

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> February 12, 2015	<b>Agenda Item No.: 5</b>
<b>Project Description:</b> Combined Development Permit consisting of: 1) Coastal Administrative Permit and Design Approval to allow the construction of a 2,824 square foot two-story garage addition attached to an existing 5,641 square foot single family dwelling; and 2) Coastal Development Permit to allow the removal of three (3) Monterey Pine trees (trunk diameters of 14", 20" & 28") and the relocation of one (1) 14" Oak tree; and 3) Coastal Administrative Permit for development within 750 feet of a known archaeological resource; and 4) Coastal Development Permit to modify the nonconforming impervious coverage in the Pescadero Watershed.	
<b>Project Location:</b> 3235 Macomber Drive, Pebble Beach	<b>APN:</b> 008-162-013-000
<b>Planning File Number:</b> PLN140834	<b>Owner/Applicant:</b> DMN Macomber LLC <b>Agent:</b> Dale Ellis (Anthony Lombardo & Assoc.)
<b>Planning Area:</b> Del Monte Forest Land Use Plan	<b>Flagged and staked:</b> Yes
<b>Zoning Designation:</b> "LDR/B-8-D (CZ)" [Low-Density Residential/Development Restriction Overlay – Design Control Overlay (Coastal Zone)] and "RC-D (CZ)" [Resource Conservation – Design Control Overlay (Coastal Zone)] (Note: The majority of the parcel, including the entirety of the area proposed for development, is located within the "LDR"-zoned area)	
<b>CEQA Action:</b> Categorically Exempt per Sections 15303(e)	
<b>Department:</b> RMA-Planning	

### RECOMMENDATION:

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

- 1) Find the project categorically exempt from CEQA pursuant to CEQA Guidelines Section 15303(e); and
- 2) Approve PLN140834, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**).

### PROJECT OVERVIEW:

See **Exhibit B**.

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

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

Agencies that submitted comments are noted with a check mark ("✓"). Conditions recommended by RMA-Environmental Services, Water Resources Agency and Pebble Beach Community Services District (Fire) have been incorporated into the Condition Compliance Plan attached to the draft resolution (**Exhibit C**).

The project was scheduled to be reviewed by the Del Monte Forest Land Use Advisory Committee (LUAC) at their February 5, 2015 meeting. The results of the LUAC review will be presented to the Zoning Administrator at the February 12, 2015 project hearing.

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



Steve Mason, Associate Planner  
(831) 755-5228, masons@co.monterey.ca.us  
February 6, 2015

cc: Front Counter Copy; Zoning Administrator; Pebble Beach Community Services District (Fire); RMA-Public Works Department; RMA-Environmental Services; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Luke Connolly, RMA Services Manager; Steve Mason, Project Planner; DMN Macomber LLC, Owner; Dale Ellis, Agent; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); Planning File PLN140834

Attachments: Exhibit A      Project Data Sheet  
                  Exhibit B      Project Discussion  
                  Exhibit C      Draft Resolution, including:  
                                    • Conditions of Approval  
                                    • Site Plan, Floor Plan and Elevations  
                                    • Vicinity Map

This report was reviewed by Luke Connolly, Planning Services Manager.



## EXHIBIT A

### Project Information for PLN140834

Application Name:	Dmn Macomber Llc		
Location:	3235 Macomber Dr, Pebble Beach		
Applicable Plan:	Del Monte Forest LUP	Primary APN:	008-162-013-000
Advisory Committee:	Del Monte Forest Advisory Committee	Coastal Zone:	Yes
Permit Type:	Combined Development Permit	Final Action Deadline (884):	3/21/2015
Environmental Status:	Categorical Exemption		
Zoning:	LDR/B-8-D(CZ) RC-D(CZ)	Land Use Designation:	Residential - Low Density

#### Project Site Data:

Lot Size:	2.5	Coverage Allowed:	20%
Existing Structures (sf):	5641	Coverage Proposed:	6.3%
Proposed Structures (sf):	2824	Height Allowed:	30'
Total Sq. Ft.:	8465	Height Proposed:	25'-8"
Special Setbacks on Parcel:	Y	FAR Allowed:	20%
		FAR Proposed:	9.8%

#### Resource Zones and Reports:

Seismic Hazard Zone:	I UNDETERMINED	Soils Report #:	n/a
Erosion Hazard Zone:	High Moderate	Biological Report #:	n/a
Fire Hazard Zone:	Very High	Forest Management Rpt. #:	LIB140450
Flood Hazard Zone:	X (unshaded)	Geologic Report #:	n/a
Archaeological Sensitivity:	High	Archaeological Report #:	EIR 90-05
Visual Sensitivity:	Sensitive	Traffic Report #:	n/a

#### Other Information:

Water Source:	Mutual System	Grading (cubic yds.):	460
Water Purveyor:	Cal-Am	Sewage Disposal (method):	Mutual System
Fire District:	Pebble Beach CSD	Sewer District Name:	Pebble Beach CSD
Tree Removal:	3 Monterey pine & 1 Oak		

## **EXHIBIT B DISCUSSION**

### Project Description and Background

The proposed project is the construction of an attached 2,824 square foot two-story garage addition to an existing 5,641 square foot single family dwelling. The new garage would serve primarily for the storage and maintenance of a private vehicle collection. The existing driveway would be re-configured to allow access to the proposed garage. The project site is a 2.5 acre parcel located within the Macomber residential subdivision of Pebble Beach. The surrounding area is characterized by similarly-sized (approximately 2.5 acres) residential lots with single family dwellings sited among native vegetation.

### Project Issues

The project proposes the removal of three protected Monterey pine trees in order to accommodate the garage footprint and the relocation of one Coast live oak in order to accommodate the reconfigured driveway approach for the garage. The Oak tree proposed for relocation was planted as part of the property's installed landscaping, not by naturally-occurring germination. Coast live oak trees are a protected species in Monterey County and relocation is treated the same as removal. Accordingly, the planting of two Coast live oaks (24" boxed minimum container size) is a condition (Condition 14) of project approval. Pursuant to the project Arborist Report, the three Monterey pines "...are growing as a grouping with roots interlocked together. The largest pine has a sweep in its stem and a lean toward the existing structure." The Pines proposed for removal will be replaced with six, five gallon or larger Monterey pine trees. The project has been designed so as to minimize tree removal to the greatest extent feasible. Relocation of the garage to another area of the parcel would require equivalent or additional tree removal and would also create increased visual impacts as the garage would then be built as a detached structure on a more visible portion of the property.

The project site is located within 750' of a known archaeological resource. The Archaeological Survey that was performed at the time of the creation of the Macomber Subdivision concluded, however, that the project site was absent of any resources. Additionally, grading for the project will occur primarily over a previously disturbed area.

The Del Monte Forest Coastal Implementation Plan –Part 5 limits development of parcels within the Pescadero Watershed to a maximum combined (structural and non-structural impervious) site coverage of 9,000 square feet. Overall impervious coverage on the project parcel (located within the Pescadero Watershed) is currently 14,562 square feet. The project proposes to replace the existing non-permeable driveway with pervious pavers, and construct the new driveway addition with pervious pavers, reducing the impervious site coverage to 9,000 square feet.

### Environmental Review

The project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303(e), which exempts: "accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences."

### Recommendation

Staff recommends approval of the project as proposed, with the included Conditions of Approval.



**EXHIBIT C  
DRAFT RESOLUTION**

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

In the matter of the application of:  
DMN Macomber LLC (PLN140834)

**RESOLUTION NO. ----**

Resolution by the Monterey County Hearing Body:

- 1) Finding the project categorically exempt from CEQA pursuant to CEQA Guidelines Section 15303(e); and
- 2) Approving a Combined Development Permit consisting of: 1) Coastal Administrative Permit and Design Approval to allow the construction of a 2,824 square foot two-story garage addition attached to an existing 5,641 square foot single family dwelling; and 2) Coastal Development Permit to allow the removal of three (3) Monterey Pine trees (trunk diameters of 14", 20" & 28") and the relocation of one (1) 14" Oak tree; and 3) Coastal Administrative Permit for development within 750 feet of a known archaeological resource; and 4) Coastal Development Permit to modify the nonconforming impervious coverage in the Pescadero Watershed.

[PLN140834, DMN Macomber LLC, 3235 Macomber Drive, Pebble Beach, Del Monte Forest Land Use Plan (APN: 008-162-013-000)]

**The DMN Macomber LLC application (PLN140834) had a public hearing before the Monterey County Zoning Administrator on February 12, 2015. 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:** **PROJECT DESCRIPTION** – The proposed project is the construction of an attached 2,824 square foot two-story garage addition to an existing 5,641 square foot single family dwelling. The project will require the removal of three (3) Monterey Pine trees (14", 20" & 28") and the relocation of one (1) 14" Oak tree.  
**EVIDENCE:** The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140834.

2. **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;
    - 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 3235 Macomber Drive, Pebble Beach (Assessor's Parcel Number 008-162-013-000), Del Monte Forest Land Use Plan. The parcel is split-zoned "LDR/B-8-D (CZ)" [Low-Density Residential/Development Restriction Overlay – Design Control Overlay (Coastal Zone)] and "RC-D (CZ)" [Resource Conservation – Design Control Overlay (Coastal Zone)]. The majority of the parcel, including the entirety of the area proposed for development, is located within the "LDR"-zoned area, which allows accessory structures appurtenant to a single-family residential use with an approved Coastal Administrative Permit, pursuant to Monterey County Coastal Zoning Code Section 20.14.040.F. Therefore, the project is a permitted land use for this site.
  - c) The property is located within a "B-8" zoning overlay district, the purpose of which is described by the Monterey County Coastal Zoning Ordinance (Title 20):

"..to restrict development and/or intensification of land use in areas where, due to water supply, water quality, sewage disposal capabilities, traffic impacts or similar measurable public facility type constraints, additional development and/or intensification of land use is found to be detrimental to the health, safety, and welfare of the residents of the area, or the County as a whole;"

The proposed development would not involve increased usage of water, sewer facilities or vehicle trip generation and as such, is compatible with the "B-8" zoning overlay.
  - d) The project site is located within a "D", or Design Control-Zoning District, and, as such, requires review by the Del Monte Forest Land Use Advisory Committee for appropriateness of design as it applies to "neighborhood character". Materials and colors proposed will match the existing single-family dwelling: beige plaster walls, natural stone, dark-brown wood trim and doors and slate-grey roofing material.
  - e) The project will require the removal of three Monterey pine trees, designated as a "sensitive" species, and one Coast live oak, which requires approval of a Coastal Development Permit pursuant to the Monterey County Coastal Implementation Plan Section 20.147.050.A.1.(a). The Coastal Development Permit is included as a part of the Combined Development Permit. All of the trees proposed for removal will be replaced at a ratio of 2:1 pursuant to the Forest Management Plan which has been completed for the project.

- f) The project requests development within 750 feet of known archaeological resources, which requires that a Coastal Development Permit be approved as a part of the project pursuant to the Monterey County Coastal Implementation Plan Section 20.147.080.A.1. Said Coastal Development Permit is included as a part of the Combined Development Permit sought. Staff has reviewed the archaeological survey prepared for the Macomber Subdivision (Monterey County Project PC7258 & PC7259/ EIR 90-05), which determines that there are no known archaeological resources within the immediate project vicinity. A standard condition has been applied to the project requiring that, 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.
- g) The project planner conducted site inspections on October 30, 2014, and January 6, 2015, 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 warranted referral to the LUAC because the project includes a Design Approval to be considered by the Zoning Administrator. The results of the LUAC review were not available as of the drafting of the staff report; however, the result of the review was presented to the Zoning Administrator before and/or during the public hearing.
- i) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140834.

3. **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, Pebble Beach Community Services District (Fire), RMA-Public Works, RMA-Environmental Services, 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 arboreal resources. Accordingly, the following report has been prepared:
  - “Tree Assessment – 3235 Macomber Drive, Pebble Beach, CA” (LIB140450) prepared by Frank Ono, Pacific Grove, CA, October 10, 2014.

The above-mentioned technical report indicates that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed this report and concurs with its conclusions.

- c) Staff conducted site inspections on October 30, 2014, and January 6,

2015, 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 for the proposed development found in Project File PLN140834.

4. **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, Pebble Beach Community Services District (Fire), Public Works, Environmental Health Bureau, and Water Resources Agency. The respective 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.
  - c) Staff conducted site inspections on October 30, 2014, and January 6, 2015, 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 for the proposed development found in Project File PLN140834.

5. **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 and Building Services Department records and is not aware of any violations existing on subject property.
  - b) Staff conducted site inspections on October 30, 2014, and January 6, 2015, 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 Monterey County RMA-Planning for the proposed development are found in Project File PLN140834.

6. **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 15303(e), categorically exempts new construction of "Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences."
  - b) The project proposes the construction of an attached 2,824 square foot two-story garage at an existing 5,641 square foot single family dwelling.
  - c) No adverse environmental effects were identified during staff review of

the development application during site visits on October 30, 2014, and January 6, 2015.

- d) The project does not fall under any of the criteria which might preclude “Exempt” status, pursuant to CEQA 15300.2 (“Exceptions”); The project will not create an impact within a particularly sensitive environment, will not have a significant cumulative impact or effect on the environment, is not located on a registered Hazardous Waste Site, and will not result in damage to scenic or historic resources.
- e) Staff conducted site inspections on October 30, 2014, and January 6, 2015, to verify that the site is suitable for this use.
- f) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140834.

7. **FINDING:** **TREE REMOVAL –COASTAL** The subject project minimizes tree removal in accordance with the applicable goals and policies of the Del Monte Forest Land Use Plan and the associated Coastal Implementation Plan.

- EVIDENCE:**
- a) The project application includes the request for the removal of 4 trees, including the onsite relocation of one Coast live oak. The Del Monte Forest Coastal Implementation Plan Policy 20.147.050. states that the removal of “Sensitive” tree species requires an approved Coastal Development Permit. The criteria to grant said Permit has been met.
  - b) A Forest Management Plan was prepared for the project by Frank Ono (Monterey County Document LIB140450). A project condition of approval has been included which requires that all construction shall be conducted in accordance with this Plan.
  - c) Measures for tree protection during construction have been incorporated as conditions of approval.
  - d) The project has been designed to minimize the removal of protected trees to the greatest extent feasible. Relocation of the garage to another area of the parcel would require equivalent or additional tree removal
  - e) Pursuant to the Del Monte Forest Coastal Implementation Plan Policy 20.147.040.A: The removal will not involve a risk of adverse environmental impacts, as the proposed tree removal will not significantly affect significant stands of native Monterey pine forest or any protected species dependent upon said stands of trees.
  - f) Staff conducted site inspections on October 30, 2014, and January 6, 2015 to verify that the tree removal is the minimum necessary for the project and to identify any potential adverse environmental impacts related to the proposed tree removal.
  - g) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN140834.

8. **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 Del Monte Forest Coastal Implementation Plan - Part 5: Impervious surface (structural and site improvements) coverage for residential development shall be limited to a maximum of 9,000 square feet.
  - b) The project site currently contains 14,562 square feet of impervious surfaces. The project proposes to replace the existing non-permeable driveway with pervious pavers, and to also construct the new driveway addition with pervious pavers, thereby reducing the impervious surface coverage to 9,000 square feet and bring the project into conformance with 20.147.030.A.1.b.
  - c) Only that amount of site disturbance (i.e. grading, clearing of vegetation) necessary for the project footprint, adequate driveway and any required landscaping shall be allowed for project construction.
  - d) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN140834.

9. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:** Section 20.86.030.A (Action by the Board of Supervisors on Appeal) and 20.86.080.A.3 (Development Appealable to the California Coastal Commission – “Conditional Use”) Monterey County Zoning Ordinance.

### **DECISION**

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

1. Find the project categorically exempt from CEQA pursuant to CEQA Guidelines Section 15303(e); and
2. Approve a Combined Development Permit consisting of: 1) Coastal Administrative Permit and Design Approval to allow the construction of a 2,824 square foot two-story garage addition attached to an existing 5,641 square foot single family dwelling; and 2) Coastal Development Permit to allow the removal of three (3) Monterey Pine trees (trunk diameters of 14", 20" & 28") and the relocation of one (1) 14" Oak tree; and 3) Coastal Administrative Permit for development within 750 feet of a known archaeological resource; and 4) Coastal Development Permit to modify the nonconforming impervious coverage in the Pescadero Watershed.

**PASSED AND ADOPTED** this 12th day of February, 2015:

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Jacqueline Onciano, 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]

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 Monterey County RMA-Planning and RMA-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. 5-14-2014

# Monterey County RMA Planning

## DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN140834

### 1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation  
Monitoring Measure: This Combined Development Permit (PLN140834) allows:

1) A Coastal Administrative Permit and Design Approval to allow the construction of an attached 2,824 square foot two-story garage at an existing 5,641 square foot single family dwelling; and 2) Coastal Development Permit to allow the removal of three (3) Monterey Pine trees (14", 20" & 28") and the relocation of one (1) 14" Oak tree; and 3) Coastal Administrative Permit for development within 750 feet of a known archaeological resource; and 4) Coastal Development Permit to modify the nonconforming impervious coverage in the Pescadero Watershed.

The property is located at 3235 Macomber Drive, Pebble Beach (Assessor's Parcel Number 008-162-013-000), Del Monte Forest Land Use Plan. 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 RMA - Planning. 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)

Compliance or  
Monitoring  
Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

## 2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation The applicant shall record a Permit Approval Notice. This notice shall state:

Monitoring Measure: "A Combined Development Permit (Resolution Number \*\*\*) was approved by Zoning Administrator for Assessor's Parcel Number 008-162-013-000 on February 12, 2015. The permit was granted subject to twenty-three (23) conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

Compliance or Monitoring Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

Action to be Performed:

## 3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: RMA-Planning

Condition/Mitigation 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. Monterey County RMA - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register 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.

Monitoring Measure: (RMA - Planning)

Compliance or Monitoring The Owner/Applicant shall adhere to this condition on an on-going basis.

Action to be Performed:

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County RMA - Planning 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.

#### 4. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: RMA-Planning

**Condition/Mitigation Monitoring Measure:** 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/her/its 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, recordation of the certificates of compliance 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)

**Compliance or Monitoring Action to be Performed:** Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to RMA-Planning .

#### 5. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: RMA-Planning

**Condition/Mitigation Monitoring Measure:** The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

**Compliance or Monitoring Action to be Performed:** Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

#### 6. PD007- GRADING WINTER RESTRICTION

Responsible Department: RMA-Planning

**Condition/Mitigation Monitoring Measure:** No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services. (RMA - Planning and RMA - Building Services)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant, on an on-going basis, shall obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.

#### 7. PD011 - TREE AND ROOT PROTECTION

Responsible Department: RMA-Planning

**Condition/Mitigation Monitoring Measure:** Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of RMA - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to RMA - Planning for review and approval.

During construction, the Owner/Applicant/Arborist shall submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to RMA-Planning after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

#### 8. PD011(A) - TREE REMOVAL

Responsible Department: RMA-Planning

**Condition/Mitigation Monitoring Measure:** Tree removal shall not occur until a construction permit has been issued in conformance with the appropriate stage or phase of development in this permit. Only those trees approved for removal shall be removed. (RMA-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to tree removal, the Owner/ Applicant/ Tree Removal Contractor shall demonstrate that a construction permit has been issued prior to commencement of tree removal.

## 9. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** 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 lighting source shall be shielded and recessed into the fixture. 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 RMA - Planning, prior to the issuance of building permits.  
(RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to RMA - Planning for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to final/occupancy, the Owner/Applicant/Contractor shall submit written and photographic evidence demonstrating that the lighting has been installed according to the approved plan.

On an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

## 10. PD016 - NOTICE OF REPORT

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:  
"A Tree Assessment (Library No. LIB140450), was prepared by Frank Ono on October 10, 2014, and is on file in Monterey County RMA - Planning. All development shall be in accordance with this report."  
(RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading and building permits, the Owner/Applicant shall submit proof of recordation of this notice to RMA - Planning.

Prior to occupancy, the Owner/Applicant shall submit proof, for review and approval, that all development has been implemented in accordance with the report to the RMA - Planning.

## 11. PD032(A) - PERMIT EXPIRATION

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The permit shall be granted for a time period of three (3) years, to expire on February 12, 2018, unless use of the property or actual construction has begun within this period. (RMA-Planning)

**Compliance or Monitoring Action to be Performed:** 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 RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.



## 12. PD035 - UTILITIES UNDERGROUND

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** All new utility and distribution lines shall be placed underground. (RMA - Planning and RMA- Public Works)

**Compliance or Monitoring Action to be Performed:** On an on-going basis, the Owner/Applicant shall install and maintain utility and distribution lines underground.

## 13. PD048 - TREE REPLACEMENT/RELOCATION

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Within 60 days of permit approval, the applicant shall replace and or relocate each tree approved for removal as follows:

- Replacement ratio: 2:1
- Replacement ratio determined by arborist: 2:1
- Other:

Replacement tree(s) shall be located within the same general location as the tree being removed. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall submit evidence of tree replacement to RMA-Planning for review and approval. Evidence shall be a receipt for the purchase of the replacement tree(s) and photos of the replacement tree(s) being planted.

Six months after the planting of the replacement tree(s), the Owner/Applicant shall submit evidence demonstrating that the replacement tree(s) are in a healthy, growing condition.

One year after the planting of the replacement tree(s), the Owner/Applicant shall submit a letter prepared by a County-approved tree consultant reporting on the health of the replacement tree(s) and whether or not the tree replacement was successful or if follow-up remediation measures or additional permits are required.

## 14. PD050 - RAPTOR/MIGRATORY BIRD NESTING

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Any tree removal activity that occurs during the typical bird nesting season (February 22-August 1), the County of Monterey shall require that the project applicant retain a County qualified biologist to perform a nest survey in order to determine if any active raptor or migratory bird nests occur within the project site or within 300 feet of proposed tree removal activity. During the typical nesting season, the survey shall be conducted no more than 30 days prior to ground disturbance or tree removal. If nesting birds are found on the project site, an appropriate buffer plan shall be established by the project biologist. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** No more than 30 days prior to ground disturbance or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit to RMA-Planning a nest survey prepared by a County qualified biologist to determine if any active raptor or migratory bird nests occur within the project site or immediate vicinity.

## 15. FIRE002 - ROADWAY ENGINEERING

Responsible Department: Fire

**Condition/Mitigation Monitoring Measure:** The grade for all roads shall not exceed 15 percent. Where road grades exceed 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than 100 feet. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. Roadway turnarounds shall be required on dead-end roads in excess of 150 feet of surface length. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. Responsible Land Use Department: Pebble Beach Community Services District

**Compliance or Monitoring Action to be Performed:** Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the roadway into design and print the text of this condition as 'Fire Department Notes' on improvement plans.

Prior to issuance of building permit(s) for development on individual lots within the phase of the subdivision, the Applicant shall complete the installation of the roadway improvements and shall obtain fire dept. approval of the fire clearance inspection for each phase of development.

Prior to requesting a final building inspection, the Applicant shall complete the installation of roadway improvements and obtain fire department approval the final fire inspection.

## 16. FIRE021 - FIRE PROTECTION- SPRINKLER SYSTEM (STANDARD)

Responsible Department: Fire

**Condition/Mitigation Monitoring Measure:** The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. Responsible Land Use Department: Pebble Beach Community Services District

**Compliance or Monitoring Action to be Performed:** Prior to issuance of grading and/or building permit, Applicant shall print the text of this condition as "Fire Dept. Notes" on construction plans.

Prior to requesting a framing inspection, the Applicant shall obtain fire department approval of the rough sprinkler inspection.

Prior to requesting a final building inspection, the Applicant shall complete the installation of the fire sprinkler system and obtain fire department approval of the final fire sprinkler inspection.

## 17. EROSION CONTROL PLAN

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit an erosion control plan identifying the proposed methods to control runoff and erosion. The plan shall include the location and details for all selected erosion control measures. The erosion control plan may be incorporated into other required plans provided it is clearly identified. (RMA-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit an erosion control plan to RMA-Environmental Services for review and approval.

## 18. GEOTECHNICAL CERTIFICATION

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall provide certification from a licensed practitioner that all development has been constructed in accordance with the recommendations in the project Soil Engineering Report. (RMA- Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant shall provide RMA-Environmental Services a letter from a licensed practitioner.

## 19. GRADING PLAN

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a Grading Plan incorporating the recommendations in the project Soil Engineering Report prepared by Landset Engineers, Inc. The Grading Plan shall be reviewed by a licensed practitioner to ensure the Soil Engineering Report recommendations have been incorporated in the plan. (RMA-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit a Grading Plan to RMA-Environmental Services for review and approval.

Prior to issuance of any grading or building permits, the applicant shall submit certification from a licensed practitioner that they have reviewed and approved the Grading Plan.

## 20. INSPECTION-DURING ACTIVE CONSTRUCTION

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall schedule an inspection with RMA-Environmental Services, during active construction, to review the maintenance and effectiveness of BMPs installed, as well as, to verify that pollutants of concern are not discharged into receiving water bodies. (RMA – Environmental Services)

**Compliance or Monitoring Action to be Performed:** During construction, The applicant shall schedule an inspection with RMA-Environmental Services.

## 21. INSPECTION-FOLLOWING ACTIVE CONSTRUCTION

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall schedule an inspection with RMA-Environmental Services to ensure all disturbed areas have been stabilized and all temporary erosion and sediment control measures that are no longer needed have been removed. (RMA – Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant shall schedule an inspection with RMA-Environmental Services.

## 22. INSPECTION-PRIOR TO LAND DISTURBANCE

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall schedule an inspection with RMA-Environmental Services to ensure all necessary sediment controls are in place and the project is compliant with Monterey County regulations. (RMA – Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to commencement of any land disturbance, the owner/applicant shall schedule an inspection with RMA-Environmental Services.

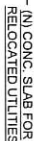
## 23. WR003 - DRAINAGE PLAN - RETENTION

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** The applicant shall provide a drainage plan, prepared by a registered civil engineer or licensed architect, to demonstrate compliance with the stormwater policies of the Del Monte Forest Land Use Plan. The plan shall provide on-site retention to prevent off-site discharge from storms less than or equal to the 85th percentile 24-hour rainfall event. If on-site retention is not feasible, then on-site detention with water quality treatment shall be provided. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)

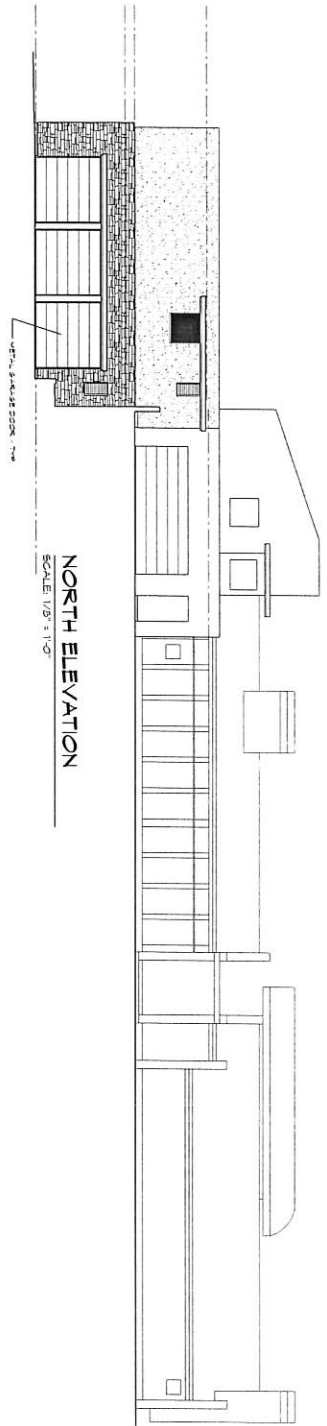
**Compliance or Monitoring Action to be Performed:** Prior to issuance of any construction permit, the owner/applicant shall submit a drainage plan with the construction permit application.

The Building Services Department will route a plan set to the Water Resources Agency for review and approval.

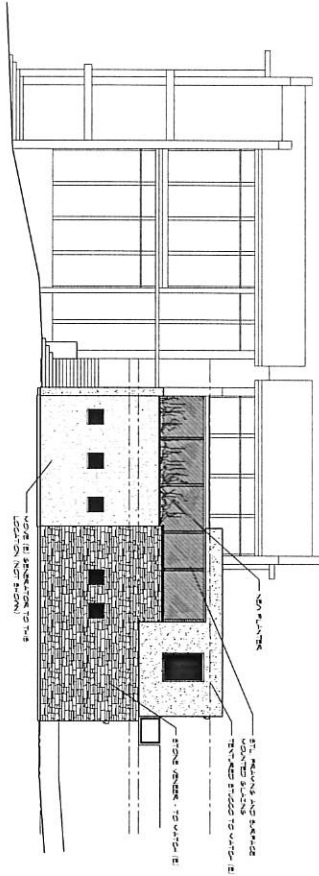




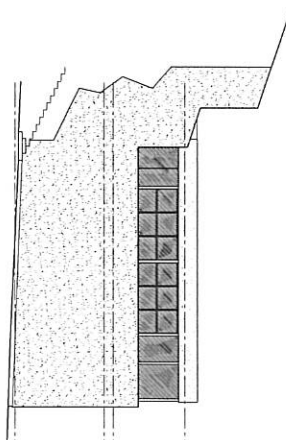




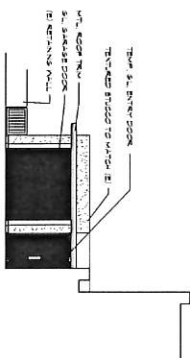
NORTH ELEVATION  
SCALE 1/8" = 1'-0"



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



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



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

GARAGE PLAN AND ELEVATION - FULL CONTEXT

MACNEIL RUZYCKI RESIDENCE

3235 MACOMBER RD.  
PEBBLE BEACH, CA 93953  
APN: 008.162.013.000

A3.2

HOLBRECHT  
ARCHITECTURE  
220 CANNERY ROW, SUITE 1A  
PORTLAND, OR 97201  
Phone: 503.446.5003  
www.holbrecht.com

DATE: 11.16.2014  
SCALE: 1/8" = 1'-0"  
DRAWN: DYC  
JOB NUMBER: 14.12  
REVISION:

# DEL MONTE FOREST

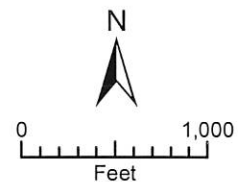


APPLICANT: DMN MACOMBER LLC

APN: 008-162-013-000

FILE # PLN140834

2500' Limit 300' Limit City Limits Water



PLANNER: MASON