

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 030524

A.P. # 008-341-012-000

FINDINGS & DECISION

In the matter of the application of
Jerry & Christine Baker (PLN030524)

for an Amendment to a previously approved Coastal Administrative Permit (PLN000259) in accordance with Chapter 20.76 (Coastal Administrative Permits) of Title 20, Monterey County Code (Zoning), to allow a design change to the roof line of the originally approved single family dwelling and increase in height from 26.6 feet to 30 feet, located at 1804 Bonifacio Road, fronting on and southerly of Bonifacio Road, west of Palmero Way, Del Monte Forest Land Use Plan area, Coastal Zone, came on regularly for hearing before the Zoning Administrator on November 13, 2003.

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

1. FINDING: The subject Coastal Development Permit (PLN 030524), as described in condition #1 and as conditioned, conforms 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, Part 5 of the Coastal Implementation Plan and the Monterey County Coastal Zoning Ordinance (Title 20). The project site is located at 1504 Bonifacio Road, west of Palmero Way in the Del Monte Forest Area of the Coastal Zone. The parcel is zoned "LDR/1.5-D (CZ)" or Low Density Residential 1.5 Acres/Unit- Design Control District. 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 Coastal Development Permit (PLN030524) on file at the Monterey County Planning and Building Inspection Department.
(b) The proposed amendment is consistent with the policies of the Del Monte Land Use Plan dealing with development in archaeologically sensitive areas. An Archaeological Report, dated March 15, 2001, was prepared for the project by Archaeological Consulting of Salinas. The report concluded that there is no surface evidence of potentially significant archaeological resources on the project site.
(c) The proposed amendment is consistent with the policies of the Del Monte Land Use Plan dealing with development adjacent to environmentally sensitive areas. The project site is not located within or near to an environmentally sensitive area.

(d) The proposed amendment is consistent with policies of the Del Monte Forest Land Use Plan dealing with development in geologic hazard areas. The Environmental Resources Maps for the Del Monte Forest Area identifies the geologic hazard zone for the subject property as Low.

(e) The proposed amendment is consistent with policies of the Del Monte Forest Land Use Plan dealing with visual resources and will have no significant impact on the public viewshed. The proposed amendment would not exceed the height limit of the zoning district and would not affect any public viewing areas. Staff made a site visit and determined that project as proposed would not be ridgeline or impact the public viewshed.

(f) The proposed amendment is consistent with policies of the Local Coastal Program dealing with biological resources. The proposed project does not include tree removal. A Forester's Report, dated June 11, 2001, was prepared for the project by Roy Webster to address impacts from the project, including construction of the proposed driveway, on the existing Oak trees. The report identified and recommended measures to be implemented to protect the trees and root systems from construction and long-term impacts from the overall development. The recommendations have been included as conditions of approval.

(g) 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, Pebble Beach Community Services District, 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.

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

EVIDENCE: (a) Section 15303 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.

(b) The proposed grading (cut and fill) of approximately 960 cubic yards includes mostly the regrading and excavation of previously filled areas. The excavated material will be dispersed in areas in a manner that will not affect vegetation or the overall condition of the site. A grading permit is required to conduct the grading and to assure compliance with the Grading and Erosion Control Ordinance (Title 16). A drainage plan is also required to address topographical changes resulting from the proposed grading.

3. **FINDING:** The project is consistent with Section 20.147.030.A.1 limiting structural coverage to 5000 square feet, including main and accessory structures, and impervious surface coverage to 4000 square feet in the Pescadero, Seal Rock Creek and Sawmill Gulch Watershed and the smaller unnamed watersheds which drain into the Carmel Bay Area of Special Biological Significance.

EVIDENCE: (a) The project application, including the site plan contained in file PLN000259, proposes the demolition of an existing single-family dwelling and the construction of a new single-family dwelling. The proposal includes removing and replacing impervious surfaces on the site. There is a current total coverage of 10,785 square feet. The proposed project, including the replacing and removal of impervious surfaces, will result in a new structural coverage of 5,771 square feet and a new impervious surface coverage of 3,229 square feet for a total of 9,000 square feet new combined structural and impervious coverage. Since the total coverage does not exceed 9,000 square feet, the project is consistent with the amount of coverage historically allowed by Monterey County.

4. **FINDING:** Adequate sewage disposal and water supply facilities exist or are readily available for the proposed addition to the existing single family dwelling and attached garage/studio.

EVIDENCE: (a) Review of the application by the Environmental Health Division.

5. **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: (a) The project as described in the application and accompanying material was reviewed by the Department of Planning and Building Inspection, Pebble Beach Community Services District, Public Works, 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.

6. **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, and all zoning violation abatement costs, if any, have been paid. This permit serves to clear the violation on this property.

EVIDENCE: (a) Sections 20.14 and Chapter 20.144 of the Monterey County Coastal Implementation Plan. This permit serves to clear the violation on this property.

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

EVIDENCE: (a) Sections 20.86.070 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 Administrative Permit be granted as shown on the attached sketch, subject to the following conditions:

1. The subject Coastal Development Permit and Design Approval includes changes to the roof line and the overall height of the previously approved house. The proposed changes allow for an overall height of 30 feet from the average natural grade. The project site is located at 1504 Bonifacio Road, Del Monte Forest, Pebble Beach area. 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 Department)**

Prior to Issuance of Demolition, Grading or Building Permits

2. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees, which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim; action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. **(Planning and Building Inspection Department)**
3. The applicant shall record a notice which states: "A permit (Resolution 030524) was approved by the Zoning Administrator for Assessor's Parcel Number's 008-341-012-000 on November 13, 2003. The permit was granted subject to 4 conditions of approval, which run with the land. The permit is subject to all applicable conditions of the previously approved project (PLN000259) which run with the land. A copy of both permits 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 Department)**

4. Completion of the proposed amendments and the remaining aspects of development of the project are subject to all applicable conditions of file No. PLN000259). **(Planning and Building Inspection Department)**

PASSED AND ADOPTED this 13th day of November 2003.

Original Signed By:

MIKE NOVO
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON November 19, 2003.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE December 1, 2003.

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 Marina.

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