

**PLANNING COMMISSION  
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 02015

A. P. # 008-361-005-000

FINDINGS AND DECISION

In the matter of the application of  
**Steven & Beverley Dorfman TR (PLN010529)**

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, an amendment to Combined Development Permit (PC07281), located at 3195Palmero Way, Pebble Beach, Del Monte Forest area, Coastal Zone, came on regularly for hearing before the Planning Commission on March 13, 2002.

WHEREAS: Said proposal includes:

1) 174.18 cubic yards of grading (existing), this modifies the amount of grading allowed by the previously approved grading permit and increases the height of fill for the driveway by 3 feet.

WHEREAS: Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

**1. FINDING:** The proposed amendment to Coastal Development Permit (PC7281) to allow 174.18 cubic yards of fill, as described in the application and accompanying materials is inconsistent with the Monterey County Coastal Implementation Plan, Regulation for Development in the Del Monte Forest Land Use Plan Area (Part 5) and the Del Monte Forest Area Land Use Plan.

**EVIDENCE:** Staff research and field review of this project have determined that the project is inconsistent with:

1. Section 20.147.030.A.1.a of the Coastal Implementation Plan (only that amount of site disturbance necessary for project footprint and adequate driveway shall be allowed).
2. Section 20.147.060.G.3 of the Coastal Implementation Plan (natural soil cover shall be retained in place and only the amount of disturbance required for construction shall be allowed).
3. Section 20.147.060.G.9 of the Coastal Implementation Plan (Development shall be designed to conform to site topography and to minimize grading and other site preparation activities).
4. Policy 1 of the Del Monte Forest Area Land Use Plan (development shall be sited and designed to minimize runoff, site disturbance, erosion and sedimentation) (development shall be designed to conform to site topography)
5. Policy 43 of the Del Monte Forest Area Land Use Plan (development shall be designed to conform to site topography and to minimize grading and other site preparation activities).

**EVIDENCE:** The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, contained in File PLN010529.

**EVIDENCE:** Site visits conducted by project planner and grading inspector, December of 2000, October and November of 2001 and February 2002.

**EVIDENCE:** Photos of the grading violation, dated December of 2000 and March of 2002, as found in Planning File Number PLN010529.

**EVIDENCE:** The record before the Planning Commission on March 13, 2002.

2. **FINDING:** The proposed amendment is inconsistent with Section 20.147.030.A.1.a. of the Monterey County Coastal Implementation Plan (Del Monte Forest Area Land Use Plan) and Policy 1 of the Del Monte Forest Area Plan which both state that “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.” The existing driveway pad is five feet above what was approved and is not consistent with county regulations or policies. GP000222 allowed only 92 cubic yards of fill for the parking area which was proposed to be spread over a larger area and only two feet in height. The proposed amendment would allow 174.18 cubic yards of fill on a smaller area which created a large mound. The proposed amendment involves more than the minimum amount of site disturbance for the proposed development.

**EVIDENCE:** Site visit by project planner and photographs as found in Planning File PLN010529.

**EVIDENCE:** Policy 1 of the Del Monte Forest Area Land Use Plan and the Section 20.147.030.A.1.a of the Coastal Implementation Plan, Regulation for Development in the Del Monte Forest Area Land Use Plan.

**EVIDENCE:** File and application materials contained in the Planning File PLN010529.

**EVIDENCE:** Grading Permits GP990153 and GP000222.

3. **FINDING:** The proposal is inconsistent with Section 20.147.060.G.3 of the Coastal Implementation Plan which states “the natural soil cover shall be retained in place and only the amount of disturbance required for construction shall be allowed.” Grading Permit GP000222 permitted 92 cubic yards of fill and 53 cubic yards of import. The proposal would require approximately 125 cubic yards of import which is inconsistent with the Coastal Implementation Plan that requires that the natural soil cover be retained and only the amount of disturbance required for construction.

**EVIDENCE:** Site visit by project planner and photographs as found in Planning File PLN010529.

**EVIDENCE:** Section 20.147.030.A.1.a of the Coastal Implementation Plan, Regulation for Development in the Del Monte Forest Area Land Use Plan.

**EVIDENCE:** File and application materials contained in the Planning File PLN010529.

4. **FINDING:** The proposed amendment is inconsistent with Policy 43 of the Del Monte Forest Area Land Use Plan and Section 20.147.060.G.3 of the Coastal Implementation Plan that states that development shall be designed to conform to site topography and to minimize grading. The proposed amendment seeks to allow 174.18 cubic yards of fill, with a finished grade approximately 5 feet higher than what was approved by GP000222. With the finish grade approximately 7 feet higher than natural average, the proposed grading does not conform to the site topography and the minimum grading as required by Section 20.147.060.G.3 of the Coastal Implementation Plan.

**EVIDENCE:** The proposed grading does not conform to site topography as evidenced in the grading plan submitted for the proposal and as found in Planning File Number PLN010529.

**EVIDENCE:** Site visit by project planner and photographs as found in Planning File Number PLN010529.

**EVIDENCE:** Policy 43 of the Del Monte Forest Area Land Use Plan and Section 20.147.060.G.3 of the Coastal Implementation Plan.

5. **FINDING:** The Amendment to PC07281 is appealable to the Monterey County Board of Supervisors and is appealable to the California Coastal Commission only if approved by Monterey County.

**EVIDENCE:** Section 20.86.070 of the Monterey County Coastal Implementation Plan.

**EVIDENCE:** Section 20.86.080 of the Monterey County Coastal Implementation Plan.

**6. FINDING:** The project is exempt from CEQA because the County is denying the amendment. If the County were inclined to grant the amendment, appropriate environmental review would need to be ascertained and conducted prior to such approval.

**EVIDENCE:** CEQA Guidelines, Sections 15.061(b)(4) and 15270(a).

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be denied.

**PASSED AND ADOPTED** this 13th day of March, 2002 by the following vote:

AYES: Errea, Sanchez, Hawkins, Parsons, Brennan, Pitt-Derdivanis, Diehl, Wilmot  
NOES: Hernandez  
ABSENT: Lacy

Original Signed By:  
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DALE ELLIS, SECRETARY

Copy of this decision mailed to applicant on

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

This decision, if this is the final administrative decision is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90<sup>th</sup> day following the date on which this decision becomes final.