



City Council Chamber  
Few Memorial Hall of Records  
Pacific and Madison Streets  
Monterey, California

# Zoning Administrator MINUTES

Regular Meeting  
September 24, 2009  
4:00 PM

Zoning Administrator

Todd Bennett  
Senior Associate Planner

## CALL TO ORDER

Senior Associate Planner Bennett called the meeting to order at 4:00 PM.

## PUBLIC COMMENTS

PUBLIC COMMENTS allows the public to speak for a maximum of three minutes on any subject which is not on the agenda. Any person or group desiring to bring an item to the attention of the Zoning Administrator may do so by addressing the Administrator during Public Comments or by addressing a letter of explanation to: Planning, Engineering, and Environmental Compliance Division, City Hall, Monterey CA 93940. The appropriate staff person will contact the sender concerning the details.

No public comments were received.

## PUBLIC HEARINGS

PUBLIC HEARINGS are held to receive public comment on certain items pending Zoning Administrator action. You are welcome to offer your comments after being recognized by the Administrator. The Administrator may limit the time allocated to each speaker. Project representative is required.

- 609 and 611 Mar Vista Drive; Minor Variance 09-181; Applicant Timothy Piland; Owners Mark Sheldon and Thomas Pochari; R-1-8 Zoning District; Exempt from CEQA Requirements.**

Request approval to construct a replacement retaining wall, with fence. Combination retaining walls and fences are restricted to a maximum height of 8' – 0". The combined height of the wall and fence is proposed to be 11' – 4" (7' – 4" retaining wall, 5' – 0" fence) and requires a variance.

**Action: Approved application with Standard and Special Circumstance Findings for Decision and Conditions of Approval.**

On September 24, 2009, the Zoning Administrator approved Minor Variance 09-181 for a new retaining wall and fence between two 6,000 square foot lots located at 609 and 611 Mar Vista within the R-1-8 District based upon the following Findings for Decision and subject to the following Conditions of Approval:

### Findings for Decision:

**Environmental:**

1. The project is exempt from the California Environmental Quality Act (Section 15302, Class 2) because the project is a replacement of an existing structure (retaining wall and fence).

**General Plan:**

2. The project is consistent with the City of Monterey General Plan Land Use Designation in that the combined retaining wall/fence supports existing single-family dwelling uses in a Low Density Residential designated neighborhood.

**Zoning Ordinance:**

3. The proposed retaining wall/fence combination in conjunction with the use of the adjoining sites for single-family dwelling uses is in accord with the objectives and purposes of the R-1-8 Zoning District because the project supports single family dwelling uses in a single-family (Low Density Residential) neighborhood.

**Variance:**

4. Because of the grade difference between the properties located at 609 and 611 Mar Vista Drive, a retaining wall is necessary to adequately support the uphill soils and the existing structure(s), to protect the downhill property, and that the necessary height of the retaining wall in combination with a typical sized fence to provide a privacy buffer between the two properties results in a combined height of over eight feet (8'), strict application of the zoning requirements shall deprive such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification.
5. Granting the combined retaining wall/fence height variance will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare.
6. Granting the variance is consistent with the purposes of the zoning ordinance and will not constitute a grant of special privilege inconsistent with the limitation on other properties in the vicinity and in the same zoning district.

**Conditions of Approval:**

1. That the combined retaining wall and privacy fence variance height of 11'-4" is approved as shown on the August 31, 2009 site plan and elevations.
2. That all development on the project property shall be constructed and thereafter maintained in accordance with the conditions of this permit.
3. This project does not require an application for Architectural Review Committee (ARC) review.
4. The applicant shall comply with all the requirements of the Permit and Inspection Services Division.
5. This project is subject to the categorical water allocation program approved by the City Council. The applicant will proceed at his own risk that water may not be available at the time he requests building permits. No building permits will be issued if water is not available to this project.

6. This permit shall become null and void if not exercised or extended within twenty-four (24) months of the date of granting by the Zoning Administrator. It is the applicant's responsibility to track the 24-month expiration date. No renewal notice will be sent to the applicant.

**ADJOURNMENT:** The meeting was adjourned at 4:20 PM

**ZONING ADMINISTRATOR:** \_\_\_\_\_  
**Senior Associate Planner Todd Bennett**