

RESOLUTION NO. 010225

A. P. # 008-472-004-000

In the matter of the application of
Asim Abdullah (PLN010225)

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 to allow a 1,985 square foot addition to an existing 5,262 square foot two-story single family dwelling and a Coastal Development Permit for development with a positive archaeological report; and Design Approval located at 3212 Seventeen Mile Drive, Pebble Beach, west of Seventeen Mile Drive, Del Monte Forest area, 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,

1. **FINDING:** The Abdullah Combined Development Permit (PLN010225) consists of: 1) a Coastal Administrative Permit for a 1,985 square foot addition to an existing 5,262 square foot two-story single family dwelling; 2) a Coastal Development Permit for development within 750 feet of a known archaeological resource; and 3) Design Approval. The site is located at 3212 Seventeen Mile Drive (Assessor's Parcel Number 008-472-004-000), west of Seventeen Mile Drive, Del Monte Forest Area, Coastal Zone. The parcel is zoned "LDR/2-D (CZ)" or Low Density Residential, 1 unit/ 2 acres - Design Control District. The project described in the application and accompanying materials, and as conditioned, conforms to the plans, policies, requirements and standards 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 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, subdivisions, or 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:

- a) The certified Del Monte Forest Land Use Plan
- b) The certified Monterey County Coastal Implementation Plan, "Regulations for Medium Density Residential, 4 units/acre- Design Control or "LDR/2-D (CZ)" District in the Coastal Zone
- c) Chapter 20, Section 20.12.060 of the Monterey County Coastal Implementation Plan, "Regulations for Development in the Del Monte Forest Land Use Plan."

EVIDENCE: The application and plans submitted in the project file at the Monterey County Planning and Building Inspection Department.

EVIDENCE: The project planner conducted a site visit on September 27, 2001 to verify that the proposed project complies with the Monterey County Coastal Implementation Plan (Part 5) and that the project will not have a significant adverse visual effect. The proposed project was flagged and staked at the time of staff's site visit.

EVIDENCE: Design Approval Request form with plans recommended for approval by the Del Monte Forest Land Use Advisory Committee.

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicate that no violations exist on subject property.

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 Pebble Beach Community Services District, 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: An archaeological report prepared by Archaeological Consulting on August 10, 2001, concludes that there is evidence of historic cultural resources on the parcel. However, the midden discovered is located on the coastal bluff away from the proposed development. All recommendations in the Archaeological Report are included as conditions.

EVIDENCE: Due to the location of the project adjacent to the Pacific Ocean, a biological report was prepared by Vernal Yadon on August 7, 2001. The report concludes that there are no endangered, threatened or rare plants or animals on the parcel. The report does state that there are four indigenous Monterey Cypress trees on the lot. The proposed project will not remove or endanger any of the Monterey Cypress trees located on the parcel. All conditions included in the biological report are included as conditions of approval.

EVIDENCE: The subject property is not described as an area where the Local Coastal Program requires access.

2. **FINDING:** The proposed project, including all permits and approvals, will not have significant adverse impacts on the environment and a Mitigated Negative Declaration has been prepared. All mitigation measures identified in the Initial Study and Mitigated Negative Declaration and all project changes required to avoid significant affects on the environment have been incorporated into the approved project. Adoption of a mitigation monitoring program for this project is not necessary since all the impacts identified in the initial study are short-term measures that would be fully implemented prior to commencement of the use as a single-family residence.

EVIDENCE: The adoption of the Mitigated Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and in consideration of testimony and information received, and scientific and factual data presented as evidence during the public review process. Studies, data and reports prepared by staff from various County departments including Planning & Building Inspection, Public Works, Environmental Health, Water Resources and the Cypress Fire Protection District support the adoption of the Mitigated Negative Declaration for the project. The custodian of the documents and materials that constitute the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based is the Monterey County Planning & Building Inspection

Department located at 2620 First Avenue, Marina. 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: County Staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA) and its guidelines. The Initial Study provides substantial evidence that the project could have significant environmental impacts and mitigation measures have been found to minimize the effects. A Mitigated Negative Declaration was filed with the County Clerk for a 30-day public review and comment period which ended on December 14, 2001. All comments on the Initial Study have been received and considered as well as 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 analyzed as part of the environmental determination.

3. **FINDING:** Considering the record as a whole, there is no evidence that the project will have potential for adverse effect either individually or cumulatively on wildlife resources as defined under Section 759.2 and 711.2 of the Fish and Game Code. As a result, this project does not qualify for an exemption to the Fish and Game fee requirement.

EVIDENCE: The administrative record as a whole contains the following information to support the above finding. The site is currently developed and the proposed addition is occurring in an area of previous disturbance. According to the Biological Report prepared by Vern Yadon, there is no evidence that the project, as a whole will have the potential for significant adverse effect either individually or cumulatively on wildlife resources, including riparian areas, wetlands, native or non-native plant life, rare and unique plant life, threatened, protected, special status or endangered plants or animals or their habitats, marine terrestrial species or biological diversity as defined under Sections 759.2 and 711.2 of the Fish and Game Code. However, there is the potential for some minor and insignificant impacts to these resources as described in the Biological Report. Therefore payment of the fee is required.

4. **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: Preceding findings and supporting documentation.

5. **FINDING:** The decision on this project is appealable to the Planning Commission and the California Coastal Commission.

EVIDENCE: Sections 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan

DECISION

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

1. The Abdullah Combined Development Permit (PLN010225) consists of: 1) a Coastal Administrative Permit for a 1,985 square foot addition to an existing 5,262 square foot two-story single family dwelling; 2) a Coastal Development Permit for development within 750 feet of a known archaeological resource; and 3) Design Approval. The site is located at 3212 Seventeen Mile Drive (Assessor's Parcel Number 008-472-004-000), west 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 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 Issuance of Building and Grading Permits:

2. The applicant shall record a notice which states: "a Combined Development Permit (Resolution 010225) was approved by the Zoning Administrator for Assessor's Parcel Number 008-472-004-000 on January 10, 2002. The permit was granted subject to 21 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. Prior to issuance of a building permit, the applicant shall enter into an agreement with the County to implement the Mitigation Monitoring and/or Reporting Plan adopted for this project. **(Planning and Building Inspection)**
4. Pursuant to the State Public Resources Code, State Fish and Game Code and California Code of Regulations, the applicant shall pay a fee to be collected by the County of Monterey in the amount of \$1,275. This fee shall be paid on or before the filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the final map, the commencement of use, or the issuance of building or grading permits, whichever occurs first. The project shall not be operative, vested or final until the filing fees are paid. **(Planning and Building Inspection)**
5. A notice shall be recorded with the Monterey County Recorder which states: "A Biological Report has been prepared for this parcel by Vernal Yadon on August 7, 2001, and is on record in the Monterey County Planning and Building Inspection Department Library, file no. PLN010225. All development on the parcel must be in accordance with the Biological Report, 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)**

6. A notice shall be recorded with the Monterey County Recorder which states: "An Archaeological Report has been prepared for this parcel by Archaeological Consulting on August 10, 2001, and is on record in the Monterey County Planning and Building Inspection Department Library, file no. PLN010225. All development on the parcel must be in accordance with the Archaeological Report, 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)**
7. 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. Exterior lighting shall be minimized and shall not be allowed to cast any light on the Lone Cypress, 17 Mile Drive and/or Pt. Lobos State Reserve. 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/MM # 1)**
8. 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, 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)**
9. A professional archaeologist from the County's approved list shall map and record the midden deposit with the Regional Information Center. **(Planning and Building Inspection/ MM # 4)**
10. 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 for the sign. **(Pebble Beach Community Services Fire Department)**
11. 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 Fire Department)**
12. Prior to the issuance of a building permit, the applicant shall obtain from the Monterey County Water Resource Agency (MCWRA), proof of water availability on the property, in the form of an approved water Release Form. **(Water Resources Agency)**
13. A County approved archaeological monitor shall be present during construction activities that involve earth disturbance, such as excavation for new foundations, footings, utilities, etc. If human remains or intact cultural features are discovered during construction, work shall be halted on the parcel until the find can be evaluated by the monitor, and appropriate mitigation measures formulated and implemented. If suitable materials are recovered during monitoring, at least one radiocarbon date shall be obtained as mitigation for incidental impacts to the cultural resource. Prior to issuance of a building permit the applicant shall submit an agreement with a

qualified archaeologist for on-site monitoring consistent with this condition. **(Planning and Building Inspection/ MM # 5)**

Prior to Final Building Inspection/Occupancy

14. 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)**
15. 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)**
16. The proposed color of the residence shall be earth tone; final approval of the color shall occur prior to final clearance of the building permit and is subject to the approval by the Director of Planning and Building Inspection. **(Planning and Building Inspection/MM #2)**

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/ MM # 7)**
18. Any changes in the existing plans shall be submitted to the Planning and Building Inspection Department for review and approval. A supplemental archaeological report shall be prepared by a qualified archaeologist from the County's approved list to determine whether the proposed change would impact archaeological resources on site. **(Planning and Building Inspection/MM # 6)**
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)

20. No trees or native vegetation shall be removed unless appropriate permits are obtained. **(Planning and Building Inspection Department)**
21. No sea walls or shoreline protection devices shall be used at any time. **(Planning and Building Inspection & Coastal Commission)**

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

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

**Monterey County
Planning & Building
Inspection
Program for
Monitoring or
Reporting* on
Conditions of
Approval**

Project Name: Abdullah

File No: PLN010225 **APN:** 008-472-004-000

Approval by: Zoning Administrator **Date:** 1/10/02

LEGEND

PBI <i>Planning & Building Inspection</i>	WRA <i>Water Resources Agency</i>	EH <i>Environmental Health</i>	AG <i>Ag Commissioner</i>
FPD <i>Fire Protection District</i>	PW <i>Public Works</i>	RA <i>Redevelopment Agency</i>	PKS <i>Parks Department</i>
CC <i>County Counsel</i>	MMR <i>Mitigation Monitoring Reporting Team</i>	CE <i>Code Enforcement</i>	Other <i>State which agency</i>

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Mit. Mon. No.</i>	<i>Final Signoff Date</i>	<i>Mitigation Measures</i>	<i>Orig. Dept. or Agency</i>	<i>Schedule (Prior to/Continuous) (Report due?) Fill in timeframe</i> ↓	<u>n/Agency responsible for Inspection/Monitoring/Review</u> <i>What is to be reviewed? Who is the preparer?</i>
1 Cond # 7		A lighting plan with all proposed outside lighting downlit will be required as a condition of approval.	P&BI	Prior to Final Building Inspection/Occupancy	Applicant prepares & implements lighting plan subject to review and approval by the P&BI
2 Cond # 16		The proposed color of the residence will be earth tone in color, final color will be approved by the director of Planning and Building Inspection	P&BI	Prior to Final Building Inspection/Occupancy	Applicant submits color samples & paints home subject to review and approval by the P&BI
3 Cond # 8		A landscape plan will be required which will provide further shield the proposed development from Point Lobos and Seventeen Mile Dr.	P&BI	Prior to Final Building Inspection/Occupancy	Applicant prepares & implements landscape plan subject to review and approval by the P&BI
4 Cond # 9		The midden deposit should be mapped and recorded with the Regional Information Center as soon as possible.	P&BI	Prior to issuance of grading or building permit.	Applicant enters into an agreement with a qualified archaeologist to map & record midden deposits subject to review & approval by P&BI
5 Cond # 13		An County approved archaeological monitor should be present during construction activities that involve earth disturbance, such as excavation for new foundations, footings, utilities, etc. If human remains or intact cultural features are discovered during construction, work shall be halted on the parcel until the find can be evaluated by the monitor, and appropriate mitigation measures formulated	P&BI	Prior to issuance of grading or building permits & ongoing during construction	Applicant enters into an agreement with a qualified archaeologist to monitor construction activities subject to review & approval by P&BI. A final report by the archaeologist shall be submitted with his/her findings.

<i>Mit. Mon. No.</i>	<i>Final Signoff Date</i>	<i>Mitigation Measures</i>	<i>Orig. Dept. or Agency</i>	<i>Schedule (Prior to/Continuous) (Report due?) Fill in timeframe</i> ↓	<u>n/Agency responsible for Inspection/Monitoring/Review</u> <i>What is to be reviewed?</i> <i>Who is the preparer?</i>
		and implemented. If suitable materials are recovered during monitoring, at least one radiocarbon date shall be obtained as mitigation for incidental impacts to the cultural resource.			
6 Cond # 18		Any changes in the existing plans should be submitted for archaeological review prior to final approval.	P&BI	Prior to issuance of any plan changes and/or grading & building permits	Applicant submits plan changes & a supplemental archaeological report to P&BI for review and approval.
7 Cond # 17		If archaeological resources or human remains are accidentally discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be determined to be significant, appropriate mitigation measures shall be formulated and implemented.	P&BI	Continuous	Applicant or contractor notifies the P&BI to develop an appropriate plan of action.