

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

RESOLUTION NO. 02078

A. P. # 008-532-008-000-M

FINDINGS AND DECISION

In the matter of the application of  
**Robert Louis Stevenson School (PLN020257)**

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 1225 Silver Court, Pebble Beach, at the intersection of Bristol Lane and Silver Court, Del Monte Forest area, Coastal Zone, came on regularly for hearing before the Planning Commission on December 11, 2002.

WHEREAS: Said proposal includes:

- 1) Coastal Development Permit for a Lot Line Adjustment to merge two existing legal lots of record;
- 2) Coastal Administrative Permit for a new 4,973 sq. ft. single family residence with attached garage and 3,135 sq. ft. of impervious surface;
- 3) Coastal Development Permit for tree removal (35 Monterey Pines, 12 with 12' diameters or more including 2 landmark trees, and
- 4) Design Approval

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

FINDINGS OF FACT

1. **FINDING: CONSISTENCY** - The Project, as conditioned is consistent with applicable plans and policies, the Monterey County Coastal Subdivision Ordinance (Title 19), 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) which designates this area as appropriate for residential development.

- EVIDENCE:**
- (a) PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the Del Monte Forest Land Use Plan, Coastal Implementation Plan (Part 5), Part 6 of the Coastal Implementation Plan. PBI staff has reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Coastal Subdivision Ordinance (Title 19) and the Monterey County Zoning Ordinance (Title 20) and have determined that the project is consistent with the Del Monte Forest Land Use Plan which designates this area as appropriate for residential development. Staff notes are provided in Project File PLN020257.
  - (b) Project planner conducted an on-site inspection on June 26, 2002, July 30, 2002 and September 19, 2002 to verify that the project on the subject parcel conforms to the plans listed above. Staff notes regarding the site visit are in Project File PLN020257.
  - (c) The project for a lot line adjustment and a single family home is a conditional use and an allowed use, respectively, in accordance with Sections 20.12.050 and 20.12.040.
  - (d) The parcel is zoned Medium Density Residential, 4 units/acre, Design Control District, Coastal Zone ("MDR/4-D (CZ))." The project is in compliance with Site Development Standards for a Medium Density Residential District in accordance with Section 20.12.060.

- (e) Minor Subdivision Committee: The Minor Subdivision Committee reviewed the proposed project on November 14, 2002 and recommended approval of the project. The project reviewed by the committee included a variance to the 5,000 square foot structural coverage limitation for the Pescadero Watershed. However, subsequent changes reduced structural coverage below 5,000 square feet and eliminated the Variance requirement. The applicant also indicated that the driveway turnaround had been modified to save tree #10 in order to comply with staff's recommendation. Committee modifications included the addition of the wording, "If required," to the Public Works conditions relating to monumentation and the addition of language assuring that the replacement trees be healthy and free of Pitch Canker and Sudden Oak Death. One neighbor raised concerns about utilization of the residence for school functions resulting in noise and parking problems. The applicant responded that there would only be a very limited number of functions, just several a year and that sufficient parking located nearby at the school to accommodate any needs. In addition, an existing path provides access from the school to the residence. Condition # 26 requiring special event parking to occur on school grounds has been added to address this issue.
- (f) Land Use Advisory Committee (LUAC): The Del Monte Forest Land Use Advisory Committee recommended approval of the project by a vote of 5 for and 2 against. The negative votes were cast because of concerns with the size of the house in relation to the surrounding neighborhood. LUAC meeting minutes dated September 26, 2002. The applicant presented a change in exterior material from shingle to stucco which the advisory committee incorporated in its recommendation and is reflected in the current project plans.
- (g) The project conforms with Section 20.147.070.C regarding aesthetics because the design, amended materials and colors (as specified in the project plans and file #PLN020257) are subordinate to and blended into the environment. The exterior colors of sand beige and off-white are natural tones and the stucco material is similar to the adjacent houses.
- (h) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN020257.

2. **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, and all zoning violation abatement cost, if any, have been paid.

**EVIDENCE:** (a) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject property.

3. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance or operation of the project applied for will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

**EVIDENCE:** (a) The project was reviewed by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks and Pebble Beach Community Services District. The respective departments and 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. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions.

(b) Technical reports have been provided by consulting geotechnical engineers with recommended conditions and modifications that provide additional assurances regarding

project safety. "Preliminary Geotechnical Engineering Investigation Report" prepared by Twining Laboratories, Monterey, CA, June 19, 2002. Report is in Project File PLN020257.

4. **FINDING: SITE SUITABILITY** - The site is suitable for the use proposed.
- EVIDENCE:** (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks and Pebble Beach Community Services District. Conditions recommended have been incorporated.
- (b) Technical reports by outside archaeology, biology and geotechnical consultants indicate that 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. Agency staff concurs. "Preliminary Archaeological Reconnaissance" prepared by Archaeological Consulting, Salinas, CA, May 3, 2002. "Biological Resource Assessment" prepared by Zander Associates, Environmental Consultants, Novato, CA, June 28, 2002. "Preliminary Geotechnical Engineering Investigation Report" prepared by Twining Laboratories, Monterey, CA, June 19, 2002. Reports are in Project File PLN020257.
- (c) Staff conducted an on-site visit on June 26, 2002, July 30, 2002 and September 19, 2002 to verify that the site is suitable for this use.
- (d) Necessary public facilities are available and will be provided.
5. **FINDING: CEQA (Exempt):** - The project is exempt from environmental review.
- EVIDENCE:** (a) CEQA Guidelines Section 15305 and 15303 categorically exempt minor lot line adjustments and single family dwellings.
- (b) No adverse environmental effects were identified during staff review of the development application during site visits on June 26, 2002, July 30, 2002 and September 19, 2002.
- (c) The lot line adjustment reduces the amount of tree removal from what normally would be expected if the lots were developed separately and allows the residence to be sited away from the healthier, more mature stands of trees.
- (d) Technical reports by outside biological and archaeological consultants indicate that there are no potentially significant impacts to any sensitive habitat, species or archaeological resource. "Biological Resource Assessment" prepared by Zander Associates, Environmental Consultants, Novato, CA, June 28, 2002. "Preliminary Archaeological Reconnaissance" prepared by Archaeological Consulting, Salinas, CA, May 3, 2002.
6. **FINDING: PUBLIC ACCESS** - 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** (a) The subject property is not described as an area where the Local Coastal Program requires access.
- (b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 15, the Recreational Facilities Map, and Figure 16, the Shoreline Access Map, of the Del Monte Forest Area Land Use Plan.
- (c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- (d) Staff site visit on June 26, 2002, July 30, 2002 and September 19, 2002.

7. **FINDING: TREE REMOVAL** – The subject project minimizes tree removal in accordance with the applicable goals and policies of the Del Monte Forest Land Use Plan and Coastal Implementation Plan (Part 5).

**EVIDENCE:** (a) The proposed project merges two parcels into one reducing the overall intensity of development and allowing the residence to be sited away from the healthy and mature stand of trees in the north portion of Lot 9 and south and east portion of Lot 8. The merger results in the removal of fewer trees than normally might be expected to be impacted if the lots were developed separately. In addition, the front entry path, the driveway and the turnaround have been modified to avoid tree removal.

(b) Two landmark pine trees are proposed for removal. One of them, a 30” landmark pine, is located in the center of the new parcel deep within the footprint of the house making it unfeasible to design around without requiring the removal of even more trees. The other one, a 24” landmark pine in poor health and nearly dead, is within the proposed development area. Five other landmark pines will be retained.

(c) A one-to-one replacement of native trees over 12” in diameter is required except when it will result in an overcrowded and unhealthy environment (Section 20.147.050.D.4). Twelve (12) replacement trees consisting of four trees and four saplings from on-site and four new trees will be planted. Although only Monterey pine trees are being removed, it was determined in the Forest Management Plan that two oak saplings were appropriate as replacement trees. Condition #20 requiring the new saplings to be resistant to pitch canker and sudden oak death and condition #25 requiring further replacement should any of the new or transplanted trees fail to survive have been added to ensure the long-term survival of these trees and maintenance of the Forest resources of the Del Monte area.

(d) Section 20.147.050.D.4 of the Monterey County Coastal Implementation Plan, Part 5, states that “new residential development, including driveways and parking areas, shall be sited and designed to minimize cutting of trees, especially trees screening the development from neighboring properties.” Therefore, staff has added a condition that the project plans be modified to preserve two (2) additional trees which are proposed for removal (trees #34 and #42 as shown on the Forest Management Plan and Tree Removal Plan, Sheet A1.01).

Both trees are sufficiently far enough from the building footprint to accommodate their preservation. Tree #34 is an 11” pine located about 5 feet from the back terrace and rated in fair condition according to the Forestry Report. Although it obscures the view of the golf course from the terrace, it is not diseased, hazardous or located within the development footprint. Tree #42 is an 11” pine located about 10 feet from the building footprint near the front entry. Though rated in poor condition, the primary reason for its removal is its proximity to the front entry and pathway, which is not sufficient justification for removal. Condition #9 has been added to preserve these two trees and reduce total tree removal from 35 to 33 trees.

(e) Forest Management Plan prepared by Stephen R. Staub, Forester and Environmental Consultant, dated June 10, 2002 and updated October 9, 2002. Condition #7 requiring the applicant to record a notice of the Forest Management Plan has been incorporated to ensure its measures are followed. Report is in Project File PLN020257.

8. **FINDING: LOT LINE (ADJACENT PARCELS)** - The lot line adjustment is between two existing adjacent parcels.

**EVIDENCE:** (a) Application and plans for a lot line adjustment found in the Project File PLN020257.

9. **FINDING: LOT LINE (PARCEL CREATION)** - A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.

**EVIDENCE:** (a) Two contiguous separate legal parcels of record will be merged and one contiguous

separate legal parcels of record will result from the adjustment.

10. **FINDING: LOT LINE (ZONING CONFORMITY)** - The parcels resulting from the lot line adjustment conform to the County Zoning and Building Ordinances.  
**EVIDENCE:** (a) The proposed lot line adjustment is consistent with the site development standards for parcels within the "MDR/4-D (CZ)" Zoning District, Section 20.12.060 of the Monterey County Zoning Ordinance (Title 20). The application and plans for a lot line adjustment found in Project File PLN020257.
11. **FINDING: APPEALABILITY** - The project is appealable to the Board of Supervisors and California Coastal Commission.  
**EVIDENCE:** (a) Section 20.86.030 and 20.86.080 of the Monterey County Coastal Implementation Plan (Part 1) and Section 19.01.040 of the Monterey County Coastal Zone Subdivision Ordinance (Title 19).

### 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 consists of a Coastal Development Permit for a Lot Line Adjustment to merge two existing legal lots of record; a Coastal Administrative Permit and Design Approval for a new 4,910 sq. ft. single family residence with attached garage and 3,135 sq. ft. of impervious surface; and a Coastal Development Permit for tree removal (35 Monterey pine, 12 with diameters 12" or greater, including 2 landmark trees). The property is located at 1225 Silver Court, Pebble Beach (Assessor's Parcel Numbers 008-532-008-000 and 008-532-009-000), at the intersection of Bristol Lane and Silver Court, Del Monte Forest area, Coastal Zone. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use 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)**

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

2. The applicant shall record a notice which states: "A permit (Resolution 020257) was approved by the Planning Commission for Assessor's Parcel Numbers 008-532-008-000 and 008-532-009-000 on December 11, 2002. The permit was granted subject to 26 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)**
3. 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. 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)**

4. All cut and/or fill slopes exposed during the course of construction shall be covered, seeded with native grasses or otherwise treated to control erosion in coordination with the consulting biologist, subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
5. The location, type and size of all antennas, satellite dishes, towers, and similar appurtenances shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
6. The applicant shall incorporate the recommendations from the Preliminary Geotechnical Engineering Investigation Report prepared by Twining Laboratories dated June 19, 2002, into the building permit plans. **(Planning and Building Inspection)**
7. 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 October 9, 2002, and is on record in the Monterey County Planning and Building Inspection Department Library. All tree removal and planting 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)**
8. Around each tree or group of trees to be preserved, a construction area boundary of orange snow netting supported by wood or metal stakes shall be erected along the approximate driplines of such protected trees and shall not be violated by excavation or any other construction related activity. Where approved construction will occur within a tree dripline, such fencing shall be located at the minimum feasible construction limit absolutely required to complete the work. 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)**
9. The applicant shall minimize tree removal and reduce number of trees to be removed from 35 to 33 by preserving trees #34 and #42, as designated on the project plans. Measures shall be taken and project design shall be modified if necessary in order to ensure their preservation. Revised plans shall be submitted to and subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
10. A drainage plan shall be prepared by a registered civil engineer or architect to address on-site and off-site impacts, and necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**
11. Prior to the 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 Resources Agency)**
12. If required, obtain a survey of the new line and have the line monumented. **(Public Works)**
13. If required, file a record of survey showing the new line and its monumentation. **(Public Works)**
14. Prior to issuance of a building permit, provide the Director of Environmental Health written certification, and any necessary certification from State agencies that California American Water Company can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards. **(Environmental Health)**

15. 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)**
16. 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)**
17. 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." **(Pebble Beach Community Services District)**

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

18. 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)**
19. 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. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, specie, 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)**
20. The landscape plan shall reflect the tree replacement and transplanting indicated in the approved Project Plans. The applicant shall also provide verification to the Director of Planning and Building Inspection that the replacement oak saplings come from a facility that has been certified clean of Sudden Oak Death and that the replacement pines are in good health and have been inspected by a certified arborist to be free of Pitch Canker. **(Planning and Building Inspection)**

- 21. The residence shall conform to the approved exterior colors and material as contained in the project plans and file, or as subsequently approved. **(Planning and Building Inspection)**

**Continuous Permit Conditions:**

- 22. If during the course of construction activity on the subject property, cultural, archaeological, historical, 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)**
- 23. All landscaped areas and replanted trees shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**
- 24. 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)**
- 25. If any required replacement tree fails to establish within the five-year period following the final inspection, the property owner shall immediately replace that tree in accordance with the tree replacement recommendations contained in the Forest Management Plan by Stephen R. Staub dated October 9, 2002. If any newly planted tree fails to establish within a five-year period following planting, the property owner shall immediately replant with a replacement tree. The applicant shall submit to the Planning and Building Inspection Department written certification by a qualified arborist along with photodocumentation attesting to the survival of the replacement and newly planted trees at the first, third and fifth years after planting. **(Planning and Building Inspection)**
- 26. Parking for special school-related events to be held on the subject property shall not occur on-site. Parking for special events shall be accommodated off-site at the Robert Louis Stevenson School campus. **(Planning and Building Inspection)**

**PASSED AND ADOPTED** this 11th day of December, 2002 by the following vote:

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

Original Signed By:  
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 LYNNE MOUNDAY, SECRETARY PRO TEM

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.