

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> April 28, 2011 Time: 1:40 P.M	<b>Agenda Item No.:</b> 4
<b>Project Description:</b> Coastal Administrative Permit for a 1,020 square foot single story living room addition to an existing 8,016 square foot single family residence with a 452 square foot attached garage; Variance to exceed maximum allowed Pescadero Watershed coverage; and Design Approval.	
<b>Project Location:</b> 1568 Sonado Rd., Pebble Beach	<b>APN:</b> 008-202-004-000
<b>Planning File Number:</b> PLN100054	<b>Owner:</b> Melvin Joseph Durao Jr. <b>Agent:</b> John Moore
<b>Planning Area:</b> Del Monte Forest Land Use Plan	<b>Flagged and staked:</b> Yes
<b>Zoning Designation:</b> "LDR/1.5-D(CZ)" [Low Density Residential, 1.5 acres per unit with Design Control Overlay (Coastal Zone)]	
<b>CEQA Action:</b> Categorically Exempt per Section 15301(e)	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

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

- 1) Categorically exempt pursuant to CEQA Guidelines Section 15301(e); and
- 2) Approve PLN100054, based on the findings and evidence and subject to the conditions of approval (**Exhibit B**):

### PROJECT OVERVIEW:

The subject property is located within the Pescadero Watershed which limits structural coverage to 5,000 square feet and impervious surface coverage to 4,000 square feet as set forth in Section 20.147.030.A.1 of the Del Monte Forest Coastal Implementation Plan. The intent of this regulation is to reduce runoff within the Pescadero Watershed into the Carmel Bay Area of Special Biological Significance (ASBS) in order to protect an area of marine biological significance. The existing total structural and impervious coverage on the site is legal non-conforming at 15,218 square feet. The applicant proposes to construct a 1,020 square foot addition to the existing residence and to remove approximately 1,477 square feet of impervious surface coverage, resulting in an overall net reduction of approximately 457 square feet. Since the resulting total coverage will continue to exceed the maximum allowed coverage at 14,761 square feet, a Variance is required.

Staff and the Del Monte Forest Land Use Advisory Committee recommended that additional impervious surfaces be removed or converted to pervious surfaces. However, due to site constraints, significant additional reduction in impervious coverage at the front of the residence is not possible. The project site slopes downward from Sonado Road to Palmero Way with the entrance facing Sonado Road. Currently, storm runoff from the front of the residence and driveway is collected and routed to the rear where it is dispersed in a large, rock lined swale. Prior to the installation of this drainage system, the basement, which is approximately 10 feet below the driveway grade, was regularly flooded and water damage occurred. The applicant has submitted a letter from Frank Campo of C3 Engineering which states that replacing the concrete driveway in front of the residence with pervious materials would cause the water intrusion problem to re-occur. The engineer has further stated that the swale that receives the runoff is adequate to allow the site drainage to percolate into the ground on the site. In addition, the project has been conditioned to require on-site retention of drainage. Therefore, with all drainage being proposed to percolate on-site, the project meets the intent of the Pescadero Watershed coverage regulations.

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

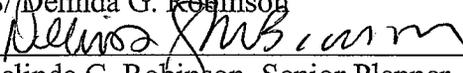
- √ RMA - Public Works Department
- √ Environmental Health Bureau
- √ Water Resources Agency
- √ Pebble Beach Community Services District (Fire Protection District)
- California Coastal Commission

Agencies that submitted comments are noted with a check mark ("√"). Conditions recommended by Water Resources Agency and 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 heard by the Del Monte Forest Land Use Advisory Committee (LUAC) at a public hearing on July 1, 2010. The LUAC recommended that the project be modified to increase the reduction in impervious driveway coverage by a vote of 6 to 0.

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

/s/ Delinda G. Robinson

  
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Delinda G. Robinson, Senior Planner  
(831) 755-5198, [robinsond@co.monterey.ca.us](mailto:robinsond@co.monterey.ca.us)  
April 21, 2011

cc: Front Counter Copy; Zoning Administrator; Pebble Beach Community Services District Fire Protection District; Public Works Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Laura Lawrence, Planning Services Manager; Delinda Robinson, Project Planner; Carol Allen, Senior Secretary; Melvin Joseph Durao Jr., Owner; John Moore, Agent; Planning File PLN100054

Attachments: Exhibit A Project Data Sheet  
Exhibit B Draft Resolution, including:  
1. Conditions of Approval  
2. Site Plan, Floor Plan and Elevations  
Exhibit C Vicinity Map  
Exhibit D Del Monte Forest Land Use Advisory Committee Minutes  
Exhibit E Justification Letter

This report was reviewed by Laura Lawrence, Planning Service Manager



## Project Data Sheet for PLN100054

**Project Title:** DURAO

<b>Location:</b> 1568 Sonado Road, Pebble Beach	<b>Primary APN:</b> 008-202-004-000
<b>Applicable Plan:</b> Del Monte Forest Land Use Plan	<b>Coastal Zone:</b> YES
<b>Permit Type:</b> CAP and VAR	<b>Zoning:</b> LDR/1.5-D(CZ)
<b>Environmental Status:</b> EXEMPT	<b>Plan Designation:</b> Residential, 1U/5 acres
<b>Advisory Committee:</b> DMFLUAC	<b>Final Action Deadline (884):</b> 04/24/2011

**Project Site Data:**

<b>Lot Size:</b> 2.04 ACRES	<b>Coverage Allowed:</b> 15%
	<b>Coverage Proposed:</b> 8.26%
<b>Existing Structures (SF):</b> 9,348	<b>Height Allowed:</b> 30 FEET
<b>Proposed Structures (SF):</b> 1,020	<b>Height Proposed:</b> 23 FEET-10 inches
<b>Total SF:</b> 10,368	<b>Floor Area Ratio Allowed:</b> 17.5%
	<b>Floor Area Ratio Proposed:</b> 11.69%

**Resource Zones and Reports:**

<b>Environmentally Sensitive Habitat:</b> N/A	<b>Erosion Hazard Zone:</b> Moderate
<b>Biological Report #:</b> N/A	<b>Soils Report #:</b> N/A
<b>Forest Management Rpt. #:</b> N/A	
<b>Archaeological Sensitivity Zone:</b> High	<b>Geologic Hazard Zone:</b>
<b>Archaeological Report #:</b> LIB100163	<b>Geologic Report #:</b> N/A
<b>Fire Hazard Zone:</b> Very High	<b>Traffic Report #:</b> N/A

**Other Information:**

<b>Water Source:</b> Public	<b>Sewage Disposal (method):</b> Sewer
<b>Water Dist/Co:</b> Cal Am	<b>Sewer District Name:</b> PBCSD
<b>Fire District:</b> PBCSD	<b>Total Grading (cubic yds.):</b> <15 Cubic Yards
<b>Tree Removal:</b> None	

**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:

**MELVIN JOSEPH DURAO JR. (PLN100054)**

**RESOLUTION NO. ----**

Resolution by the Monterey County Zoning  
Administrator:

- 1) Categorically exempting PLN100054 pursuant to CEQA Guidelines Section 15301(e); and
- 2) Approving Coastal Administrative Permit for a 1,020 square foot single story living room addition to an existing 8,016 square foot single family residence with a 452 square foot attached garage; Variance to exceed maximum allowed Pescadero Watershed coverage; and Design Approval.

[PLN100054, **Melvin Joseph Durao Jr**, 1568 Sonado Road, Pebble Beach, Del Monte Forest Land Use Plan (APN: 008-202-004-000)]

**The Durao application (PLN100054) came on for public hearing before the Monterey County Zoning Administrator on April 28, 2011. 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 1982 Monterey County General Plan;
  - Del Monte Forest Land Use Plan;
  - Monterey County Coastal Implementation Plan Part 5; and
  - 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 1568 Sonado Road, Pebble Beach (Assessor's Parcel Number 008-202-004-000), 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 additions of more than 10 percent of the floor areas of the existing single family dwelling subject to a Coastal Administrative Permit in each case. Therefore, the project is an allowed land use for

this site.

- c) The subject property is located within a Design Control District, which provides regulation of the location, size, configuration, materials, and colors of structures and fences. In addition, Section 20.147.070.C.2 of the Del Monte Forest Coastal Implementation Plan requires structures to be subordinate to and blend into the environment. The proposed materials and colors include: cement plaster beige for the body, white framed windows, and grey composite roofing tiles to match the existing single family dwelling, consistent with the requirements of the Del Monte Forest Coastal Implementation Plan.
- d) Based on resource information contained within the Monterey County Geographic Information System, the subject property is listed as high for archaeological sensitivity. Therefore, pursuant to Section 20.147.080.B.1 of the Del Monte Forest Coastal Implementation Plan, an archaeological report was required for the proposed project. This report concluded that the project area does not contain surface evidence of potentially significant cultural resources. The potential for inadvertent impacts to cultural resources is limited and will be controlled by the imposition of the County's standard condition of approval for protection of archaeological resources.
- e) The subject property is located within the Pescadero watershed, which drains into the Carmel Bay Area of Special Biological Significance. To insure that the water quality draining into this area is maintained, Section 20.147.030.A.1.b of the Del Monte Forest Coastal Implementation Plan requires that the maximum structural coverage be limited to 5,000 square feet and the maximum impervious surface coverage limited to 4,000 square feet. The existing structures and impervious surface on the subject property currently exceed the maximum allowed. The applicant requests to create a greater amount of structural coverage and reduce the amount of impervious surface, for an overall reduction of total surface area. However, the resulting amount is in excess of the amount allowed. Therefore, the applicant requests a Variance to the Pescadero Watershed limitations. See Finding No. 7 for further discussion.
- f) The subject property is located within the area shown on Figure 4 of the Del Monte forest Land Use Plan (Visual Resources) as being visible from 17 Mile Drive and Point Lobos. However, because of existing trees on and off the property, this addition will not be visible from visually-sensitive areas.
- g) The project planner conducted a site inspection on June 30, 2010 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. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the project includes a Variance and a Design Approval which will be heard at a public hearing. By a vote of 6-0, the LUAC voted to recommend that the project be modified to further reduce the impervious coverage by replacing more of the concrete driveway. See Finding No. 7 for further discussion.

- 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 PLN100054.

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 Bureau, 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. Pursuant to the Policies of the Del Monte Forest Land Use Plan, an archaeological report was required to be submitted by the applicant. Technical reports by outside consultants 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 these reports and concurs with their conclusions. The following reports have been prepared:

- *“Updated Preliminary Cultural Resources Reconnaissance of APN 008-202-004, 1568 Sonado Road, Pebble Beach” (LIB100163) prepared by Archaeological Consulting, Salinas, California, March 31, 2010.*
- *“Geotechnical Report for the Proposed Media Room Addition, Durao Residence, 1568 Sonado Road, Pebble Beach, California” (LIB100162) prepared by Grice Engineering, Salinas, California, April 2010.*

- c) Staff conducted a site inspection on June 30, 2010 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 PLN100054.

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 RMA - Planning Department, Pebble Beach Community Services District, Public Works, Environmental Health Bureau, 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) Necessary public facilities are available. The existing residence has public water and sewer connections (Cal-Am and Pebble Beach Community Services District, respectively). The residence will continue to use these same connections. The Environmental Health Bureau reviewed the project application, and did not require any conditions. No additional water fixtures are proposed as part of this project.
- c) Preceding findings and supporting evidence for PLN100054.

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 June 30, 2010 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 PLN100054.

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(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.
  - b) This project consists of a 1,020 square foot single story living room addition to an existing 8,016 square foot single family residence with a 452 square foot attached garage and an 880 square foot detached garage. The addition will be less than 50 percent of the floor area of the structures before the addition and is less than 2,500 square feet, therefore, this exemption applies.
  - c) No adverse environmental effects were identified during staff review of the development application during a site visit on June 30, 2010.
  - d) None of the exceptions listed in Section 15300.2 apply and no unique circumstances exist.
  - 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 (Figure 15 the Recreational Facilities Map or Figure 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 PLN100054
- e) The project planner conducted a site inspection on June 30, 2010.

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 site is currently developed with a single family residence, detached garage and raised terraces that total 6,306 square feet of structural coverage. Existing impervious coverage consists of a 6,577 square foot driveway and 2,335 square feet of walkways for a total of 8,912 square feet. The total existing structural and impervious coverage is 15,218 square feet. Therefore, the existing development is legal non-conforming with regard to Pescadero Watershed coverage limitations.
  - c) The applicant proposes to build a 1,020 square foot addition and to remove 500 square feet of walkways and 977 square feet of driveway, for a net reduction in total coverage of 457 square feet and resulting in 7,236 square feet of structural coverage and 7,435 square feet of impervious coverage.
  - d) The LUAC and staff both recommended to the applicant that further reductions in impervious coverage be implemented. However, due to site constraints, significant additional reduction in impervious coverage at the front of the residence is not possible. The project site slopes downward from Sonado Road to Palmero Way with the entrance facing Sonado Road. Currently, storm runoff from the front of the residence and driveway is collected and routed to the rear where it is dispersed in a large, rock lined swale. Prior to the installation of this drainage system, the basement, which is approximately 10 feet below the driveway grade, was regularly flooded and water damage occurred. The applicant has submitted a letter from Frank Campo of C3 Engineering which states that replacing the concrete driveway in front of the residence with pervious materials would cause the water intrusion problem to re-occur.
  - e) The letter from Frank Campo of C3 Engineering further states that the swale that receives the site runoff prevents erosion and allows the runoff to be retained on site to percolate into the ground. In addition,

Water Resources Agency has conditioned the project to require that all site drainage be retained on site.

- f) The intent of LUP Policy No. 1 is to minimize runoff, site disturbance, erosion and sedimentation in areas that drain into the Carmel Bay Area of Special Biological Significance. This policy is implemented by Section 20.147.030.A.1.b of the Coastal Implementation Plan Part 5, which limits the amount of structural and impervious coverage to 5,000 square feet and 4,000 square feet respectively. However, in the case of the Durao property, reducing impervious coverage by replacing the front driveway with pervious materials would damage the residence. Routing the drainage to the rock lined swale meets the intent of LUP Policy No. 1.
- g) 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 PLN100054.

8. **FINDING:** **VARIANCE** – Variances shall only be granted based upon the following Findings:

- 1. That because of special circumstances applicable to the subject property, including the size, shape, topography, location or surroundings, the strict application of development standards in the Monterey County Codes is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under and under identical zoning classification;
- 2. That the variance shall not constitute a grant of privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated;
- 3. A Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

- EVIDENCE:**
- a) The property has a zoning designation of “LDR/1.5-D(CZ)” [Low Density Residential, 1.5 acres per unit with Design Control Overlay (Coastal Zone)].
  - b) 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. The intent of this regulation is to reduce runoff within the Pescadero Watershed into the Carmel Bay Area of Special Biological Significance (ASBS) in order to protect an area of marine biological significance.
  - c) The existing coverage total is approximately 15,218 square feet, which includes 6,306 square feet of structural coverage and 8,912 square feet of impervious coverage (driveway and walkways). Therefore, the existing development is legal non-conforming with regard to Pescadero Watershed coverage limitations.
  - d) **Special Circumstances:** The LDR Zoning classification allows building site coverage of 15% and does not specifically restrict impervious coverage. The subject parcel is 88,688 square feet or

approximately 2.04 acres which would allow 13,303 square feet of building coverage. Due to the Pescadero Watershed limitations, the property is restricted beyond the limits imposed by the Monterey County Zoning Ordinance (Title 20) on other properties with the same zoning classification.

- e) **Special Circumstances:** The intent of the Pescadero Watershed coverage limitations (Section 20.147.030.A.1.b of the Monterey County Coastal Implementation Plan, Part 5) is to limit the amount of storm water runoff into Carmel Bay, thereby protecting an area of biological significance. Although the proposed project exceeds the amount of structural coverage and impervious surface coverage limitation of 9,000 square feet, the applicant proposes to reduce the overall amount of surface coverage by approximately 457 square feet. Because of the slope of the project site and the location of the existing driveway uphill from the basement, further reduction of impervious surfaces on the uphill side of the residence would cause water intrusion into the basement to re-occur. See Finding 7, Evidence d. Additionally, the Water Resources Agency has conditioned the project to require on-site retention of drainage from structures and impervious surfaces. With the imposition of this condition and the reduction of the overall surface area, the project will meet the intent of the Pescadero Watershed policy. The project meets all other zoning requirements regarding size and bulk, lot coverage and setbacks.
- f) **Special Privileges:** Other property owners in the vicinity and under identical zoning classification have been afforded the same privilege sought by the property owner of this application. The Steakley project (PC93167) established the precedence to allow a Variance for a developed parcel to exceed the Pescadero Watershed 9,000 square foot combined coverage limitation where a net reduction in the existing combined coverage will occur. Within the Pescadero Watershed area, several residential projects have been granted similar variances. For PLN980384 (Butts), PLN020361 (Griggs), PLN980540 (Schwab), PLN090061 (Rachleff), and PLN060268 (Hevrdejs) the Zoning Administrator approved Variances to exceed the structural and impervious coverage limitations and allowed an increase to structural coverage, based on a reduction of impervious surface coverage, and an overall net reduction in total coverage.
- g) **Authorized Use:** Residential additions are allowed uses within a residential district. The development standards for an LDR zone are identified in Section 20.14 of the Monterey County Zoning Ordinance (Title 20). The project, as proposed, meets all applicable use and site development standards.
- h) The applicant submitted a letter of justification for the Variance (**Exhibit E** of the April 28, 2011 Zoning Administrator staff report). The project will result in an approximately 3 percent reduction of the existing legal non-conforming site coverage.
- i) The project planner conducted a site inspection on June 30, 2010 to verify the circumstances related to the property.
- j) 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 PLN100054.

9. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:** a) Section 20.86.030.A of the Monterey County Zoning Ordinance allows an appeal to 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) Section 20.86.080.A.1 and A.3. Monterey County Zoning Ordinance allows an appeal by/to the California Coastal Commission for approved projects between the sea and the first public road paralleling the sea or approved project involving development that is permitted in the underlying zone as a conditional use. The project is subject to appeal by/to the California Coastal Commission because the project is located between the sea and the first public road paralleling the sea and because the project involves the addition of more than 10 percent of the floor area to an existing residence which is allowed as a conditional use.

### DECISION

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

- A. Categorically Exempt PLN100054 pursuant to CEQA Guidelines Section 15301(e); and;
- B. Approve the Coastal Administrative Permit for a 1,020 square foot single story living room addition to an existing 8,016 square foot single family residence with a 452 square foot attached garage; Variance to exceed maximum allowed Pescadero Watershed coverage; and Design Approval 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 28<sup>th</sup> day of April, 2011 by

\_\_\_\_\_  
Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

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 DATE

(Coastal Projects)

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 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 Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Form Rev. 03-28-2011

**Monterey County Planning Department  
DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan**

PLN100054

**Responsible Department**      **Compliance or Monitoring Actions to be Performed**

**Conditions of Approval and/or Mitigation Monitoring Measures**

**1. PD001 - SPECIFIC USES ONLY**

This Permit consists of: 1) Coastal Administrative Permit for a 1,020 square foot single story living room addition to an existing 8,016 square foot single family residence with a 452 square foot attached garage and an 880 square foot detached garage; 2) Variance to exceed maximum allowed Pescadero Watershed coverage; and 3) Design Approval. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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)

Planning      Adhere to conditions and uses specified in the permit.

**2. PD002 - NOTICE PERMIT APPROVAL**

The applicant shall record a Permit Approval Notice. This notice to contain the Resolution Number, Name of Hearing Body, Assessor's Parcel Number, Date the permit was approved, and the statements "The permit was granted on April 28, 2011 subject to 10 conditions of approval which run with the land" and "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)

Planning      Proof of recordation of this notice shall be furnished to the RMA - Planning Department.

**3. PD004 - INDEMNIFICATION AGREE**

**Conditions of Approval and/or Mitigation Monitoring Measures**

The property owner agrees as a condition and in consideration of 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 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. The 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 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)

Submit signed and notarized Indemnification Agreement to the Director of RMA & Planning Department for review and signature by the County.

Planning

Proof of recodation of the Indemnification Agreement, as outlined, shall be submitted to the RMA & Planning Department.

**4. PD003(A) - RESOURCES NEG ARCH**

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 recovery. (RMA - Planning Department)

Planning

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.

**5. PD032(A) - PERMIT EXPIRATION**

The permit shall be granted for a time period of 3 years, to expire on April 28, 2014 unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

Planning

Prior to the expiration date stated in the condition, the Owner/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.

**6. PD010 - EROSION CONTROL PLAN**

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
<p>The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)</p>	<p>Planning</p>	<p>Prior to the issuance of grading and building permits, the Owner/Applicant shall submit an Erosion Control Plan to the RMA - Planning Department and the RMA - Building Services Department for review and approval.</p> <p>The Owner/Applicant, on an on-going basis, shall comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.</p>
<p><b>7. PD014(A) - LIGHTING-EXTERIOR LIGHTING PLAN</b> All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA - Planning Department)</p>	<p>Planning</p>	<p>Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.</p> <p>Prior to occupancy and on an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.</p>
<p><b>8. WR8 - COMPLETION CERTIFICATION</b> The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention/retention facilities have been constructed in accordance with approved plans. (Water Resources Agency)</p>	<p>Water</p>	<p>Prior to final inspection, the owner/applicant shall submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan.</p>
<p><b>9. WR3 - DRAINAGE PLAN - RETENTION</b> The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. The plan shall include retention/percolation facilities to mitigate the impact of impervious surface stormwater runoff. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)</p>	<p>Water</p>	<p>Prior to issuance of grading or building permits, the owner/applicant shall submit 3 copies of the drainage plan to the Water Resources Agency for review and approval.</p>
<p><b>10. WR43 - WATER AVAILABILITY CERTIFICATION</b></p>		

**Conditions of Approval and/or Mitigation Monitoring Measures**

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)

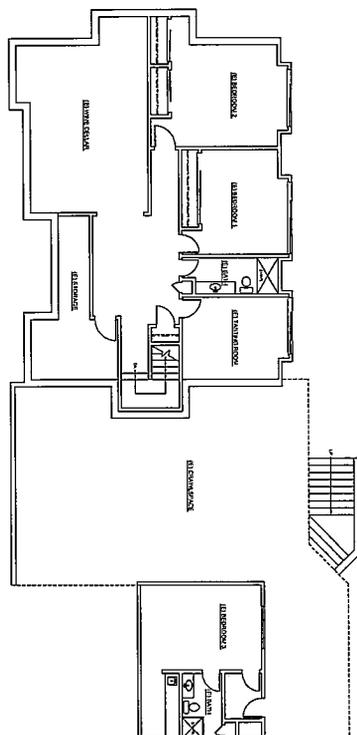
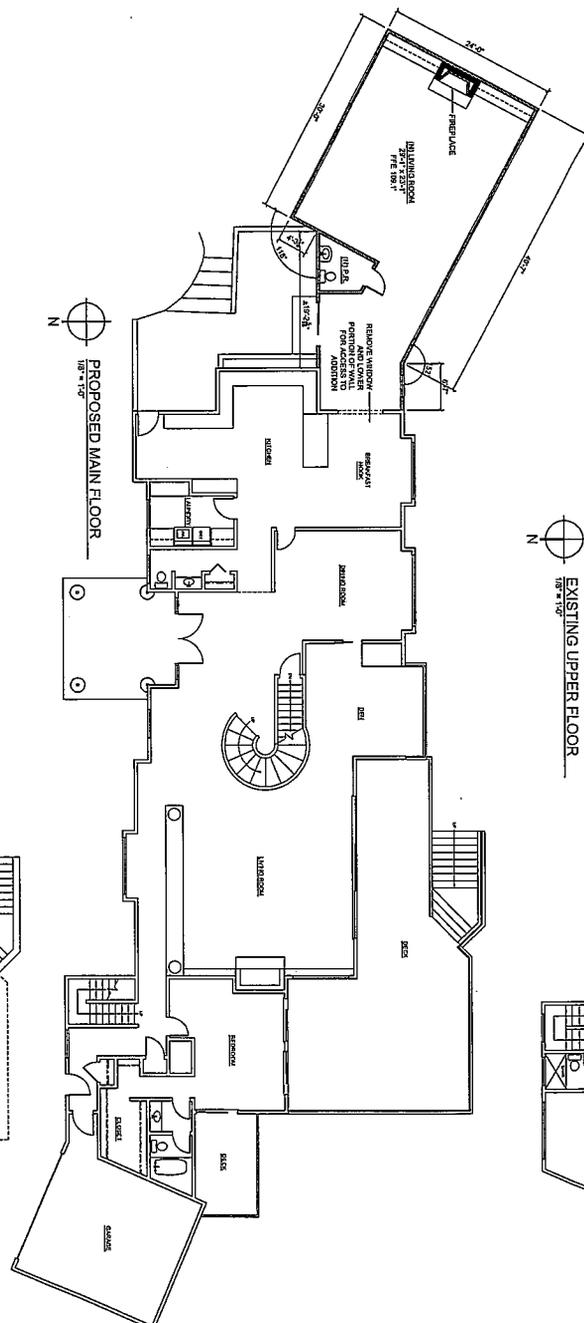
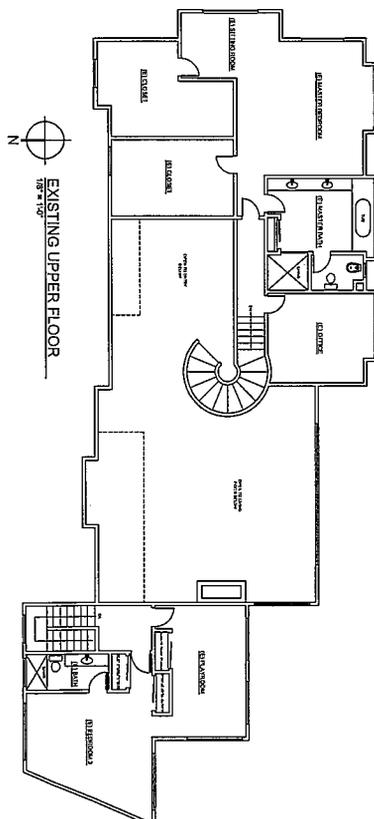
**Compliance or Monitoring Actions to be Performed**

Prior to issuance of any building permits, the owner/applicant shall submit a Water Release Form to the Water Resources Agency for review and approval.

**Responsible Department**

Water





PROJECT NAME  
**DURAO  
 RESIDENCE**

1568 SQUADRO RD.  
 FERRIS BEACH, CA  
 92553

APR. 08/ 202 504-0300

788 BROADWAY  
 SUITE 200  
 SAN FRANCISCO, CA 94102  
 415.774.8888  
 info@mooredesign.com

**John M. Moore  
 MOORE DESIGN  
 LLC**

DRAWING RECORD

NO.	DATE	DESCRIPTION
1	04/14/2011	ISSUED FOR PERMITS
2	04/14/2011	ISSUED FOR PERMITS
3	04/14/2011	ISSUED FOR PERMITS
4	04/14/2011	ISSUED FOR PERMITS
5	04/14/2011	ISSUED FOR PERMITS
6	04/14/2011	ISSUED FOR PERMITS
7	04/14/2011	ISSUED FOR PERMITS
8	04/14/2011	ISSUED FOR PERMITS
9	04/14/2011	ISSUED FOR PERMITS
10	04/14/2011	ISSUED FOR PERMITS

All notes, details, specifications and conditions of contract shall be read in conjunction with the drawings and the project of record. The drawings are the property of Moore Design, LLC. They are to be used only for the project and site specified on the drawings. They are not to be used for any other project, site, or purpose without the written consent of Moore Design, LLC. The drawings are not to be used for any other project, site, or purpose without the written consent of Moore Design, LLC. The drawings are not to be used for any other project, site, or purpose without the written consent of Moore Design, LLC.

SHEET TITLE  
**FLOOR PLANS**

SHEET NUMBER  
**A2.0**



# DEL MONTE FOREST EXHIBIT C

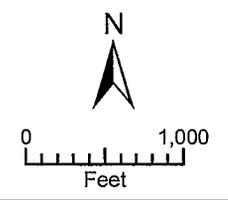


APPLICANT: DURAO

APN: 008-202-004-000

FILE # PLN100054

Water    2500' Limit    300' Limit    City Limits



PLANNER: ROBINSON

**EXHIBIT D**

**MINUTES**

**Del Monte Forest Land Use Advisory Committee  
Thursday, July 1, 2010**

1. Meeting called to order by Roderick L. Dewar at 3:00 pm

2. Roll Call

Members Present: Sandi Verbanec, June Stock, Roderick L. Dewar, Lori Lietzke and Kimberly Caneer

Members Absent: William Conners (Sandy Getreu present for a portion of the project discussion)

3. Approval of Minutes:

A. June 3, 2010 minutes

Motion: Lori Lietzke (LUAC Member's Name)

Second: Kim Caneer (LUAC Member's Name)

Ayes: Verbanec, Stock, Dewar, Lietzke, and Caneer

Noes: None

Absent: Conners and Getreu

Abstain: None

4. **Public Comments:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

None

5. **Scheduled Item(s)** - please refer to the Project Referral Sheets for each separate file.

6. **Other Items:**

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

B) Announcements

None

7. **Meeting Adjourned:** 3:30 pm

**Minutes taken by:** Lori Lietzke

Minutes received via hand delivery July 7, 2010

# Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department  
168 W Alisal St 2<sup>nd</sup> Floor  
Salinas CA 93901  
(831) 755-5025

Advisory Committee: **Del Monte Forest**

Please submit your recommendations for this application by: **July 1, 2010**

**Project Title:** DURAO MELVIN JOSEPH JR  
**File Number:** PLN100054  
**File Type:** ZA  
**Planner:** ROINSON  
**Location:** 1568 SONADO RD PEBBLE BEACH  
**Project Description:**

Combined Development Permit consisting of: 1) Coastal Administrative Permit for a 1,023 square foot single story living room addition and a 430 square foot deck addition to an existing 6,305 square foot single family residence; 2) Variance to exceed maximum allowed Pescadero Watershed coverage; and 3) Design Approval. The property is located at 1568 Sonado Road, Pebble Beach (Assessor's Parcel Number 008-202-004-000), Del Monte Forest area, Coastal Zone.

**Was the Owner/Applicant/Representative Present at Meeting?** Yes X No \_\_\_\_\_

John Moore, Designer

**PUBLIC COMMENT:**

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	

**LUAC AREAS OF CONCERN**

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)

**ADDITIONAL LUAC COMMENTS**

Comments were made by the Committee that it is possible to reduce the impervious coverage further by replacing more of the existing concrete driveway. June Stock requested that the County provide additional information regarding the watershed.

**RECOMMENDATION :**

Motion by Roderick L Dewar (LUAC Member's Name)

Second by Sandy Verbanec (LUAC Member's Name)

         Support Project as proposed

  X   Recommend Changes (as noted above) Subject to the applicant making substantial reduction in impervious driveway coverage

         Continue the Item

Reason for Continuance: \_\_\_\_\_

Continued to what date: \_\_\_\_\_

AYES: Dewar, Caneer, Verbanec, Stock, Lietzke and Getreu

NOES: None

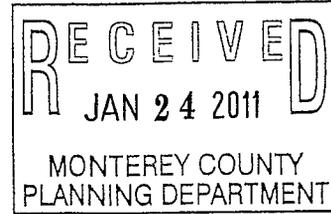
ABSENT: Conners

ABSTAIN: None

## **EXHIBIT E**

**January 15, 2011**

Ms. Delinda Robinson  
Project Planner  
Monterey County Planning and Building Department



RE: Proposed Addition:  
1568 Sonado Road.  
Pebble Beach, CA 93953  
APN 008-202-004

Dear Ms. Robinson,

In addition to seeking approval for an addition at the above mentioned address, we hereby request a variance for the Pescadero Structural/Impervious Lot Coverage requirement. Our reasons and justifications for the variance request are as follows:

### **Lot Coverage Variance**

1. Due to the special circumstances of the subject property, which includes size and topography the strict application of this Title is depriving the subject property from privileges enjoyed by other properties in the vicinity and under identical zone classification. This property is a large double lot which is 88,688 sf / 2.04 Acres. Many of the lots within 300' are less than 43,560 sf / 1 Acre (less than half the size) but the subject property is still governed by the same restrictions. It would seem that a parcel of this size, being a double lot, that the Building Coverage and Impervious Coverage maximums would need to be increased since if the lot was divided back into two separate parcels 9,000 sf of coverage would allowed per parcel. This subject property also has a large grade elevation difference, from top of parcel to bottom, of approximately 75'. A long driveway (impervious surface) is required to traverse the grades at a slope that provides a safe road for cars and emergency vehicles. The driveway and parking areas cannot be replaced with pervious material due to the fact that there is a lower floor down slope and below the driveway. Replacing the impervious driveway with pervious material would cause water damage through hydrostatic pressure on the structure and could potentially cause a failure.

The reason for the pervious material is to reenergize the water back into the subsurface ground water system. The water from the driveway, parking areas, and entire existing roof is already energized back into the subsurface water system through catch basins and solid drain pipe and terminated in a large dispersion area as shown on the site plan and described by the Civil Engineer's analysis letter. The water is just controlled and relocated to a safer part of the property thereby making the project comply with the intent of the Land Use Plan of controlling impacts from run-off to the Carmel Bay area of biological significance. Also, the proposed project intends to retain surface and roof water run-off of the addition on site subject to the approval of the Monterey County Water Resources Agency. We are also removing 977 sf of impervious driveway and

replacing it with pervious material in an area where it will not present possible water problems with the existing structures.

### PESCADERO LOT COVERAGE CALCULATIONS

	EXISTING	ADDITIONS/REMOVAL	PROPOSED	ALLOWED
STRUCTURAL - BUILDING/TERRACES	6306 SF	1020 SF	7326 SF	5000 SF
IMPERVIOUS - DRIVEWAY	6577 SF	(977 SF)	5600 SF	
IMPERVIOUS - WALKS/PATIOS	2335 SF	(500 SF)	1835 SF	4000 SF
TOTALS	15,218 sf	(457 SF)	14,761 SF	9000 SF

Exceeds allowed by 5,761 SF

2. The granting of a Variance will provide the Owners of this property with no special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated. The Monterey County Planning and Building Department has previously issued variances similar to that requested when the project shows a reduction in the impervious surface, which results in the control of water and prevents off site runoff. As stated in the Civil Letter and calculations not only is all the hardscape water controlled but all the roof water as well.
3. The Variance request for the use and activity of the proposed project is consistent and authorized with the zoning regulations governing the parcel of property.

Please refer to the drawings dated 01/16/11 for additional information and let us know if you need further clarification or you have any questions.

Sincerely,

John M. Moore  
Moore Design LLC



11-11-2010

Moore Design, LLC  
Attn: John Moore  
789 Broadway Avenue  
Seaside, CA 93940

RE: Durao Residence

Dear Mr. Moore:

On or about October 25, 2010 a representative of C3 Engineering visited the Durao residence (1568 Sonado Road, Pebble Beach, CA) to observe site drainage conditions. It is my understanding that the owners are proposing a 1020sqft habitable. It is also my understanding that the County is requesting the owner to reduce the overall impervious area of the site. One of the County's recommendations is to remove the concrete driveway from the front of the residence and replace it with a more pervious surface treatment such as pavers.

Currently storm runoff from the front portion of the residence and the driveway is collected and routed to the rear where it is dispersed into a large swale. The drainage facilities were designed in this way specifically to alleviate a water intrusion problem in the front lower floor area which is approximately 10' below the driveway grade. Should the concrete be removed and replaced with a pervious material, water intrusion is most likely to re-occur.

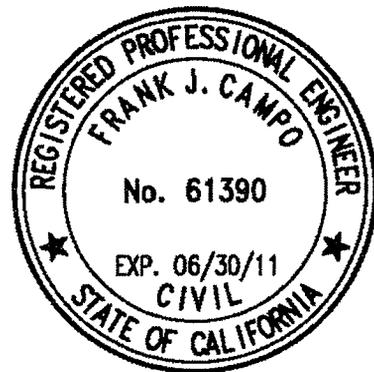
The previously mentioned swale that receives the site runoff is roughly 150' long and has an average width of about 8'. The bottom has been lined with large rocks between 4"-8" in diameter and is several feet deep. The swale is also moderately vegetated from top to bottom. There are little or no signs of erosion along the length of the swale. So it is obvious that the lining and vegetation are more than adequate to dissipate the runoff and slow it down significantly. And because of the depth of the lining, runoff is not only stored, but allowed to percolate back into the ground.

At this point, the existing drainage facilities prevent water intrusion, prevent erosion and allow runoff to be retained on site to percolate into the ground. We recommend that the system (including the concrete driveway) not be modified as they serve their purpose well. Feel free to call if you have any questions or concerns.

Regards,

A handwritten signature in black ink that reads 'Frank Campo'.

Frank Campo





12-23-2010

Moore Design, LLC  
 Attn: John Moore  
 789 Broadway Avenue  
 Seaside, CA 93940

RE: Durao Residence

Dear Mr. Moore:

At your request C3 Engineering perform a partial hydrology study on the Durao residence (1568 Sonado Road, Pebble Beach, CA). As previously stated, runoff from the front portion of the residence and the driveway is collected and routed to the rear where it is dispersed into a large swale. The rest of the site drainage is also routed to the swale by conduit or overland flow. The swale is roughly 150' long and has an average width of about 8'. The bottom has been lined with large rocks between 4"-8" in diameter and is several feet deep. The swale is also moderately vegetated from top to bottom.

For a 10 year event, the estimated peak flows are as follows:

$$\text{Peak flow, } Q_p = C \times i \times A$$

$$\text{Area, } A = 88,610 \text{ sqft} = 2.03 \text{ AC}$$

$$\text{Runoff coefficient, } C = \frac{(14,116) \times (0.9) + (74,494) \times (0.25)}{88,610} = 0.35$$

$$\text{Intensity, } i = \frac{(7.75) \times (0.6) \times (1.48)}{\sqrt{30}} = 1.25$$

$$\text{Peak flow, } Q_p = C \times i \times A = 0.35 \times 1.25 \times 2.03 = 0.88 \text{ cfs}$$

Assuming a trapezoidal channel with a bottom width of 8', depth of 3', side slopes of 1 to 1, Manning's n = 0.065 and a flow of 0.88cfs

Computed Results:

Depth of flow	0.76 in
Velocity	1.70 fps
Full Flowrate	563.3 cfs
Flow area	0.51 ft <sup>2</sup>
Flow perimeter	98.17 in
Hydraulic radius	0.75 in
Top width	97.53 in
Area	33.0 ft <sup>2</sup>
Perimeter	197.82 in
Percent full	2.13 %



The channel capacity far exceeds the computed 10 year peak flows. Because of the extreme irregularity of the channel bottom, it must be assumed that these numbers are conservative. AS stated before, there are little or no signs of erosion along the length of the swale. So it is obvious that the lining and vegetation are more than adequate to dissipate the runoff and slow it down significantly. And because of the depth of the lining, runoff is not only stored, but allowed to percolate back into the ground.

Regards,

A handwritten signature in cursive script that reads 'Frank Campo'.

Frank Campo

