CARL HOLM ZONING ADMINISTRATOR

STATE OF CALIFORNIA COUNTY OF MONTEREY

RESOLUTION NO. 080515

A.P.# 008-551-009-000

In the matter of the application of WILLIAM MONTGOMERY ET AL (PLN080515)

Variance to allow a remodel and addition (178 sq ft) to an existing single family dwelling resulting in an increase in allowable floor area ratio from 62.1 % to 64.9% in the MDR Zoning District; and a Design Approval. The property is located at 3301 17 Mile Drive #18, Pebble Beach (Assessor's Parcel Number 008-551-009-000), Del Monte Forest area, Coastal Zone, came on regularly for hearing before the Zoning Administrator on March 26, 2009

Said Zoning Administrator, having considered the application and the evidence presented relating thereto, now makes the following findings and decision:

FINDINGS OF FACT

- 1. **FINDING: CONSISTENCY** The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Del Monte Forest Land Use Plan, Del Monte Forest Coastal Implementation Plan (Part 5), 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 communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
 - (b) The property is located at 3307 17 Mile Drive, Pebble Beach (Assessor's Parcel Number 008-551-009-000), Del Monte Forest Land Use Plan. The parcel is zoned Medium Density Residential, 2.7 units per acre in the Design Control District, Coastal Zone ("MDR/2.7-D (CZ)").
 - (c) The subject site is developed with a town home that was originally approved and constructed in 1968 as part of the Pebble Beach Town Homes Subdivision. The existing town home on site is constructed consistent with the design scheme in this development. The MDR/2.7-D (CZ) zoning district was placed on the property after construction of this development. A Variance is the appropriate means to approve the subject request. Variances are allowed in unique situations where stringent implementation of the zoning code requirements would preclude the property owner's use of their property similar to other property that is not encumbered with unique circumstances. This property is unique in that it is a town home development and not a standard single family subdivision.
 - (d) Title 20 Section 20.70.120 allows additions to single family residences of less than 1,000 square feet without requiring a Coastal Development Permit. The proposed addition is less than 1,000 square feet.

FINDINGS & DECISION

- (e) The individual lots do not have setback requirements. The common open space parcel surrounding each lot provides the required setbacks from other structures.
- (f) All buildings should be contained within the individual lot on which the dwelling is located and should not cross property lines. As such condition 11 has been added requiring that the addition be contained completely within the subject lot.
- (g) The project planner conducted a site inspection on January 26, 2009 to verify that the project on the subject parcel conforms to the plans listed above.
- (h) The project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review. The current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, require applications for a variance to be reviewed by the LUAC. The LUAC did not have any concern with the proposed project.
- (i) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN080515.
- 2. **FINDING:** SITE SUITABILITY The site is physically suitable for the use proposed.
 - **EVIDENCE:** (a)
- The project has been reviewed for site 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 for the proposed development. Conditions recommended have been incorporated.
- (b) The site is developed with a town home style development. This addition is consistent with the style of development and does not change the development scheme in any way. The addition to the town home is consistent with the architectural design of the structure. The addition will continue the existing roof line and will not introduce any design element that is inconsistent with the home or greater development.
- (c) The site is located in a high archaeological sensitivity zone, and an archaeological survey found no evidence of prehistoric resources on the site. The archaeologist determined that the subject site is outside of any buffer zone for a known archaeological resource. A condition has been added to require construction to stop if any resources are discovered during demolition or construction.
- (d) The subject addition extends over a private sewer easement. The Zoning Ordinance (section 20.62.040.O) precludes the placement of structures within utility easements. The applicant has come to an agreement with the easement holder to realign the sewer off of the property and onto the common open space, and to abandon the easement. A condition has been added requiring that the easement be abandoned prior to issuance of building permits.
- (e) The relocation of the sewer line could be detrimental to the trees adjacent to the site. The trees are protected under the Del Monte Forest Land Use Plan. A condition has been added to require that the appropriate permits

be obtained to relocate the sewer line and protect the trees prior to issuance of a building permit.

- (f) Staff conducted a site inspection on January 26, 2009 to verify that the site is suitable for this use.
- (g) Materials in Project File PLN080515.
- 3. **FINDING: CEQA (Exempt):** The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.
 - **EVIDENCE:** (a) California Environmental Quality Act (CEQA) Guidelines Section 15301(e) categorically exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. This addition is 178 square feet or less than 3 percent of the existing floor area.
 - (b) California Environmental Quality Act (CEQA) Guidelines Section 15305 categorically exempts minor variances. This is a minor variance that will not change the development scheme of the Pebble Beach Town Homes or the subject home.
 - (c) No adverse environmental effects were identified during staff review of the development application during a site visit on January 26, 2009.
 - (d) The preceding and following findings and supporting evidence demonstrate that the project is consistent with the intended use of the site, the site is suitable for the proposed addition, and there are special circumstances to support the approval of the variance.
- 4. FINDING: VARIANCE (SPECIAL CIRCUMSTANCE) ____ There special are circumstances applicable to the subject property, including size, shape, topography, location or surroundings. As a result, the strict application of Title 20 would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. Although it was determined that special, circumstances exist, Variances are granted on a case-by-case basis and the findings and evidence for this project do not necessarily apply to other parcels. **EVIDENCE:**
 - (a) The subject property is located in the Pebble Beach Town Homes Subdivision created in 1968 (SB00443). The Pebble Beach Town Homes Subdivision consists of individual building envelopes surrounded by common open space. The project was legally constructed, and subsequently was zoned MDR/2.7-D (CZ).
 - (b) The subject site is part of part of a townhouse style development with many small building lots and a large common open space lot. The entire subdivision is approximately 381,924 square feet in size, with 23 building envelopes covering approximately 132,473 square feet (35%), leaving the remaining 249,451 square feet as common open space (65%). In 1968 lot coverage for the then existing Special Treatment Zoning Designation was determined by density rather than as a percentage of each individual building lot. The development as a whole complies with the coverage requirements.
 - (c) The current zoning district floor area ratio standards (MDR/2.7-D (CZ)) are intended to apply to single family lots that have a building pad and

open space contained within each lot. The lots within the Pebble Beach Town House Subdivision are not intended to be able to provide open space within each individual ownership lot. Each lot is essentially a building envelope, the light and open space elements are provided on the common open space lot that all the homeowners have a common interest in (achieving the intent of the Floor Area Ratio). Lot coverage and floor area ratio limitations were not intended to apply to these building envelopes. Unfortunately, alternative zoning provisions were not specified either as part of the original project or in the subsequent zoning of the parcel. The result is nonconforming lots that can not accommodate the existing development scheme if subjected to the strict application of the MDR/2.7 zoning development standards.

- (d) Minor additions to these structures are consistent with the development scheme, but are inconsistent with the strict application of the zoning development standards. The subject request is consistent with the style and intensity of development within the Pebble Beach Town Homes. Therefore, strict interpretation of the zoning ordinance presents a hardship to the property owner seeking to construct an addition within the building envelope without exceeding floor area ratio requirements.
- (e) Materials and documents in Project File No. PLN080515.
- **FINDING:** VARIANCE (SPECIAL PRIVILEGE): The Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and identical zoning classification in which such property is situated.

EVIDENCE: (a)

5.

This project will not constitute a special privilege as floor area ratio is intended to control bulk and mass of structures in proportion to the size of the parcel and thus preserve light and air space. The project as proposed would add 178 square feet of floor space to an existing 3,984 square foot residence. The expansion will be contained within the building envelope.

- (b) The Floor Area Ratio will increase from 62.1% to 64.9%. In this particular case, the building envelopes surrounded by common space preserves the light and air space between buildings.
- (c) The proposed addition will be closer to the property line, but in this development, setbacks are not applied. The individual lots function as building envelopes, with the common open space lot providing separation between structures that would normally be accomplished by setback requirements. The expansion of the building to the property line is not a special privilege in this context.
- (d) Research of Planning and Building Inspection Department files revealed that similar Variances were granted to
 - Johnson (PLN990270- APN 008-551-007-000), was a 198 square foot addition unknown impact upon coverage or FAR.
 - Clark (PLN020443-APN 008-521-007-000), was a 240 square foot addition increasing the site coverage from 59.7% to 63.9% and increasing the FAR from 67.1% to 71.3%.
 - Funch (PLN040070-APN 008-521-005-000) was a 1,183 square foot addition increasing the coverage from 63.5% to 65.9% and increasing the FAR from 49.2% to 68.9%.

Gentner (PLN060628-APN 008-521-008-000) was a 1,298 square foot addition that increased the site coverage from 79% to 82% and increased the FAR form 100% to 126%.

This particular request would result in an FAR of 64.9% which is less than the other variances to exceed FAR which have previously been granted.

- The strict application of the MDR/2.7 district requirements would restrict (e) development on this parcel and other properties in the Pebble Beach Town Homes subdivision to a greater degree than other properties in the Therefore, approval of this Variance would not general vicinity. constitute a special privilege inconsistent with privileges granted to other properties in the vicinity.
- (f) Materials and documents in Project File No. PLN080515.
- 6. FINDING: VARIANCE (AUTHORIZED USE): - This project will not constitute a grant for an activity or use otherwise not expressly authorized by the zone regulation governing the parcel of property.
 - **EVIDENCE:** (a) The site was approved as a town home development in 1968. The MDR/2.7-D (CZ) allows one dwelling on each lot within the subdivision.
 - (b) The use is for single family residential which is allowed per Section 20.12.040.A. Principal Uses Allowed in the Medium Density Residential designation.
 - The approval of this variance will not in anyway change the use of the (c) property.
- NO VIOLATIONS The subject property is in compliance with all rules and 7. **FINDING:** 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 costs, if any, have been paid.
 - EVIDENCE: Staff reviewed Monterey County RMA Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.
- 8. **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.
 - The preceding findings and supporting evidence demonstrate that the **EVIDENCE:** (a) project is consistent with the intended us of the site, the site is suitable for the proposed addition, and there are special circumstances to support the approval of the variance.
 - The application, project plans, and related support materials submitted by (b) the applicant to the Monterey County RMA - Planning Department for the proposed development, found in Project File PLN080515.
- 9. **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 (Part 1) can be demonstrated.

EVIDENCE:

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 Figure 16 (Shoreline Access) of the Del Monte Forest Land Use Plan.
- (c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- (d) Site visits by the project planner on January 26, 2009.
- **10. FINDING: APPEALABILITY -** The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

(a) Section 20.86.030 of the Monterey County Coastal Implementation Plan -Part 1 (Board of Supervisors).

(b) Section 20.86.080 of the Monterey County Coastal Implementation Plan -Part 1 (Coastal Commission). In addition the site is located between the sea (Pacific Ocean) and the first public road paralleling the sea (Highway One).

DECISION

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

PASSED AND ADOPTED this 26th day of March 2009.

CARL'HOLM, ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON APR 2 3 2009 .

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 MAY [] 3 2009

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, <u>if this is the final administrative decision</u>, 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^{th} 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.

	Project Name: Bill and Susan Montgomery		
Monterey County Resource Management Agency Planning	File No PLN080515	APNs : 008-551-009-000	
Department	Approved by: Zoning Administrator	Date: March 26, 2009	
Condition Compliance and/or Mitigation Monitoring Reporting Plan			

*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.		PD001 - SPECIFIC USES ONLY This Variance and Design Approval (PLN080515) allows a 178 square foot addition to an existing 3,984 square foot single family dwelling, resulting in an increase in the Floor Area Ratio from 62.1% to 64.9%. The property is located at 3307 17 Mile Drive, Pebble Beach (Assessor's Parcel Number 008-551-009-000), 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	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	
		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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water				

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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)
		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. (RMA - Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 080515) was approved by the Zoning Administrator for Assessor's Parcel Number 008-551-009-000 on March 26, 2009. The permit was granted subject to 11 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 com- mence- ment of use.	
3.		PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT 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 RMA - Planning 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. (RMA - Planning Department)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning 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.		PDSP001 EASEMENT ABANDONMENT (NON-STANDARD) Prior to issuance of Building Permits, the applicant shall show documentation that the easement has been abandoned across the southerly property line. No permits shall be issued for a structure in an easement. (RMA - Planning Department)	Submit proof of easement abandonment prior to issuance of building permits.	Owner/ applicant	Prior to Building Permits	
5.		PDSP002 SEWER RELOCATION APPROVAL (NON-STANDARD) Prior to issuance of Building Permits the applicant shall receive authorization from the property owners affected by the relocation of the Sewer Line to proceed with the sewer relocation and receive approval of the appropriate permits for the relocation of the sewer line. (RMA - Planning Department)	Evidence of the appropriate permits to relocate the sewer line shall be provided to the Planning Department prior to issuance of Building Permit.	Owner/ applicant	Prior to issuance of Building Permit	
6.		 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 	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspect- ion/ Occup- ancy	
		 equipped with a hot water recirculating system. b. Landscape plans shall apply xeriscape principles, including such techniques and 				

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)
		materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)				
7.		WR43 - WATER AVAILABILITY CERTIFICATION 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)	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	
8.		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.	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

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)
		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 Fire District.)				
9.		FIRE025 - SMOKE ALARMS – (SINGLE FAMILY DWELLING) Where a household fire warning system or combination fire/burglar alarm system is installed in lieu of single-station smoke alarms	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
		required by the Uniform Building Code the alarm panel shall be required to be placarded as permanent building equipment. (Pebble Beach Fire District.)	Applicant shall schedule fire alarm system acceptance test.	Applicant or owner	Prior to final building inspec- tion	
. 10.		FIRE029 - ROOF CONSTRUCTION - (CYPRESS FPD & PEBBLE BEACH CSD) All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (Pebble Beach Fire District.)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
11.		EAVE LIMITATIONS (NONSTANDARD) The eave of the proposed addition shall not extend beyond the property line. (RMA – Planning Department)	Applicant shall modify the design so that the eave line does not extend beyond the property line.	Applicant/ owner	Prior to issuance of Building Permit	

GENERAL NOTES

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FIRE DEPARTMENT NOTES





MONTGOMERY **RESIDENCE REMODEL**



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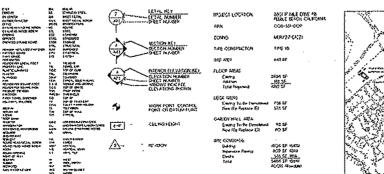
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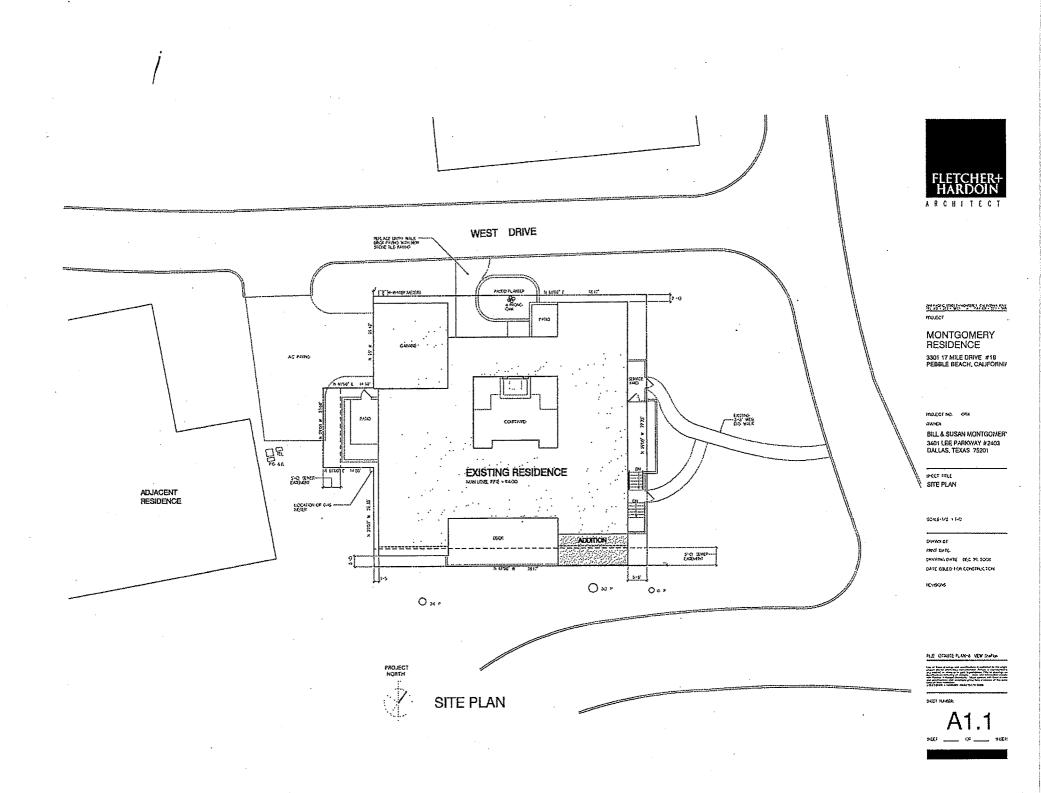


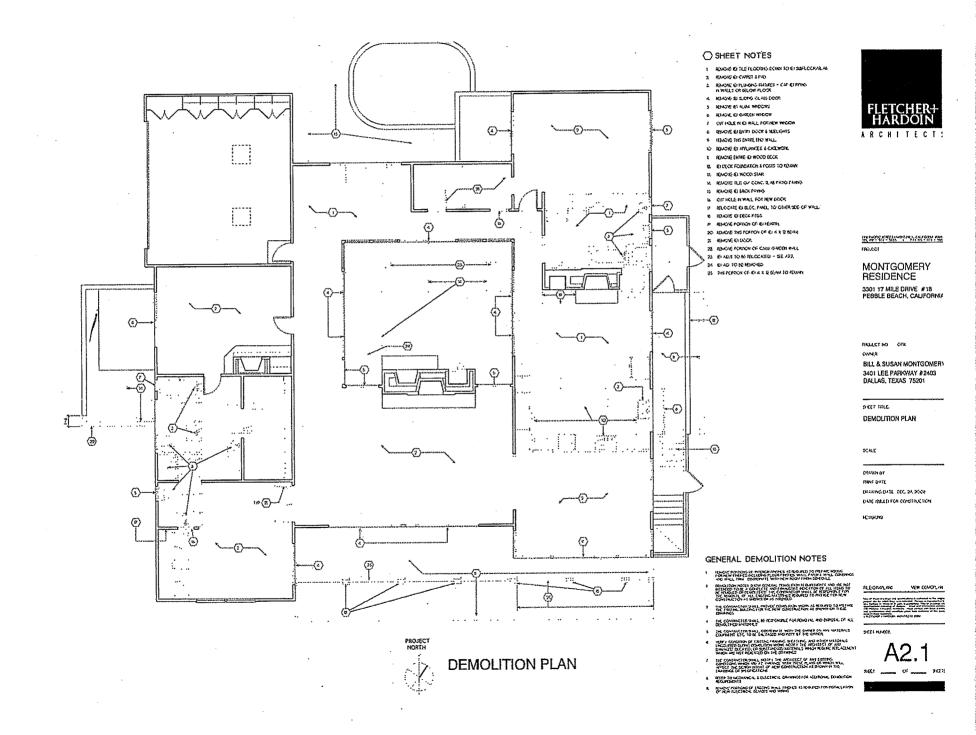


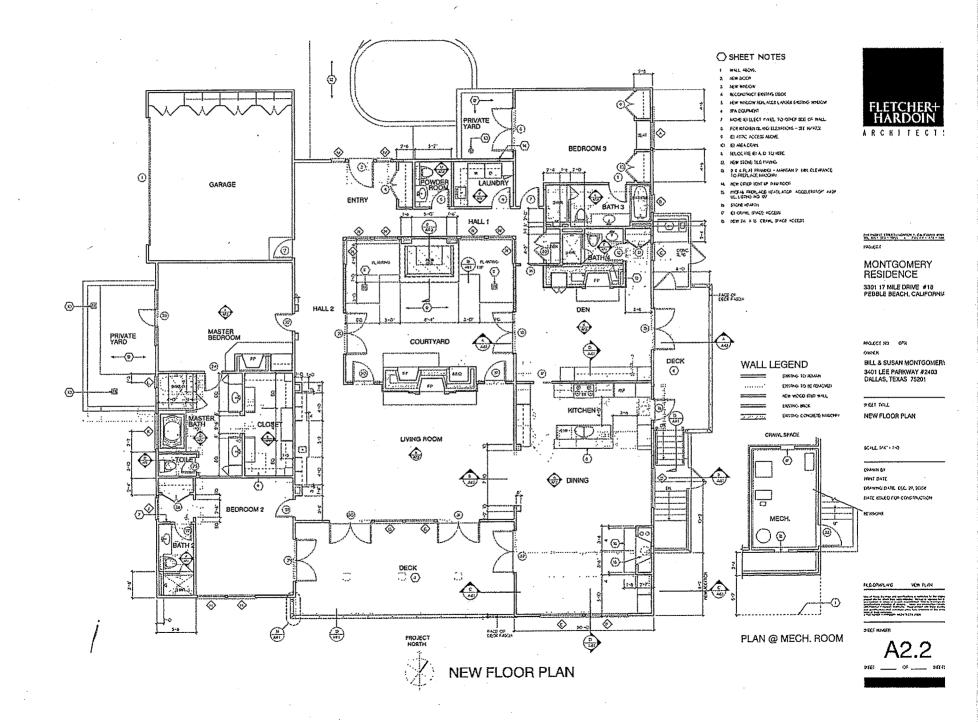
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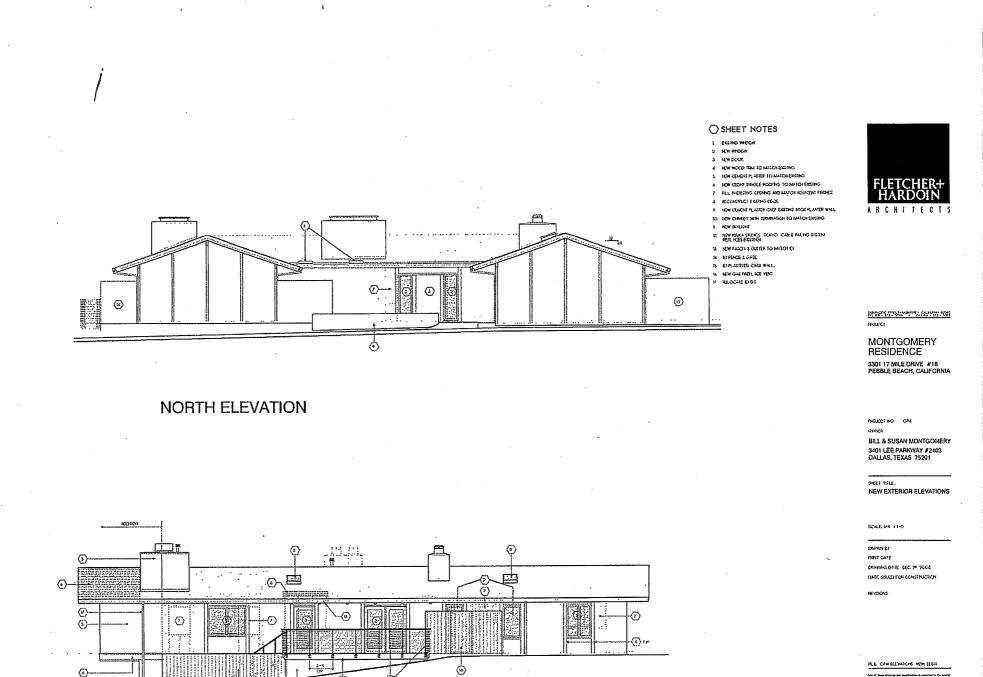


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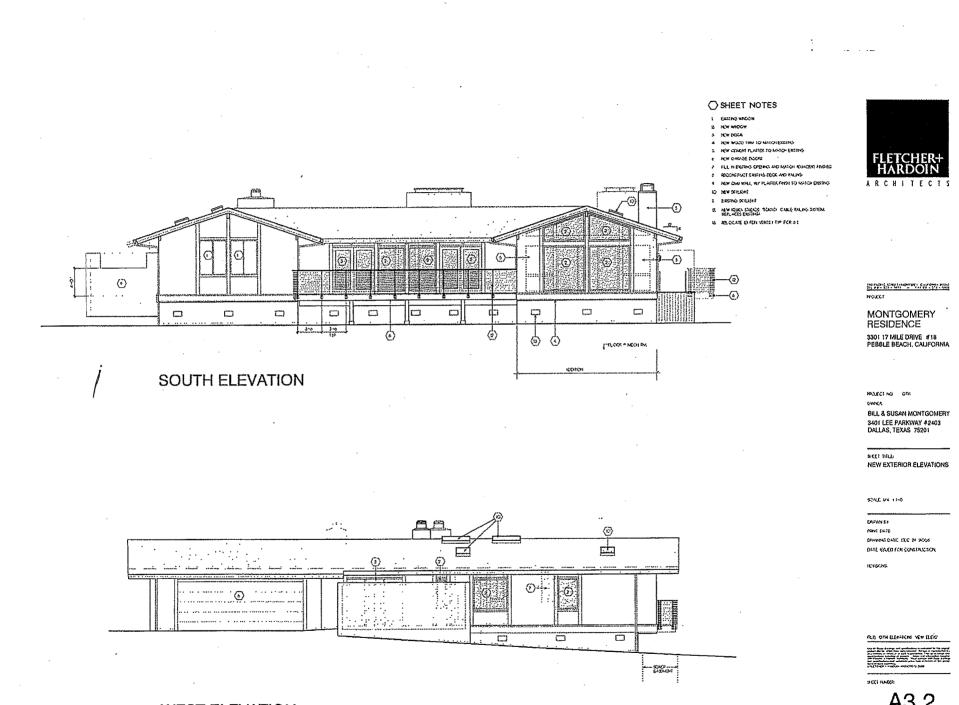
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WEST ELEVATION

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