

MIKE NOVO  
ZONING ADMINISTRATOR

COUNTY OF MONTEREY  
STATE OF CALIFORNIA

RESOLUTION NO. 030122

A. P. # 008-341-028-000

In the matter of the application of  
**Pacific Gem Associates LLC (PLN030122)**

**FINDINGS & DECISION**

to allow a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of a Combined Development Permit consisting of: 1) a Coastal Administrative Permit for demolition of 492 sq. ft. of an existing 4,599 sq. ft. three-story single family residence and construction of a 1,184 sq. ft. first-story addition; a 1,248 sq. ft. second-story addition; a 986 sq. ft. third-story addition; and a 428 sq. ft. garage addition (total structural coverage is 4,579 sq. ft.); removal of 1,030 sq. ft. of impervious surface and the addition of 1,604 sq. ft. of impervious surface (total impervious surface coverage is 3,964 sq. ft.); 2) a Coastal Development Permit for a waiver of the policy prohibiting development on slopes greater than 30%; 3) a Coastal Development Permit for development within 100 feet of mapped or field identified environmentally sensitive habitat; Grading (150 cubic yards of cut/fill); and Design Approval located at 1492 Bonifacio Road, Pebble Beach, Del Monte Forest area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on September 11, 2003.

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

**1. FINDING: CONSISTENCY, SITE SUITABILITY AND PUBLIC ACCESS** – The Pacific Gem, LLC (Naylor) Combined Development Permit and Design Approval (PLN030122), as described in Condition #1, and as conditioned, are consistent with 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 1492 Bonifacio Road, Pebble Beach, Del Monte Forest area in the Coastal Zone. The parcel is zoned “LDR/1.5-D (CZ)” (Low Density Residential, 1.5 acres per unit, Design Control, in the 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: (a)** The application and plans submitted for the Combined Development Permit and Design Approval in project file PLN030122 at the Monterey County Planning and Building Inspection Department.

- (b) 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.
- (c) The Geotechnical Investigation prepared by Pacific Crest Engineering Inc., dated April 28, 2003, concludes that the site is suitable for the project.
- (d) The Archeological Report prepared by Archaeological Consulting, dated March 31, 2003, concludes that there is no surface evidence of potentially significant archeological resources on the site.
- (e) The development site is located within 100 feet of a stream course, which is identified as environmentally sensitive habitat on Monterey County resource maps. The Biological Assessment prepared by Jeffrey B. Froke, PH.D., dated May 5, 2003, concludes that the development site is sufficiently setback from the stream and riparian resources to avoid impacts, provided runoff control measures are implemented. Further, there are no sensitive or protected resources located on the already developed site. No trees are proposed for removal. An enhancement plan for riparian habitat on the property and an erosion control plan are required as conditions of approval.
- (f) The project planner conducted a site visit on June 06, 2003, to verify that the proposed project complies with the LCP. The project will not have a significant adverse effect on the public viewshed. Based on the site visit and analysis of building records, the existing single family dwelling is not considered a historic structure.
- (g) The Del Monte Forest Land Use Advisory Committee reviewed and recommended approval (5 - 1 vote) of the Combined Development Permit and Design Approval on June 19, 2003.
- (h) The project has been reviewed by the Monterey County Planning and Building Inspection Department, Coastal Commission, 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.
- (i) The subject property is not described as an area where the Local Coastal Program requires access and 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. No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

- 2. FINDING: 30 PERCENT SLOPE WAIVER** – The proposed development is consistent with Sections 20.147.060.G.1.a and b of the “Regulations for Development in the Del Monte Forest Land Use Plan” since no other alternative exists on the site which would allow the development to occur on slopes less than 30% and the development in its proposed location better achieves the resource protection objectives and policies of the Del Monte Forest Land Use Plan.

**EVIDENCE:** (a) The project proposes approximately 1,200 sq. ft. in additions to the existing residence on slopes averaging approximately 40%. The development is proposed within areas previously disturbed and graded by terracing. Development in this location will result in no tree removal, minimal grading (150 cubic yards) and minimal erosion. A Geotechnical Investigation prepared for this site by Pacific Crest Engineering Inc. (April 28, 2003) concludes that the property may be developed as proposed provided that the report recommendations are included in the design and construction. Based on the Geotechnical Investigation, the applicant's request for a waiver of the policy prohibiting development on slopes greater than 30%, staff's analysis and site visit and the fact that this area was previously graded, staff has determined that no other alternative site on the property exists which would allow the development to occur on slopes less than 30%. Development in other locations outside the terracing would result in potentially significant impacts due to tree removal, grading and erosion.

(b) The application and plans submitted for the Combined Development Permit and Design Approval, including the 30% Slope Exception Request, in project file PLN030122 at the Monterey County Planning and Building Inspection Department.

(c) Analysis prepared by staff to determine if an Initial Study is required in file PLN030122.

3. **FINDING:** **CEQA** – The proposed project will not have a significant environmental impact.

**EVIDENCE:** (a) Sections 15301(e) and 153061(b)(3) of the CEQA Guidelines categorically exempt the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.

(b) Analysis prepared by staff to determine if an Initial Study is required in file PLN030122.

4. **FINDING:** **NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and other applicable provisions of Title 20. Zoning violation abatement costs, if any, have been paid.

**EVIDENCE:** (a) 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.

5. **FINDING:** **HEALTH AND SAFETY** – 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) Preceding findings and supporting evidence.

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

**EVIDENCE:** (a) 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 Pacific Gem, LLC (Naylor) Combined Development Permit and Design Approval (PLN030122) consists of: 1) a Coastal Administrative Permit for demolition of 492 sq. ft. of an existing 4,599 sq. ft. three-story single family residence and construction of a 1,184 sq. ft. first-story addition; a 1,248 sq. ft. second-story addition; a 986 sq. ft. third-story addition; and a 428 sq. ft. garage addition (total structural coverage is 4,579 sq. ft.); removal of 1,030 sq. ft. of impervious surface and the addition of 1,604 sq. ft. of impervious surface (total impervious surface coverage is 3,964 sq. ft.); 2) a Coastal Development Permit for a waiver of the policy prohibiting development on slopes greater than 30%; 3) a Coastal Development Permit for development within 100 feet of mapped or field identified environmentally sensitive habitat; and Grading (150 cubic yards of cut/fill). The property is located at 1492 Bonifacio Road, Pebble Beach (Assessor's Parcel Number 008-341-028-000), Del Monte Forest area, 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 permit (Resolution No. 030122) was approved by the Zoning Administrator for Assessor's Parcel Number 008-341-028-000 on September 11, 2003. The permit was granted subject to 17 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. Native trees 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. Protective fencing and grading limits shall be reviewed and established by the contractor in consultation with a qualified forester or arborist immediately prior to commencement of demolition and excavation operations. Said protection shall be

demonstrated in the form of photos and a letter from a qualified forester or arborist prior to the 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 a grading or building permit, an erosion control plan shall be prepared by a qualified professional, subject to the approval of the Director of Planning and Building Inspection. All cut and/or fill slopes exposed during the course of construction shall be covered, seeded, or otherwise treated to control erosion. The grading plans shall include an implementation schedule of measures for the prevention and control of erosion and dust during and immediately following construction until erosion control planting becomes established. Pursuant to the Biological Assessment prepared by Jeffrey B. Froke, PH.D. (May 5, 2003), the plans shall include a properly installed (keyed) row of silt fence at the lower (east) property boundary. The silt fence shall be kept in place until the construction work is completed and the soil surface has been stabilized, i.e., by landscape revegetation. A letter from a qualified biologist shall be submitted to the Director of Planning and Building Inspection stating that the above measures have been properly implemented. **(Planning and Building Inspection)**
6. A scenic easement shall be granted to the County of Monterey or Del Monte Forest Foundation over portions of the property with slopes over 30 percent except the area approved for development under this permit. The scenic easement deed restriction and map shall be subject to the approval of the Planning and Building Inspection Department prior to issuance of a building permit and recorded prior to final inspection. **(Planning and Building Inspection)**
7. An enhancement plan shall be prepared by a qualified biologist for the riparian habitat located on the subject property. The plan shall provide for long-term riparian habitat enhancement such as restoration of previously damaged riparian environments. The plan shall be subject to the approval of the Planning and Building Inspection Department prior to issuance of grading and building permits. **(Planning and Building Inspection)**
8. Prior to issuance of grading and/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 facilities to mitigate the impact of impervious surface stormwater runoff. Necessary improvements shall be constructed in accordance with plans approved by the Water Resources Agency. **(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. All conditions are on the plans for sprinklers/address/clearance, etc. and shall be included on the building permit plans. **(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 incorporate riparian habitat enhancement pursuant to Condition #7.* 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. The project shall follow the recommendations of the Geotechnical Report prepared for the site by Pacific Crest Engineering Inc., dated April 28, 2003. A letter from a qualified soil or civil engineer shall be submitted to the Director of Planning and Building Inspection stating that the construction conforms to recommendations in the report. **(Planning and Building Inspection)**
13. Certification that stormwater 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 cultural, archeological, 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 archeologist. The Monterey County Planning and Building Inspection Department and a qualified archeologist (i.e., an archeologist registered with the Society of Professional Archeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and

the archeologist 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)**
17. 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)**

**PASSED AND ADOPTED** this 11th day of September, 2003.

Original Signed By:

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MIKE NOVO  
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 Marina.

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