

RESOLUTION NO. 000630

A.P.# 008-381-009-000

FINDINGS & DECISION

In the matter of the application of
Pebble Beach Company (PLN000630)

for a Coastal Administrative Permit in accordance with Chapter 20.76 (Coastal Administrative Permits) of Title 20, Monterey County Code (Zoning), to allow for the construction of: 17,342 sq. ft. maintenance building including a chemical storage unit; a service island for equipment and vehicles; storage bins; a 1,000 gallon above ground fuel storage tank; approximately 23,000 cubic yards of grading; retaining walls; nine (9) employee parking spaces; and Design Approval, located at 17 Mile Drive, Pebble Beach, between Whitman Lane and Carmel Way, Del Monte Forest area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on January 10, 2002.

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

- FINDING:** The subject Coastal Administrative Permit and Design Approval (PLN000630), 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 at 17 Mile Drive between Whitman Lane and Carmel Way (Pebble Beach Golf Links) in the Del Monte Forest area of the Coastal Zone. The parcel is zoned "OR-D (CZ)" or Open Space Recreation, Design Control District. 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: Staff review of the application and plans submitted for the Coastal Administrative Permit contained in the project file at the Monterey County Planning and Building Inspection Department. 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.

EVIDENCE: Although the project is located in a high archaeological sensitivity area, the applicant has submitted evidence (letter) by Dr. Gary Breschini of Archaeological Consulting, Inc. of Salinas dated November 14, 2000, which indicates that no archaeological resources exist in the immediate project area. A condition has been added to require that work be stopped in the event that any archaeological resources are found during construction.

EVIDENCE: The project site is not located within or near to an environmentally sensitive area as shown in the Del Monte Forest resource maps. On a site visit conducted on July 11, 2001 staff verified that

the proposed building site is located on existing planted turf, disturbed ground and an existing concrete parking area.

EVIDENCE: The Del Monte Forest Land Use Advisory Committee reviewed and recommended approval (2-0 vote) of the Coastal Administrative Permit and Design Approval on July 5, 2001.

EVIDENCE: The project, as proposed and conditioned, will incorporate state-of-the-art runoff control devices to capture and treat runoff from the facility, consistent with LUP policies regarding water quality and discharge into the Carmel Bay.

EVIDENCE: The site is located in a highly scenic area, however, the proposed siting of the maintenance facility and associated landscaping provides continued screening and thus the building will not be visible from any public viewing area. Staff site visits on July 11, 2001 and September 14, 2001 verified that the proposed building will not be visible from 17-Mile Drive, Carmel Beach (Scenic Road) or Point Lobos State Park.

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, Parks Department, Water Resources Agency, California Department of Forestry Monterey Peninsula, Public Works Department, Environmental Health Division, and the Del Monte Forest Land Use Advisory Committee. 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 proposed project is located close to but not directly on an area identified in the Local Coastal Program as a public access area to Carmel Beach and will not encroach upon the existing access trail, consistent with LCP public access policies.

2. **FINDING:** The proposed project, including all permits and approvals, will not have significant adverse impacts on the environment. A Negative Declaration has been prepared and is on file (File # PLN000630) in the Department of Planning and Building Inspection. Potential environmental effects have been studied, and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed, may have a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and the testimony and information received, and scientific and factual data presented as evidence during the public review process. The Monterey County Planning and Building Inspection Department, located at 2620 1st Avenue, Marina is the custodian of the documents and the materials that constitute the record of proceedings upon which the adoption of the Negative Declaration is based.

EVIDENCE: 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 the project file

EVIDENCE: County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA) and its Guidelines. The Initial Study provided substantial evidence that the project would not have significant environmental impacts. A Negative Declaration was filed with the County Clerk on December 4, 2001. The following evidence has

been received and considered: All comments on the Initial Study; evidence in the record that includes studies, data and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data and reports; application materials, and expert testimony. Among the studies, data and reports analyzed as part of the environmental determination are the following:

- Stephen R. Staub, *Forester's Report*, 05/15/ 2001.
- Haro, Kasunich and Associates, Inc. *Geotechnical Investigation*, 04/13/2001.
- Haro, Kasunich and Associates, Inc. *Grading and drainage plan*, 09/19/2001
- Haro, Kasunich and Associates, Inc., *Letter on soil conditions*, 10/10/2001
- Letter by Gary S. Breschini, PhD, Archaeological Consulting, 11/14/2000.
- Pebble Beach Company, Environmental Evaluation Document 11/14/2001

EVIDENCE: No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts, have been submitted that refute the conclusions reached by these studies, data and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data and reports

EVIDENCE: Studies, data and reports prepared by staff from various County departments including Planning and Building Inspection, Public Works, Environmental Health and Monterey County Water Resources Agency support the adoption of the Negative Declaration for the project.

3. **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, California Department of Forestry Monterey Peninsula, 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.

4. **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, and all zoning violation abatement costs, if any, have been paid.

EVIDENCE: Staff review of sections 20.38 and 20.44 of the Monterey County Code (Zoning) that establish regulations for development in Open Space Recreation and Design Approval districts. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

5. **FINDING:** The project is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: Section 20.86 of the Monterey County Coastal Implementation Plan, Part 1 (Zoning Ordinance).

DECISION

It is the decision of the Zoning Administrator of the County of Monterey that the Negative Declaration be adopted and said application for a Coastal Administrative Permit be granted as shown on the attached sketch and subject to the following conditions:

1. The subject Coastal Administrative Permit and Design Approval allow for: construction of a 17,342 sq. ft. maintenance building including a chemical storage unit; a service island for equipment and vehicles; storage bins; a 1,000 gallon above ground fuel storage tank; approximately 23,000 cubic yards of grading; retaining walls; nine (9) employee parking spaces; and Design Approval. 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)**

Prior to the Issuance of Grading and Building Permits:

2. The applicant shall record a notice which states: "A permit (Resolution 000630) was approved by the Zoning Administrator for Assessor's Parcel Number 008-381-009-000 on January 10, 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. 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)**
5. A geotechnical investigation was prepared by Haro, Kasunich and Associates on April 13, 2001 and updated via letters dated September 19 and October 10, 2001. The recommendations contained in said report and letters are hereby incorporated as conditions of approval and shall be followed and submitted with the plans when a building permit is applied for. **(Planning and Building Inspection)**
6. A Forester's Report dated May 15, 2001 was prepared by Stephen Staub with recommendations for the handling and replanting of the existing trees at the project site. The applicant shall comply with the

recommendations of the report which are hereby incorporated as conditions of approval. **(Planning and Building Inspection Department)**

7. Prior to issuance of grading or building permits, a drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts, that includes routing stormwater runoff from the paved parking areas to an oil-grease/water separator to mitigate the impact of impervious surface stormwater runoff. Necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**
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." **(Fire 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(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. **(Fire 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. 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)**

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. **(Fire District)**
13. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings, or portions are hereafter constructed or moved into or within the jurisdiction. Since the area is served by public water, it is requested that all fire flow needs be attached to that system. Minimum main size to be 8" diameter pipeline. **(Fire District)**
14. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway (Jones style hydrant w/2-4" and one 2 ½ " outlet. **(Fire District)**
15. Portable fire extinguishers shall be installed in occupancies and locations as set forth in Section 1002 of the 1998 Uniform Fire Code and as required by the Fire Chief. **(Fire District)**
16. The applicant shall comply with Articles 52 (Motor Vehicle Dispensing), 79 (Flammable and Combustible Liquids), and 82 (Liquefied Petroleum Gases) and with Section 902.4 (Key Box-Haz mat security box for site Material Data Safety Sheets) of the 1998 Uniform Fire Code, as required by the Fire Chief. **(Fire District)**

Continuous Permit Conditions:

17. 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)**
18. 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)**
19. The applicant shall comply with Title 19 of the California Code of Regulations, Subchapter 3 and Health and Safety Code Chapter 6.95 dealing with Hazardous Material Registration and Business Response Plans, as approved by the Director of Environmental Health. **(Environmental Health)**
20. All vehicles or parts stored for longer than 72 hours that contain gasoline, oils, lubricants, coolants, or any other

hazardous materials/wastes shall be stored in impervious areas with secondary containment features approved by the Division of Environmental Health. The 72 hour limit shall not apply to impounded vehicles.
(Environmental Health)

PASSED AND ADOPTED this 10th day of January, 2002.

Original Signed By:

LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS AND THE COASTAL COMMISSION.

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