

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: July 30, 2009 Time: P.M.	Agenda Item No.:
Project Description: Combined Development Permit consisting of: 1) a Coastal Administrative Permit for the demolition of a 2,700 square foot accessory structure (maintenance building), and 2) a Coastal Development Permit to allow development within 750 feet of a known archaeological resource.	
Project Location: 3213 Whitman Lane, Pebble Beach, Del Monte Forest	APN: 008-401-010-000
Planning File Number: PLN090184	Owner: Pebble Beach Company
Planning Area: Del Monte Forest Land Use Plan	Flagged and staked: No
Zoning Designation: LDR/1.5-D (CZ) [Low Density Residential, 1.5 acres per unit with Design Control Overlay (Coastal Zone)]	
CEQA Action: Categorically Exempt per Section 15301 (I)	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt a resolution (**Exhibit B**) to:

- 1) Categorically Exempt PLN090184, per CEQA Guidelines Section 15301(I), and
- 2) Approve PLN090184, based on the findings and evidence and subject to the conditions of approval (**Exhibit B**):

PROJECT OVERVIEW:

The project involves the demolition of an existing 2,700 square foot accessory structure. The existing structure has been used by the Pebble Beach Company as a maintenance structure for the Pebble Beach Golf Course. The Pebble Beach Company, at this time, has no plans to build another structure on the parcel.

County records identify the project site is within an area of high sensitivity for prehistoric cultural resources, and within 750 feet of a known archaeological resource. However, a preliminary archaeological report prepared for this project did not identify any potential resources on the parcel; therefore, the potential for inadvertent impacts is limited and will be controlled by the use of the County’s standard project condition regarding cultural resources (Condition No. 3).

OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

- RMA - Public Works Department
- Environmental Health Division
- Water Resources Agency
- √ Pebble Beach Community Services (Fire Protection) District
- California Coastal Commission

Agencies that submitted comments are noted with a check mark (“√”). Conditions recommended by the RMA-Planning Department and the Pebble Beach Community Services District have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached as Exhibit 1 to the draft resolution (**Exhibit B**).

The project was not referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did not warrant referral to the LUAC because it did not involve development requiring CEQA review, a lot line adjustment, a variance, or Design Approval subject to review by the Zoning Administrator or Planning Commission.

Note: The decision on this project is appealable to the Board of Supervisors and to the California Coastal Commission.

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Joseph Sidor, Associate Planner
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July 6, 2009

cc: Front Counter Copy; Zoning Administrator; Pebble Beach Community Services (Fire Protection) District; Public Works Department; Environmental Health Division; Water Resources Agency; California Coastal Commission; Laura Lawrence, Planning Services Manager; Joseph Sidor, Project Planner; Carol Allen, Senior Secretary; Pebble Beach Company, Owner; Planning File PLN090184.

Attachments: Exhibit A Project Data Sheet
 Exhibit B Draft Resolution, including:
 1. Conditions of Approval
 2. Site Plan
 Exhibit C Vicinity Map

This report was reviewed by Laura Lawrence, Planning Services Manager.

**EXHIBIT B
DRAFT RESOLUTION**

**Before the Zoning Administrator in and for the
County of Monterey, State of California**

In the matter of the application of:

**PEBBLE BEACH COMPANY (PLN090184)
RESOLUTION NO. 090184**

Resolution by the Monterey County Zoning
Administrator:

- 1) Categorically exempting PLN090184 per CEQA Guidelines Section 15301 (1), and
- 2) Approving a Combined Development Permit consisting of a Coastal Administrative Permit for the demolition of a 2,700 square foot accessory structure (maintenance building) and a Coastal Development Permit to allow development within 750 feet of a known archaeological resource.

(PLN090184, Pebble Beach Company, 3213 Whitman Lane, Pebble Beach, Del Monte Forest Land Use Plan, APN: 008-401-010-000)

The Pebble Beach Company application (PLN090184) came on for public hearing before the Monterey County Zoning Administrator on July 30, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the Monterey County General Plan,
 - Del Monte Forest Land Use Plan,
 - Coastal Implementation Plan (Part 5),
 - Monterey County Zoning Ordinance (Title 20)No conflicts were found to exist. 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 3213 Whitman Lane, Pebble Beach (Assessor’s Parcel Number 008-401-010-000), Del Monte Forest Land Use Plan. The parcel is zoned LDR/1.5-D (CZ) [Low Density Residential, 1.5 acres per unit with Design Control Overlay (Coastal Zone)], which allows the demolition of accessory structures with a Coastal Administrative Permit. Therefore, the project is an allowed land use for this site.

- c) The project planner conducted a site inspection on May 29, 2009, to verify that the project on the subject parcel conforms to the plans listed above.
- d) Archaeological Resources: County records identify the project site is within an area of high sensitivity for prehistoric cultural resources, and within 750 feet of a known archaeological resource. However, a preliminary archaeological report prepared for this project did not identify any potential resources on the parcel; therefore, the potential for inadvertent impacts is limited and will be controlled by the use of the County's standard project condition regarding cultural resources (Condition No. 3).
- e) The project was not referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did not warrant referral to the LUAC because it did not involve development requiring CEQA review, a lot line adjustment, a variance, or Design Approval subject to review by the Zoning Administrator or Planning Commission.
- f) 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 PLN090184.

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 (Fire Protection) 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) Staff identified potential impacts to Archaeological Resources. A technical report by an outside consultant indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed this report and the Zoning Administrator concurs with its conclusions. The following report has been prepared:
 - Preliminary Archaeological Reconnaissance (LIB090296) prepared by Archaeological Consulting, Salinas, California, June 2, 2009.
 - c) Staff conducted a site inspection on May 29, 2009, to verify that the site is suitable for this use.
 - d) 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 PLN090184.

3. **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 was reviewed by the RMA - Planning Department, Pebble Beach Community Services (Fire Protection) District, Public Works Department, Environmental Health Division, and Water Resources Agency. The respective departments/agencies 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.
- b) Preceding findings and supporting evidence for PLN090184.

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:** a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
- b) Staff conducted a site inspection on May 29, 2009, and researched County records to assess if any violation exists on the subject property.
- c) There are no known violations on the subject parcel.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090184.

5. **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 (1), categorically exempts the demolition and removal of small structures.
- b) The project involves the demolition of a 2,700 square foot accessory structure used by the applicant as a maintenance building. This project, as proposed, clearly falls within the parameters of CEQA Guidelines Section 15301 (1).
- c) No adverse environmental effects were identified during staff review of the development application during a site visit on May 29, 2009.
- d) Exceptions to exemptions listed in Section 15300.2.a-f are inapplicable. The project does not involve: a historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a significant effect, development that would result in a cumulatively significant impact, nor development in a particularly sensitive environment.
- e) See preceding and following findings and supporting evidence.

6. **FINDING: PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.147.130 of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figures 15 and 16 in 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) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090184.
 - e) The project planner conducted a site inspection on May 29, 2009.

7. **FINDING:** **SITE COVERAGE (DEL MONTE FOREST WATERSHEDS)** – The project limits structural and impervious surface coverage in order to reduce runoff within the Pescadero, Seal Rock Creek, and Sawmill Gulch Watersheds and some smaller unnamed watersheds that drain into the Carmel Bay Area of Special Biological Significance (ASBS).

- EVIDENCE:**
- a) The Del Monte Forest Coastal Implementation Plan – Part 5 limits development of parcels within the Pescadero Watershed to a maximum site coverage of 9,000 square feet. Pursuant to Section 20.147.030.A.1.b) of the Coastal Implementation Plan – Part 5, structural coverage is limited 5,000 square feet, including main and accessory structures. Separately, additional impervious surfaces (less than 40% water pass through) are limited to 4,000 square feet.
 - b) The project involves the demolition of an existing 2,700 square foot accessory structure. The existing structure has been used by the Pebble Beach Company as a maintenance structure for the Pebble Beach Golf Course. The Pebble Beach Company, at this time, has no plans to build another structure on the parcel. Therefore, upon completion of the demolition, the parcel will not have any structural or impervious surface coverage remaining and will be consistent with the limitations identified in the Coastal Implementation Plan – Part 5.
 - c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090184.

8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed 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 (Title 20). An appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
 - b) California Coastal Commission: Sections 20.86.080.A.1 and A.3 of the Monterey County Zoning Ordinance (Title 20). The project is subject to appeal by/to the California Coastal Commission because development between the sea and the first through public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance; or development involving a conditional use.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

- A. Categorically exempt PLN090184 per CEQA Guidelines Section 15301 (l); and
- B. Approve a Combined Development Permit consisting of a Coastal Administrative Permit for the demolition of a 2,700 square foot accessory structure (maintenance building) and a Coastal Development Permit to allow development within 750 feet of a known archaeological resource, in general conformance with the attached sketch (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 30th day of July, 2009.

MIKE NOVO, Zoning Administrator

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 TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, 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 demolition permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building or demolition 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 demolition until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 4 years after the above date of granting thereof unless demolition is started within this period.

RESOLUTION 090184 - EXHIBIT 1 Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: PEBBLE BEACH COMPANY File No: PLN090184 APN: 008-401-010-000 Approved by: Zoning Administrator Date: July 30, 2009
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**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)
RMA – Planning Department						
1.		PD001 - SPECIFIC USES ONLY This Combined Development Permit (PLN090184) allows the demolition of a 2,700 square foot accessory structure (maintenance building) and development within 750 feet of a known archaeological resource. The property is located at 3213 Whitman Lane, Pebble Beach (Assessor’s Parcel Number 008-401-010-000), 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. 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. (RMA-Planning Department)	Adhere to conditions and uses specified in the permit. 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. 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.	Owner/ Applicant RMA - Planning WRA RMA - Planning	Ongoing unless otherwise stated	
2.		PD002 – NOTICE - PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution PLN090184) was approved by the	Obtain appropriate form from the RMA-Planning Department.	Owner / Applicant	Prior to the issuance of grading	

<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>
		Zoning Administrator for Assessor's Parcel Number 008-401-010-000 on July 30, 2009. The permit was granted subject to seven (7) conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)	The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	RMA-Planning	and building permits or commencement 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 / Archaeologist	Ongoing	
4.		PD004 - INDEMNIFICATION AGREEMENT The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government	Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County. Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.	Owner / Applicant	Upon demand of County Counsel or concurrent with the issuance of the demolition permit or use of the property,	

<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>
		Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)			whichever occurs first and as applicable.	
5.		PD032(A) - PERMIT EXPIRATION (NON-STANDARD) The permit shall be granted for a time period of 4 years, to expire on August 13, 2013, unless use of the property or actual construction/demolition has begun within this period. (RMA – Planning Department)	The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.	Owner / Applicant	As stated in the conditions of approval	
6.		PD047 – DEMOLITION/DECONSTRUCTION OF STRUCTURES (MBUAPCD RULE 439) In accordance with Monterey Bay Unified Air Pollution Control District Rule 439, construction plans shall include "Demolition and Deconstruction" notes that incorporate the following work practice standards: 1. Sufficiently wet the structure prior to	Applicant shall incorporate a "Demolition/ Deconstruction" note on the demolition site plan that includes, but is not limited to, the standards set forth in this condition.	Contractor / Owner / Applicant	Prior to the issuance of a demolition permit.	
			Contractor shall obtain any required Air District permits and conduct all	Contractor / Owner /	During demolition.	

<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>
		<p>deconstruction or demolition. Continue wetting as necessary during active deconstruction or demolition and the debris reduction process;</p> <ol style="list-style-type: none"> 2. Demolish the structure inward toward the building pad. Lay down roof and walls so that they fall inward and not away from the building; 3. Commencement of deconstruction or demolition activities shall be prohibited when the peak wind speed exceeds 15 miles per hour. <p>All Air District standards shall be enforced by the Air District. (RMA – Planning Department)</p>	deconstruction or demolition activities as required by the Air District.	Applicant / Air District		
Pebble Beach Community Services (Fire Protection) District						
7.		<p>FIRE030 – FIRE SAFETY DURING DEMOLITION (NON-STANDARD)</p> <p>The applicant shall adhere to the requirements listed in the 2007 CFC Chapter 14; specifically, CFC 1404.1 through 1404.7, CFC 1409.1, CFC 1410.1, CFC 1415.1, and 1416.1. (Pebble Beach Community Services District)</p>	Applicant shall enumerate as “Fire Dept. Notes” on demolition plan.	Owner / Applicant	Ongoing during demolition.	

END OF CONDITIONS