

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 08030

A. P. # 009-432-021-000

FINDINGS AND DECISION

In the matter of the application of
Robinson Jeffers Tor House Foundation (PLN080208)

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, an **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. The property is located at 26304 Ocean View Avenue, Carmel, Carmel Land Use Plan, and came on regularly for hearing before the Planning Commission on July 30, 2008.

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

FINDINGS OF FACT

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 15301 categorically exempts existing facilities involving negligible or no expansion of use beyond that existing at the time of the lead agencies determination.

(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.

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 30th day of **July, 2008**, by the following vote:

AYES: Pessagno, Rochester, Isakson, Salazar, Ottone, Sanchez, Padilla, Vandever
NOES: Brown
ABSENT: Diehl


MIKE NOVO, SECRETARY

A COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON AUG 18 2008

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 AUG 28 2008

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County RMA - Planning and RMA - Building Services Department offices in Salinas.

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

**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 six 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 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</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>
		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 08030 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 10 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	
3.		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	Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County. Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.	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	

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)
		<p>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>			occurs first and as applicable	
4.		<p>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)</p>	The facility shall comply with the hours of operation as outlined in the condition.	Owner/ Applicant	Ongoing	

<i>Permit Cond. Number</i>	<i>Ming. 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>
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 week-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.	Owner/ Applicant	Ongoing	
6.		PDSP004 – REGULATIONS FOR RESTROOM FACILITIES (NON-STANDARD) The restroom facilities to serve the public shall be furnished on-site, subject to the approval of the Environmental Health Department. (RMA – Planning Department and Health Department)	The facility shall make the two onsite toilet facilities available for use.	Owner/ Applicant	Ongoing	Staff verified condition at the time of site visit on May 27, 2008
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.	Owner/ Applicant	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)	The applicant shall submit a request, in writing, for a combining “HR” zoning district pursuant to Section 20.54 “Regulations for Historic Resources or HR (CZ) districts” of the Coastal Implementation Plan.	Owner/ Applicant	Ongoing	Applicant submitted a letter dated 6/13/2008 and filed in project file
9.		PDSP006 – REGULATIONS FOR FUNDRAISERS (NON-STANDARD) No more than 2 on-site fundraising activities (by reservation only) shall be held per year.	The facility shall comply with the Regulations for Fundraisers as outlined in the condition.	Owner/ Applicant	Ongoing	

<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>
10.		<p>EHSP001 – PORTABLE TOILETS (NON-STANDARD)</p> <p>Two permanent toilets are available at the facility. An adequate number of toilets shall be provided for each event. If more than 80 persons are present at the same time, one (1) portable toilet shall be provided for every 40 persons thereafter. The toilets shall not create a public nuisance and shall be maintained by a permitted liquid waste hauler. Portable units shall provide hand-washing capacity. (Environmental Health)</p>	<p>The facility shall provide the appropriate number of toilets required based on the number of persons present for each event. The toilets shall not create a public nuisance and shall be maintained by a permitted liquid waste hauler. Portable units shall provide hand-washing capacity.</p>	Owner/ Applicant	Ongoing	

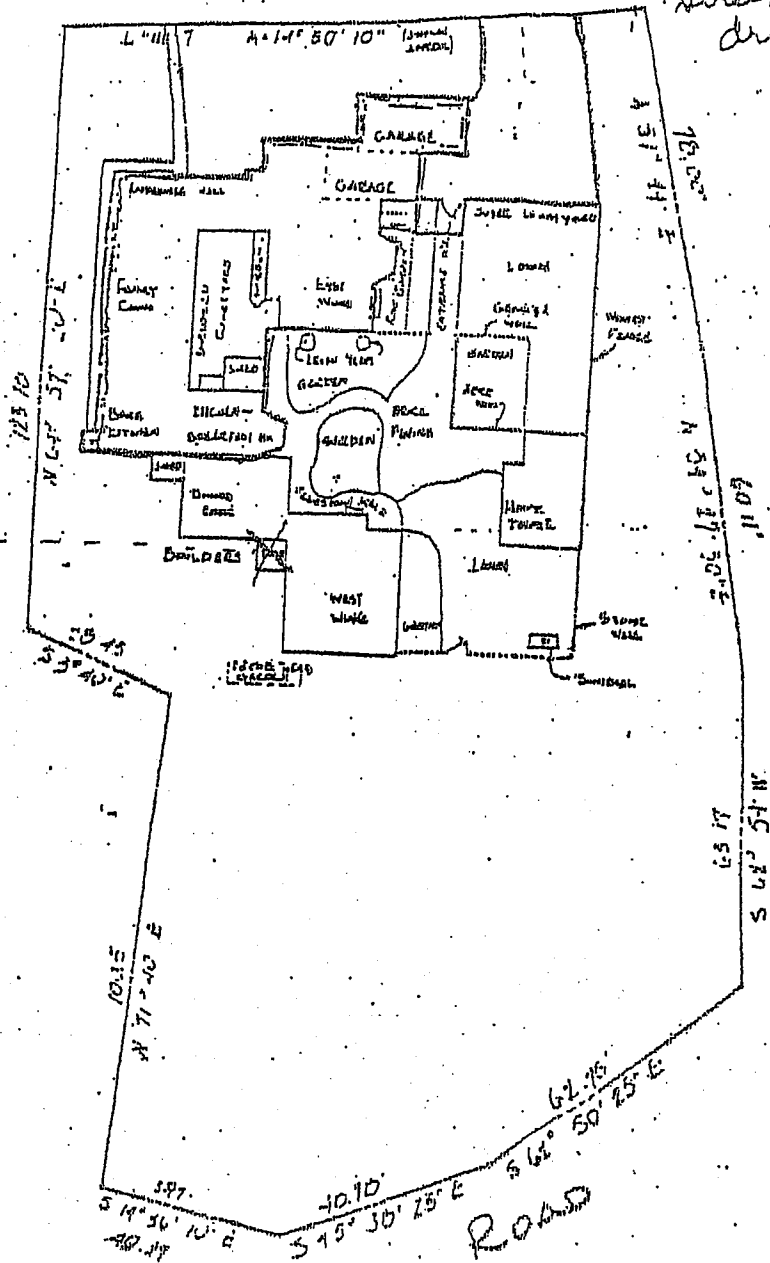
End of Cond

OCEAN VIEW AVENUE

HOUSE PLAN AND PROJECT PLAN

Parking -
street &
driveway

Restroom



SCENIC ROAD

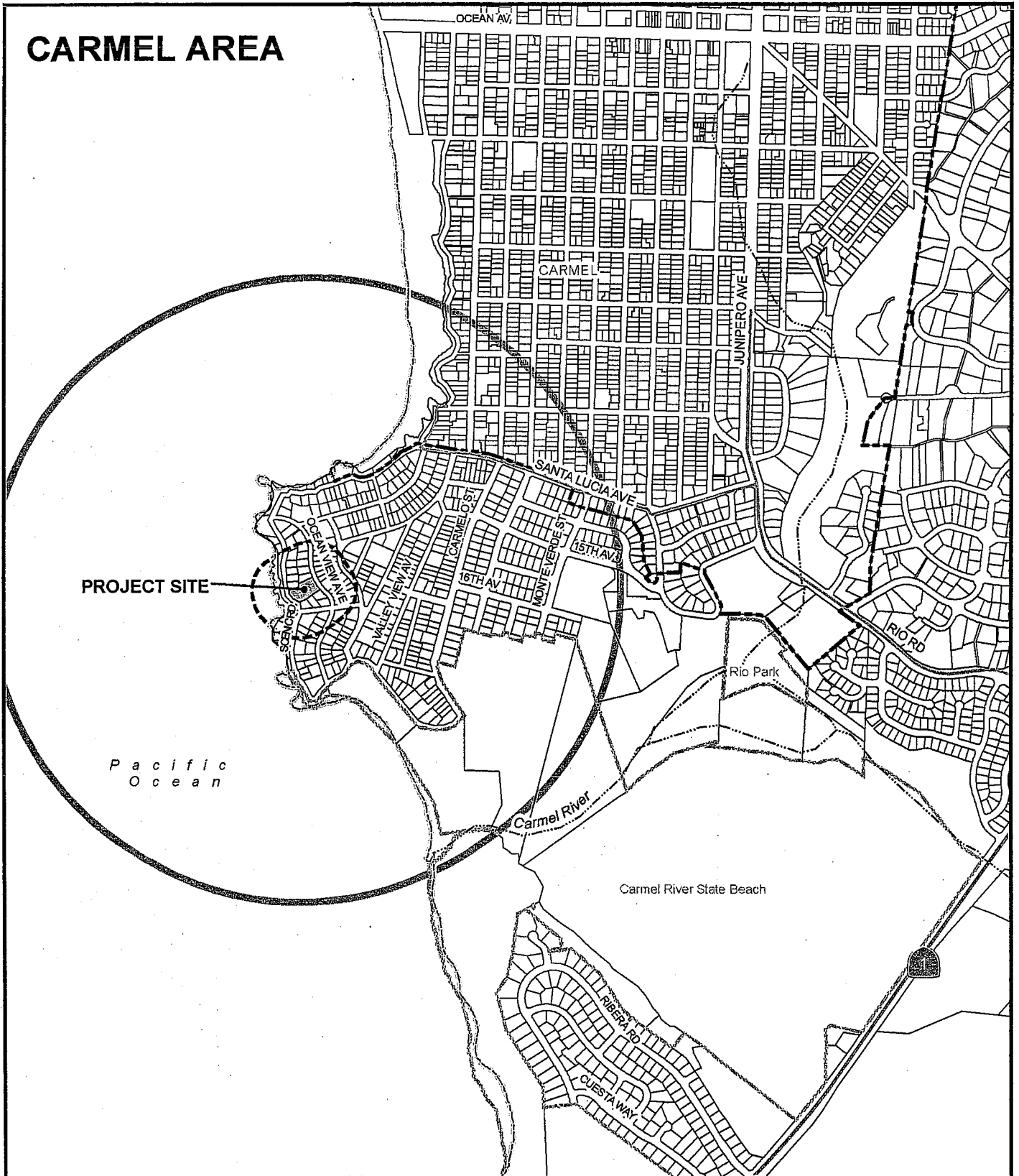
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1" = 30'-0"

KEY:

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




CARMEL AREA

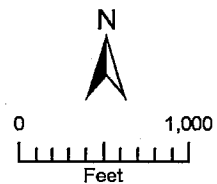


APPLICANT: ROBINSON JEFFERS TOR HOUSE

APN: 009-432-021-000

FILE # PLN080208

 300' Limit  2500' Limit  City Limits



PLANNER: LOPEZ