

**LYNNE MOUNDAY  
ZONING ADMINISTRATOR**

RESOLUTION NO. 020584

A.P. # 008-302-037-000

**FINDINGS AND DECISION**

In the matter of the application of  
**Pebble Beach LLC (Lot 12) (PLN020584)**

for a Combined Development Permit in accordance with Title 20 (Zoning) Chapter 20.76 (Administrative Permits) of the Monterey County Code, to include a Coastal Administrative Permit for a 6,914 sq. ft. two-story residence (5,730 sq. ft. first story and 1,184 sq. ft. second story) with attached 1,503 sq. ft. garage; a Coastal Administrative Permit for an 848 sq. ft. caretaker's unit with an attached 432 sq. ft. garage; a Coastal Development Permit for the removal of 24 protected trees (19 Monterey pines and 5 Coastal live oaks) and; Design Approval, located at Lot 12, Griffin Estates Subdivision, Pebble Beach, west of the intersection of Alva Lane and Portola Road, Del Monte Forest, Coastal Zone, came on regularly for hearing before the Zoning Administrator on May 8, 2003.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

**FINDINGS OF FACT**

- 1. FINDING:** The Pebble Beach (Lot 12) LLC (PLN020584), as described in condition #1, as conditioned, conforms to the plans, policies, requirements and standards of the Del Monte Forest Land Use Plan, the Del Monte Forest portion of the Coastal Implementation Plan (Part 5), and the Monterey County Zoning Ordinance (Title 20). The property is located on Lot 12 in the Griffin Subdivision in Pebble Beach (Assessor's Parcel Number 008-302-037-000) and is zoned "LDR/B-6-D (CZ)" or Low Density Residential with Design Review in the Coastal Zone. 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 Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with the Del Monte Forest Land Use Plan, regulations for development in the Del Monte Forest area, and Title 20.
- EVIDENCE:** The application and plans submitted, in the project file at the Monterey County Planning and Building Inspection Department.
- EVIDENCE:** Several geological reports have been prepared for this area as part of the original subdivision. Based on data in these reports the trace of the Cypress Point fault is a sufficient distance from this lot that fault rupture should not affect the proposed residence. A "Preliminary Soils Engineering Report" was prepared for the specific development proposal by Earth Systems Consultants (March 29, 2001). The report concludes that the site is geotechnically suitable for the proposed residence. Recommendations are incorporated as conditions.

**EVIDENCE:** Development of this lot will not result in a significant adverse visual impact.

**EVIDENCE:** An Archaeological Reconnaissance was prepared by Archaeological Consulting in January 1985 for the original subdivision that resulted in creation of this lot. An addendum to that report by also by Archaeological Consulting (February 14, 2003) has also been prepared which specifically addresses this development proposal. The report concludes that there is no surface evidence of any potentially significant archaeological materials on the parcel.

**EVIDENCE:** On March 13, 2003, the Del Monte Forest Land Use Advisory Committee voted 5 to 0 to recommend approval with a note to require tree replacement.

**EVIDENCE:** The project planner conducted a site visit on February 27, 2003, to verify that the proposed project complies with the Monterey County Zoning Ordinance.

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

**EVIDENCE:** Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.

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

**EVIDENCE:** Section #15303a of the Monterey County CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.

**EVIDENCE:** Findings and supporting evidence in this Resolution.

3. **FINDING:** The proposed project is consistent with policies of the Del Monte Forest Area Land Use Plan dealing with Forest Resources Development Standards.

**EVIDENCE:** A Forest Management Plan was prepared for the proposed development by Forest City Consulting on September 13, 2002. Twenty-one Monterey pines and three Coast Live oaks require a Coastal Development Permit for removal. Thirteen additional trees, all of which are less than 12 inches in diameter, are also proposed for removal; however, the Forester concludes that since the lot is so densely forested, thinning the forest by removing the smaller trees would be beneficial. The Forester also states that the Monterey pine trees display symptoms and signs of various pests and pathogens including pitch canker and Red Turpentine Beetle infestation; therefore, removal of the pines would not result in any significant adverse impacts. According to the Forester, the proposed tree removal is the minimum required. Recommendations in the report are included as permit conditions.

4. **FINDING:** The proposed project is consistent with policies of the Del Monte Forest Area Land Use Plan dealing with biological resources.

**EVIDENCE:** A biological report for this project was prepared by Vern Yadon (March 20, 2003). One statutorily protected federally endangered species (i.e., Yadon's *Piperia*) is located at the extreme easterly border at the back of the property. The biologist concludes that while the plant cannot be identified with certainty since the foliage had been eaten by deer, it can easily be avoided and protected. Recommendations by the biologist are included as permit conditions and include, among other things, that the Yadon's *Piperia* should be protected by staking and marking so that it will not be impacted by building or landscaping activity.

5. **FINDING:** The establishment of the caretaker unit will not, under the circumstances of the particular application, 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 proposed caretaker unit complies with all of the applicable requirements of Section 20.64.030(C) of this Title.
- EVIDENCE:** Adequate sewage disposal and water supply facilities exist or are readily available, as approved by the Director of Environmental Health.
6. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and other applicable provisions of this Title. Zoning violation abatement costs, if any, have been paid.
- EVIDENCE:** Staff's review of Monterey County's records indicates that no violations exist on the property.
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:** The project as described in the application and accompanying material, was reviewed by the Department of Planning and Building Inspection, PBCSD, Public Works, Parks Department, Environmental Health Division, and the Water Resources Agency. The preceding 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.
8. **FINDING:** The decision on this project is appealable to the Board of Supervisors and the Coastal Commission.
- EVIDENCE:** Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20).

### **DECISION**

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

1. The Pebble Beach LLC/South Valley Ventures Combined Development Permit (PLN020584) consists of: 1) a Coastal Administrative Permit for a 6,914 square foot two-story residence (5,730 square foot first story and 1,184 square foot second story) with an attached 1,503 square foot garage; 2) a Coastal Administrative Permit for an 848 square foot Caretaker Unit with an attached 432 square foot garage; 3) a Coastal Development Permit for the removal of 24 protected trees (21 Monterey pines and 3 Coast Live oaks) and Design Approval. The property is located on Portola Road (Lot 12) in the Griffin Estates Subdivision, Del Monte Forest, 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 Combined Development Permit (Resolution PLN020584) was approved by the Zoning Administrator for Assessor's Parcel Number 008-302-037-000 on May 8, 2003. The permit was granted subject to 19 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 located close to the construction site shall be protected from inadvertent damage from construction equipment by fencing tree drip lines 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. Applicant shall follow the recommendations in the Forest Management Plan that was prepared for the site by Glen C. Flamik dated September 13, 2002 as revised on September 30, 2002. A summary of requirements is as follows:

The grading and building permit plans shall incorporate the plot plan prepared by the Forester on September 13, 2002 and revised on September 30, 2002. This plan delineates trees approved for removal as well as those which must be retained.
6. Applicant shall follow the recommendations in the biological report that was prepared for the site by Vern Yadon dated March 20, 2003. A summary of requirements is as follows:

Prior to issuance of a any permit the Yadon's Piperia plant shall be protected by flagging and staking with continuous netting based on the site plan prepared by Forest City Consulting which delineates areas "off limits" for construction and landscaping activities. **(Planning and Building Inspection)**
7. A "Preliminary Soils Engineering Report" was prepared for the specific development proposal by Earth Systems Consultants (March 29, 2001). Applicant shall follow the recommendations of the report. A

note to this effect shall be placed included on the building plans. **(Planning and Building Inspection)**

8. Prior to the issuance of a building or grading permit, a drainage plan shall be prepared by a registered civil engineer or architect to address on-site and off-site impacts and 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 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." (Attached Garage included) **(Pebble Beach Community CSD)**
11. Prior to the issuance of building permits for caretaker's quarters or use of an existing building for caretaker unit, the property owner shall record deed restrictions reflecting the regulations applicable to the caretaker unit. **(Planning and Building Inspection)**

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

12. 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 CSD)**
13. 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 CSD)**
14. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Pebble Beach Community CSD)**
15. 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 CSD)**
16. 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 CSD)**
17. 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)**
18. 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 plan shall include a management strategy to encourage and retain the abundant natural regeneration on the property, particularly since Monterey pine seedlings can be found over most of the parcel. Provisions for this long-term management strategy shall be included in the landscape plan required for this project. Landscaping plans shall be approved by the Forester.

The landscape plans for this project shall include a long-term program for a systematic weed control program to remove and keep off the property invasive plants specified in the biological report.

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 Conditions:**

19. 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 8th day of May, 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 90<sup>th</sup> 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 if started within this period.

