
8. That this permit expire on January 30, 1993. - 1997
9. That the applicant shall record a notice which states: "A permit (Resolution # 91-18) was approved by the Monterey County Planning Commission for Assessor's Parcel Number 003-432-21. The permit was granted subject to 9 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)

PASSED AND ADOPTED this 30th day of January, 1991, by the following vote:

AYES: Calcagno, Evans, Jimenez, Moore, Orrett, Riddle, Stallard
NOES: Reaves
ABSENT: Glau


ROBERT SLIMMON, JR.
SECRETARY OF THE PLANNING COMMISSION

Copy of this decision mailed to applicant on FEB 12 1991

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 FEB 22 1991

EXHIBIT F
PAGE 5 OF 6 PAGES

Robinson Jeffers Tor House (PC-7666)
Page -5-

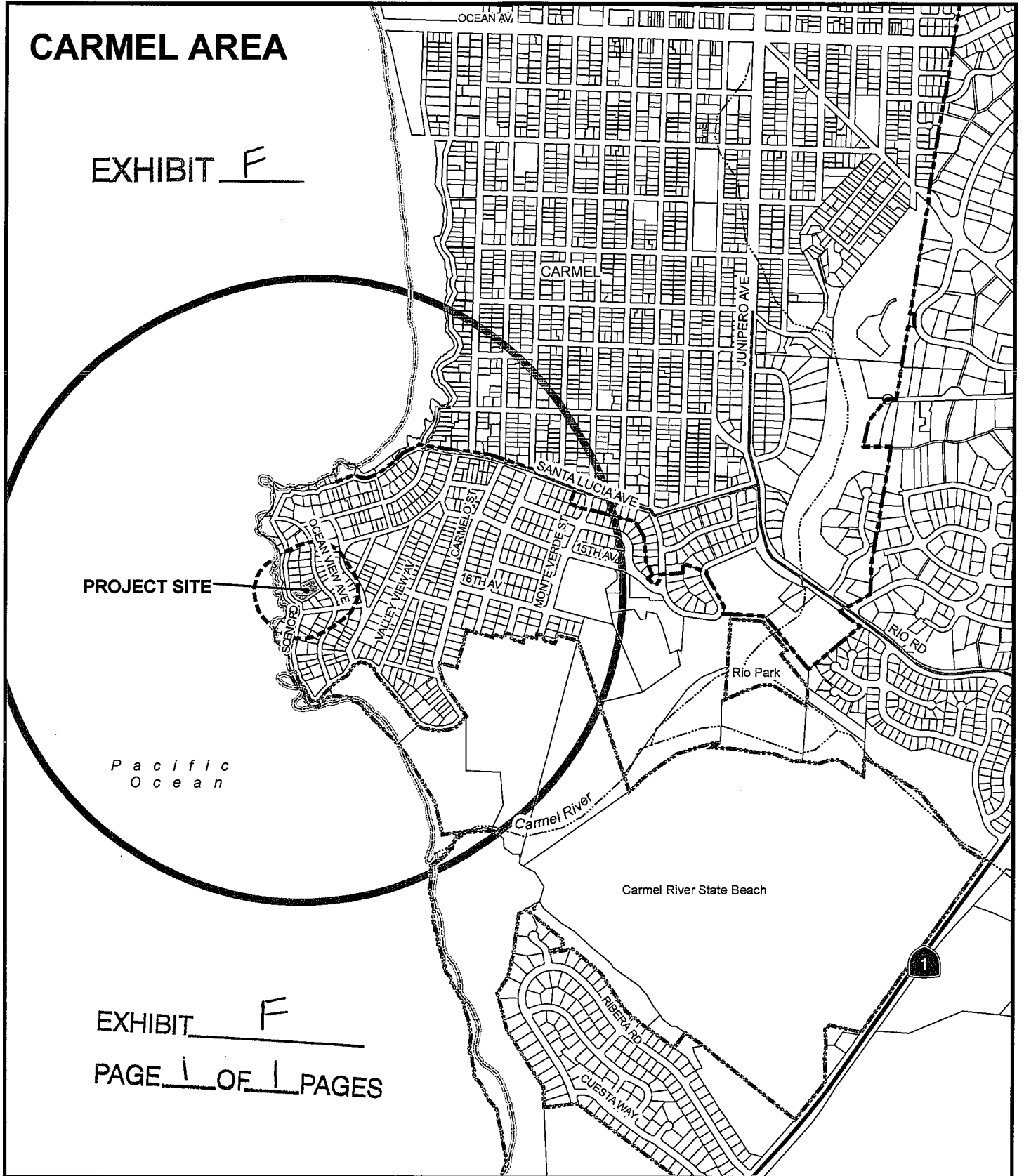
THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (408) 479-3511 OR AT 640 CAPITOLA ROAD, SANTA CRUZ, CA

H10

EXHIBIT E
PAGE 6 OF 6 PAGES

CARMEL AREA

EXHIBIT F



PROJECT SITE




Pacific Ocean

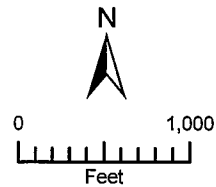
EXHIBIT F
PAGE 1 OF 1 PAGES

APPLICANT: ROBINSON JEFFERS TOR HOUSE

APN: 009-432-021-000

FILE # PLN080208

 300' Limit  2500' Limit  City Limits



PLANNER: LOPEZ

EXHIBIT G

SEAN FLAVIN
ATTORNEY AT LAW

500 CAMINO EL ESTERO, SUITE 200
MONTEREY, CALIFORNIA 93940

TELEPHONE: (831)372-7535
FAX: (831) 372-2425

6/13/2008

Maria Lopez, Land Use Technician
Monterey County Resource Management Agency Planning Department
168 W Alisal St. 2nd Floor
Salinas, CA 93901

RE: The Robinson Jeffers – Tor House Foundation (PC07666) – Request for Extension of Permit

Dear Ms Lopez:

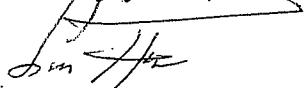
In reference to our recent phone conversation, this is to advise on behalf of the Foundation that we are agreeable that as a condition of the permit there be imposed an HR Zoning District Overlay.

This will also confirm that the Foundation requests that the Use Permit be permanent, rather than limited in time as previously.

As previously advised, we are unable to locate in our files an indemnification agreement. If you are unable to locate one in your file or in the recorder's office, please send a new one to be executed.

Please advise if anything further is needed in order to process this application.

Sincerely yours,



Sean Flavin

Cc: Alex Vardamis, President

EXHIBIT G

PAGE 1 OF 6 PAGES

SEAN FLAVIN
ATTORNEY AT LAW

500 CAMINO EL ESTERO, SUITE 200
MONTEREY, CALIFORNIA 93940

TELEPHONE: (831)372-7535
FAX: (831) 372-2425

4/24/2008

Maria Lopez, Land Use Technician
Monterey County Resource Management Agency Planning Department
168 W Alisal St. 2nd Floor
Salinas, CA 93901

RE: The Robinson Jeffers – Tor House Foundation (PC07666) – Request for
Extension of Permit

Dear Ms Lopez:

In response to your letter to Mr. Vardamis dated March 17, 2008 and our
conversations, I hand deliver the following documents:

1. Development Project Application.
2. Coastal Development Permit – Supplemental Application.
3. The 300 foot list of owners/tenants.
4. A map showing the parcels.
5. 2 sets of pre addressed stamped envelopes.
6. A fee waiver request.
7. The foundation's check in the amount of \$4,350.72, payable to the
County of Monterey.
8. Copy of the letter dated February 5, 1998 from the Los Angeles
Office of the District Director of Internal Revenue, evidencing the
tax exempt status of the Foundation.
9. Documentation in support of the fee waiver request.

In support of the fee waiver request I enclose a copy of the waiver granted
by the Board of Supervisors on November 3, 1998 in connection with the
most recent extension of the Foundation's Coastal Development Permit, and
the associated letter to Supervisor Potter dated September 18, 1998 signed
by the then President of the Foundation, John Hicks.

EXHIBIT G

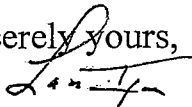
PAGE 2 OF 6 PAGES

The fee was also waived in the prior extension granted in 1993, as evidenced by the voided checks dated September 23, 1993 and October 20, 1993, copies of which are enclosed.

So far as we are aware, the fees have always been waived on prior extensions in recognition of and to permit the continuing public use of The Robinson Jeffers – Tor House Foundation’s museum facility. Payment of the fee would be a severe burden on this charitable organization and its ability to continue to provide the public use of this facility.

Please advise if anything further is required in order to process this application for a 10 year extension of the permit.

Please acknowledge receipt of this letter and enclosures by signing the enclosed copy of this letter in the space provided. Thank you.

Sincerely yours,

Sean Flavin

Cc(without encls): Alex Vardamis, President.

Received on 4/29/08 2008.

Monterey County Resource Management Agency Planning Department

By .

MARIA LOPEZ

EXHIBIT G

PAGE 3 OF 6 PAGES

Robinson Jeffers
Tor House Foundation
P.O. Box 2713
Carmel, CA 93921

Telephone (831) 624-1813
FAX: (831) 624-3696
Email: thf@torhouse.org

NO. OF PAGES: (Including the cover page) 2

DATE: 2/7/08

TO: Wanda Hickman, Building Services Manager
Monterey County Dept. of Planning & Building
Inspection

PHONE: (831) 755-5025

FAX #: (831) 757-9516

FROM: Alex Vardamis, President
Robinson Jeffers Tor House Foundation

Please see the following letter to request continuation of the
Robinson Jeffers Tor House Foundation's use permit.

Thank you.

EXHIBIT G

PAGE 4 OF 6 PAGES

ROBINSON JEFFERS
TOR HOUSE FOUNDATION
Post Office Box 2713
Carmel, California 93921
Tel: (831) 624-1813
Fax: (831) 624-3696
email: thf@torhouse.org
Web: www.torhouse.org



"IT IS ONLY A LITTLE PLANET
BUT HOW BEAUTIFUL IT IS."

ROBINSON JEFFERS

Robinson Jeffers Tor House
Carmel - By The Sea

February 7, 2008

Ms. Wanda Hickman, Building Service Manager
Monterey County Dept. of Planning & Building Inspection
168 West Alisal, 2nd Floor
Salinas, CA 93901

Dear Ms. Hickman,

The Robinson Jeffers Tor House Foundation requests continuation, for another five years, of its permit for on-going uses, in effect for more than 25 years.

This permit pertains to the ½ acre Robinson Jeffers Tor House, parcel (PC File 36652) at 26304 Ocean View Avenue, Carmel 93923, at Carmel Point. The present permit, due to expire in November 2008, allows the property to be "open to the public 12 hours per week for docent led tours (by appointment), on Friday and Saturday, between 10 AM and 4 PM, at any given time a maximum of six visitors allowed on-site; two on-site fund raising activities each year not subject to reservation, 6 yearly on-site board meetings limited to 21 persons, live music in the form of a small musical group for two yearly fund raisers and the ability to sell gifts for the support of Tor House." We respectfully request renewal of this permit.

Sincerely,

Alex Vardamis
Alex Vardamis, President
Robinson Jeffers Tor House Foundation

AV:cd

EXHIBIT G
PAGE 5 OF 6 PAGES

AFFILIATED WITH THE NATIONAL TRUST FOR HISTORIC PRESERVATION

PC 6652
PC 7666
PC 980280

District
Director

300 N. Los Angeles Street, MS 7043
Los Angeles, CA 90012

ROBINSON JEFFERS TOR HOUSE FOUNDATION
POST OFFICE BOX 2713
CARMEL, CALIFORNIA 93921-2713

Person to Contact:
L BARRAGAN
Telephone Number:
(213) 894-2336
Refer Reply to:
EO(0203)98
Date:
FEBRUARY 5, 1998
EIN: 94-2495236

Dear Taxpayer:

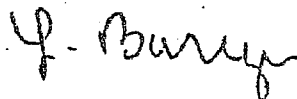
This letter is in response to your request for a copy of the determination letter for the above named organization.

Our records indicate that this organization was recognized to be exempt from Federal income tax in MAY 1978 as described in Internal Revenue Code Section 501(c)(3). It is further classified as an organization that is not a private foundation as defined in Section 509(a) of Code, because it is an organization described in Section 509(a)(2).

The exempt status for the determination letter issued in MAY 1978 continues to be in effect.

If you need further assistance, please contact our office at the above address or telephone number.

Sincerely,



Disclosure Assistant

EXHIBIT 6

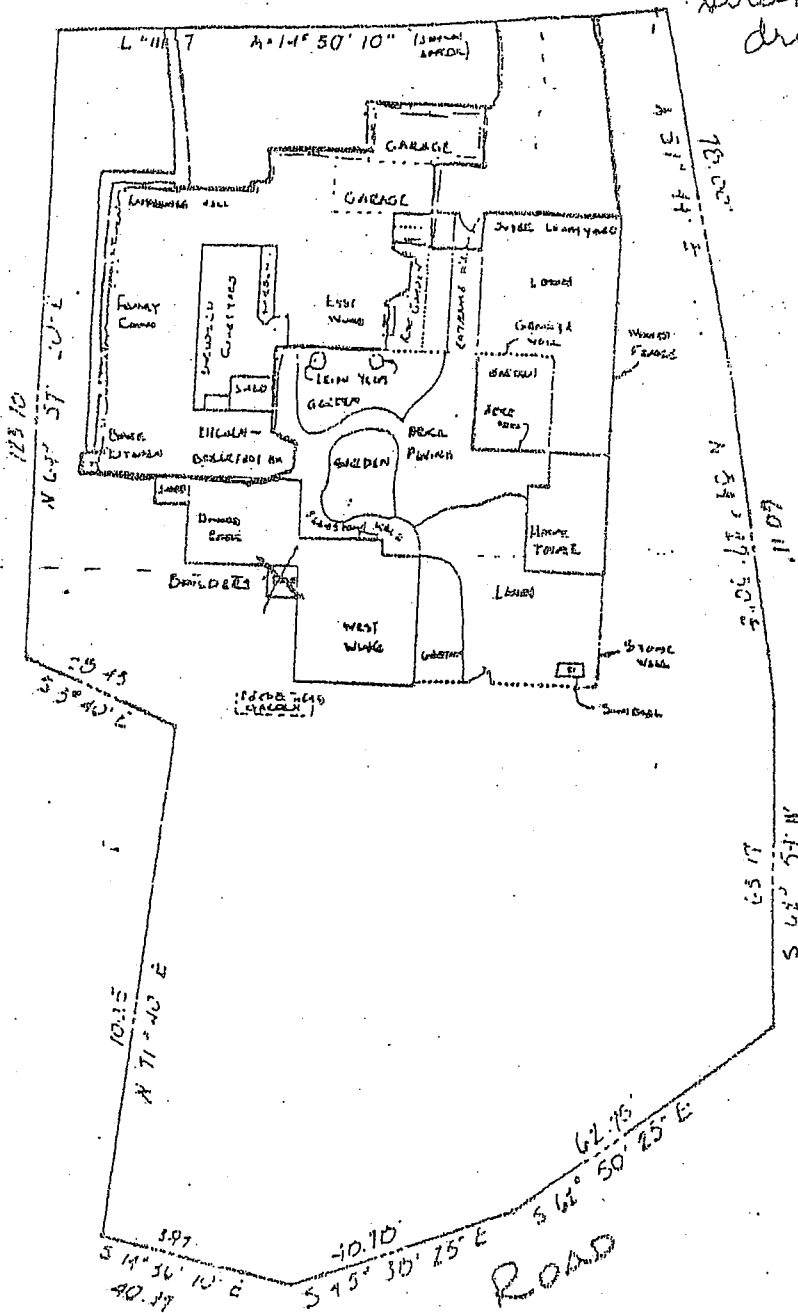
PAGE 10 OF 6 PAGES

Ocean View Avenue

House, Plat Plan AND PROJECT PLAN

EXHIBIT H

Parking -
Street &
Driveway



Restroom

— N —

1" = 30'-0"

EXHIBIT H
PAGE 1 OF 1 PAGES

KEY:
RED DELINEATES RESERVED PREMISES
BLUE DELINEATES SELLER'S ACCESS AND RIGHT OF WAY TO RESERVED PREMISES