

LYNNE MOUNDAY
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA
RESOLUTION NO. 020452

A. P. # 008-371-022-000

In the matter of the application of
James & Franci Crane (PLN020452)

FINDINGS AND DECISION

to allow a **Combined Development Permit** in accordance with Title 21 (Zoning) Chapter 21.76 (Combined Development Permits) of the Monterey County Code, consisting of an Amendment to an existing Combined Development Permit (PLN980197) to allow removal of one 28” landmark Monterey Pine tree, construction of a pool pathway and steps over an area of 30% slope, and a fire pit, Bocce Ball court, pool fence and extension of a decorative stone wall and Design Approval, located at 3163 Del Ciervo Road, Pebble Beach, fronting on and southerly of Del Ciervo Road, Del Monte Forest area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on February 13, 2003.

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

- 1. FINDING:** The Project, as conditioned is consistent with applicable plans and policies, 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) 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, 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 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 PLN020452.

EVIDENCE: Project planner conducted an on-site inspection on October 2, 2002 to verify that the project on the subject parcel conforms to the plans listed above.

EVIDENCE: The project for accessory uses to a single family home is an allowed use in accordance with Section 20.14.040.

EVIDENCE: The parcel is zoned Low Density Residential, 1.5 acres per unit, Design Control District, Coastal Zone (“LDR/1.5-D (CZ)”). The project is in compliance with Site Development Standards for a Low Density Residential District in accordance with Section 21.14.060.

EVIDENCE: The original Combined Development Permit (PLN980197) included a Variance for the Pescadero Watershed requirements for structural and impervious surface coverage. Overall coverage was reduced from 51,853 sq. ft. to 26,193 sq. ft. for the project. The proposed Amendment does not increase impervious surface and no structures are proposed. The proposed paths utilize pervious materials. A condition has been added for the applicant to

record a deed notice stating that the pool pathways will remain impervious surface and another condition states that previous conditions of approval continue to apply.

EVIDENCE: Land Use Advisory Committee (LUAC): The Del Monte Forest Land Use Advisory Committee recommended approval of the project by a vote of 4 for and 1 against. The committee recommended replacement on a 3-to-1 basis. The negative vote was cast citing “irregular procedure in pre-approval of tree removal.” LUAC meeting minutes dated January 16, 2003. However, due to the hazardous situation posed by the tree, which several consulting arborists and foresters agreed, an emergency tree removal permit was approved per the policy requirements.

EVIDENCE: 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 PLN020452.

2. **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. **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 Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks 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. Conditions of approval from the original permit (PLN980197) and a subsequent amendment for the pool area (PLN020180) are incorporated by reference.

EVIDENCE: No technical reports were required for the project as described. No structures are proposed and all new development will occur with a minimal amount of soil disturbance (less than 100 cubic yards). The proposed project raises no new issues from the original permit (PLN980197) and previous technical reports are applicable.

EVIDENCE: Materials and documents in Project File PLN020452.

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

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

from the original permit (PLN980197) and a subsequent amendment for the pool area (PLN020180) are incorporated by reference.

EVIDENCE: Technical reports by outside archaeology, biology 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 concurs. Previous technical reports from original permit (PLN980197).

EVIDENCE: Staff conducted an on-site visit on October 2, 2002 to verify that the site is suitable for this use.

EVIDENCE: Necessary public facilities are available and will be provided.

5. **FINDING:** The project is exempt from environmental review.

EVIDENCE: CEQA Guidelines Section 15304 categorically exempts minor alterations to land.

EVIDENCE: No adverse environmental effects were identified during staff review of the development application during site visits on October 2, 2002.

EVIDENCE: The proposed project includes no new structures and only minor grading for the pathway, fire pit and bocce ball court.

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

EVIDENCE: The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 15, the Recreational Facilities Map, and Figure 16, the Shoreline Access Map, of the Del Monte Forest Area Land Use Plan.

EVIDENCE: No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

EVIDENCE: Staff site visit on October 2, 2002.

7. **FINDING:** The subject project includes removal of a tree not proposed for removal in the approved Forest Management Plan, but which was determined to be a hazard.

EVIDENCE: The proposed project includes removal of one 28 inch landmark Monterey pine tree. Because of its close proximity to development of the swimming pool area, the tree was irreparably harmed and construction was halted while the situation was assessed. It was determined by both the consulting forester and the consulting arborist that the tree represented a danger and should be removed. The tree's root structure had been compromised and it was located on the slope right above the swimming pool area.

EVIDENCE: The tree is located on a large parcel containing a large number of trees and its removal will not result in any visual impacts.

EVIDENCE: A condition has been added requiring a three-for-one replacement of the tree. The consulting arborist recommended a two-for-one replacement and the advisory committee recommended three. Due to the landmark status of the removed tree and the large parcel size, the recommended condition is for three replacement trees.

EVIDENCE: Letter from Hugh Smith, Forester, to Andrew Lino dated September 11, 2002. Letter from Rob Cain, Consulting Arborist, to Andrew Lino dated September 23, 2002. Correspondence from James Allen, Arborist, to Eric Lee dated October 16, 2002. Correspondence in Project File PLN020452. "Forest Management Plan," prepared by Stephen Staub, Forester, Felton CA, dated September 1998. Forest Management Plan in Project File PLN980197.

EVIDENCE: Staff site visit on October 2, 2002.

8. FINDING: The proposed development better achieves the goals, policies and objectives of the Monterey County Local Coastal Program than other development alternatives.

EVIDENCE: The subject project proposes a new pool pathway and stairs, which crosses over a small area of 30% slope in order to provide better and more direct access to the pool. The location of the pool had been previously approved in PLN980197 at the site of an existing greenhouse accessed by a narrow path. The new pathway (roughly 100 feet) is sited to avoid the 30% slope as much as possible, making use of part of the existing path and following the grade of the slope. Stairs will be put in at the top and bottom of the path. Grading for the stairs and pathway is minor and no new impervious surface is proposed. The new pathway provides more direct and convenient access and simply replaces the existing pathway, which will be removed.

9. FINDING: The project is appealable to the Board of Supervisors and California Coastal Commission.

EVIDENCE: Section 20.86 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 Amendment and Design Approval to approved Combined Development Permit (PLN980197) allows removal of one 28" landmark Monterey pine, construction of a pool pathway and steps over an area of 30% slope, a fire pit, bocce ball court, pool fence and extension of an existing decorative stone wall. The project is located at 3163 Del Ciervo Road, Pebble Beach, 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 020452) was approved by the Zoning Administrator for Assessor's Parcel Numbers 008-371-022-000 on February 13, 2003. The permit was granted subject to 14 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 in coordination with the consulting biologist, subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
5. The following condition shall apply and be recorded as a deed notice. "The pool area paths shall be installed and maintained as pervious material to allow for permeability of storm water. 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." **(Planning and Building Inspection)**
6. Prior to 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:

7. 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)**
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, 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)**
9. Three replacement Monterey pine trees, of at least 5-gallon bucket size, shall be planted and incorporated into the landscaping plan. **(Planning and Building Inspection)**

Continuous Permit Conditions:

10. 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)**
11. 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)**
12. 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)**
13. 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)**
14. All conditions of approval for the original permit PLN980197 and amendment PLN020180 shall continue to apply. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 13th day of February, 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.