

LYNNE MOUNDAY
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 020191

A. P. # 008-162-019-000

In the matter of the application of
DECISION

FINDINGS AND

J. Lohr Properties Inc. (PLN020191)

to allow a **Combined Development Permit** in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of a Coast Development Permit to allow for the construction of a new 5,846 sq. ft., two-story single family dwelling with a 879 sq. ft. attached garage and grading (approximately 669 cu. yds. cut/902 cu. yds. fill); a Coastal Administrative Permit for a 425 sq. ft. attached guesthouse; and Design Approval, located at 3340 Kingsley Court, Pebble Beach, Macomber Estates, Del Monte Forest area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on March 27, 2003.

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

1. FINDING: The Project, as conditioned is consistent with the applicable plans and policies of the Del Monte Forest Land Use Plan and Coastal Implementation Plan (Part 3), 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) PBI staff have reviewed the project as contained in the application and accompanying materials for consistency with the Del Monte Forest Land Use Plan, Coastal Implementation Plan (Part 3), Part 6 of the Coastal Implementation Plan. PBI staff have 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 PLN020191.

(b) Project planner conducted an on-site inspection on March 10, 2003 to verify that the project on the subject parcel conforms to the plans listed above.

(c) The project for a single family home is an allowed use in accordance with Sections 20.14.040.

(d) The parcel is zoned Low Density Residential, Building Site 8, Design Control District, Coastal Zone ("LDR/B8-D (CZ))." The project is in compliance with Site Development Standards for a Low Density Residential District in accordance with Section 20.14.060.

(e) The Del Monte Forest Land Use Advisory Committee recommended approval of the project by a vote of 4-1 with no additional comments or recommended conditions. LUAC meeting minutes dated March 13, 2003.

(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 PLN020191.

- 2. FINDING:** Establishment of the guesthouse is consistent with the policies and regulations of the Del Monte Forest Land Use Plan, Coastal Implementation Plan, and Zoning Ordinance.
- EVIDENCE:** (a) The guesthouse will be located above the garage and will not exceed the height of the main residence.
(b) The guesthouse will share the same utilities as the principal residence.
(c) Condition of approval #6.
- 3. FINDING:** The proposed project is located in a high archeological sensitivity area but the approved building envelope does not contain any archaeological resources. The project is consistent with the policies and regulations of the Del Monte Forest Land Use Plan and Coastal Implementation Plan regarding the protection of Archaeological Resources. A condition has been included to stop work if any cultural resources are found during the course of construction. Work will not resume until those resources are adequately evaluated by professional archaeologist.
- EVIDENCE:** (a) Macomber Estates Certified Final EIR, prepared by EMC Planning Group dated February, 1993.
(b) Condition of approval #28.
- 4. 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 costs, if any, have been paid.
- EVIDENCE:** (a) Staff reviewed Monterey County Planning and Building Inspection Department records. A previously reported violation of illegal fill material placed in a sensitive area was resolved by removing the fill material. The case was closed.
- 5. 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:** (a) The project was reviewed by Planning and Building Inspection, Public Works Department, Water Resources Agency, Environmental Health Division, and Pebble Beach Community Services District. 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.
(b) A Geotechnical report has been provided by consulting geotechnical engineers and geologists with recommended conditions and modifications that provide additional assurances

regarding project safety. "Geotechnical Investigation for Macomber Estates, Lots 14 through 20 Pebble Beach, California" prepared by Terratech, Inc, Monterey CA, dated July 1995. The reports is in Project File PLN020191.

6. **FINDING:** The site is suitable for the use proposed.
EVIDENCE: (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and Pebble Beach Community Services District. Conditions recommended have been incorporated.
(b) Certified Final EIR for Macomber Estates Subdivision prepared by EMC Planning Group, dated February 1993. The EIR is on file with the Planning and Building Inspection Department.
(c) Staff conducted an on-site visit on March 10, 2003 to verify that the site is suitable for this use.
(d) Necessary public facilities are available and will be provided.
7. **FINDING:** The project is exempt from environmental review.
EVIDENCE: (a) CEQA Guidelines Section 15303(A) categorically exempts the construction of a single family dwelling in a residential area.
(b) No potential adverse environmental effects were identified during staff review of the development application or during the site visit on March 10, 2003.
8. **FINDING:** 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 16, the Shoreline Access Map, of the Del Monte Forest 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 March 10, 2003.
9. **FINDING:** The project is appealable to the Board of Supervisors and California Coastal Commission.
EVIDENCE: (a) Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan (Part 1).

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 a Coastal Administrative Permit to allow for the construction of a new 5,846 square foot, two-story single family dwelling with a 879 square foot attached garage and grading (approx. 669 cubic yards of cut, 902 cubic yards of fill); a Coastal Administrative Permit for a 425 square foot attached guesthouse; and Design Approval. The property is located at 3340 Kingsley Court, Macomber Estates, Pebble Beach (Assessor's Parcel Number 008-162-019-000), between Del Ciervo and Macomber 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 #020191) was approved by the Zoning Administrator for Assessor's Parcel Number 008-162-019-000 on March 27, 2003. The permit was granted subject to 29 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. 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 subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
5. 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)**
6. Prior to the issuance of building permits, the applicant shall record a deed restriction stating that:
 - The guesthouse shall not exceed 425 square feet of livable floor area.

- The guesthouse shall share the same utilities with the main residence, unless prohibited by public health requirements.
 - The guesthouse shall contain no kitchen or cooking facilities, including but not limited to microwave ovens, hot plates, and toaster ovens.
 - In the guesthouse, there shall be a maximum of six linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of eight square feet of cabinet space, excluding clothes closets.
 - The guesthouse shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect. **(Planning and Building Inspection Department)**
7. Native trees which are located close to the construction site shall be protected from inadvertent damage from construction equipment by wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees. Prior to issuance of building permits, the applicant shall schedule a site inspection with county staff to verify said protection, which shall be subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
8. 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, to include retention/percolation facilities to mitigate the impact of impervious surface storm water runoff. Necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**
9. 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)**
10. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. **(Fire District)**
11. Roadway turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum 25 foot taper on each end. **(Fire District)**
12. Driveways shall not be less than 12 feet wide unobstructed. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400 foot intervals. **(Fire District)**
13. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. **(Fire District)**
14. 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)**
15. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Fire District)**

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. **(Fire District)**
17. 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. **(Fire District)**
18. 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. **(Fire District)**
19. Remove flammable vegetation from within 100 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. **(Fire District)**
20. 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." (Garage Included) **(Fire District)**

Prior to Final Building Inspection/Occupancy:

21. Disposal, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of the building permit. **(Fire District)**
22. All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface, shall require Class A roof construction. **(Fire District)**
23. In dwelling units, a detector shall be installed in each sleeping room and at a point centrally located in the corridor or area giving access to each separate sleeping area. When the dwelling unit has more than one story and in dwellings with basements, a detector shall be installed on each story and in the basement. **(Fire District)**
24. 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)**
25. Certification that storm water retention facility has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. **(Water Resources Agency)**
26. 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)**

Continuous Permit Conditions:

27. 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)**
28. 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)**
29. 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 27th day of March, 2003.

Original Signed By:

LYNNE MOUNDAY
ZONING ADMINISTRATOR

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 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.