MIKE NOVO ZONING ADMINISTRATOR COUNTY OF MONTEREY STATE OF CALIFORNIA

RESOLUTION NO. 040216

A. P. # 133-191-020-000

In the matter of the application of **Kathleen Jones (PLN040216)**

FINDINGS AND DECISION

to allow a Combined Development Permit in accordance with Title 20 (Zoning) Chapter 20.76 (Combined Development Permits) of the Monterey County Code, consisting of a Coastal Administrative Permit to allow a new 850 sq. ft. senior citizen unit with 353 sq. ft. covered porch and a Coastal Administrative Permit to allow one required parking space located in the front setback. The property is located at 10945 Pieri Court, Moss Landing, North County, Coastal Zone, and came on regularly for meeting before the Zoning Administrator on June 8, 2006.

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

FINDINGS OF FACT

- 1. FINDING: CONSISTENCY The Project, as conditioned is consistent with applicable plans and policies, the North County Land Use Plan, Coastal Implementation Plan, Part 2 (Chapter 20.144 MCC), 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) PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the North County Land Use Plan, Coastal Implementation Plan, Part 2 (Chapter 20.144 MCC), and Part 6 of the Coastal Implementation Plan. PBI staff has reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 20) and determined that the project is consistent with the North County Land Use Plan which designates this area as appropriate for residential development. Staff notes are provided in Project File PLN040216.
 - (b) Project planner conducted an on-site inspection on May 21, 2004 to verify that the project on the subject parcel conforms to the plans listed above pursuant to the North County Land Use Plan (Policy 4.3.5.9).
 - (c) The project, for a senior citizen unit is an allowed use and complies with the regulations, in accordance with Section 20.12.040.O.
 - (d) The project complies with all applicable requirements of Section 20.64.010(C) for a senior citizen unit. (Condition #6)
 - (e) All colors and materials are of a plaster, board and batten with copper roofing materials to match the existing single family dwelling and are consistent with the homes in the immediate area.
 - (f) The parcel is zoned Medium Density Residential, 4 units/acre, Coastal Zone ("MDR/4(CZ)"). The project is in compliance with Site Development Standards for a Medium Density Residential District in accordance with Section 20.12.060.
 - (g) The property contains an existing two car garage. However, parking regulations requires an additional off-street parking space. The required space is located within the front setback and requires the additional Coastal Administrative Permit per Section 20.58.050.E. The parking space will be located in the existing driveway and there are no other alternatives for placing the off-street parking other than within the front setback.

- (h) This Combined Development Permit was approved administratively on April 12, 2006 by the Director of Planning and Building Inspection. Pursuant to Section 20.76.060.A of County Code, if there is public opposition to the proposed project, then the Coastal Administrative Permit shall be referred to the Zoning Administrator for consideration. On April 21, 2006, staff received two letters appealing the new senior citizen unit.
- (i) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN040216.
- SITE SUITABILITY The site is suitable for the use proposed. Within the Moss Landing 2. FINDING: and Las Lomas areas, service shall be provided according to the sewer allocation plans approved for those areas, as included as appendixes to this plan. Within each area of allocation, service will be provided on a first-come, first served basis (Policy 2.3.3.1)
 - EVIDENCE: (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works Road and Sanitation District, Water Resources Agency, Environmental Health, Parks and North County Fire District. Conditions recommended have been incorporated.
 - (b) The project site is mapped in a high archaeological sensitivity zone pursuant to the North County Land Use Plan (Policy 2.9.2.2). As required by Section 20.144.110.B, the applicant provided a "Preliminary Archaeological Reconnaissance" prepared by Archaeological Consulting, Salinas, CA, dated November 1, 2004. The consultant recommends that work shall be halted immediately within 50 meters (165 feet) if during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site. (Condition #3)
 - (c) Technical reports by outside consultants indicate that there are no physical or environmental constraints such as archaeological, geologic or seismic hazard areas, or similar areas that would indicate the site is not suitable for the use proposed. Agency staff concurs.
 - "Preliminary Archaeological Reconnaissance" as prepared by Archaeological Consulting, dated November 1, 2004.
 - "Geotechnical Investigation" as prepared by Haro, Kasunich and Associates, Inc., dated December 3, 2004.
 - "Erosion Control Report" as prepared by Whitson Engineers, dated February 15,
 - (d) The project is located within the Moss Landing County Sanitation District, Service Area 5. All necessary fees have been paid and connection to the wastewater facility has been approved. (MLSD Allocation Map-NCLUP)
 - (e) Staff conducted an on-site visit on May 21, 2004 to verify that the site is suitable for this use (Policy 4.3.6.D.2).
- **CEQA** (Exempt): The project is exempt from environmental review. 3. FINDING:
 - EVIDENCE: (a) CEQA Guidelines categorically exempts one single family dwelling or a second dwelling unit in a residential zone. (CEQA Guidelines § 15303, Class 3). Class 3 exemptions consist of construction and location of limited numbers of new, small facilities or structures.
 - (b) A senior citizen unit in a residential zone may be constructed under this exemption. Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences are also included under this exemption.

- (c) No adverse environmental effects were identified during staff review of the development application during site visit on May 21, 2004.
- (d) There are no unusual circumstances related to the project or property that would require additional review.
- 4. **FINDING:** NO VIOLATIONS The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement cost, if any, have been paid.
 - **EVIDENCE:** Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.
- 5. FINDING: WATER IMPACT/NORTH COUNTY There presently exists in the North Monterey County area a serious overdraft in the aquifers, together with seawater intrusion problems in the North County Coastal Zone and nitrate pollution problems throughout the area. The North County Land Use Plan, Coastal Implementation Plan, and Area Plan recognize the existence of these problems and direct that studies be made to determine the safe-yield of the North Monterey County aquifers and that procedures thereafter be adopted to manage development in the area so as to minimize adverse effects on the aquifers and preserve them as viable sources of water for human consumption.
 - **EVIDENCE:** (a) Chapter 2.5 of the North County LUP establishes policies to address water availability, water quality, erosion and sediment in order to protect water quality and to preserve a sustainable water supply (Key Policy 2.5.1 LUP). This LUP acknowledges an overdraft condition of the groundwater and establishes a safe-yield buildout limit (Policy 2.5.3.A.2 LUP) that includes new lots and second units. As of November 2004, the North County area was 255 units below the buildout limit (Policy 4.3.3 LUP). The proposed senior unit would be included as an additional unit. However, undeveloped lots have already been allocated in this figure. (Section 20.144.140.B.3.a CIP).
 - (b) Water is supplied from Pajaro Sunny Mesa Water District. There is an existing water meter that is currently connected to the single family dwelling.
 - (c) Conditions have been incorporated to meet Ordinance 3932 of Monterey County Water Resource Agency's Mandatory Water Conservation Regulations.
 - (d) Materials in project file PLN040216.
- 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 (see 20.70.050.B.4). 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 (Figure 6 in the North County Land Use Plan).
 - (b) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - (c) 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 (Section 20.144.150 CIP). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as

- described in Section 20.144.150.B of the Monterey County Coastal Implementation Plan, can be demonstrated.
- (d) An on-site inspection on May 21, 2004, of the subject parcel by the project planner pursuant to Section 20.144.030 of the North County Coastal Implementation Plan determined that the area of the proposal would not be visible from the public view shed, nor result in any potential for ridgeline development.
- 7. **FINDING: HEALTH AND SAFETY** The establishment, maintenance or operation of the project applied for will not under the circumstances of this particular case, be detrimental to the 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 improvements in the neighborhood or to the general welfare of the County.
 - EVIDENCE: (a) The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, applicable Fire Department, and Water Resources Agency. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general. There has been no indication from these agencies that the site is not suitable for the proposed development.
 - (b) Technical reports have been provided with recommended conditions and modifications that provide additional assurances regarding project safety. These reports are in the Project File PLN040216.
- 8. **FINDING:** APPEALABILITY: The decision on this project is appealable to the Board of Supervisors and the Coastal Commission.
 - **EVIDENCE:** Section 20.86.030 of the Monterey County Coastal Implementation Plan Part 1 (Board of Supervisors). The project is appealable to the Coastal Commission pursuant to Section 20.86.080 of the Monterey County Coastal Implementation Plan Part 1 (Coastal Commission).

DECISION

It is the decision of the Zoning Administrator of the County of Monterey 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 8th day of June, 2006.

MIKE NOVO

ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON JUN 1 3 2006

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR **BEFORE** JIIN 2 3 2006

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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

You will need a building permit and must comply with the Monterey County Building Ordinance in every 1. 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.

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

Monterey County Planning and Building Inspection

Condition Compliance and/or Mitigation Monitoring Reporting Plan

Project Name: KATHLEEN JONES

File No: PLN040216

APNs: 133-191-020-000

Approval by: Zoning Administrator Date: June 8, 2006

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

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
1		PBD029 - SPECIFIC USES ONLY This Combined Development Permit consists of a Coastal Administrative Permit to allow a new 850 sq. ft. senior citizen unit with 353 sq. ft. covered porch and a Coastal Administrative Permit to allow one required parking space located in the front setback. The property is located at 10945 Pieri Court, Moss Landing (Assessor's Parcel Number 133-191-020-000), North County, Coastal Zone. 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 Planning and Building Inspection. 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 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. (Planning and Building Inspection)	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other-wise stated	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Miligation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
2		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 040216) was approved by the Zoning Administrator for Assessor's Parcel Number 133-191- 020-000 on June 8, 2006). The permit was granted subject to 13 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3		PBD030 - STOP WORK - RESOURCES FOUND If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (Planning and Building Inspection)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeo- logist	Ongoing	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
4		PBD019 - LANDSCAPING PLAN - NORTH COUNTY COASTAL NATIVE The site shall be landscaped. The use of native species consistent with and found in the project area shall be required in all landscaping plans as a condition of project approval. A list of appropriate native plant species identified in Attachment #2 and #3 in the North County Implementation Plan Development Regulations is available in brochure form (Suggested Native Species Landscaping List - North County Coastal Zone) from the Planning and Building Inspection Department. (Planning and Building Inspection)	Submit landscape plans and contractor's estimate to PBI for review and approval.	Owner/ Applicant/ Contractor	At least three weeks prior to final inspect- ion or occupancy	
5		PBD021 – LIGHTING – EXTERIOR LIGHTING PLAN All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection)	Submit three copies of the lighting plans to PBI for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	
6		PBD006 - DEED RESTRICTION - USE Prior to the issuance of a building permit the applicant shall record a deed restriction as a condition of project approval stating the regulations applicable to the Senior Citizen Unit. (Planning and Building Inspection)	Submittal of approved and Recorded Deed Restriction to PBI.	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	

Permit Cond. Number	Mitig: Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
7		EH6 - WATER SERVICE CAN/WILL SERVE Provide to the Division of Environmental Health written certification, and any necessary certification from State agencies that Pajaro Sunny Mesa Water District can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards. (Environmental Health)	Submit written certification to the Division of Environmental Health for review and approval.	CA Licensed Engineer /Owner/ Applicant	Prior to filing a final map and/or issuance of a building permit	
8		EH24 - SEWER SERVICE CAN/WILL SERVE Provide certification to the Division of Environmental Health that Moss Landing County Sanitation District can and will provide sewer service for the proposed property/project. (Environmental Health)	Submit certification to Environmental Health for review and approval.	Owner/ Applicant	Prior to issuance of a building permit.	
9		WR40 - WATER CONSERVATION MEASURES 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: 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. 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)	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection / occupancy	·

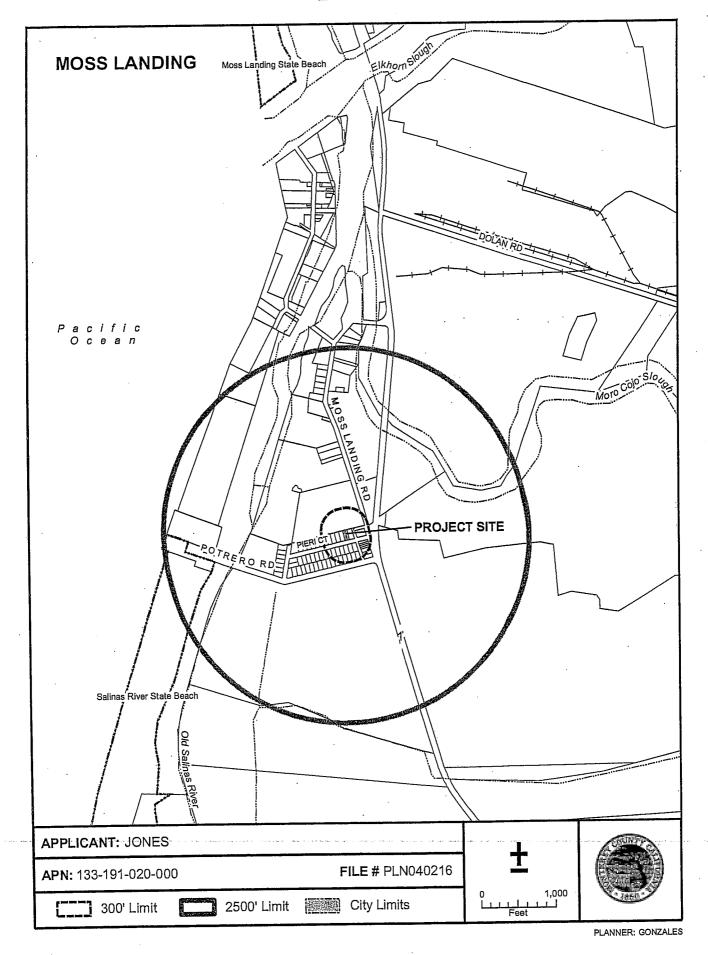
Permit Cond. Number	Ming: Number	Conditions of Approval and/or Miligation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
10		FIRE011 - ADDRESSES FOR BUILDINGS 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. North	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
		County Fire District.	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

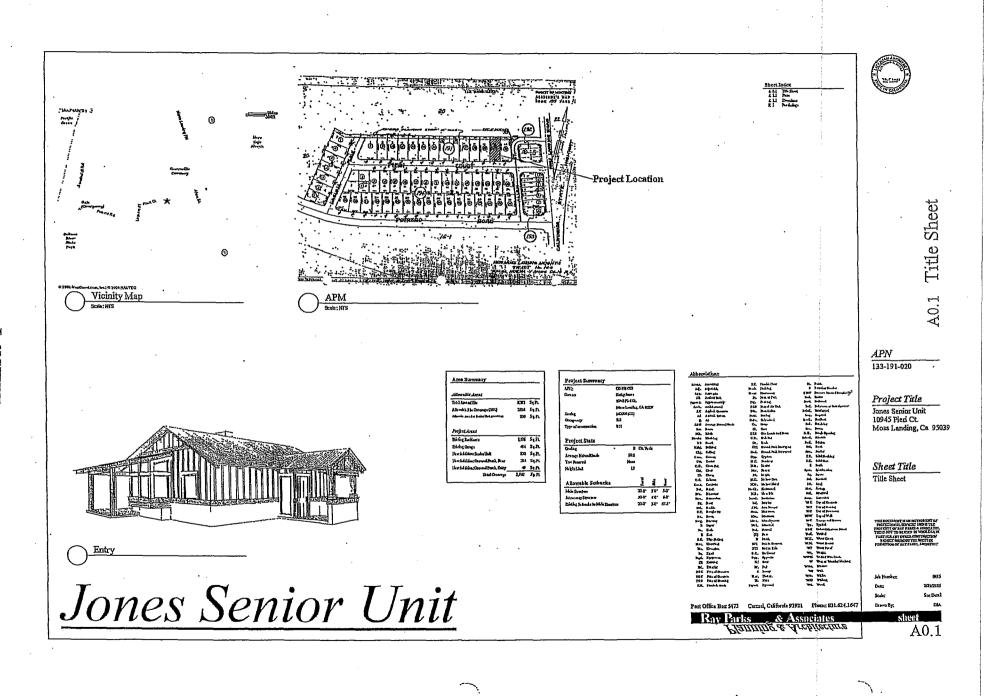
Permit Cond Number	Mitig. Number	Conditions of Approval and or Miligation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted:	Responsible Party for Compliance	Timing	Verification Of Compliance (name/date)
11		FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. North County Fire District.	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection	
			Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	
12		FIRE026 - ROOF CONSTRUCTION (STANDARD) All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class B roof construction. North County Fire District.	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

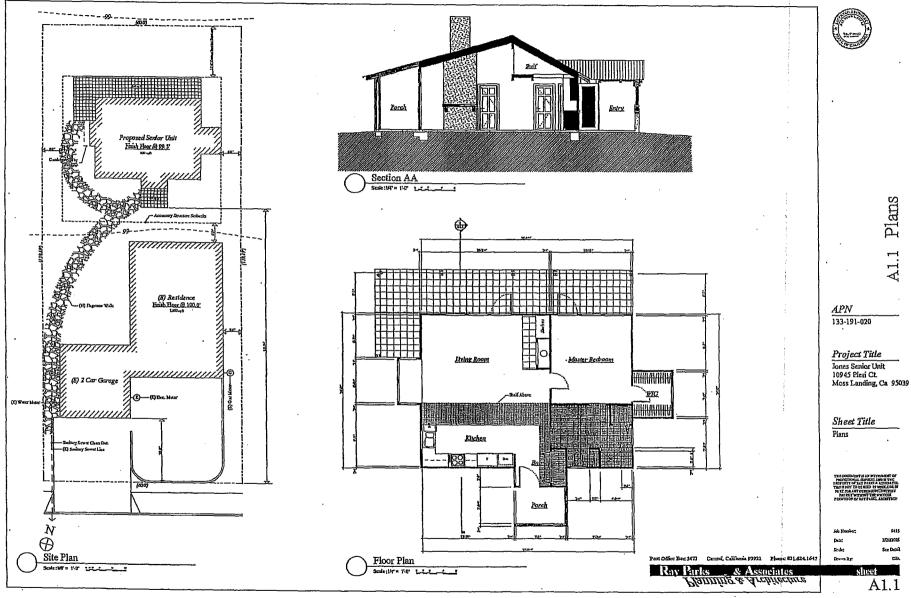
Lond	iiig. Conditions of Approval and/or Mitigation Measures and mber Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
13	PW0011 – SEWER (MRWPCA) Obtain sewer permits from the Monterey Regional Water Pollution Control Agency and Department of Public Works and pay all applicable fees. (Public Works)	Applicant shall obtain permits from Monterey Regional Water Pollution Control Agency, then obtain permit from Department of Public Works.	Owner/ Applicant	Prior to Building/ Grading Permits Issuance	

END OF CONDITIONS

Exhibit E







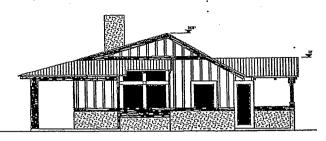
Sheet Title

Elevations

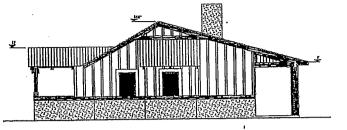
Post Office But \$473 Carmel, California 93921 Phone: 831.624.1647

Ray Parks & Associates

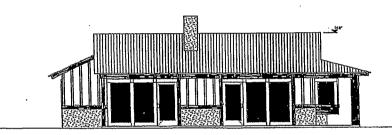
Banning & Franciscons



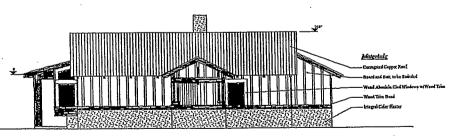
West Elevation



East Elevation



North Elevation



South Elevation

A3.1

