



Monterey County Zoning Administrator

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Agenda Item No. 2

Legistar File Number: ZA 17-046

August 31, 2017

Introduced: 8/17/2017

Version: 1

Current Status: Agenda Ready

Matter Type: ZA

PLN170351 - BARNES AND BRODERICK

Public hearing to consider approval of an after the fact Design Approval of the construction of a six foot high and approximately 56 linear foot fence to correct code enforcement violation (16CE00447). Colors and materials consist of natural wood.

Project Location: 27302 Highway 1, Carmel

Proposed CEQA action: Categorically Exempt per Section 15300.1 of the CEQA Guidelines

RECOMMENDATION:

It is recommended that the Zoning Administrator adopt a resolution to:

- Find the project Categorically Exempt per Section 15300.1 of the CEQA Guidelines;
- Approve an after the fact Design Approval of the construction of a six foot high and approximately 56 linear foot fence to correct code enforcement violation (16CE00447). Colors and materials consist of natural wood.

The attached draft resolution includes findings and evidence for consideration (Exhibit A).

Staff recommends that the Zoning Administrator adopt the resolution approving PLN170351.

PROJECT INFORMATION:

Property Owner: Donald L Barnes and Kathleen M Broderick

APN: 243-021-009-000

Zoning: "LDR/1-D (CZ)"

Plan Area: Carmel Area Land Use Plan

Flagged and Staked: No

Project Planner: Elizabeth Gonzales

SUMMARY/DISCUSSION:

The project is located at 27304 Highway 1, on the west side of Highway 1. The parcel is zoned Low Density Residential/1 unit per acre-Design Control, Coastal Zone. (LDR/1-D (CZ)).

Pursuant to Section 20.44.040.D, "The Director of Planning and Building Inspection may approve, in lieu of the Appropriate Authority, plans and submittals in "D" districts for small structures such as structure additions, accessory structures and similar minor structures and minor modifications to approved designs." A fence is considered a minor structure that may be installed on a property line up to six feet in height.

In December 2016, the applicants installed a six foot high fence between their property and the neighboring property without the benefit of a Design Approval. The applications were cited (16CE0047); and on April 11, 2017, applied for an after the fact over the counter Design Approval to rectify the violation. These submittals are generally approved over the counter; and are not appealable. Therefore, no notices are mailed to neighbors within 100 feet of the property.

The existing fence is comprised of a four foot high solid wood section with two feet of lattice on top to break up the design of the fence. The length is approximately 56 linear feet along the property line between another parcel. The design of the fence is consistent with neighborhood character, and assures visual integrity without imposing undue restrictions on private property. The fence cannot be seen from Highway 1. It is located between the two parcels and is hidden behind substantial vegetation located on Highway 1. Therefore, it is consistent with the viewshed policies of the Carmel Area Land Use Plan.

Shortly thereafter, on May 4, 2017, a neighbor submitted a letter requesting a public hearing. They felt they should have been notified because of the ongoing violation. A substantive concern from the neighbor was that the fence seriously interferes with the property access and easements.

The applicants provided a letter from Rasmussen Land Surveying, Inc. confirming that there is a 20 foot wide road easement, 10 feet of which lies within and along the northerly and westerly boundaries of the applicants' property. The surveyor also confirmed the new fencing sits completely within the applicants' parcel and not within any portion of access easements or other easements. Staff has determined that this application would have been recommended for approval if reviewed prior to being built, rather than after-the-fact.

Since this application, the applicant has applied for another Design Approval (PLN170581) to complete the fencing along the flower bed and install a brick fire pit in front of their property. The new Design Approval will not be acted upon until issues surround this code enforcement case (16CE0047) have been resolved.

The project was not referred to the Carmel Highlands/Unincorporated 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 not warrant referral to the LUAC because the project is an over the counter Design Approval that is not appealable.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

RMA Planning

Prepared by: Elizabeth Gonzales, Associate Planner, 796-6049 *lag*
Reviewed by: Brandon Swanson, RMA Services Manager *BS*
Approved by: Carl Holm, AICP, RMA Director *CH*

The following attachments are on file with the RMA:

- Exhibit A Project Data Sheet
- Exhibit B Draft Resolution
 - Site Plan
- Exhibit C Vicinity Map
- Exhibit D Photograph (Existing fence)
- Exhibit E Project Correspondence from neighboring property owners
- Exhibit F Surveyor Letters 1.31.17, 3.06.17, 3.22.16

cc: Front Counter Copy; Zoning Administrator; Environmental Health Bureau; Brandon Swanson, RMA Services Manager; Elizabeth Gonzales, Project Planner; Donald L Barnes and Kathleen M Broderick, Owners; The Open Monterey Project (Molly Erickson); LandWatch (Director); Michael Kalman and Marta Zulik; interested parties; Planning File PLN170351