

**MINOR SUBDIVISION COMMITTEE
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 04009

MINOR SUBDIVISION # 040113

A.P. # 008-392-001-000

FINDINGS AND DECISION

In the matter of the application of
Steven and Elvia Goldberg (PLN040113)

for a Coastal Development Permit in accordance with Title 20.1 (Monterey County Coastal Implementation Plan Ordinances) Chapter 20.140 (Coastal Development Permits) of the Monterey County Code, to allow a two year extension of a Tentative Map and Coastal Development Permit for an approved Minor Subdivision subdividing a 4.9 acre parcel into two parcels (1.5 and 3.4 acres). Two single family dwellings currently exist on the property. No other developments or improvements are proposed. The project is located at 1658 Crespi Lane, Pebble Beach, southwest of Crespi Lane, Del Monte Forest area, Coastal Zone, came on regularly for hearing on May 27 2004.

Said Minor Subdivision Committee, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. **FINDING: CONSISTENCY, SITE SUITABILITY, AND PUBLIC ACCESS** – This two-year extension request for Steven & Elvia Goldberg would extend the expiration date of the previously approved Coastal Development Permit and Tentative Map for a minor subdivision (PLN010100) to March 14, 2006. The previously approved Coastal Development Permit, as described in Condition #1 and as conditioned, conforms to the plans, policies, requirements, and standards of the Local Coastal Program (LCP). The LCP for this site consists of the Del Monte Forest Land Use Plan, Coastal Implementation Plan (Part 5), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20). The site is located at 1658 Crespi Lane (Assessor's Parcel Number 008-392-001-000) Del Monte Forest, Coastal Zone. The parcel is zoned "LDR/1.5 (CZ)" or Low Density Residential, 1.5 acres per unit, Coastal Zone. The site is physically suitable for the proposed project. 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, and 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.

The project is in conformance with the public access and public recreation policies of the Coastal Act and the 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 impacts 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 applicant provided an extension application, extension request, and site plan, approved Tentative Parcel Map for the project file PLN040113 at the Monterey County Planning and Building Inspection Department.

(b) Staff has reviewed the environmental documents (Initial study dated January 30, 2002) and concludes that because no change in circumstances or new development has occurred affecting the existing structures or proposed parcels the Negative Declaration shall be considered adequate.

(c) The project planner conducted a site visit on April 5, 2004, to verify that the proposed project complies with the LCP and the original project as approved. Based on the site visit and analysis of building records, the existing single-family dwellings are not proposed for demolition.

(d) The Del Monte Forest Land Use Advisory Committee (LUAC) reviewed the proposal and recommended approval (5 - 0) of a 2 year extension for the Coastal Development Permit (Minor Subdivision) on April 8, 2004 with no conditions or changes.

(e) The Monterey County Planning and Building Inspection Department, Coastal Commission, Pebble Beach Community Services District, Monterey County Water Resources Agency, Monterey County Public Works Department, Monterey County Parks Department and the Monterey County Health Department have reviewed the project. There has been no indication from these agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

(f) The subject properties is not described as an area where the Local Coastal Program requires access and is not indicated as part of any designated trails or shoreline access. No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

(g) Policy 68 states that development and land use, whether public or private, shall conform to the policies, and shall meet resource protection standards as set forth in the Del Monte Forest Land Use Plan. This includes development on legal lots of record as well as new subdivisions. The subject property contains existing residential development and is highly disturbed with landscaping, paths, and paved areas. No improvements are proposed with the minor subdivision, which would be consistent with the resource protection standards.

(h) The application for an extension of the Coastal Development Permit and tentative Parcel map shall not amend or omit any of the previous conditions of approval under PLN010100.

2. FINDING: CEQA – The previously approved Coastal Development Permit for a Minor Subdivision (PLN010100) and adopted Negative Declaration are found to be adequate based staff's

review of the previously approved project and the current proposal to extend the expiration date of the tentative map. In light of the whole of the record, the current proposal to extend the tentative map shall be considered exempt from CEQA. There are no changes in circumstances nor are there any substantial changes in the project therefore staff has determined that the proposed project per Article 11 section 15162 will not require subsequent review.

EVIDENCE: The project is categorically exempt from environmental review per Section §15162 based on the proceeding Findings, supporting evidence and the administrative record for the approved minor subdivision (PLN010100) and the current application to extend the tentative map (PLN040113) located on file at the Monterey County Planning and Building Inspection Department.

3. **FINDING:** The subject property is in compliance with all rules and regulation pertaining to applicable provisions of Title 19 section 19.04.040 Extension of Tentative Parcel Map.

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no substantial changes in circumstances have occurred to the project.

EVIDENCE: Preceding findings and supporting evidence.

4. **FINDING: NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and other applicable provisions of Title 20. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: Sections 20.12 and 20.44 of the Monterey County Zoning Ordinance. Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.

5. **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.

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

EVIDENCE: Sections 20.86 of Part 1 of the Coastal Implementation Plan (Title 20).

DECISION

THEREFORE, it is the decision of said Minor Subdivision Committee that said request for a two year extension of a Tentative Map and Coastal Development Permit be approved as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 27th day of May, 2004, by the following vote:

AYES: McPharlin, Hori, Mulholland, Lawrence, Towner
NOES: None
ABSENT: Hawkins, Brandau
ABSTAIN: None

ANN TOWNER, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT ON

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

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS. IT IS NOT APPEALABLE TO THE 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 Planning and Building Inspection Department office in Monterey.

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