

LYNNE MOUNDAY
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 020517

A. P. # 008-361-004-000

In the matter of the application of

FINDINGS AND DECISION

Deirdre S TR & Deirdre S. Reade (PLN020517)

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 a Coastal Administrative Permit to demolish an existing one-story single family dwelling and construct a 4,698 sq. ft. two-story residence with an attached garage, (grading 650 cu. yds of cut and 50 cu. yds. of fill); a Variance to allow a 1,292 sq. ft. reduction in the existing 6,266 sq. ft. of impervious surface thereby allowing the surface coverage to exceed the maximum amount allowed by 974 sq. ft.; and Design Approval, located at 3361 17 Mile Drive, Pebble Beach, fronting on 17 Mile Drive, 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 subject Combined Development Permit and Design Approval (PLN020517), as described in Condition #1, and as conditioned, conforms to the plans, policies, requirements and standards of the Local Coastal Program (LCP). The LCP for this site consists of the Del Monte Forest Land Use Plan, Del Monte Forest Coastal Implementation Plan (Part 5), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20). The property is located at 3361 17-Mile Drive, Del Monte Forest area of the Coastal Zone. The parcel is zoned "LDR/1-D (CZ)" (Low Density Residential, 1 acre per unit, Coastal Zone). The site is physically suitable for the use proposed.

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: The application and plans submitted for the Combined Development Permit and Design Approval, including the Variance Justification Letter, in project file PLN020517 at the Monterey County Planning and Building Inspection Department.

EVIDENCE: The applicant provided the Monterey County Planning and Building Inspection Department with a Design Approval Request, drawings, and a statement of materials and colors to be used.

EVIDENCE: A "Preliminary Archaeological Reconnaissance" of the parcel was prepared by Archaeological Consulting on December 2, 2002. The report concludes that there is no surface evidence of potentially significant archaeological resources on the parcel.

EVIDENCE: A “Geotechnical Soils-Foundation & Geoseismic Design Report” was prepared for the project by Grice Engineering in December 2002. The report concludes that the site is suitable for the proposed development provided recommendations in the report are followed.

EVIDENCE: The project planner conducted a site visit on October 9, 2002, to verify that the proposed project complies with the LCP and that the project will not have a significant adverse visual impact when viewed from 17-Mile Drive.

EVIDENCE: The existing coverage on the site is legal nonconforming and totals 10,442 square feet. The Pescadero Watershed requirement limits impervious surface coverage to 4,000 square feet and structural coverage to 5,000 square feet. The intent of the Pescadero Watershed coverage requirement is to minimize the amount of storm water runoff into Carmel Bay, thereby protecting an area of marine biological significance. The project is consistent with the intent of the Pescadero Watershed coverage policy by significantly reducing the combined structural and impervious surface coverage by 1,442 square feet so that it does not exceed the maximum amount allowed (i.e., 9,000 square feet). Specifically, the applicant proposes to reduce impervious surface coverage by removing a large circular driveway and reducing a significant portion of the patio and walkways areas. Those areas subject to removal of impervious surface that are not occupied by the structural additions will be restored with native vegetation. In addition, the applicant shall retain runoff on site or direct it to existing drainage facilities.

EVIDENCE: The project has been reviewed by the Monterey County Planning and Building Inspection Department, Pebble Beach Community Services District, Monterey County Water Resources Agency, Monterey County Public Works Department, Monterey County Parks Department, and Monterey County Health Department. There has been no indication from these 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.

2. **FINDING:** The proposed project will not have a significant environmental impact.

EVIDENCE: Section 15302(2) of the CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.

3. **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 and 20.44.020 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.

4. **FINDING:** There are special circumstances applicable to the subject property, including size, shape, topography, location or surroundings. As a result, the strict application of Title 20 for the Pescadero Watershed structural coverage requirement would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. Although special circumstances exist in this case, Variances are granted on a case-by-case basis.

and the findings and evidence for this project do not necessarily apply to other parcels.

EVIDENCE: The existing coverage on the site is legal nonconforming and totals 10,442 square feet. The Pescadero Watershed requirement limits impervious surface coverage to 4,000 square feet and structural coverage to 5,000 square feet for a total coverage of 9,000 sq. ft. The applicant intends to reduce existing impervious surface coverage by 1,442 square feet from 6,266 to 4,974 sq. ft. Specifically, the applicant proposes to reduce impervious surface coverage by removing a large circular driveway and reducing a significant portion of the patio and walkways areas. Those areas subject to removal of impervious surfaces will be restored with native vegetation. In addition, the applicant shall retain runoff on site or direct it to existing drainage facilities.

Completion of the proposed project will result in structural coverage of 4,026 square feet and impervious surface coverage of 4,974 square feet. Total combined structural and impervious surface coverage would be 9,000 square feet, as opposed to existing combined coverage of 10,442 square feet. As a result, special circumstances exist since the project would result in a net reduction in combined coverage and will not exceed the maximum coverage amount of 9,000 square feet for projects located in the Pescadero Watershed.

EVIDENCE: The application and plans submitted for the Combined Development Permit and Design Approval, including the Variance Justification Letter, in project file PLN020517 at the Monterey County Planning and Building Inspection Department.

5. FINDING: Approval of the Combined Development Permit and Design Approval described in Condition #1 does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and identical zoning classification in which such property is situated.

EVIDENCE: Implementation of the Pescadero Watershed coverage will deprive the property owner of the privilege enjoyed by other Del Monte Forest/Pescadero Watershed area property owners to remodel, modernize, rebuild and add to older residences. Similar residential properties in the Del Monte Forest area of the Coastal Zone have been granted Variances to exceed the Pescadero Watershed structural and impervious surface coverage requirement where a net reduction in overall combined coverage will occur. These properties, similar to the subject property, are legal nonconforming since existing structural and impervious surface coverage exceeds the maximum allowable coverage.

EVIDENCE: Research of Planning and Building Inspection Department files revealed that similar Variances were granted to Hudson (PLN980337), Keeley (PLN980381) and Schwab (PLN980540) to exceed 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: The application and plans submitted for the Combined Development Permit and Design Approval, including the Variance Justification Letter, in project file PLN020517 at the Monterey County Planning and Building Inspection Department.

6. FINDING: The Variance does not grant a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property.

EVIDENCE: The use is allowed per Section 20.14.040.A, “Principal Uses Allowed in the Low Density Residential (CZ) Zoning District.”

7. **FINDING:** The establishment, maintenance, and operation of the proposed development 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: Preceding findings and supporting evidence.

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

EVIDENCE: Sections 20.86.030 and 20.86.080 of the Monterey County Zoning Ordinance (Title 20).

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 Reade Combined Development Permit and Design Approval (PLN020517) consists of a Coastal Administrative Permit to demolish an existing one-story single family dwelling and construct a 4,698 sq. ft. two-story residence with an attached garage, (grading 650 cu. yds. of cut and 50 cu. yds. of fill); a Variance for a 1,292 sq. ft. reduction in the existing 6,266 sq. ft. of impervious surface resulting in 4,974 sq. ft. of impervious surface which exceeds the maximum amount allowed (i.e., 4,000 sq. ft.) by 974 sq. ft.. This project will reduce combined structural and impervious surface coverage from 10,442 sq. ft. (4,176 sq. ft. structural coverage and 6,266 sq. ft. impervious coverage) to 9,000 sq. ft. (4,026 sq. ft. structural coverage and 4,974 sq. ft. impervious coverage) which is the maximum amount allowed (structural & impervious coverage) in the Pescadero Watershed. The property is located at 3361 17-Mile Drive, Pebble Beach (Assessor's Parcel Number 008-361-008-000), Del Monte Forest area, Coastal Zone. 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 No. 020517) was approved by the Zoning Administrator for Assessor's Parcel Number 008-361-004-000 on February 13, 2003. The permit was

granted subject to 16 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. 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. 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. **(Planning and Building Inspection)**
5. 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)**
6. 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)**
7. 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." **(Pebble Beach Community Services District)**
8. 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. **(Pebble Beach Community Services District)**
9. 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. **(Pebble Beach Community Services District)**

Services District)

10. 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. **(Pebble Beach Community Services District)**

Prior to Final Building Inspection/Occupancy:

11. 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 include the following components: 1) Decomposed granite driveway will be placed on an appropriate foundation/lining (non-cement or asphalt base) and will be designed with a minimum of 40 percent open pass-through area. 2) Those areas subject to removal of impervious surface that are not occupied by the structural additions will be restored with native vegetation. 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)**
12. 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. **(Pebble Beach Community Services District)**
13. 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)**
14. 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)**

Continuous Permit Conditions:

15. 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)**

16. 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 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.