

MIKE NOVO  
ZONING ADMINISTRATOR

STATE OF CALIFORNIA  
COUNTY OF MONTEREY

RESOLUTION NO. 030587

A.P. # 189-291-005-000

In the matter of the application of  
**Kenneth M. Blackwell Inc. (PLN030587)**

**FINDINGS & DECISION**

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for an outdoor retail and wholesale sales of lawn and yard items to be conducted at 29 East Carmel Valley Road, at the southeast corner of Paso Hondo and Carmel Valley Roads in the Carmel Valley Village, Carmel Valley Master Plan area., came on regularly for hearing before the Zoning Administrator on March 11, 2004.

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

1. **FINDING:** The project is consistent with the Carmel Valley Master Plan Land Use Designation and policies contained therein.  
**EVIDENCE:** (a) The project is for the commercial outdoor display and retails sale of yard, garden and outdoor artwork, and sculpture. The materials are to be displayed in an outdoor setting at the corner of Paso Hondo Road in a rural outdoor setting beneath existing Coast Live Oak trees and to be displayed in an approved landscaped and fenced setting. The Carmel Valley Master Plan Land use Plan Figure 2 designates this corner for commercial uses. This is a commercial use.  
(b) Conditions of the permit and the plans for the fencing and layout show that the project conforms to the policies of the plan as follows;
    1. 28.1.8 Commercial projects shall be placed in design areas. [this project was reviewed and disapproved by the Carmel Valley LUAC]
    2. 28.1.12 Landscaping of commercial projects should include large-growing street trees. Parking areas shall be screened with exclusive use of native plants or compatible plant materials. Land sculpturing should be used where appropriate. [existing coat live oaks on site will be preserved and worked into the landscape plan]
    3. 28.1.13 Signs should be low-keyed and shall not be allowed to block views, cause visual clutter, or detract from the natural beauty. [signs are small and located on gateposts.]
    4. 28.1.24 Development of the village should follow a rural architectural theme with design review. This would encourage a visual coherence that is now lacking.
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2. **FINDING:** The project conforms to the LC-D-S zoning classification that applies to the project.  
**EVIDENCE:** (a) The purpose of the LC [Light Commercial] District is to provide a zoning district to accommodate and maintain a broad range of light commercial uses suitable for the convenience of nearby residential areas. [The items are for sale to persons landscaping and designing outdoor living environments in the Carmel Valley area].

(b) The project application for a Use Permit for the outdoor display and sales is in conformance with Title 21.18.060F “Uses Allowed, Use Permit Required in each case”; F. Open air retail and wholesale sales (ZA). The required Use Permit is to be obtained through a Use Permit hearing before the Zoning Administrator.

**3. FINDING:** The project is Categorically Exempt from the California Environmental Quality Act §15303e. 15303e states: “Class 3 consists of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the interior of the structure.

(e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

**EVIDENCE:** (a) The office structure on the site exists as an historic structure. The new uses proposed are appurtenant to the use of the commercial in the outdoor patio and security fence setting. They are clearly of no physical impact to the environment as conditioned for traffic safety and aesthetic requirements of design.

**4. FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of this Title and any zoning violation abatement costs have been paid.

**EVIDENCE:** (a) Records contained in the files of the Code Enforcement division of the department of Planning and Building Inspection show that there are currently no violations pending against the property and that all previous violations have been cleared.

**5. FINDING:** The proposed project is consistent with the General Development Plan approved by the BOS under PLN980305.

**EVIDENCE:** (a) No additional development is proposed; existing parking is enough to accommodate new use; the new use would not necessitate additional water or sewer disposal capacity.

(b) As shown on the proposed site plan, no structural improvements are required. One less building than originally contemplated (Building “A”) will be built.

(c) The fencing as proposed by the architect in a phone call received on March 2, 2004 indicates that there will be a 5’ high white picket fence around the historic structure and that it will seamlessly meet with the 5 wrought iron fence provided along the frontage of Carmel Valley Road and Paso Hondo Road.

**6. FINDING:** The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood; or to the general welfare of the County.

**EVIDENCE:** (a) Documents and plans describing the project are contained in PLN030587 file maintained as part of the public record on the project at The Monterey County Department of Planning and Building Inspection, Coastal Offices 2620 First Avenue Marina, Ca. 93933. the

plans show that the outdoor sale of sculpture and garden furniture is to be conducted at regular hours under a Use Permit granted pursuant to X conditions.

(b) Conditions of approval regulate the outdoor appearance of displays, the design, and maintenance of landscaping, the provision of pedestrian paths, parking, access, and the nighttime security of the site.

**DECISION**

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

**PASSED AND ADOPTED** this 11th day of March, 2004.

Original Signed By:

MIKE NOVO  
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

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 90<sup>th</sup> 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 and Building Inspection Department office in Salinas.

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