

INTERPRETATION REQUEST

PROCESSING MULTIPLE ADMINISTRATIVE PERMITS ADMINISTRATIVELY IN A SINGLE APPLICATION

Code Sections:

- 20.76 (Coastal Administrative Permits)
- 20.82 (Combined Development Permits)
- 21.70 (Administrative Permits)
- 21.76 (Combined Development Permits)

Date: April 17, 2008
Requested by: Laura Lawrence
Subject: Processing Combined Development Permits Administratively

What is the Question?

Can multiple Administrative Permits (Coastal or Inland) be processed administratively in a single application?

Short Answer:

Yes, if each of the Administrative Permits requested can be processed administratively (without a public hearing). If the Applicant requests a Combined Development Permit for the Administrative Permits and/or if the Administrative Permits are required to be referred to public hearing under Monterey County Code Sections 20.76.060 or 21.70.060, then they cannot be processed administratively.

Discussion:

The purpose of Administrative Permits is to provide a process whereby certain development permits (Coastal or Inland) can be considered at an administrative level (Monterey County Code Section 20.76.010 and 21.70.010). By allowing Administrative Permit processing for certain types of developments, work flow may be expedited, the time needed to process and consider certain applications may be reduced, and public hearings on certain types of developments which are of a minor and non-controversial nature become unnecessary, in turn, decreasing the impact in time, materials and cost in processing certain discretionary permits.

As with Administrative Permits, the purpose of Combined Development Permits is to provide a process whereby a development requiring a multiple of discretionary permits pursuant to Title 20 or 21 (Zoning) and Title 19 (Subdivisions), Monterey County Code, may be considered under a single discretionary permit encompassing all phases and aspects of the development (Monterey County Code Section 20.82.010 and 21.76.010). By allowing multiple discretionary permits to combine, work flow may be expedited, the time needed to process and consider certain applications may be reduced, the number of required hearings may be reduced, in turn, decreasing the impact in time, materials and cost to the developer and the County of making and considering multiple applications.

Combined Development Permits are optional. Monterey County Code Sections 20.82.020.A and 21.76.020.A state that any person desiring to develop property consisting of an individual parcel

or contiguous parcels which under the terms of Title 20 or 21 (Zoning) and Title 19 (Subdivisions), Monterey County Code, requires more than one discretionary permit, may apply for a Combined Development Permit pursuant to the regulations in Chapters 20.82 and 21.76.

Monterey County Code (MCC) Sections 20.82.030.A and 21.76.030.A does not list the Director of Planning one of the "Appropriate Authorities" to consider a Combined Development Permit. In order for multiple Administrative Permits to be processed administratively, theoretically they must be in separate applications. The purpose of Administrative Permits is to provide a process whereby certain types of developments, which are of a minor and non-controversial nature, can be considered at an administrative level in order to expedite work flow, reduce the time needed to process and consider certain applications, and dispense with public hearings.

Considering the purpose stated above, multiple Administrative Permits can be considered in a single application so long as they are not identified as a Combined Development Permit and they are exempt from CEQA. A fee reduction shall be provided to the applicant by placing a "Y" in the "Discount for Combined Development Permit" box on the Fee screen in Permits Plus. Project descriptions shall read as follows: "Coastal Administrative Permits for: (then list). Consult a manager to determine if an application for multiple Administrative Permits can be processed administratively.

If the project is not exempt from CEQA and/or there is evidence of public controversy or public opposition to the proposed use or development, Administrative Permits shall be referred to the Zoning Administrator for consideration at a public hearing (MCC Sections 20.76.060 and 21.70.060). Such evidence includes, but is not limited to:

1. A staff recommendation for denial;
2. The project is not categorically exempt under the California Environmental Quality Act;
3. The applicant or applicant's representative requests, in writing, a public hearing;
4. Zoning violations exist on the property;
5. Written request for a public hearing by one or more persons (Coastal) or written request, based on a substantive issue, for a public hearing by one or more owners or residents in the area (Inland).

Facts of the situation:

Staff has been processing Combined Development Permits, consisting of only Administrative Permits, either administratively or at a public hearing. This interpretation is intended to establish consistency with the process.

Interpretation Prepared By: Laura Lawrence

Interpretation/Opinion Confirmed by Managers 