

RESOLUTION NO. 020038

A. P. # 008-233-018-000

In the matter of the application of
Walter & Carleata Jensen (PLN020038)

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, consisting of a Coastal Administrative Permit to demolish an existing 4,472 sq. ft. single family dwelling, garage and guesthouse and construct a new 3,886 sq. ft. one-story single family dwelling, 514 sq. ft. detached garage, 140 sq. ft. covered patio and grading (approximately 75 cu. Yds.); a Coastal Development Permit for development on slopes over 30%; and Design Approval; structural and impervious surface coverage will be reduced from 11,293 sq. ft. to 8,061 sq. ft., located at 1426 Oleada Drive, Pebble Beach, east of Stevenson Drive and south of Lisbon Lane, in the Pescadero Watershed, del Monte Forest area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on September 26, 2002.

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

- CONSISTENCY FINDING:** The Project, as conditioned is consistent with applicable plans and policies (Del Monte Forest Land Use Plan, Del Monte Forest Coastal Implementation Plan (Part 5), Part 6 of the Coastal Implementation Plan and with the Monterey County Zoning Ordinance (Title 20) which designates this area as appropriate for residential development.

EVIDENCE: PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the Del Monte Forest Land Use Plan, Del Monte Forest 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 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 PBI File No. PLN020038.

EVIDENCE: Project planner conducted an on-site inspection on July 3, 2002 to verify that the project on the subject parcel conforms to the plans listed above.

EVIDENCE: The project, which is a single family home, is an allowed use in accordance with Section 20.14.040.A.

EVIDENCE: The parcel is zoned Low Density Residential, 1.5 acres per unit, Design District (“LDR/1.5-D”). The project conforms to the Site Development Standards in accordance with Section 20.14.060.

EVIDENCE: The existing structure is legal nonconforming in regards to the rear setback. It currently maintains an 8-foot setback and does not meet the 20-foot rear setback requirement. Structural and impervious surface coverage is 13,124 square feet and exceeds the 9,000 square foot maximum for the Pescadero Watershed. The proposed development eliminates the non-conformance by locating the residence out of the rear setback and lowering the total structural and impervious surface coverage to 8,061 square feet through a reduction of the impervious surface of the driveway from 8,652 square feet to 3,521 square feet.

EVIDENCE: The project includes resiting the driveway across 30% slope, which is necessary in order to bring the development into conformity with setback, impervious surface coverage regulations and Fire requirements for driveway access.

EVIDENCE: Del Monte Forest LUAC recommended approval of the project on April 25, 2002 by a vote of 5 for approval and 0 against (Exhibit "D"). The committee reviewed an earlier version of the project which included variances for lot coverage and impervious surface coverage and based their recommendation on the applicant's "strong effort to minimize the problem."

2. **NO VIOLATIONS FINDING:** 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: Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject property.

3. **HEALTH AND SAFETY FINDING:** 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: The project was reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Pebble Beach Community Services District, Public Works Department, Environmental Health Division and Parks Department. 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.

EVIDENCE: Technical reports by archaeological and geotechnical consultants have been provided with recommended conditions and modifications that provide additional assurances regarding project safety. Archaeological Report prepared by Mary Doane, B.A., and Judy Haversat, RPA, Salinas, CA, dated March 11, 2002. Geotechnical Investigation prepared by Soil Surveys Inc., Salinas, CA, dated July 22, 2002. Reports are in PBI File No. PLN020038.

4. **SITE SUITABILITY FINDING:** The site is suitable for the use proposed.

EVIDENCE: Staff conducted an on-site visit on July 3, 2002 to verify that the site is suitable for this use.

EVIDENCE: The project has been reviewed for suitability by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Pebble Beach Community Services District, Public Works Department, Environmental Health Division and Parks Department. Conditions recommended have been incorporated.

EVIDENCE: Technical reports by archaeological 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 concur.

EVIDENCE: Necessary public facilities are available. Materials and documents in PBI File No. PLN020038.

5. **CEQA FINDING:** The project is exempt from environmental review.
EVIDENCE: CEQA Guidelines section 15303 dealing with new construction categorically exempts single family dwellings from environmental review.
EVIDENCE: CEQA Guidelines section 15304 categorically exempts minor alterations to land from environmental review. The proposed driveway over 30% slope is a minimal amount (75 cubic yards) in an existing developed area. Drainage and erosion control measures have been incorporated into the project design and no vegetation or sensitive environmental habitat will be impacted.
EVIDENCE: No adverse environmental effects were identified during staff review of the development application during site visit on July 3, 2002.
6. **30% SLOPE FINDING:** The proposed development better achieves the goals, policies and objectives of the Monterey County Local Coastal Program than other development alternatives.
EVIDENCE: The existing development currently does not meet the 20-foot rear setback requirement and also exceeds the 9,000 square foot maximum for structural and impervious surface coverage in the Pescadero Watershed. The proposed project will relocate the building pad and significantly reduce impervious surface coverage by reducing total coverage and replacing 2,743 square feet of the driveway with pervious material. The siting of the new residence in order to meet the rear setback requires relocation of the driveway over an area of 30% slope, but will result in elimination of nonconforming elements of the site and better achievement of the policies and objectives of the Local Coastal Program.
EVIDENCE: The proposed driveway over the 30% slope is designed to be the minimum amount necessary. The 12-foot width is the minimum required and the driveway has been placed off the 30% slope as much as possible. In addition, modifying the plans to utilize the existing driveway would impact a cluster of trees on the western side of the building pad.

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 consists of Coastal Administrative Permit and Design Approval to allow demolition of an existing 4,472 sq. ft. single family dwelling, garage and guesthouse and construction of a new 3,886 sq. ft. one-story single family dwelling, 514 sq. ft. detached garage, 140 sq. ft. covered patio and grading (approximately 75 cu. yds.); a Coastal Development Permit for development on slopes over 30%. Structural and impervious surface coverage will be reduced from 13,124 sq. ft. to 8,061 sq. ft. The project is located at 1425 Oleada Drive, Pebble Beach (Assessor's Parcel Number 008-233-018-000), in the Pescadero Watershed, 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 020038) was approved by the Zoning Administrator for Assessor's Parcel Number 008-233-018-000 on September 26, 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. The applicant shall obtain a grading permit from the Building Inspection Division. **(Planning and Building Inspection)**
5. 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 landscape architect/applicant, subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
6. Prior to issuance the applicant shall provide evidence to the Director of Planning and Building Inspection that all building and grading plans have been reviewed by a qualified geotechnical consultant and that plans are consistent with the Geotechnical Investigation prepared by Soil Surveys Inc., dated July 22, 2002. **(Planning and Building Inspection)**
7. Tree protection notes from the approved project plans shall be included on all building and grading plans. **(Planning and Building Inspection)**
8. Prior to issuance the applicant shall provide evidence from a qualified consulting arborist that the tree protection measures are in place and are being followed subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
9. All impervious pavers shall conform to County standards of 40 percent or greater open pass-through area. Engineering calculations shall be provided and approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection Department)**
10. The applicant shall record a deed restriction which indicates the areas covered by pervious pavers. This recorded document shall state: "The driveway shall be installed and maintained as pervious material to allow for permeability of stormwater. At no time shall the material be replaced with an impervious material without the authorization and/or permit approval from the Monterey County Planning & Building Inspection Department and the Pebble Beach Community Services District Fire 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 Department)**

11. 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)**
12. 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)**

Prior to Final Building Inspection/Occupancy:

13. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, 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)**
14. 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)**
15. Prior to final the applicant shall reduce the impervious surface coverage from 8,652 square feet to 3,521 square feet as shown on the approved project plans and replace 2,743 square feet of impervious driveway surface with pervious material subject to approval by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
16. 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. (60,000#) (All Weather) **(Pebble Beach Community Services District)**

Continuous Permit Conditions:

17. 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)**

- 18. 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)**
- 19. 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)**
- 20. 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)**

PASSED AND ADOPTED this **26th** day of September, **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 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 Monterey.

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