

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 030050

A.P. # 008-532-001-000-M

In the matter of the application of
Satnam S & Yashvinder Uppal (PLN030050)

FINDINGS & DECISION

for a Coastal Development Permit in accordance with Title 20.1 (Monterey County Coastal Implementation Plan Ordinance) Chapter 20.140 (Coastal Development Permits) of the Monterey County Code, to allow for unpermitted removal of 14 Monterey pines, located at 1209 Founders Lane, Pebble Beach, Del Monte Forest area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on September 25, 2003.

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

FINDINGS OF FACT

- 1. FINDING: CONSISTENCY** – The subject Coastal Development Permit (PLN030050/Uppal), as described in Condition 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, the 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 1209 Founders Lane (Assessor's Parcel Number 008-532-001-000), Pebble Beach, in the Del Monte Forest area of the Coastal Zone. The parcel is zoned “MDR/4-D (CZ);” i.e., Medium Density Residential, 4 units per acre, Design Control District, 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 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: (a) The application and plans submitted for the Combined Development Permit in the project file at the Monterey County Planning and Building Inspection Department.

EVIDENCE: (b) The Del Monte Forest Land Use Advisory Committee voted 6 to 0 to recommend approval of the project.

EVIDENCE: (c) The on-site inspection of the parcel by the project planner, April 9, 2003.

EVIDENCE: (d) There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project.

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: (e) The subject property is not adjacent to the seashore and is not described as an area where the Local Coastal Program requires access, according to Sections 20.70.050.B.4.c.i and ii.

2. **FINDING: VIOLATION PENDING** – The subject property is currently in violation of Section 20.147.050.A of the *Regulations for Development in the Del Monte Forest Land Use Plan Area* because healthy Monterey pines were removed without the required Coastal Development Permit.

EVIDENCE: (a) Code Violation case #CE020402 was opened on November 21, 2002 after 14 Monterey pines were removed from Assessor's Parcel Numbers 008-532-001-000, 008-022-015-000, 008-022-032-000 without the benefit of the required permit. Section 20.147.050.A of the *Regulations for Development in the Del Monte Forest Land Use Plan Area* requires a Coastal Development Permit for native tree removal. The granting of the subject Coastal Development Permit corrects the violation of the Monterey County Local Coastal Program.

3. **FINDING: HEALTH AND WELFARE** – 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: (a) The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, applicable Fire Department, Public Works and Parks Departments, Environmental Health Division, and Water Resources Agency. The respective departments and Agency 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: SITE SUITABILITY** – The site is suitable for the use proposed.

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

(b) Staff conducted a site visit on April 9, 2003 to verify that the site is suitable for this use.

5. **FINDING: CEQA** – The proposed project will not have a significant environmental impact.
EVIDENCE: (a) Criteria contained in Article 19, Sections 15300.2 (Exceptions) & 15301 (Existing Facilities) 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 has been minimal and entirely within an already disturbed area, no significantly adverse environmental impacts were identified during review of the proposed project.
6. **FINDING: APPEALABILITY** – The project is appealable to the Board of Supervisors and the California Coastal Commission.
EVIDENCE: (a) Sections 20.86.030 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 Coastal Development Permit be granted as shown on the attached sketch, subject to the following conditions:

1. The subject permit grants a Coastal Development Permit for the removal of 14 Monterey pines. 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. 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)**

Within 60 days of Project Approval:

3. The applicant shall record a notice which states: “A permit (Resolution #030050) was approved by the Zoning Administrator for Assessor's Parcel Number 008-532-001-000 on September 25, 2003. The permit was granted subject to 10 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 and grading permits.
(Planning and Building Inspection)

4. 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. 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)**
5. The site shall be landscaped. *Within sixty (60) days of project approval*, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. The project will be subject to a landscape plan review fee which shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, 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. The plan shall include removal of ice plant and French broom and replanting of those areas *Within 120 days of project approval*, the landscaping shall be either fully installed pursuant to the approved plan 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 Department)**
6. 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)**
7. 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)**
8. If, during the course of installing the landscape plan, 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)**

Continuous Permit Conditions:

9. 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)**
10. In order to assure the health and long-term survival of the replanted trees, the applicant shall contract with a qualified arborist to monitor the replanted trees for a period of 20 years from the date of project approval. If during that time a tree has died, become diseased, or lost for some other reason, it shall be replaced. Monitoring reports shall be submitted annually for the first 4 years and biannually thereafter for the next 16 years. Failure to submit a report, or to submit a report on time, shall be a violation of this permit.

PASSED AND ADOPTED this 25th day of September, 2003.

Original Signed By:

MIKE NOVO
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON

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 Planning Commission 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 Salinas.

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