

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

RESOLUTION NO. 02020

A. P. # 008-293-006-000

In the matter of the application of
Dilip & Patricia Raval (PLN000251)

FINDINGS AND DECISION

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located at 1236 Portola Road, Pebble Beach, southeast of the intersection of Portola Road, Padre Lane and Sombria Lane, Del Monte Forest area, Coastal Zone, came on regularly for hearing before the Planning Commission on April 10, 2002.

WHEREAS: Said proposal includes:

- 1) Coastal Administrative Permit for a new two-story single family dwelling with attached two-car garage, totaling 4,639 sq. ft. and grading (approx. 450 cu. yds. cut and 200 cu. yds. fill),
- 2) Design Approval, and
- 3) Coastal Development Permit to allow the removal of 13 trees: 11 Monterey pines measuring 32", 31", 31", 30", 27", 26", 11", 7", 6", 6", and 6" diameter at breast height, and two Coast live oaks measuring 11" and 8" diameter at breast height.

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

FINDINGS OF FACT

1. **FINDING:** The subject Combined Development Permit (PLN 000251), as described in condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the Local Coastal Program (LCP). The LCP for this site consists of the Del Monte Forest Land Use Plan, Coastal Implementation Plan (Part 5), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20). The property is located on southwest side of Portola Road, approximately 1200 feet southeast of its intersection with Padre Lane in the Del Monte Forest Area of the Coastal Zone. The parcel is zoned "LDR/1.5-D (CZ)" or Low Density Residential, 1.5 acres/unit in a Design Control District within the Coastal Zone. The site is physically suitable for the use proposed. The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

EVIDENCE: The text and policies of these documents have been evaluated during the course of the review of this application. No conflicts were found to exist. No communication was received during the course of review of this project to indicate that there is any inconsistency with the text and policies of these documents.

2. **FINDING:** The proposed tree removal is consistent with the policies of the Monterey County General Plan, the Del Monte Forest Land Use Plan and the requirements and standards of the Monterey County Zoning Ordinance (Title 20).

EVIDENCE: Forest Assessment prepared for the site by Stephen R. Staub, dated April, 2001.
3. **FINDING:** The site is physically suitable for the use proposed.

EVIDENCE: There has been no testimony received, either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Pebble Beach Community Services District, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable.

EVIDENCE: Geological Report for a Proposed Single Family Homesite, prepared by Nielsen and Associates, October 2000.

EVIDENCE: Geotechnical Investigation for APN 008-293-006, prepared by Reynolds Associates, October 25, 2000.
4. **FINDING:** The proposed project will not have a significant environmental impact.

EVIDENCE: The State CEQA Guidelines categorically exempts this project from environmental review pursuant to CEQA Guideline Section 15303(a), Class 3 (*exemption for one single family residence*), 15061(b)(2) and (3). No potentially adverse environmental impacts were identified during review of the proposed project.

EVIDENCE: Preliminary Archaeological Reconnaissance of Assessor's Parcel Number 008-293-006, prepared by Archaeological Consulting, July 31, 2000.

EVIDENCE: Biological Report prepared by Vernal L. Yadon, July 20, 2000.
5. **FINDING:** Public notice of the pending Combined Development Permit was provided pursuant to Section 20.84.040, Title 20, Monterey County Code (Zoning).

EVIDENCE: Materials in project file.
6. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, and any other applicable provisions of Title 20, that no violations exist on the property, and that all zoning violation abatement costs have been paid.

EVIDENCE: Sections 20.14 and 20.44 of the Monterey County Code (Zoning). Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.
7. **FINDING:** Development of properties located in the Monterey Peninsula Water Management District ("District") depends in large part, on the availability of water pursuant to an allotment system established by the District based on a prorationing of the known water supply for each of the jurisdictions served by the California-American Water Service Company. Although current information available to the County indicates that the County's share of water under the District's allotment system, over which the County has no control, has been exhausted, the applicant was able to secure an water allocation transfer from the "Robles del Rio Lodge" in the amount of 0.2625 net acre feet to provide water for this parcel.

EVIDENCE: Staff report, oral testimony at the hearing; administrative record, stipulation for entry of judgment (case no. M51217) dated January 18, 2002.
8. **FINDING:** The establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals,

comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

EVIDENCE: Preceding findings and supporting evidence.

9. **FINDING:** The project is appealable to the Board of Supervisors and the California Coastal Commission.
EVIDENCE: Sections 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan.

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the following conditions:

1. The subject Combined Development Permit and design approval consisting of a Coastal Administrative Permit for a new two-story single family dwelling with attached two-car garage, totaling 4,639 sq. ft and grading (approx. 450 cu. yds. cut and 200 cu yds. fill) and a Coastal Development Permit to allow the removal of 13 trees: 11 Monterey pines measuring 32", 31", 31", 30", 27", 26", 11", 7", 6", 6", and 6" diameter at breast height, and two Coast live oaks measuring 11" and 8" diameter at breast height. The property is located at 1236 Portola Road, Pebble Beach (Assessor's Parcel Number 008-293-006-000), southeast of the intersection of Portola Road, Padre Lane & Sombria Lane, Del Monte Forest area, Coastal Zone. 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 Planning and Building Inspection. 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. **(Planning and Building Inspection Department)**

Prior to issuance of Grading or Building Permits:

2. The applicant shall record a notice which states: "A permit (Resolution 02020) was approved by the Planning Commission for Assessor's Parcel Number 008-293-006-000 on April 10, 2002. The permit was granted subject to 22 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection Department)**
3. Provide the Director of Environmental Health written certification, and any necessary certification from State agencies that Cal Am Water Co. can and will supply, **immediately upon demand**, sufficient water flow and pressure to comply with both Health and fire flow standards. **(Environmental Health Division)**
4. The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting the imposed load of fire apparatus. **(Pebble Beach Community Services District) (60,000#) (All Weather)**
5. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Pebble Beach Community Services District)**
6. Size of letters, numbers and symbols for address shall be a minimum of 3 inch letter height, 3/8 inch stroke, contrasting with the background color of the sign. **(Pebble Beach Community Services District)**

7. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located. **(Pebble Beach Community Services District)**
8. The building(s) shall be fully protected with automatic fire sprinkler system(s). The following notation is **required on the plans** when a building permit is applied for:

"The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection." [Garage Included] **(Pebble Beach Community Services District)**
9. The building(s) shall be fully protected with an automatic alarm system(s). The following notation is **required on the plans** when a building permit is applied for:

"The building(s) shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by National Fire Protection Association Standard 72 - 1993 Edition. Plans and specifications for the fire alarm system must be submitted and approved by the enforcing jurisdiction prior to requesting a framing inspection. All fire alarm system inspections and acceptance testing shall be in accordance with Chapter 7 of NFPA 72 - 1993." **(Pebble Beach Community Services District)**
10. The applicants shall obtain from the Monterey County Water Resources Agency (MCERA), proof of water availability on the property, in the form of an approved Water Release Form. **(Water Resources Agency)**
11. A drainage plan shall be prepared by a registered civil engineer or architect to address on-site impacts. Stormwater runoff from impervious surfaces shall be dispersed at multiple points, over the least steep available slopes, with erosion control at outlets. **(Water Resources Agency)**
12. The site shall be landscaped. At least three weeks prior to occupancy, the applicant will submit three copies of a landscape plan to the Director of Planning and Building Inspection for approval. This plan shall comply with all recommendations of the biological report prepared for the parcel by Vernal L. Yadon (July 20, 2000). The plan shall include low water use or native drought resistant plants, low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. The plan shall be in sufficient detail to identify the location, species and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Applicant shall pay review fees at the time of landscape plan submittal. Before occupancy, landscaping shall be installed and approved by the County or applicant shall submit a receipt for payment in full for the purchase of landscaping material and installation from a landscaping contractor. All landscaping shall be continuously maintained in accordance with the Plan by the property owner. Applicant will submit photos annually for three years demonstrating ongoing compliance.

13. The applicant shall submit a tree replacement plan. The plan shall provide for replacing the six Monterey pine trees on a one to one ratio. Because no Monterey pine planting stock is yet commercially available that has proven to be resistant to pitch canker, replacement with six coast love oak trees of local native stock is proposed as a minimum replanting requirement. If putatively pitch canker resistant planting stock of local Monterey pines is available at the time of planting, these can be substituted for oak. The replacement plan shall include a schedule of implementation and success criteria, and a monitoring schedule and is subject to the approval of Monterey County Landscaping Planner and the Director of Planning and Building Inspection. The plan must show which will include ongoing monitoring reports indicating compliance with the plan for a minimum of five years. If the tree replacement is not successful, the reports will provide measures for bringing the condition into compliance and these measures shall be followed by the applicant. **(Planning and Building Inspection)**
14. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. That the applicant shall submit 2 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 exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. **(Planning and Building Inspection Department)**
15. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
16. A notice shall be recorded with the Monterey County Recorder which states: "A Forest Management Plan has been prepared for this parcel by Stephen R. Staub dated April 2001, and updated in a letter from Stephen Staub dated March 21, 2002, and is on record in the Monterey County Planning and Building Inspection Department Library, File #PLN000251. All tree removal on the parcel must be in accordance with the Forest Management Plan, as approved by the Director of Planning and Building Inspection." This notice shall be recorded prior to issuance of building or grading permits. **(Planning and Building Inspection Department)**
17. Trees located close to the construction site shall be protected from inadvertent damage from construction equipment by 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 shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection Department)**
18. Applicant shall include the recommendations from the Geologic Report prepared by Nielsen & Associates (October 2000) and the Geotechnical Investigation by Reynolds Associates (October 25, 2000) as notes on the building permit plan set. **(Planning and Building Inspection Department)**
19. If, during the course of construction, cultural, archaeological, historical or palentological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection Department)**

Prior to Final Building Inspection/Occupancy:

- 20. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
 - a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
 - b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. **(Water Resources Agency)**

Continuous Permit Conditions:

- 21. The area shall be landscaped and maintained in a manner that is litter-free, weed-free, in a healthy growing condition and that is consistent with the approved landscape plan and the recommendations contained in the forest management plan for Dilip Raval prepared by Stephen Staub (April 2001, as amended in an e-mail dated March 21, 2002) and the biological report prepared for Dilip Raval by Vernal Yadon (July 20, 2000). **(Planning and Building Inspection Department)**
- 22. Where gates are to be locked, the Reviewing Authority having jurisdiction may require installation of a key box or other acceptable means to immediate access for emergency equipment. **(Pebble Beach Community Services District)**

PASSED AND ADOPTED this 10th day of April, 2002 by the following vote:

AYES: Errea, Sanchez, Hawkins, Parsons, Pitt-Derdivanis, Diehl, Hernandez, Wilmot
 NOES: None
 ABSENT: Brennan, Lacy

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 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Marina.

2. The construction or use authorized by this permit must start within two years of the date of approval of this permit unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan.