

MIKE NOVO  
ZONING ADMINISTRATOR

COUNTY OF MONTEREY  
STATE OF CALIFORNIA

RESOLUTION NO. 030405

A. P. # 008-073-004-000

In the matter of the application of  
**DECISION**

**FINDINGS AND**

**Ted & Sandra Johnston (PLN030405)**

to allow a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of a Coastal Administrative Permit for the demolition of three existing structures (1,628.5 sq. ft. single family residence, 248.7 sq. ft. accessory structure, and a 103.5 sq. ft. accessory structure), and the construction of a two story 4,053 sq. ft. single family residence with an attached 565.7 sq. ft. garage, 207 cu. yds. of grading, retaining walls, driveway reinforcement, and Design Approval; 2) a Coastal Development Permit for the waiver of the policy prohibiting development on slopes of greater than or equal to 30%; and 3) a Coastal Development Permit for the removal of two Monterey pines (29" and 24" in diameter). The property is located at 4144 Sunset Lane, Pebble Beach, Del Monte Forest area, Coastal Zone, came on regularly for meeting before the zoning administrator on March 25, 2004.

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

**1. FINDING: CONSISTENCY, SITE SUITABILITY, AND PUBLIC ACCESS** - The Johnston Combined Development Permit (PLN030405) as described in Condition #1, and as conditioned, is 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 4144 Sunset Lane, Pebble Beach, Del Monte Forest area, Coastal Zone. The parcel is zoned "MDR/4-D (CZ)," or Medium Density Residential, 4 units per acre, 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 in project file PLN030405 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 planner conducted a site visit to verify that the proposed project complies

with LCP policies. The project will not have a significant adverse visual impact when viewed from a public viewshed.

(d) The Del Monte Forest Land Use Advisory Committee reviewed and recommended approval (4 - 0 vote with 3 members absent) of the Combined Development Permit on November 20, 2003.

(e) A Forest Management Plan was prepared for the site by Forest City Consulting, on October 8, 2003. The report is on file at the Monterey County Planning & Building Inspection Department. The Forester states that both short term and long term potential impacts to the forest resources are expected to be minimal.

(f) An Archeological Reconnaissance was prepared for the site by Susan Morley on May 3, 2003. The report is on file at the Monterey County Planning and Building Inspection Department. The archeologist states that: "No evidence of historic or prehistoric cultural activity was observed during the archeological reconnaissance."

(g) A Geologic and Soil Engineering Report was prepared by Landset Engineers, Inc for the site in August of 2003. The report is on file at the Monterey County Planning and Building Inspection Department. Landset Engineers, Inc. concludes that "the proposed development is feasible from a geologic and soil engineering standpoint provided the recommendations in the report are incorporated into the project plans."

(h) The project and the site have been reviewed by the Monterey County Planning and Building Inspection Department, 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 the Recreational Facilities Map, and 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.

(j) Following Findings and supporting Evidence.

**2. FINDING: CEQA (Exempt) -** The project is exempt from environmental review.

**EVIDENCE:** (a) CEQA Guidelines §15301(l) Demolition of Structures, §15303(a) New Single Family Dwelling; §15304 Minor Alteration to Land exempts the proposed development from environmental review.

(b) Project description and materials in the project file: PLN030405.

(c) No adverse environmental effects were identified during staff review of the development application and during the site visit.

(d) Two Monterey Pines (29," and 24" in diameter) are proposed for removal. The Forest Management Plan concludes that since the two trees are approaching poor health, the site characteristics are such that the root systems of the two trees are weak and would not survive

the construction activity, the Monterey Pines are a potential hazard to the property, and that a minimal amount of trees are proposed for removal for this project that no long term impacts will occur to the forest as a result of the proposed residence, as long as the remaining trees are properly protected during construction. As designed, the project has reduced tree removal to a minimum. Conditions have been added to ensure compliance with recommendations in the Forest Management Plan.

(e) The areas of the property that are planned for development and located on slopes of greater than or equal to 30% are currently disturbed as there is currently a single family residence, retaining walls, and several accessory structures located on these portions of the property. The proposed removal of existing retaining walls, single-family residence, and accessory structures and subsequent construction of a new single-family residence and retaining walls will not impact any undisturbed land and equates to a minor alteration of existing conditions.

(f) The applicant is required to comply with Title 16 (Environment) of the Monterey County Code in terms of grading and erosion control requirements.

(g) Preceding and following findings and supporting evidence.

- 3. FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement cost, if any, have been paid.

**EVIDENCE:** Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations on subject property.

- 4. FINDING: TREE REMOVAL** – The project minimizes tree removal in accordance with the applicable goals, policies, and regulations of the Del Monte Forest Area Land Use Plan and Title 20, Zoning Ordinance.

**EVIDENCE:** (a) Two Monterey Pines (29," and 24" in diameter) are proposed for removal. The Forest Management Plan concludes that since the two trees are approaching poor health, the site characteristics are such that the root systems of the two trees are weak and would not survive the construction activity, the Monterey Pines are a potential hazard to the property, and that a minimal amount of trees are proposed for removal for this project that no long term impacts will occur to the forest as a result of the proposed residence, as long as the remaining trees are properly protected during construction.

(b) As designed, the project has reduced tree removal to a minimum. Conditions have been added to ensure compliance with recommendations in the Forest Management Plan.

(c) A Forest Management Plan was prepared for the site by Forest City Consulting, on October 8, 2003. The report is on file at the Monterey County Planning & Building Inspection Department. The Forester states that both short term and long term potential impacts to the forest resources are expected to be minimal.

(d) As described in the Forest Management Plan, the removal of two Monterey Pines would not significantly impact forest resources and constitutes the minimum amount required in

order to construct the garage and driveway.

(e) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN030405.

(f) Preceding and following findings and supporting evidence.

- 4. FINDING: 30 PERCENT SLOPE WAIVER** - There is no feasible alternative, which would allow development to occur on slopes of less than 30%. The proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and the Local Coastal Program (LCP) (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)) than other development alternatives.

**EVIDENCE:** (a) Project Description. The proposed demolition of three existing structures (1,628.5 sq. ft. single family residence, 248.7 sq. ft. accessory structure, and a 103.5 sq. ft. accessory structure), and the construction of a two story 4,053 sq. ft. single family residence with an attached 565.7 sq. ft. garage, 207 cu. yds. of grading, retaining walls, and driveway reinforcement are proposed on a small lot (13,198 sq. ft.) in the Del Monte Forest area. The development proposed on slopes exceeding 30 percent is described below:

1) The areas of the property that are planned for development and located on slopes of greater than or equal to 30% are currently disturbed. There is currently a single-family residence, retaining walls, and several accessory structures located on these portions of the property. The proposed removal of the existing retaining walls, single-family residence, and accessory structures and subsequent construction of a new single-family residence and retaining walls will not impact any undisturbed land and equates to a minor alteration of existing conditions.

2) The site characteristics make it prohibitive and infeasible to develop the lot without impacting areas exceeding 30%. A total of 207 cubic yards of grading is proposed. The planner worked with the architect to eliminate the impact to undisturbed slopes and minimize the impact to 30% slopes that were previously disturbed. Changes to the project and incorporated conditions of approval reflect the agreed-upon changes.

3) The applicant is required to comply with Title 16 (Environment) of the Monterey County Code in terms of grading and erosion control requirements. These recommendations are included as permit conditions.

(b) Alternative Locations for the Development on Slopes Exceeding 30 Percent & Achieving the Intent of Plan Policies. Slopes greater than 30% extend across the entire width of the lot and encompass the majority of the lot. As a result, alternative sites on the property for the proposed development on slopes less than 30% slopes are prohibitive and infeasible due to setback considerations. Staff concludes that there are no feasible alternative sites on the property for the proposed development and that relocation may have more of an impact to undisturbed areas of greater than 30% slopes and setbacks. The proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and the Local Coastal Program (LCP) (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)) than other development alternatives.

(c) Materials in file and applicant’s letter of justification for a waiver of the policy prohibiting development on slopes of greater than or equal to 30%.

(d) Preceding and following findings and supporting evidence.

**5. FINDING: HEALTH AND SAFETY** - The establishment, maintenance or operation of the project applied for will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

**EVIDENCE:** Preceding findings and supporting evidence.

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

**EVIDENCE:** 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 to adopt the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program and grant said application for a Combined Development Permit as shown on the attached sketch and subject to the attached conditions.

**PASSED AND ADOPTED** this 25th day of March, 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 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.