

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

RESOLUTION NO. 02033

A. P. # 008-341-027-000

**FINDINGS AND DECISION**

In the matter of the application of  
**Paul & Marianne Hoffman (PLN010577)**

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 1488 Bonifacio Road, Pebble Beach, Del Monte Forest area, Coastal Zone, came on regularly for hearing before the Planning Commission on June 12, 2002.

WHEREAS: Said proposal includes:

- 1) Coastal Administrative Permit for the demolition of an existing single family dwelling and the construction of a 7,824 sq. ft. split-level, single family dwelling with an attached three-car garage and grading (750 cu. yds. cut, 50 cu. yds. fill);
- 2) Coastal Development Permit for development on 30% slopes;
- 3) Variance for structural square footage in excess of 5,000 sq. ft. in the Pescadero Watershed; and
- 4) Design Approval

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

**FINDINGS OF FACT**

- 1. FINDING:** The subject Combined Development Permit (PLN01577), as described in condition #1 and as conditioned, conforms to 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, the Del Monte Forest Coastal Implementation Plan (Part 5), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20). The property is located at 1488 Bonifacio Road, Pebble Beach (Assessor's Parcel Number 008-341-027-000), in the Del Monte Forest area of the Coastal Zone. The parcel is zoned "LDR/1.5-D (CZ)," i.e., Low Density Residential, 1 unit/1.5 acres, Design Control District, 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 application and plans submitted for the Combined Development Permit in the project file at the Monterey County Planning and Building Inspection Department.

**EVIDENCE:** Design Approval Request form with plans recommended for denial by the Del Monte Forest Land Use Advisory Committee with a 7 to 0 vote because the project exceeds the 5,000 square foot structural coverage limit for the Pescadero watershed; found in File No. PLN010577.

**EVIDENCE:** The on-site inspection of the parcel by the project planner.

**EVIDENCE:** The project is in a seismic hazard zone “I” (low) as found in the resource maps of the Del Monte Forest Land Use Plan.

**EVIDENCE:** The project as proposed is consistent with policies of the Del Monte Forest Land Use Plan dealing with development in archaeologically sensitive areas, evidenced by the archaeological report prepared by Archeological Consulting, dated January 29, 2002, contained in the project file. Condition number 17 has been added to require that work be stopped in the event that any archaeological resources are found on site.

**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, the applicable Fire Department, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

**EVIDENCE:** The subject property is not adjacent to the sea shore and is not described as an area where the Local Coastal Program requires access, according to Sections 20.70.050.B.4.c.i and ii.

2. **FINDING:** The project is not consistent with Section 20.147.030.A.1 limiting structural coverage to 5,000 square feet, including main and accessory structures, but is consistent with the limitation of additional impervious surface coverage up to 4,000 square feet and also within the total limitation of 9,000 square feet for the Pescadero, Seal Rock Creek and Sawmill Gulch Watersheds and the smaller unnamed watersheds which drain into the Carmel Bay Area of Special Biological Significance.

**EVIDENCE:** The project application, including the site plan, contained in file PLN010577 proposes structural coverage of 6,329 square feet and impervious surface coverage of 2,494 square feet for a total of 8,823 square feet.

3. **FINDING:** The variance to exceed the allowable Pescadero watershed structural and impervious surface coverage shall not constitute a grant of privileges inconsistent with the limitations upon other property owners in the vicinity and zone in which such property is situated.

**EVIDENCE:** Similar residential properties in the Del Monte Forest area of the Coastal Zone have been granted Variances to exceed the Pescadero Watershed structural and impervious surface coverage limitations.

**EVIDENCE:** The Board of Supervisors’ resolution 94-149 (Steakley) established the precedent to allow a Variance to exceed the 5,000 square foot limit on structural coverage as long as stormwater runoff was controlled on site. Retaining stormwater on site and maintaining the combined structural and impervious surface coverage under the 9,000 square foot limit supports the intent of Section 20.147.030.A.1.b of the certified Monterey County Coastal Implementation Plan, Part 5 regarding impervious coverage in the Pescadero watershed.

**EVIDENCE:** Total impervious surface proposed by the project remains within the 9,000 square feet allowable.

4. **FINDING:** Because of special circumstances applicable to the subject property, including the size, shape, topography, location of the lot, or the surrounding area, the strict application of Section 20.147.030.A.1.b of the Monterey County Coastal Implementation Plan is found to deprive the subject property of privileges enjoyed by other property owners in the vicinity under an identical zoning classification.

**EVIDENCE:** The intent of the Pescadero watershed coverage limitations is to limit the amount of stormwater runoff into Carmel Bay, thereby protecting an area of biological significance. Although, the proposed project exceeds the 5,000 square foot limit for structural coverage, the proposed impervious surface coverage is below the allowable 4,000 square foot limit. The project will not exceed the 9,000 square foot combined structural and impervious surface coverage limit, therefore implementing the intent of the Pescadero watershed impervious coverage policy.

**EVIDENCE:** The subject site is capable of controlling the storm water runoff produced by the proposed development thereby meeting the intent of Section 20.147.030.A.1.b. The owner has agreed to a condition that would require all stormwater runoff from the development to be controlled on site, by means of retention/percolation facilities or infiltration trenches in accordance with plans by a registered civil engineer or architect (Condition No. 6).

**EVIDENCE:** A drainage plan has been prepared for the project by Bestor Engineers, Inc., dated February 13, 2002, which was designed to accommodate the increased runoff caused by the development during a typical 10-year storm event, in order to conform to policies 1, 2, & 6 of the Del Monte Forest Land Use Plan, relating to drainage issues.

**EVIDENCE:** Other property owners in the vicinity and under identical zoning classification have been afforded the same privileges sought by the property owner of this application.

**EVIDENCE:** Monterey County Board of Supervisors Resolution No. 94-149 granting the appeal of John and Danielle Steakley from a decision by the Planning Commission relating to the 5,000 square foot limitation to structural coverage in the Del Monte Forest Area. The Board's decision effectively granted the applicant a variance to exceed the aforementioned 5,000 square foot structural coverage limitation.

5. **FINDING:** The request for the proposed development to be partially located on slopes exceeding 30% is consistent with Section 20.147.060.G.1.a of the Regulations for Development in the Del Monte Land Use Plan Area since no other alternative exists which would allow the development, as proposed, to occur on slopes less than 30%.

**EVIDENCE:** Slope analysis map prepared by the Arthur Valdes Company, Inc., which shows all slopes exceeding 30% percent.

6. **FINDING:** The request for the proposed development to be partially located on slopes exceeding 30% is consistent with Section 20.147.060.G.1.b of the Regulations for Development in the Del Monte Land Use Plan Area since the proposed development site better achieves the resource protection objectives and policies of the Del Monte Forest Land Use Plan by avoiding native tree removal and minimizing grading on currently undisturbed areas.

**EVIDENCE:** Site plan contained in file PLN010577 indicating forested and un-forested areas of the subject parcel.

**EVIDENCE:** The Forest Management Plan prepared for the project by Forest City Consulting contained in the file.

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.

**EVIDENCE:** Staff report, oral testimony at the hearing; administrative record.

8. **FINDING:** Based upon the District's water allotment system, the County of Monterey ("County") has established a system of priority distribution of water allocation for properties within its own jurisdiction. 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 to the point that the County is unable to assure that property owners who do or have obtained development permits for their properties will be able to proceed with their development projects.
- EVIDENCE:** Staff report, oral testimony at the hearing; administrative record.
9. **FINDING:** In view of the preceding finding, and the fact that the present application for a use permit otherwise meets all County requirements, the County approves the application subject to determination by the Monterey County Water Resources Agency, in the form of a water availability certification, that water is available for the project and the applicant's being able to obtain a water use permit from the District.
- EVIDENCE:** Staff report, oral testimony at the hearing; administrative record.
10. **FINDING:** The proposed project will not have a significant environmental impact.
- EVIDENCE:** Criteria contained in Article 19, Sections 15300.2 (Exceptions) & 15303 (Small Structures) of the California Environmental Quality Act Guidelines allow this project to be categorically exempted from environmental review. Due to the project's limited scale and because land disturbance will be minimal and entirely within an already disturbed area, no significantly adverse environmental impacts were identified during review of the proposed project.
11. **FINDING:** The establishment, maintenance, and operation of the proposed development 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:** The project as described in the application and accompanying material was reviewed by the Department of Planning and Building Inspection, applicable Fire Department, Public Works and Parks Departments, Environmental Health Division, and Water Resources Agency. The respective departments and Agency 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 or the County in general.
12. **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 grants a Coastal Administrative Permit and Design Approval for the demolition of an existing single-family dwelling and the construction of a new 7,824 sq. ft. split-level, single-family dwelling with an attached three-car garage and grading (750 cu. yds. cut, 50 cu. yds. fill); a Coastal Development Permit for development on slopes greater than 30%; and a Variance to exceed the 5,000 sq. ft. structural-coverage limit for the Pescadero Watershed. The project is in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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)**

2. This permit shall expire two years from the date of adoption unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan. **(Planning and Building Inspection)**

**Prior to the Issuance of Grading and Building Permits:**

3. The applicant shall record a notice which states: "A permit (Resolution #010577) was approved by the Planning Commission for Assessor's Parcel Number 008-341-027-000 on June 12, 2002. The permit was granted subject to 19 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)**
4. All exterior lighting shall be unobtrusive, compatible 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 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 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)**
5. 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)**
6. Prior to issuance of grading or building permits for the single family dwelling, a drainage plan shall be prepared addressing on-site and off-site impacts, to include retention/percolation facilities to mitigate the impact of impervious surface stormwater runoff and provide for no net increase in offsite drainage beyond that amount expected for a vacant parcel in the subject location. Necessary improvements shall be constructed in accordance with approved plans. **(Water Resource Agency)**
7. Prior to issuance of a building permit, the applicant shall obtain from the Monterey County Water Resources Agency (MCWRA), proof of water availability on the property, in the form of an approved Water Release Form. **(Water Resource Agency)**
8. 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)**
9. 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. 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.”*

If a fire alarm system is to be installed, the following condition also applies:

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 - 1996 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 – 1996.” (Pebble Beach Community Services District)*

**Prior to Final Building Inspection/Occupancy:**

10. The applicant shall comply with Ordinance No. 3932 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 & Planning and Building Inspection)**
11. The site shall be landscaped. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. The project will be subject to a landscape plan review fee which shall be paid at the time of landscape plan submittal. The landscaping 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. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. **(Planning and Building Inspection Department)**
12. Size of letters, numbers and symbols for addresses 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)**
13. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and 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)**
14. 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)**
15. Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from the ground. Remove limbs within 10 feet of chimneys. **(Pebble Beach Community Services District)**

16. Additional fire protection or firebreaks approved by the Reviewing Authority may be required to provide reasonable fire safety. **(Pebble Beach Community Services District)**

**Continuous Permit Conditions:**

17. 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 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)**
18. As a condition for granting a Variance to the 5,000 square foot structural coverage limit required in the Pescadero watershed, a deed restriction shall be recorded limiting the subject parcel to the total impervious square footage allowed by Combined Development Permit #010577 (i.e., 8,823 square feet).
19. All landscaped areas and/or fences shall be continuously maintained by the property owner and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**

**PASSED AND ADOPTED** this 12 day of June, 2002 by the following vote:

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

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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.

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.