

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

RESOLUTION NO. 04009

A. P. # 008-231-010-000

In the matter of the application of  
**Giuseppe & Nella Catania (PLN030489)**

**FINDINGS & DECISION**

to allow a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of a Coastal Administrative Permit and Design Approval for a 7,617 square foot, two-story single family dwelling and fence; a Coastal Development Permit for the removal of 26 Monterey pine trees (including 7 trees less than 12" in diameter, 18 trees between 12" and 24", and one 27" landmark pine); and a Variance to increase the allowable structural coverage from 5,000 square feet to 5,359 square feet in the Pescadero watershed. Total structural and impervious surface coverage of 8,518 square feet meets the combined 9,000 square foot limitation. The property is located at 1418 Viscaino Road, Pebble Beach, at the southwest corner of the intersection of Viscaino Road and Cortez Road, Del Monte Forest area, Coastal Zone, came on regularly for hearing before the Planning Commission on February 25, 2004.

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

**1. FINDING: CONSISTENCY.** The Project, as conditioned is consistent with applicable plans and policies, 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) which designates this area as appropriate for residential development.

**EVIDENCE:** (a) Plan Conformance. PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the Del Monte Forest Land Use Plan (LUP), Part 5 of the Coastal Implementation Plan (CIP), and Part 6 of the Coastal Implementation Plan (CIP). PBI staff has reviewed the project as contained in the application and accompanying materials for conformity with 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 PLN030489.

(b) Land Use. The project for a single family home is an allowed use, in accordance with Section 20.14.040 CIP.

(c) Zoning Consistency. The parcel is zoned Low Density Residential, 1.5 units/acre, Design Control District, Coastal Zone ("LDR/1.5-D (CZ)"). The project is in compliance with Site Development Standards for a Low Density Residential District in accordance with Section 20.14.060 CIP.

(d) Tree Removal. See Finding #6.

(e) Pescadero Watershed. See Findings #7.

(f) 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 PLN030489.

(g) Land Use Advisory Committee (LUAC). The Del Monte Forest Land Use Advisory Committee recommended denial of the project by a vote of 4 to 2 LUAC meeting minutes dated November 6, 2003. The LUAC reviewed a version of the project that was slightly larger and included a variance for the Pescadero Watershed. The LUAC concerns are addressed below:

- *Size & Bulk* – The committee reviewed the original design, which was slightly larger than the redesign by approximately 300 square feet. The house design meets development standards for allowable size and bulk and the variance has been eliminated. The maximum floor area ratio (FAR) for the LDR/1.5 zoning district in the Del Monte Forest area is 17.5%. The proposed total floor area of the house of 7,366 constitutes a FAR of 16.9%. The house also meets the maximum height of the zoning district of 30 feet. Lots in the neighborhood vary in size from 1-acre to 1.4-acres so the property is not substantially smaller than other properties. Size and bulk are controlled through FAR and lot coverage standards, which the project complies with.

- *Neighborhood Compatibility* - Colors and materials for the house include a clay tile roof and yellowish-cream colored, plaster walls, both of which are compatible with residences in the area. The house is designed to almost the maximum floor area ratio and maximum height allowed, but is not unusually large for the area. Project planner site visit on October 6, 2003, November 25, 2003 and discussions with LUAC members.

- *Difficult Design* – This concern was related to the second-story guest bedroom over the garage which some of the LUAC members felt was out of place for the design and neighborhood. The second story over the garage is visually separate from the rest of the second story over the main part of the house, but it is not an unusual feature or design and is consistent with the overall house size and two-story design. Other houses in the area also have tall garages or are two stories. In addition, there was a lack of consensus among the LUAC members and some members felt the design was not incompatible with the area.

(h) Site Visit. Project planner conducted an on-site inspection on October 6, 2003 and November 25, 2003 to verify that the project on the subject parcel conforms to the plans listed above.

2. **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 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. Reports are in Project File PLN030489 include:

- “Preliminary Archaeological Reconnaissance” prepared by Archaeological Consulting, Salinas, CA, May 9, 2003.
  - “Geotechnical Soils-Foundation and Geo-Seismic Report” prepared by Grice Engineering and Geology, Inc., Salinas, CA, January, 2003.
  - “Forest Management Plan,” prepared by Robert Cain, Salinas, CA, dated September 12, 2003.
- (c) Staff conducted an on-site visit on October 6, 2003 and November 25, 2003 to verify that the site is suitable for this use.
- (d) Necessary public facilities are available and will be provided.

**3. FINDING: CEQA (Exempt):** The project is exempt from environmental review.

- EVIDENCE:** (a) CEQA Guidelines categorically exempt single-family dwellings (CEQA Guidelines §15303, Class 3). Class 3 projects consist of new structures and include single-family dwellings and accessory structures in a residential area. Grading for the project is less than 100 cubic yards and the slope of the property is less than 10 percent (10%). This permit allows for the removal of 24 trees. All 17 trees over 12-inches in diameter will be replaced at a 1:1 ratio in accordance with LUP policies as a condition of approval and over 100 existing trees on the property will remain as part of the project design.
- (b) No adverse environmental effects were identified during staff review of the development application during site visits on October 6, 2003 and November 25, 2003.
- (c) There are no unusual circumstances related to the project or property.

**4. 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. 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 existing on subject property.

**5. 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 October 6, 2003 and November 25, 2003.

**6. 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) Policy 35 of the Del Monte Forest Land Use Plan states that “*new residential development, including driveways and parking areas, shall be sited and designed to minimize cutting of trees, especially trees screening the home from neighboring properties.*” The project as designed and conditioned reduces tree removal to 24 Monterey pines.

- The residence is situated in the most open area of the site. Relocating the proposed house as designed would not save additional trees. Although there are two driveways, both driveways are short, provide direct access, and are the minimum width necessary to meet Fire requirements.

- The front driveway is sited and designed to minimize impacts to live trees. It requires removal of three live trees, but is located where there are already two dead trees and retains three live pines in the center area. The garage driveway was modified to retain two large Monterey pine trees, including a 27-inch landmark tree.

- Over 100 existing trees on the property will remain. Trees on the perimeter of the property that will screen the development are not proposed for removal.

- Seventeen trees over 17” in diameter will be removed. In addition, seven trees less than 12” in diameter and five (5) dead trees, which do not require a discretionary permit, will also be removed.

(b) Measures to protect trees during construction have been incorporated as a condition pursuant to Policy 34 and include wrapping trunks, fencing off clusters of trees.

(c) A condition has been incorporated requiring replacement of all removed trees that are 12-inches or more in diameter at a minimum ratio of 1:1 pursuant to Policy 36.

(d) A condition has been added for the applicant to record a notice of the Forest Management Plan and that any tree removal is in accordance with the approved plan.

(e) Forest Management Plan prepared by Robert Cain, dated September 12, 2003. Report is in Project File PLN030489.

(f) Staff site visit on October 6, 2003 and November 25, 2003.

**7. FINDING: PESCADERO WATERSHED POLICY.** 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. It also meets the total limitation of 9,000 square feet for the Pescadero, Seal Rock Creek and Sawmill Gulch Watersheds and the smaller unnamed watersheds that drain into the Carmel Bay Area of Special Biological Significance.

**EVIDENCE:** (a) The project application, including the site plan, contained in file PLN030489 proposes structural coverage of 4,996 square feet and impervious surface coverage of 3,986 square feet for a total of 8,982 square feet.

(b) A condition has been added by the Water Resources Agency for a final drainage plan in order to conform to Policies 1, 2, & 6 of the Del Monte Forest LUP, relating to drainage issues and addressing on-site and off-site impacts and retention facilities.

**8. 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) Preceding findings and supporting evidence.

**9. FINDING: APPEALABILITY.** The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

**EVIDENCE:** (a) Section 20.86.030 of the Monterey County Coastal Implementation Plan - Part 1 (Board of Supervisors).

(b) Section 20.86.080 of the Monterey County Coastal Implementation Plan - Part 1 (Coastal Commission). The project involves a conditional use permit to allow removal of trees. In addition, the site is located between the sea (Pacific Ocean) and the first public road paralleling the sea (Highway 1).

**DECISION**

It is the decision of the Planning Commission of the County of Monterey that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the attached conditions.

**PASSED AND ADOPTED** this 25th day of February, 2004, by the following vote:

AYES: Errea, Sanchez, Hawkins, Padilla, Vandevere, Parsons, Diehl, Salazar, Rochester, Wilmot  
NOES: None  
ABSENT: None  
ABSTAIN: None

Original Signed By:

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JEFF MAIN, 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. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.