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MIKE NOVO, INTERIM DIRECTOR
RESOURCE MANAGEMENT AGENCY
PLANNING DEPARTMENT

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 060320

A. P. # 008-053-001-000

FINDINGS & DECISION

In the matter of the application of
JOSEFINA & NUNILO PIMENTEL (PLN060320)

for a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of Title 20 (Zoning), Monterey County Code, consisting of Coastal Administrative Permit to allow development on slopes in excess of 30% (development consists of the demolition and replacement of a retaining wall, and the demolition and replacement of a 233 square foot one-car garage) and the removal of a 48 square foot shed; Design Approval to enclose a 228 square foot covered patio and allow the replacement of a 233 square foot one-car garage. The property is located at 4209 Sunridge Road, Pebble Beach, Del Monte Forest Area Land Use Plan.

Said Director of the Resource Management Agency – Planning Department, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. **FINDING: CONSISTENCY** – The project as described in Condition No. 1, and as conditioned, is consistent with the policies, requirements, and standards of the Del Monte Forest Land Use Plan, Del Monte Forest Coastal Implementation Plan (Part 5), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20), which designates this area as appropriate for residential development.
EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of the application. No conflicts were found to exist. No communications were received during the course of review of the project to indicate that there is any inconsistency with the text, policies, and regulation in these documents.
(b) The property is located at 4209 Sunridge Road, Pebble Beach (Assessor's Parcel Number 008-053-001-000), Del Monte Forest Land Use Plan. The parcel is zoned Resource Conservation-Design Control, in the Coastal Zone ("RC-D (CZ)"). The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 20, and is therefore suitable for the proposed development.
(c) The project planner conducted a site inspection on May 26, 2006 to verify that the project on the subject parcel conforms to the plans listed above.
(d) The main house is legal nonconforming because the residential use is not a principal use allowed or a conditional use allowed under the Resource Conservation Zoning District. The project proposes to expand the legal residential nonconforming use per Section 20.68.030.C. A condition is incorporated to require the 48 square foot shed to be removed. This allows the expansion of the residential use to remain under 10%. No additional coverage is proposed.
(e) The enclosure of the covered patio is within the required front setback of Resource Conservation Zoning District. However, the setback exception Section 20.62.040.F

allows a 10 foot setback. The subject is a block by definition Section 20.06.120. The average setback for the block is 10 feet.

- (f) The project was not referred to the Del Monte Forest Advisory Committee for review per Planning and Building Services manager decision.
- (g) The application, project plans, and related support materials submitted by the applicant to the Monterey County RMA - Planning Department for the proposed development, found in Project File PLN060320.

2. FINDING: SITE SUITABILITY – The site is physically suitable for the use proposed.

- EVIDENCE:** (a) The project has been reviewed for suitability by the following departments and agencies: RMA - Planning Department, Pebble Beach Community Services District, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable. Conditions recommended have been incorporated.
- (b) A technical report by an outside archaeological consultant indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use propose. County staff concurs. The following reports have been prepared: “Preliminary Cultural Resources Reconnaissance of Assessor’s Parcel APN 008-053-001, Del Monte Forest, Monterey County, California” (LIB060432) prepared by Susan Morely, M.A., Pacific Grove, California, June 2006.

3. FINDING: BETTER ACHIEVES THE GOALS, POLICIES, AND OBJECTIVES - The proposed development better achieves the goals, policies and objectives of the Monterey County Local Coastal Program than other development alternatives.

- EVIDENCE:** Section 20.147.030.A.1.a limits site disturbance. Although the subject property is not over the maximum structural coverage per 20.147.030.A.1.b, allowing the proposed development to occur on slopes more than 30% limits site disturbance. The proposed development occurs within the existing area covered by the garage. Therefore, additional storage area is provided without the need to increase the footprint of the existing structure.

4. FINDING: CEQA (Exempt) – The project is categorically exempt from environmental review.

- EVIDENCE:** (a) California Environmental Quality Act (CEQA) Guidelines Section 15301, categorically exempts minor alterations of existing private structures involving no expansion of use beyond that existing at the time of the lead agency’s determination.
- (b) No adverse environmental effects were identified during staff review of the project application and during the site-visit on May 26, 2006.
- (c) See preceding and following findings and supporting evidence.

5. FINDING: NO VIOLATIONS – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and other applicable provisions of the County’s zoning ordinance (Title 20). Zoning violation abatement costs, if any, have been paid.

- EVIDENCE:** Staff verification of the Monterey County RMA - Planning Department and Building Services Department records indicate that no violations exist on subject property.

6. FINDING: PUBLIC ACCESS - The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights. No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in

Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

- EVIDENCE** (a) The subject property is not described as an area where the Local Coastal Program requires access.
- (b) The subject property is not indicated as part of any designated trails or shoreline access as shown in the Shoreline Access Map (Figure 16).
- (c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

7. FINDING: HEALTH AND SAFETY – The establishment, maintenance, and operation of the proposed development applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

EVIDENCE: Preceding findings and supporting evidence.

8. FINDING: APPEALABILITY – The decision on this project is appealable to the Board of Supervisors. It is appealable to the Coastal Commission.

EVIDENCE: Sections 20.86.030 and 20.86.080 of the Monterey County Zoning Ordinance (Title 20).

DECISION

It is the decision of said Director of the Resource Management Agency – Planning Department that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the attached conditions:

PASSED AND ADOPTED this 6th day of December, 2006.


MIKE NOVO, INTERIM DIRECTOR
RESOURCE MANAGEMENT AGENCY
PLANNING DEPARTMENT

COPY OF THIS DECISION MAILED TO APPLICANT ON DEC 11 2006

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE **BOARD OF SUPERVISORS** ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE DEC 21 2006

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS. THIS PROJECT IS APPEALABLE TO THE CALIFORNIA COASTAL COMMISSION.

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 Resource Management Agency - Planning Department and Monterey County Resource Management Agency - Building Services Department office in Salinas.

2. This permit expires 2 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: Josefina & Nunilo Pimentel
 File No: PLN060320 APN: 008-053-001-000
 Approval by: RMA – Interim Director of Planning
 Date: December 6, 2006

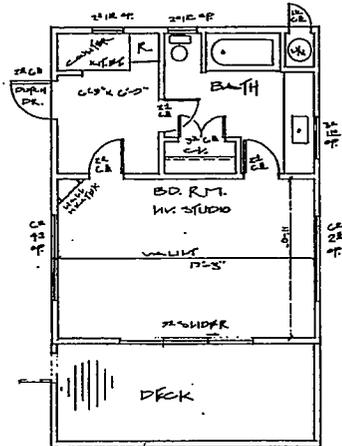
Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.

<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 Administrative Permit (PLN060320) allows development on slopes in excess of 30% (development consists of the demolition and replacement of a retaining wall, and the demolition and replacement of a 233 square foot one-car garage) and removal of a 48 square foot shed; Design Approval to enclose a 228 square foot covered patio and allow the replacement of a 233 square foot one-car garage. The property is located at 4209 Sunridge Road, Pebble Beach (Assessor's Parcel Number 008-053-001-000), Del Monte Forest 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</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>
		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 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. [Resource Management Agency (RMA) Planning Department]				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. 060320) was approved by the Director of the Resource Management Agency - Planning Department for Assessor's Parcel Number 008-053-001-000 on December 6, 2006. The permit was granted subject to 6 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	Prior to the issuance of grading and building permits or commencement of use.	
3.		PBI - NON STANDARD CONDITION The 48 square foot shed shall be removed prior to final inspection. (RMA - Planning Department)	Compliance to be verified by building inspector at final inspection.	Applicant or owner	Prior to final inspection.	

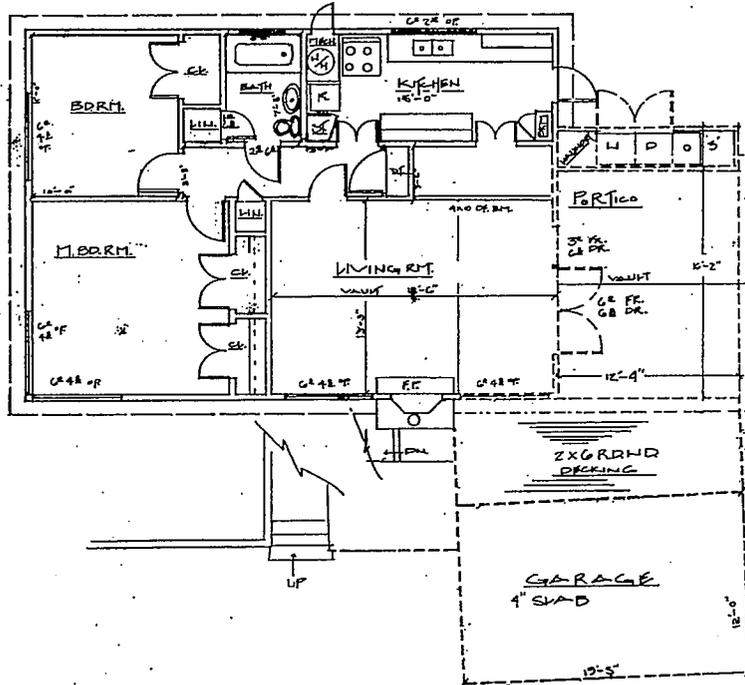
<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
4.		<p>FIRE011 - ADDRESSES FOR BUILDINGS</p> <p>All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Pebble Beach Community Services District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of building permit.	
			<p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	Prior to final building inspection	

<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>
5.		<p>WR40 - WATER CONSERVATION MEASURES</p> <p>The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:</p> <p>a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.</p> <p>b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)</p>	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	
6.		<p>WR43 - WATER AVAILABILITY CERTIFICATION</p> <p>The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)</p>	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	



ESTUDIO FLOOR PLAN

1/4" = 1'-0"



E. FLOOR PLAN

3/8" = 1'-0"

L.B.F.R.H.V.D

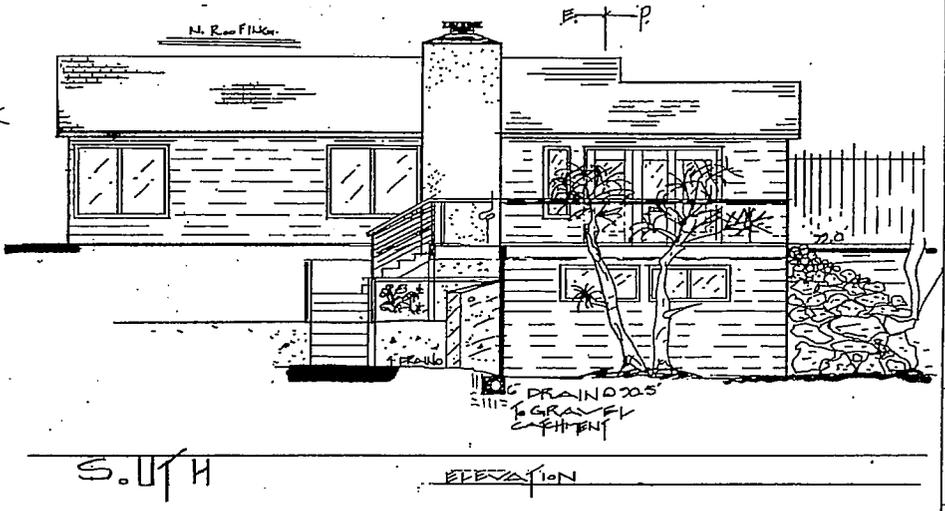
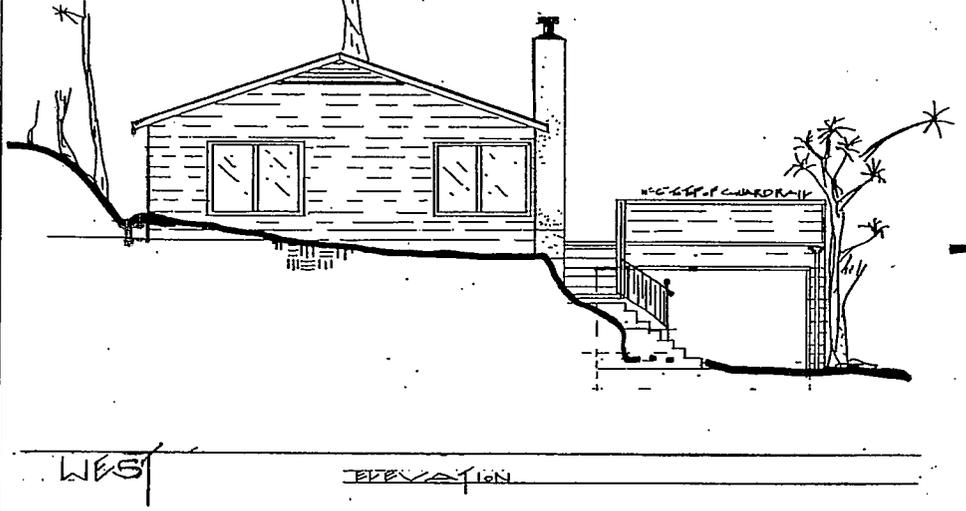
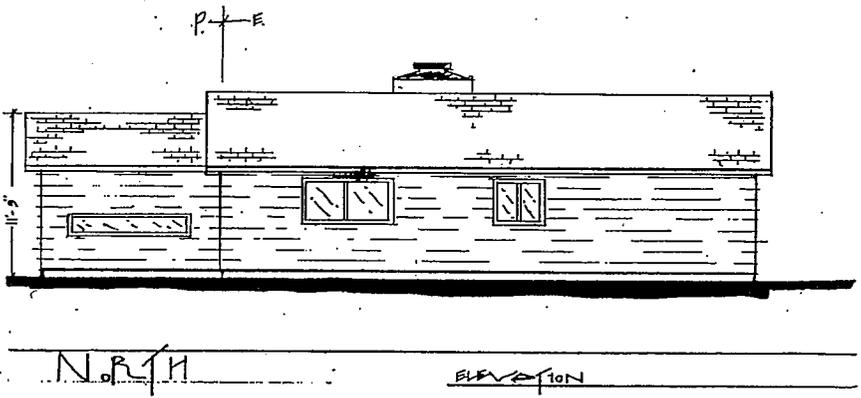
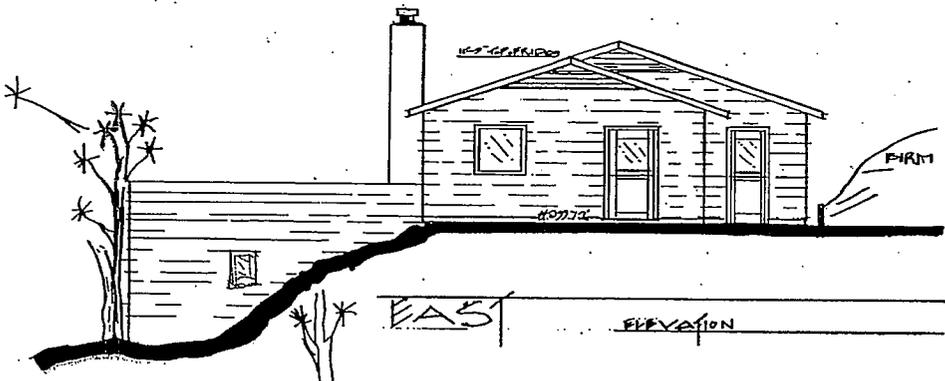
PROPOSED ADDITION FOR
JOSEFINA NUNILLO
PIMENTEL
ARCH. AND ASSOC. INC.

JANE Z. BENNETT
GBD 914-6868

DATE
6-20-06
6-27-06

SCALE
A-1

NOTE: ALL MATERIALS
TO MATCH E.



PROPOSED ADDITION FOR
PIMENTEL JOSEFINA NUNILLO

APN 008-053-001

4500 CLINDRICE DR BETHLEHEM PA 18010

DATE: 7/20/06
DRAWN BY: J. BENNETT
18213 515-4668

DATE:
6/30/06

SCALE:
A-3

