

LYNNE MOUNDAY
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 020318

A.P. # 008-362-002-000

In the matter of the application of
Brad Dow (PLN020318)

FINDINGS & DECISION

for a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of Title 20, Monterey County Code (Zoning), consisting of a Coastal Administrative Permit for the demolition of an existing 2,000 sq. ft. one-story single family dwelling and the construction of a new 5,729 sq. ft. two-story single family dwelling with an attached 735 sq. ft. garage and attached 375 sq. ft. office; Coastal Development permit for tree removal; and Design Approval, located at 3157 Don Lane, Pebble Beach, 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 proposed project consists of a Combined Development Permit (Dow/ PLN020318) consisting of a Coastal Administrative Permit for the demolition of an existing single-story, 2,000 square foot single-family dwelling and 440 square foot car port and construction of a new 5,724 square foot single-family dwelling, with attached 1,903 square foot garage; Coastal Development Permit for tree removal; and Design Approval. The proposed development, together with the provisions of its design, are consistent with both the Del Monte Forest Land Use Plan and the development standards and zoning regulations contained in the certified Coastal Implementation Plan, specifically Chapter 20.147 *Regulations for Development in the Del Monte Forest Land Use Plan.* The parcel is designated as "LDR/1.5 (D) (CZ)" (*i.e.*, *Low Density Residential*, 1.5 acres per unit, Design Control District, Coastal Zone), which allows single-family dwellings. The site is physically suited 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: The application and plans submitted for the Combined Development Permit in the project file at the Monterey County Planning and Building Inspection Department.

EVIDENCE: Design Approval Request form with plans recommended for approval by the Del Monte Forest Land Use Advisory Committee with a 4 to 2 vote in favor of the project proposal; found in File No. PLN020318/Dow.

EVIDENCE: The on-site inspection of the parcel by the project planner.

EVIDENCE: Based on the archaeological report prepared by Archaeological Resource Management, dated August 22, 2002, the project as proposed is consistent with policies of the Local Coastal Program dealing with development in archaeologically sensitive areas. The report concluded that

a qualified archeologist should be retained to monitor excavation during construction. A condition of project approval requires that an archeologist is retained to monitor excavation. Additionally, a condition has been added to stop work in the event that any archaeological resources are found on site. (See Condition Nos. 9 and 24).

EVIDENCE: Based on the Forest Management Plan (Forest City Consulting, September 17, 2002), the tree removal associated with the proposed project is consistent with policies of the Local Coastal Program dealing with tree removal. The report recommends measures to avoid adverse impacts to trees not identified for removal, and recommends that unprotected trees are retained in lieu of planting replacement trees. The Forest Management Plan will be implemented as a condition of project approval. (See Condition Nos. 8 and 12).

EVIDENCE: An Evaluation for Historical Significance (Kent Seavey, November 18, 2002) was conducted to evaluate existing development on the subject parcel for potential historic significance. The report concluded that the existing residence on the parcel has no historic significance.

EVIDENCE: Written and oral testimony in opposition to the project was received during the November 11, 2002 and December 12, 2002 Monterey County Zoning Administrator hearings on the project. Opposition to the project claimed that the proposed residence was too large for the project site. No substantial evidence exists that the site is not suitable for the project. The project is consistent with applicable regulations governing building setbacks, height, impervious surface limitations and floor-area ratio. Residential buildings of a similar size and scale exist in the immediate vicinity of the subject parcel. 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 applicable Fire Department, 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: The project plans were revised to address the concerns of the project opponents. The revised project design (January, 2003) reduced the height of the garage from 26 feet to 14 feet. The revised project remains consistent with applicable regulations governing building setbacks, height, impervious surface limitations and floor-area ratio.

2. **FINDING:** The approved project will not have a significant adverse impact on the environment.

EVIDENCE: Criteria contained in Article 19, Sections 15300.2 (Exceptions) & 15303 (Small Structures) of the California Environmental Quality Act Guidelines allow this project to be categorically exempted from environmental review. Due to the project's limited scale and because land disturbance will be minimal and entirely within an already-disturbed area, no significantly adverse environmental impacts were identified during review of the proposed project.

3. **FINDING:** The establishment, maintenance, or operation of the use or building 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 materials was reviewed by the Department of Planning and Building Inspection, Health Department, Public Works Department, and the Water Resources Agency. The respective departments 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 project is consistent with Section 20.44.010 of the Monterey County Coastal Implementation Plan, regarding the protection of the public viewshed and neighborhood character.
- EVIDENCE:** Design Approval Request form with plans recommended for approval by the Del Monte Forest Land Use Advisory Committee with a 4 to 2 vote in favor of the project proposal; found in File No. PLN020318/Dow.
- EVIDENCE:** Single-family dwellings of a similar size and scale to that of the proposed project exist in the immediate vicinity of the project site.
5. **FINDING:** The project, as approved by the Coastal Development Permit, is appealable to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:** Sections 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan.

DECISION

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

1. The subject Coastal Administrative Permit, Coastal Development Permit and Design Approval (PLN020318/Dow) allows the demolition of an existing single-story, 2,000 sq. ft. single-family dwelling and the construction of a two-story, 5,729 sq. ft. single-family dwelling, with an attached garage and office/studio, new driveway and parking area and grading (approximately 487 cu. yds. cut, 192 cu. yds. fill). The 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)**
2. This permit shall expire two years from the date of adoption unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan. **(Planning and Building Inspection)**
3. 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)**
4. A Grading Permit shall be required pursuant to the Monterey County Code relative to Grading, Chapter 16.08. **(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. New utility and distribution lines shall be placed underground. **(Public Works)**

Prior to the Issuance of Grading and Building Permits:

7. The applicant shall record a notice which states: *"A permit (Resolution # 020318) was approved by the Zoning Administrator for Assessor's Parcel Number 008-362-002-000 on January 30, 2003. The permit was granted subject to 25 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)**
8. The applicant shall record a notice which states: *"A Forest Management Plan has been prepared for this parcel by Forest City Consulting on August 17, 2002, and is on record in the Monterey County Planning Department Library as PLN020318. All landscaping and tree removal on this parcel must be in accordance with the Forest Management Plan, as approved by the Director of Planning and Building Inspection"*. 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)**
9. Prior to the issuance of a building permit, the applicant shall submit a copy of a signed contract with a qualified archeologist to implement the archeological monitoring plan (Archeological Resource Management, October 14, 2002) to monitor earth moving activities during construction. The archeologist shall be empowered to temporarily halt construction to examine any potential archeological resources discovered during excavation. **(Planning and Building Inspection)**
10. 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)**
11. 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)**
12. The applicant shall submit documentation that the Forester has reviewed the drainage plan (see Condition No. 11, above) and has determined that construction and function of the drainage facilities will not have an adverse impact on tree on the parcel. **(Planning and Building Inspection Department)**
13. 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. All exterior lighting shall be unobtrusive, compatible with the local area, and constructed or located so that only the intended area is illuminated and off-

site glare is fully controlled. 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 Department)**

14. The plans for the proposed entry gate shall be revised to conform to Section 20.06.1200 of the Monterey County Coastal Implementation Plan, regarding the maximum height of fences.
15. The applicant shall submit final exterior color and material samples for the approval of the Director of Planning and Building Inspection. Exterior materials that allow the structure to blend into the environment shall be specified, pursuant to Section 20.147.070. C.2 of the Monterey County Coastal Implementation Plan.
16. Trees that are not identified for removal shall be protected by the placement of construction barrier fencing, as shown on the fencing plan contained in the Forest Management Plan (Forest City Consulting, September 17, 2002). Fill soil shall not be placed against the base of the trunks and soil depth shall not be increased at the feeding zone or drip line of the retained trees. Said protection shall be demonstrated photographically by the applicant and/or by the project planner's on-site inspection prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection Department)**

Prior to Final Building Inspection/Occupancy:

17. A landscape and irrigation plan shall be submitted for approval by the Director of Planning and Building Inspection. Said plan shall include documentation that the Forester has reviewed the plan and determined that the proposed irrigation will not have an adverse impact on trees on the parcel. **(Planning and Building Inspection Department)**
18. Certification that the 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, S.C.)**
19. 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)**

20. 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)**
21. 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)**
22. 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)**
23. 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)**
24. The buildings shall be fully protected with automatic fire sprinkler systems. 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)**

Continuous Permit Conditions:

24. 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)**
25. 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)**

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.

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