

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 030571

A.P. # 007-211-006-000

In the matter of the application of
Miller Investors LLC (PLN030571)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow the removal of eight (8) protected Coast Live Oak trees (ranging in diameter from 8" to 19"); with Design Approval to allow a new 2,905 sq. ft. two-story single family residence with a 469 sq. ft. attached garage. The project is located at 1056 Sawmill Gulch Road, Pebble Beach, fronting on and southerly of Sawmill Gulch Road, Del Monte Forest area. [Original LUAC approval 2/12/04. Revision to site plan resubmitted 3/08/04 and incorporated in description above], came on regularly for hearing before the Zoning Administrator on May 27, 2004.

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

FINDINGS OF FACT

1. FINDING: CONSISTENCY & SITE SUITABILITY - The Miller Use Permit and Design Approval (PLN030571), as described in Condition #1 and as conditioned are consistent with applicable plans, policies, requirements, and standards of the Monterey County General Plan, the Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 1056 Sawmill Gulch Rd, Pebble Beach (Assessor's Parcel Number 007-211-006-000), Monterey Peninsula Country Club Area. The parcel is zoned "MDR/B-6-D-RES" or Medium Density Residential, Building Site, Design Control and Recreational Equipment Storage Control. The site is physically suitable for the use proposed.

EVIDENCE: (a) The Planning and Building Inspection Staff has reviewed the project for consistency with:

- Monterey County General Plan
- Greater Monterey Peninsula Area Plan
- Chapter 21.64, Regulations for Preservation of Oak and Other Protected Species (Title 21)
- Chapter 21.12, Regulations for Medium Density Residential Zoning Districts (Title 21)
- Chapter 21.42, Regulations for Building Site Zoning Districts (Title 21)

(b) Project planner conducted an on-site inspection on December 2, 2003, to verify that the project on the subject parcel conforms to the plans listed above.

(c) The removal of eight oaks is allowed with the approval of a Use Permit in accordance with Section 21.64.260 of Monterey County Code (Title 21).

(d) The parcel is zoned Medium Density Residential, 4 units per acre, Design Control District, ("MDR/4-D"). The project is in compliance with Site Development Standards

for Medium Density Residential Districts and Building Site Zoning Districts in accordance with Sections 21.12 and 21.42, which allow single-family dwellings.

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

(f) Design Approval request form, with recommendation for approval of the project by the Del Monte Forest Land Use Advisory Committee on March 25, 2004 (5-1).

(g) An Archaeological Report was prepared for this project by Archaeological Consulting on December 15, 2003. The report concludes that there is no evidence of cultural resources within the area currently proposed for development. A condition is included to stop work in the event cultural resources are discovered during grading and/or construction activity.

(h) A Geologic and Soil Engineering Report was prepared for this project by Landset Engineers, Inc. on January, 2004. The report indicates that the site is suitable for the proposed structure provided recommendations in the report are incorporated into the project specifications and are implemented during construction.

(i) A Forest Management Plan (FMP) was prepared for this project by Forest City Consulting, Glenn C. Flamik on December 1, 2003. The objective of the FMP is to address impacts from the removal, such as potential erosion, preventing soil loss, preservation of the natural habitat (including native forest under story and wildlife habitat), prevention of forest fires, preserving scenic forest canopy, and the preservation of landmark trees. The FMP indicates that all trees proposed for removal are small to medium in size and are not exemplary of the species. The FMP also indicates that the number of trees proposed for removal is the minimum required for the circumstances. Tree replacement was recommended at a one to one ratio for the Coast Live Oaks (1 Gallon Minimum). The site has room for five (5) replacement trees, the recommended maximum number of replacement trees.

(j) 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 PLN030571.

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

EVIDENCE: (a) CEQA Section 15304 and Section 15061.(b)(3). No potentially adverse environmental impacts were identified during review of the proposed project to remove eight oak trees.

(b) CEQA Section 15303(a). No potentially adverse environmental impacts were identified during review of the proposed project to construct a two-story single-family dwelling.

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: (a) Staff reviewed Monterey County Planning and Building Inspection Department

records and is not aware of any violations existing on subject property.
(b) Section 21.14 and 21.44 of the Monterey County Code (Title 21).

4. FINDING: TREE REMOVAL – The tree removal is the minimum required under the circumstances of the case; and the removal will not involve a risk of adverse environmental impacts such as: soil erosion; water quality; ecological impacts; noise pollution; air movement; and wildlife habitat.

EVIDENCE: (a) The FMP indicates that the number of trees proposed for removal is the minimum required for the circumstances. The plan also indicates those proposed for removal are small to medium in size and are not exemplary of the species.

(b) Tree replacement is recommended at a one to one ratio for the Coast Live Oaks (1 Gallon Minimum). The site has room for five (5) replacement trees, the recommended maximum number of replacement trees.

(c) The potential impact to native trees close to the proposed development is assessed in the Forest Management Plan. Measures for tree protection during construction have been incorporated as conditions and include tree protection fencing, trunk protection, and bridging roots.

(d) A condition has been added that the applicant record a notice stating that a Forest Management Plan has been prepared and any tree removal be in accordance with the approved plan.

(e) Forest Management Plan prepared by Forest City Consulting, Glenn C. Flamik, December 1, 2003, contained in Project File PLN030571.

5. FINDING: HEALTH & 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: (a) Preceding findings and supporting evidence.

6. FINDING: APPEALABILITY - The decision on this project is appealable to the Board of Supervisors.

EVIDENCE: (a) Section 21.80.040.D of the Monterey County Zoning Ordinance (Title 21).

DECISION

THEREFORE, it is the decision of said Zoning Administrator that said application for a Use Permit be granted as shown on the attached sketch, and subject to the attached conditions.

PASSED AND ADOPTED this 27th day of May, 2004.

MIKE NOVO
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE 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 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 Salinas.

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