

MIKE NOVO
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 020401

A. P. # 008-471-019-000

In the matter of the application of
Andrew M. Hunter III (PLN020401)

FINDINGS AND DECISION

to allow a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of: 1) a Coastal Development Permit for the construction of an 850 sq. ft. detached caretaker's unit; 2) a Variance to reduce the required front setback from 50 feet to 20 feet 6 inches; and Design Approval. The property is located at 1238 Padre Lane, Pebble Beach, Del Monte Forest area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on January 29, 2004.

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

- 1. FINDING: CONSISTENCY, SITE SUITABILITY AND PUBLIC ACCESS** – The Hunter Combined Development Permit and Design Approval (PLN020401), 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 Part 1 of the Coastal Implementation Plan (Title 20 Zoning Ordinance). The property is located at 1238 Padre Lane, 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 PLN020401 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 project proposes a new caretaker unit on slopes not exceeding 27%. The Geotechnical Report prepared by Grice Engineering and Geology Inc., dated August 9, 1999, concludes that the site is suitable for the project.

- (d) The Archeological Report prepared by Archaeological Consulting, dated July 12, 1999, concludes that there is no surface evidence of potentially significant archeological resources on the site.
- (e) The proposed caretaker unit will be located near a cluster of Coast Live Oaks. Tree protection measures will be required as a condition of approval. No Environmentally Sensitive Habitat exists on the property.
- (f) The project planner conducted a site visit on July 2, 2003, to verify that the proposed project complies with the LCP. The project will not have a significant adverse effect on the public viewshed.
- (g) The Del Monte Forest Land Use Advisory Committee reviewed and recommended approval (6 - 0 vote) of the Combined Development Permit and Design Approval on September 11, 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: CARETAKER REGULATIONS** – The proposed caretaker unit complies with all of the applicable requirements of Section 20.64.030.C and will be served by adequate sewage disposal and water supply facilities.

EVIDENCE: Materials in project file PLN020401.

3. **FINDING: VARIANCE (SPECIAL CIRCUMSTANCES AND NO GRANT OF SPECIAL PRIVILEGES)** – 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 would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The Combined Development Permit and Design Approval described in Condition #1 do 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. 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: (a) Special Circumstances: The property is severely constrained by: 1) slopes exceeding 30%; 2) the existence of numerous protected Coast Live Oaks and Monterey Pines; and 3) a requirement to hold 2 front setbacks (50 feet for detached accessory structures) due to the fact

that the property abuts two streets, Padre Lane in the front and Ballantrae Lane in the rear (cul-de-sac ends at corner of rear property line). There is only one suitable location for the caretaker unit that is not on slopes exceeding 30%, will not require the removal of any protected trees and maximizes the front setback to a distance of 20 feet six inches. This location meets all setback requirements except for the front setback. The strict application of the 50-foot front setback requirement for this accessory structure deprives the subject property of the accessory structure privilege enjoyed by other properties in the vicinity and under identical zone classification. Not only do these properties have more favorable site characteristics in which to develop, but they are also subject to a less stringent setback requirement (6 feet for detached accessory structures) due to the fact that they only abut one street. As a result, development of detached accessory structures can, on those other parcels, meet all applicable policies and regulations.

(b) **Special Privilege:** Approval of the Combined Development Permit and Design Approval, as described in Condition #1 and Finding #1, will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and identical zoning classification. Other properties in the area have received a Variance for a reduction in setbacks. Examples are: ZA05746, PC07215, ZA03517, and ZA95040.

(c) Staff's site visit and analysis of other properties in the vicinity and under identical zone classification.

(d) The application and plans submitted for the Combined Development Permit and Design Approval, including the Variance Justification Letter, in project file PLN020401 at the Monterey County Planning and Building Inspection Department.

4. **FINDING: VARIANCE (NO GRANT OF UNAUTHORIZED USE)** – 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 20.14.050.I, Uses Allowed in the Low Density Residential Zoning District.

5. **FINDING: CEQA (Exempt)** – The proposed project will not have a significant environmental impact.

EVIDENCE: Section 15303(a) 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.

6. **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: Sections 20.14.020, 20.44.020 and 20.64.030 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.

7. **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: Preceding findings and supporting evidence.

8. **FINDING: APPEALABILITY** – 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 Title 20 Zoning Ordinance (Part 1 of the Monterey County Coastal Implementation Plan).

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 Hunter Combined Development Permit and Design Approval (PLN020401) consist of: 1) a Coastal Development Permit for the construction of an 850 sq. ft. detached caretaker's unit; and 2) a Variance to reduce the required front setback from 50 feet to 20 feet 6 inches. The property is located at 1238 Padre Lane, Pebble Beach (Assessor's Parcel Number 008-471-019-000), 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 that states: "A permit (Resolution No. 020401) was approved by the Zoning Administrator for Assessor's Parcel Number 008-471-019-000 on January 29, 2004. The permit was granted subject to 18 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. Prior to the issuance of building or grading permits, the property owner shall record a deed restriction stating that the caretaker unit shall not be rented to other than the caretaker. Proof of recordation of this deed restriction shall be furnished to the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
4. 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)**

5. 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 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)**
6. Prior to issuance of grading and/or building permits, 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)**
7. 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)**
8. 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)**

Prior to Final Building Inspection/Occupancy:

9. The project site shall be landscaped. At least 60 days prior to occupancy, three (3) 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 native trees and other indigenous vegetation in order to effectively screen the caretaker unit from Ballantrae Lane and surrounding properties.* 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)**
10. 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)**
11. 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)**
12. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Pebble Beach Community Services District)**
13. 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)**
14. 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)**

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)**
18. New access for parking from Ballantrae Lane shall be prohibited. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 29th day of January, 2004.

Original Signed By:

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 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.