

**MIKE NOVO
ZONING ADMINISTRATOR**

**STATE OF CALIFORNIA
COUNTY OF MONTEREY**

RESOLUTION NO. 090005

A.P. # 009-441-011-000

FINDINGS AND DECISION

In the matter of the application of
GUTIERREZ JAMIE L

This Coastal Development Permit and Design Approval (PLN090005) allows development within 750 feet of a known archaeological resource (removal of an existing deck and replacement with a concrete slab.) The property is located at 26386 Isabella Avenue, Carmel (Assessor's Parcel Number 009-441-011-000), Carmel Area Land Use Plan., came on regularly for hearing before the Zoning Administrator on February 12, 2009.

Said Zoning Administrator, 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, conforms to the policies, requirements, and standards of the Monterey County General Plan, Carmel Area Land Use Plan (LUP), Monterey County Zoning Ordinance (Title 20) Part 1, and Monterey County Coastal Implementation Plan for the Carmel Area (Part 4), 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 this application. As proposed and conditioned, no conflicts were found to exist with replacement of the deck. 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 26386 Isabella Avenue, Carmel (Assessor's Parcel Number 009-441-011-000), Carmel Area Land Use Plan, Coastal Zone. The parcel is zoned Medium Density Residential, 2 units per acre, with a Design Control District Overlay in the Coastal Zone ("MDR/2-D (CZ)"). The house is legal non-conforming with respect to site coverage, floor area ratio and off-street parking. The deck is currently 24 inches above grade and not a part of the non-conforming coverage. The replacement of the deck with a concrete slab will not affect any of the non conforming conditions. The proposed concrete slab will be lower than the deck and will maintain a maximum height of twenty four inches. This project conforms to all other zoning ordinance regulations. It simply requires an extra measure of review to allow development within 750 feet of a known archaeological resource. Conditions have been added to ensure that if any archaeological resources are found on site they will be protected, thus the project is consistent with the applicable zoning policies.
- (c) 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.

- (d) Public Access. See Finding #6.
- (e) Carmel Highlands Land Use Advisory Committee (LUAC): The project was not referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did not warrant referral to the LUAC because the project does not involve any policy review or require a variance from any zoning standard. Furthermore, the project is exempt from CEQA review per Section 15301(e) of the CEQA Guidelines.
- (f) Visual Resources: The removal of the existing deck and replacement with a stone covered concrete slab will not adversely impact any sensitive view shed. This project is part of a larger project to improve the visual condition of the house. Thus the project is in compliance with all LUP policies.
- (g) Cultural Resources: The project includes a Coastal Development Permit to allow development within 750 feet of a known archaeological resource. County records identify the project site is within an area of high sensitivity for prehistoric cultural resources. A preliminary archaeological report prepared for this project did not identify the potential for impacts to prehistoric resources. All project work is proposed to occur on land that has previously been disturbed and has not revealed any archaeological resources. The archaeologist will be on site during deck removal to insure there is nothing under the deck which could not previously be observed. Therefore, the potential for inadvertent impacts is limited and can be controlled by the use of standard project conditions.
- (h) 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 PLN090005.

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

- EVIDENCE:**
- (a) The subject property has been developed for over 30 years. The proposed project replaces an existing deck which provides access to the existing house. The project will not change how the site functions or is developed. The site has functioned in its current development scheme for over 30 years. The subject concrete landing will not change how the site functions.
 - (b) Technical reports prepared by an outside archaeological consultant did not find physical or environmental constraints that would indicate the site is not suitable for the use proposed. County staff concurs. The following report has been prepared:
 - i. *“Preliminary Cultural Resource Reconnaissance”* prepared by Susan Morely, Marina, January 2009.
 - (c) Staff conducted a site inspection on January 26, 2009 to verify that the site is suitable for this use.
 - (d) Materials in Project File PLN090005.

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), Class 1 categorically exempts the minor alteration of or addition to existing private structures involving negligible expansion of use beyond that existing at the time of the lead agency's determination.

determination.

- (b) No adverse environmental effects were identified during staff review of the project application and during site visits on January 26, 2009.
- (c) 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 PLN090005.
- (d) Findings 1 and 2, and supporting evidence.

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.

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.

5. 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) Findings 1, 2, 3, and 4; and supporting evidence.
(b) 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 PLN090005.

6. FINDING: **PUBLIC ACCESS** – The project is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (Monterey County Zoning Ordinance, Section 20.70.050.B.4). The proposed project is in conformity with the public access policies of Chapter 5 of the Carmel Area Land Use Plan, and Section 20.146.130 of the Monterey County Coastal Implementation Plan for the Carmel Area (Part 4).

EVIDENCE: (a) Figure 3 (Public Access Map) of the LUP does not identify the parcel as an area requiring current or future public access.
(b) Materials in Project File PLN090005.
(c) Site visit by the project planner on January 26, 2009.

7. FINDING: **APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: (a) Board of Supervisors: Section 20.86.030 of the Monterey County Zoning Ordinance.
(b) California Coastal Commission: Section 20.86.080.A.3 of the Monterey County Zoning Ordinance.

DECISION

THEREFORE, it is the decision of said Zoning Administrator that said application be granted as shown on the attached sketch, subject to the following conditions:

PASSED AND ADOPTED this 12th day of February, 2009.



MIKE NOVO

COPY OF THIS DECISION MAILED TO APPLICANT ON MAR 19 2009

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

MAR 29 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, 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 Planning and Building Inspection Department office in Monterey.

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

**Monterey County Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation
Monitoring Reporting Plan**

Project Name: GUTIERREZ JAMIE L

File No: PLN090005

APN: 009-441-011-000

Approved by: ZONING ADMINISTRATOR Date: February 12, 2009

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

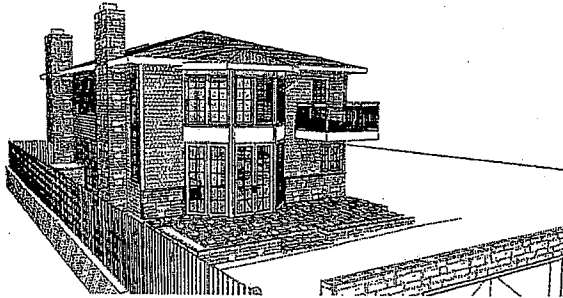
<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		PD001 - SPECIFIC USES ONLY This Coastal Development Permit Design Approval (PLN090005) allows development within 750 feet of a known archaeological resource (removal of an existing deck and replacement with a concrete slab.) The property is located at 26386 Isabella Avenue, Carmel (Assessor's Parcel Number 009-441-011-000), Carmel Area 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 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. (RMA - Planning Department)	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>
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 090005) was approved by the Zoning Administrator for Assessor's Parcel Number 009-441-011-000 on February 12, 2009 . The permit was granted subject to five 5 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.		PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT A qualified Archeologist shall be on site during the removal of the deck. The Archeologist shall submit confirmation of her/his presence onsite during this work and indicate what was observed. This letter shall be submitted prior to pouring the concrete slab. 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/ Archaeologist	Ongoing/	
4.		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	

<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.		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 recirculation 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	

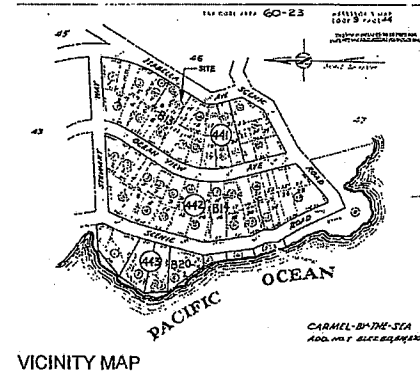
END OF CONDITIONS

JAMIE GUTIERREZ REMODEL



3 GUTIERREZ JAN 09
SCALE: 1/8" = 1'-0"

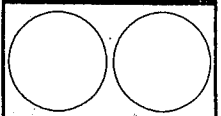
REMODEL
26386 ISABELLA AVE
CARMEL, CA 93923
APN: 009-441-011
ZONING: MDR/2-D (18) CZ
OCCUPANCY: R-3
TYPE: V



VICINITY MAP



CONSULTANTS



Gutierrez Residence
-26386 ISABELLA AVE.
-CARMEL, CA -93923

Jaime Gutierrez

CONTACTS:

OWNER:
JAMIE GUTIERREZ
PAUL & ALICE GUTIERREZ
P: 831-625-2698

BUILDER:
RON GERTZ
LOCAL PROJECTS
P.O. BOX 569
CARMEL, CA 93921
P: 596-5223

DESIGNER:
WILDAY DESIGN
DAVE WILDAY
P.O. BOX 329
CARMEL VALLEY CA, 93924
P: 831.333.1966
F: 831.333.1967
E-MAIL: WILDAY@ATT.NET

JOB DESCRIPTION:

RENOVATE KITCHEN 224 sq. ft.
RENOVATE MASTER BATH 169 sq. ft. & BATH 2/61 sq. ft.
NEW FRONT PATIO 27' HIGH 269 sq. ft.
NEW RADIANT HEAT
NEW HARDWOOD FLOORS
NEW INTERIOR ROOD IRON RAIL 42" HIGH
NEW EXTERIOR ROOD IRON RAIL 42" HIGH
REMOVE EXISTING SIDING
NEW HARDY CEMENT SHINGLES
COLOR WEATHERED GREY
REPLACE EXISTING DOORS (7) & WINDOWS (22)
W COLONY WHITE CLAD EAGLE DOORS & WINDOWS
3 REVISED DOOR OPENINGS TO WINDOWS @ FIRST FLOOR
3 NEW WINDOW OPENINGS @ SECOND FLOOR
PAINT ALL TRIM & PASCIA COLONY WHITE
LANDSCAPE TO REMAIN NATURAL
NO TREES TO BE REMOVED

GENERAL REQUIREMENTS:
1. Project shall comply with the 2007 California Building Planning, Mechanical and Electrical, 2007 California Electrical Code and the 2007 California Energy Code.
2. Emergency egress from sleeping rooms shall be maintained:
a. Minimum net clear height of 6'6" to 8'0" in height.
b. Minimum net clear width of 20" to 24" in width.
c. Minimum net clear opening of 20" to 24" in width.
d. 56" height of each egress door shall be maintained at 56" height above floor.

DATA:

NO CHANGES TO EXISTING
GRANDFATHERED IN

LOT SIZE: .09 ACRES / 4,000 SQ. FT.

SITE COVERAGE:
ALLOWED 35% (1,400 SQ. FT.)
EXISTING (1,585 SQ. FT. / 39%)

F.A.R.:
ALLOWED 45% (1,800 SQ. FT.)
EXISTING (2,362 SQ. FT. / 59%)

SET BACKS:
FRONT: 20'
SIDE: 5'
REAR: 10'
MAX. HT: 30'

INDEX:

SHEET INDEX		
ID	Name	Published
A-001	COVER SHEET	<input type="checkbox"/>
A-101	Existing Site Plan & Photos	<input type="checkbox"/>
A-102	Existing Floor Plans	<input type="checkbox"/>
A-103	Proposed Site Plans	<input type="checkbox"/>
A-104	Proposed Floor Plans	<input type="checkbox"/>
A-201	Proposed Elevations	<input type="checkbox"/>

X 01/13/09 PLANNING
MARK DATE DESCRIPTION

PROJECT NO: GUTIERREZ
MODEL FILE:
DRAWN BY: CHAD BROWN
CHKD BY: DAVE WILDAY
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SHEET TITLE

COVER SHEET

A-001

SHEET 1 OF 6

CONSULTANTS

Gutierrez Residence
-26386 ISABELLA AVE.
-CARMEL, -CA -93923

Jaime Gutierrez

X	01/13/09	PLANNING
MARK	DATE	DESCRIPTION

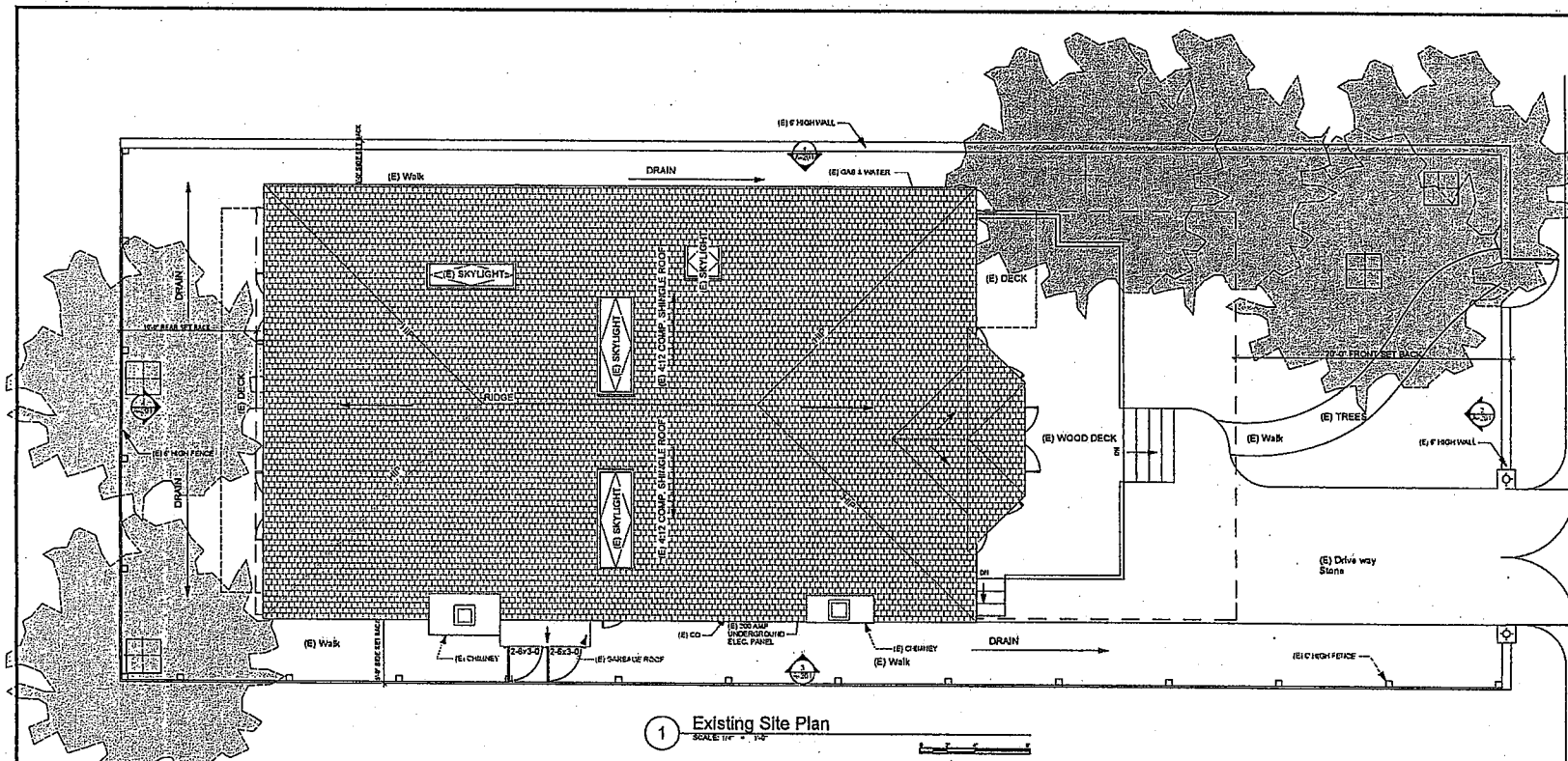
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MODEL FILE:	
DRAWN BY:	CHAD BROWN
CHK'D BY:	DAVE WILDAY
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SHEET TITLE

Existing Site Plan & Photos

A-101

SHEET 2 OF 6



SIDE ELEVATION



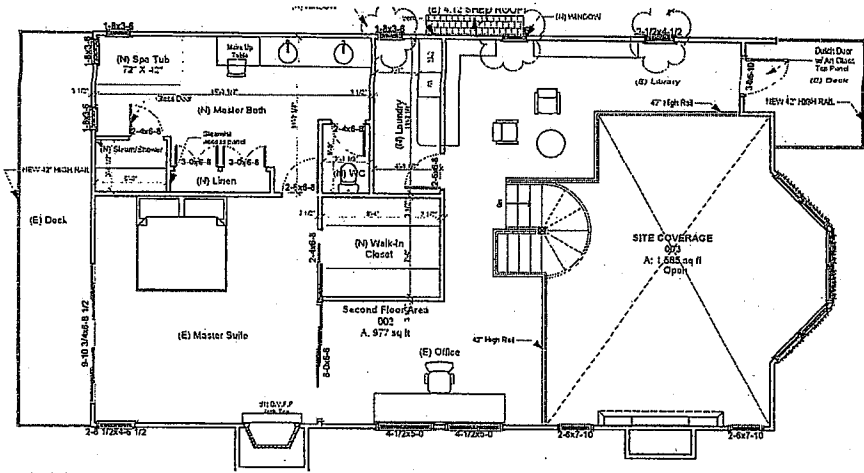
REAR ELEVATION

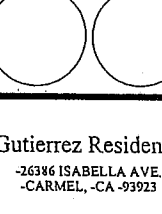


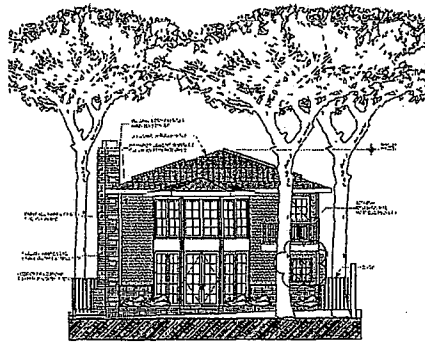
FRONT ELEVATION



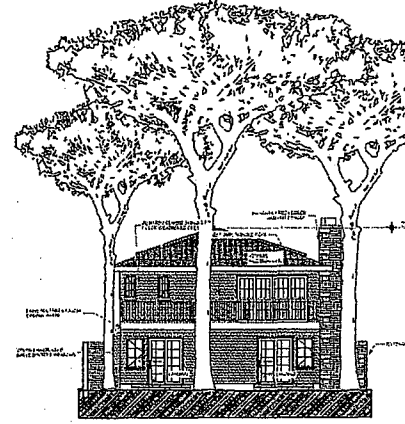


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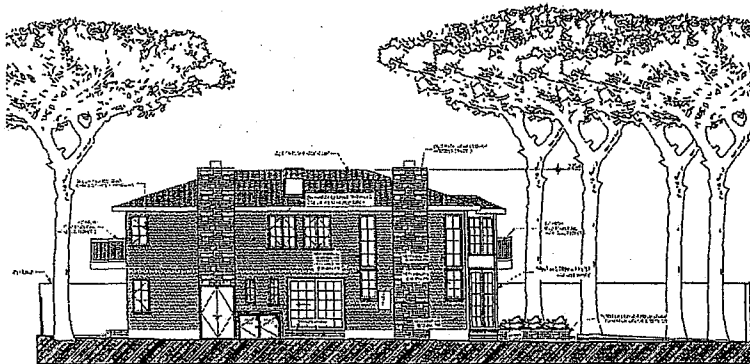
CONSULTANTS		
		
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<i>Jaime Gutierrez</i>		
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MARK	DATE	DESCRIPTION
PROJECT NO: GUTIERREZ		
MODEL FILE:		
DRAWN BY: CHAD BROWN		
CHKD BY: DAVE WILDAY		
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SHEET TITLE		
<p style="font-size: 1.5em; font-weight: bold;">Proposed Floor Plans</p>		
<p style="font-size: 2.5em; font-weight: bold;">A-104</p>		
SHEET 5		OF 6



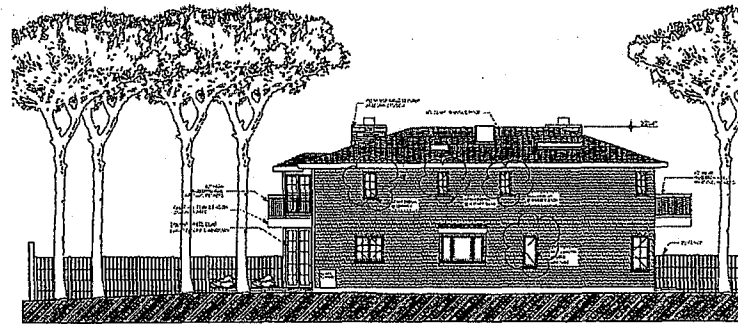
2 EAST ELEVATION
SCALE: 1/8" = 1'-0"



4 WEST ELEVATION
SCALE: 1/8" = 1'-0"



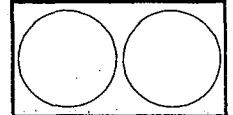
3 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



1 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



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-CARMEL, -CA -93923

Jaime Gutierrez

MARK	DATE	DESCRIPTION
X	01/13/09	PLANNING

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SHEET TITLE

Proposed Elevations

A-201

SHEET 8 OF 8




CARMEL AREA



APPLICANT: GUTIERREZ

APN: 009-441-011-000

FILE # PLN090005

 300' Limit  2500' Limit  City Limits

