

RESOLUTION NO. 000380

A. P. # 008-293-021-000

In the matter of the application of
Jack Hakim TRS (PLN000380)

FINDINGS AND DECISION

to allow a **Combined Development Permit** in accordance with Title 20 (Zoning) Chapter 21.210 (Combined Development Permits) of the Monterey County Code, for a Combined Development Permit consisting of a Coastal Administrative Permit for the construction of a two-story 5,423 sq. ft. single family dwelling, a 787 sq. ft. attached garage and 250 cu. yds. of grading; a Coastal Development Permit for the removal of 9 Monterey Pines (12", 20", 16", 8", 14", 8", 16", 24", and 22" in diameter); located at 3381 Laureles Lane, Pebble Beach, south of Portola Lane and north of Seventeen Mile Drive, Del Monte Forest area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on April 11, 2002.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

1. **FINDING:** The **Hakim** Combined Development Permit and Design Approval (**PLN000380**), as described in condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the Del Monte Forest Land Use Plan and the Monterey Coastal Implementation Plan (Part 5), and the Monterey County Zoning Ordinance (Title 20). The property is located at 3381 Laureles Road, Del Monte Forest. The parcel is zoned "LDR/1.5-D- (CZ)" or Low Density Residential, 1.5 acres/unit - Design Control District, Coastal Zone. 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. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 20. Zoning violation abatement costs, if any, have been paid.
 - EVIDENCE:** The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with Title 20 of the Monterey County Coastal Zoning Ordinance, the Del Monte Forest Land Use Plan.
 - EVIDENCE:** The project site is physically suitable for the proposed use as described in the project file. The development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, Pebble Beach Community Services District and the California Coastal Commission. There has been no indication from these agencies that the site is not suitable for the proposed development. Conditions recommended by these departments are included.
 - EVIDENCE:** Design Approval request form, with a recommendation for approval of the project by the Del Monte Forest Land Use Advisory Committee on February 14, 2002, by a vote of 3 to 1.
 - EVIDENCE:** Written and verbal public testimony submitted at public hearings before the Zoning Administrator.

- EVIDENCE:** Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.
- EVIDENCE:** The on-site inspection by the project planner to verify that the proposed project complies with the policies Del Monte Forest Land Use Plan.
2. **FINDING:** The proposed project will not have a significant environmental impact.
- EVIDENCE:** Section 15303 (A) of the CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.
- EVIDENCE:** A Forest Management Plan prepared by Garry A. Tarnowski on January 7, 2002 concludes that the forest is in “poor to fair condition” and many of the Monterey Pines on the parcel are infected with pitch canker and show signs of the Red Turpentine Beetle. A heavy mortality rate of Monterey Pines is expected. The report also concludes that the removal of nine Monterey Pines will not have a significant impact to the surrounding forest.
- EVIDENCE:** An Archeological Report prepared by Archaeological Consulting on December 26, 2001, concludes that there is no evidence of cultural resources on the parcel.
3. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood, or to the general welfare of the County.
- EVIDENCE:** Preceding findings and supporting evidence.
- EVIDENCE:** File and application materials contained in the project file.
4. **FINDING:** The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:** Section 20.86.030. of the Monterey County Coastal Zoning Ordinance (Title 20).

DECISION

It is the decision of the Zoning Administrator 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 following conditions:

1. The subject Combined Development permit consisting of a Coastal Administrative Permit for the construction of a two-story 5,423 sq. ft. single family dwelling, a 787 sq. ft. attached garage and 250 cu. yds. of grading, a Coastal Development Permit for the removal of 9 Monterey Pines (12", 20", 16", 8", 14", 8", 16", 24", and 22"). The property is located at 3381 Laureles Lane, Pebble Beach (Assessor's Parcel Number 008-293-021-000), south of Portola Lane, north of Seventeen Mile Drive, 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 000380) was approved by the Zoning Administrator for Assessor's Parcel Number 008-293-021-000 on April 11, 2002. The permit was granted subject to **20** 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. Prior to issuance of grading and/or building permits, 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)**
5. 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)**
6. Prior to issuance of a building permit, provide to the Director of Environmental Health written certification that California-American Water Company can and will supply immediately upon demand sufficient water flow and pressure to comply with both Health and fire flow standards. **(Environmental Health)**
7. A notice shall be recorded with the Monterey County Recorder which states: "A Forest Management Plan has been prepared for this parcel by Garry A. Tarnowski on January 7th, 2002, and is on record in the Monterey County Planning and Building Inspection Department Library, file no. PLN000380. All tree removal and tree replacements 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)**

Prior to Final Building Inspection/Occupancy:

8. 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)**
9. 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)**
10. 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)**
11. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. **(Pebble Beach Community Services District)**
12. 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)**
13. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Pebble Beach Community Services District)**
14. 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)**
15. 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)**
16. 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)**
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)

18. 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)**

Continuous Permit Conditions:

19. If during the course of construction activity on the subject property, cultural, archaeological, historical and/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 they 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)**

20. 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)**

PASSED AND ADOPTED this **11th** day of **April, 2002**.

Original Signed By: _____

LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON

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 Monterey.

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