

LYNNE MOUNDAY  
ZONING ADMINISTRATOR

STAT OF CALIFORNIA  
COUNTY OF MONTEREY

RESOLUTION NO. 020211

A.P. # 008-162-021-000

**FINDINGS &**

**DECISION**

In the matter of the application of

**Clifford & Rose Meltzer (PLN020211)**

for a Coastal Administrative Permit in accordance with Chapter 20.76 (Coastal Administrative Permits) of Title 20, Monterey County Code (Zoning), to allow the construction of a two-story detached structure consisting of a 4420 sq. ft. guesthouse and a 1,620 sq. ft. garage, a Variance to exceed the 5,000 sq. ft. limitation on impervious structural coverage in the Pescadero Watershed, and Design Approval, located 3360 Kingsley Court, Pebble Beach, Macomber Estates, Del Monte Forest area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on January 30, 2003.

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

**FINDINGS AND EVIDENCE**

**1. FINDING:** The Meltzer project (PLN020211), as conditioned, is consistent with applicable plans and policies in the Del Monte Forest Land Use Plan, the Regulations for Development in the Del Monte Forest Area and the Monterey County Zoning Ordinance (Title 20). The parcel is zoned "LDR/B-8-D (CZ)" or Low Density Residential, with Design Review, in the Coastal Zone. The project conforms to the Site Development Standards for Low Density Residential Zoning Districts (Section 20.14). The site is suitable for the proposed use. The project is in conformance with the public access and public recreation policies of the Coastal Act and the 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 impacts 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:** Planning and Building Inspection staff has reviewed the project as contained in the application and accompanying materials for consistency with the Del Monte Forest Land Use Plan and Implementation Plan and Title 20 (Zoning Ordinance), and determined that the project is consistent with these documents.

**EVIDENCE:** Project planner conducted an on-site inspection on October 30, 2002 to verify that the project conforms to the policies and regulations in the plans listed above.

**EVIDENCE:** The project is an allowed use in accordance with Section 20.14.040.B.

**EVIDENCE:** Del Monte Forest LUAC recommended approval of the project on November 21, 2002 by a vote of 5 to 0.

- 2. 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. Zoning violation abatement costs, if any, have been paid.
- EVIDENCE:** Sections 20.14.020, 20.44.020, and 20.64.020 of the Monterey County Zoning Ordinance. Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.
- 3. FINDING:** The project is exempt from environmental review.
- EVIDENCE:** CEQA guidelines Section 15301 (l) (4) exempts this project from environmental review. The proposed garage and guesthouse would disturb a minimal amount of land within an existing developed area which was previously approved for development of a caretaker's unit. Drainage and erosion control measures are incorporated into the project design. No vegetation or environmentally sensitive habitat will be impacted. No adverse environmental effects were identified during staff review of the development application and during the site visit by staff on October 30, 2002.
- EVIDENCE:** This proposed development is located within an approved building envelope which was drawn based on issues identified in the Macomber estates certified EIR. The building site was sited to minimize potential impacts including impacts to forest resources and archaeological resources.
- 4. FINDING:** Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this Title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
- EVIDENCE:** Research of Planning and Building Inspection Department files showed that similar Variances were granted to Hudson (PLN980337), Keeley (PLN980381) and Schwab (PLN980540) for exceeding the Pescadero Watershed coverage requirement since a net reduction in the existing combined coverage occurred. A net reduction in coverage supports the intent of the Pescadero Watershed policy to limit the amount of runoff into Carmel Bay.
- EVIDENCE:** Materials in file and applicant's justification for a Variance of the policy prohibiting structural coverage in excess of 5000 sq ft.
- EVIDENCE:** The proposed project will result in a 610 sq ft reduction in overall coverage on the property.
- EVIDENCE:** Special circumstance exists since the area proposed for this development was previously approved for development of a caretaker unit. As a result the building footprint for this project is the same as what was previously approved to PLN000358.
- 5. FINDING:** The proposed Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

**EVIDENCE:** Research of Planning and Building Inspection Department files showed that similar Variances were granted to Hudson (PLN980337), Keeley (PLN980381) and Schwab (PLN980540) for exceeding the Pescadero Watershed coverage requirement since a net reduction in the existing combined coverage occurred. A net reduction in coverage supports the intent of the Pescadero Watershed policy to limit the amount of runoff into Carmel Bay.

**EVIDENCE:** Materials in file and applicant's justification for a Variance of the policy prohibiting structural coverage in excess of 5000 sq ft.

**EVIDENCE:** The proposed project will result in a 610 sq ft reduction in overall coverage on the property.

**EVIDENCE:** The current coverage on the subject parcel is 8970 sq ft (7370 sq ft of structural coverage and 1600 sq ft of impervious coverage). The proposed removal of a 1600 sq ft impervious driveway would reduce the combined coverage to 7370 sq ft. After the addition of the proposed guesthouse (990 sq ft of structural coverage) the coverage on the property would be 8360 sq ft. All of the 8360 sq ft of coverage would be structural.

**6. 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, Public Works Department, Environmental Health Division, the California Coastal Commission, Parks Department, and the 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 administrative record.

**7. FINDING:** The decision on this project is appealable to the Board of Supervisors and the Coastal Commission.

**EVIDENCE:** Section 20.86 of Title 20.

## **DECISION**

THEREFORE, it is the decision of said Zoning Administrator, that said application for a coastal Administrative Permit be granted as shown on the attached sketch, subject to the following conditions:

1. The Meltzer Combined Development Permit (PLN020211) consists of a Coastal Administrative Permit to allow the construction of a two-story detached structure consisting of a 420 sq ft guesthouse and a 1,620 sq ft garage, a Variance to exceed the 5000 sq ft limitation on structural coverage in the Pescadero Watershed, and Design Approval. The property is located at 3360 Kingsley Court, (Assessor's Parcel Number 008-162-021-000), Macomber Estates, Del Monte Forest Area, Coastal Zone. 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 No. 020211) was approved by the Zoning Administrator for Assessor's Parcel Number 008-162-021-000 on January 30, 2003. The permit was granted subject to 27 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. Low wattage and shaded light fixtures are mandatory. No up-lighting of trees shall be allowed. If applicable, 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. 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)**
6. 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. Said protection shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. Tree protection notes shall be included on all building and grading plans. **(Planning and Building Inspection)**
7. A drainage plan shall be prepared by a registered civil engineer or architect that includes routing storm water runoff from the proposed guest house to the existing drainage system for the single family dwelling. Necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**

8. Prior to the issuance of a building permit, the applicant shall obtain from the Monterey County Water Resources Agency proof of water availability on the property in the form of an approved Water Release Form. **(Water Resources Agency)**
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 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) **(Pebble Beach Community Services District (Fire))**
10. The building(s) shall be fully protected with an automatic alarm 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 - 1996 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 – 1999" **(Pebble Beach Community Services District (Fire))**
11. The applicant shall use roof construction materials that are Class A with fire resistive materials, or as approved by the Reviewing Authority. This requirement shall apply to all new construction and existing roofs that are repaired or modified so as to affect 50 percent or more of the roof. Vegetation removal will not be allowed as a means of removing high or very high fire hazard area designation from an entire parcel. **(Pebble Beach Community Services District (Fire))**
12. 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. **(Pebble Beach Community Services District (Fire))**
13. Prior to the issuance of permits for guesthouse construction the applicant shall record a deed restriction stating the regulations applicable to the guesthouse, including that the guesthouse shall not be separately rented, let or leased from the main residence and shall not have cooking or kitchen facilities. **(Planning and Building Inspection Department)**

**Prior to Final Building Inspection/Occupancy:**

14. 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 (Fire))**
15. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. **(Pebble Beach Community Services District (Fire))**
16. Roadway turnarounds shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roadways shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. **(Pebble Beach Community Services District (Fire))**
17. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Pebble Beach Community Services District (Fire))**
18. Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from ground. **(Pebble Beach Community Services District (Fire))**
19. Because of extra hazardous conditions, remove flammable vegetation from within 100' feet of structures. **(Pebble Beach Community Services District (Fire))**
20. 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. In addition, existing landscaping disturbed by construction activity shall be revegetated. 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)**
21. Prior to occupancy, the applicant shall remove the 1600 sq ft impervious surface driveway and replace it with pervious material such as decomposed granite or turf block subject to the approval of the Director of the Planning and Building Inspection Department. **(Planning and Building Inspection)**
22. Certification that the drainage 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)**

23. 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)**

**Continuous Permit Conditions:**

24. The guesthouse shall contain no kitchen or cooking facilities, including but not limited to microwave ovens, hot plates, and toaster ovens. **(Planning and Building Inspection Department)**
25. 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. **(Planning and Building Inspection Department)**
26. Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements. **(Planning and Building Inspection Department)**
27. 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)**

**PASSED AND ADOPTED** this 30th day of January, 2003.

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 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.

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.