

MIKE NOVO  
ZONING ADMINISTRATOR

COUNTY OF MONTEREY  
STATE OF CALIFORNIA

RESOLUTION NO. 040161

A. P. # 008-422-004-000

In the matter of the application of  
**Jeffery and Vivian Saper (PLN040161)**

**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 Coastal Administrative Permit to allow for the demolition of an existing 3,069 square foot single dwelling and 463 square foot two-car garage and rebuild a new 5,859 square foot multi-level single family dwelling with a 880 square foot attached garage; a Variance to exceed side yard setbacks by 6 feet on the northeast side of the property, Grading (260 cubic yards of cut and fill), and Design Approval. The property is located at 1468 Riata Road, Pebble Beach, fronting and southerly of Riata Road, Del Monte Forest area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on May 27, 2004.

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

**1. FINDING: CONSISTENCY** - The subject Coastal Administrative Permit and Design Approval, as described in Condition 1 of the attached Exhibit "D," and as conditioned, conforms to the plans, policies, requirements, and standards of the certified Monterey County Local Coastal Program (LCP). The LCP for this site consists of the Del Monte Forest Land Use Plan, the Regulations for Development in the Del Monte Forest Land Use Plan Area (Part 5), Part 6 of the Coastal Implementation Plan (Appendices), and the Monterey County Zoning Ordinance (Title 20). The property is located at 1468 Riata Road, Pebble Beach (Assessor's Parcel Number 008-422-008-000), Pebble Beach, in the Del Monte Forest area of the Coastal Zone. The parcel is zoned "LDR/1.5-D (CZ)"; i.e., "Low Density Residential, 1.5 acres per unit, in a Design Control District, 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 Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see Section 20.70.050.B.4 of Title 20). No access is required as part of the project as no substantial adverse impact on public coastal 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 subject parcel and existing house constitute a legal non-conforming parcel size and structure. The 0.94-acre parcel (40,946 square feet) is located in a district zoned for 1.5-acre lots. The existing structure has 12-foot side yard setback on the eastern boundary (20 feet required). The parcel is zoned Low Density Residential, 1.5 units/acre, Design Control District, Coastal Zone ("LDR/1.5-D (CZ)"). The project is not in compliance with Site Development Standards for a Low Density Residential District in accordance with Section 20.14.060.

(b) PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the Del Monte Forest Land Use Plan,

Coastal Implementation Plan (Part 5), and Part 6 of the Coastal Implementation Plan. PBI staff has reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 20) and have determined that the project is consistent with the Del Monte Forest Land Use Plan, which designates this area as appropriate for residential development. Staff notes are provided in Project File PLN040161.

(c) Project planner conducted an on-site inspection on October 24, 2002 and December 12, 2002.

(d) 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.

(e) A geotechnical report has been prepared by Haro, Kusunich and Associates, Inc., for the Saper Residence Addition, dated October 15, 2002) recommending conditions specific to the structural aspects of the foundation supported by subsurface drainage provisions. (Amended letter dated January 2004).

(f) A geologic report has been prepared by Nielson and Associates for Remodel and Additions to an Existing Single Family Residence, dated September 26, 2002, revealing no apparent potential geologic hazards and presented recommendations to be followed. (Amended letter dated February, 2004).

(g) An archaeological report has been prepared by Archaeological Consulting, Mary Doane, B.A. and Trudy Haversat, (Preliminary Archaeological Reconnaissance, dated August 1, 2002; Amended letter dated February 2004) which concluded that there is no surface evidence of cultural significance and has placed a condition on the project, to stop work if archaeological resources are encountered during construction activities.(Condition # 14).

(h) The Del Monte Forest Land Use Advisory Committee recommended approval of the project by a vote of 5 for and 0 against without conditions or comments. LUAC meeting minutes dated April 8, 2004.

(i) 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 PLN040161.

2. **FINDING: SITE SUITABILITY** - The site is suitable for the use proposed.

**EVIDENCE:** (a) 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, the PBCSD, Public Works 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.

(b) Staff conducted two on-site visits on October 24, 2002 and December 12, 2002 to verify that the site is suitable for this use.

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

**EVIDENCE:** (a) CEQA Guidelines Section 15303 categorically exempts single-family dwellings.  
(b) No adverse environmental effects were identified during staff review of the development application during site visits on October 24, 2002 and December 12, 2002.  
(c) Development is largely contained in an already disturbed area of the property. The structure to be demolished is less than 50 years old and there has been no indication of it being a historic resource. There are no unusual circumstances related to the project or property.

**4. 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.

**5. FINDING: PUBLIC ACCESS** - 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 subject property is not described as an area where the Local Coastal Program requires access.

**6. FINDING: TREE RELOCATION** – The subject project proposes tree relocation in accordance with the applicable goals and policies of the Del Monte Forest Land Use Plan and Coastal Implementation Plan (Part 5).

**EVIDENCE:** (a) Section 20.147.050.D.4 of the Monterey County Coastal Implementation Plan, Part 5, states that “new residential development, including driveways and parking areas, shall be sited and designed to minimize cutting of trees, especially trees screening the development from neighboring properties.” The project proposes to relocate three (3) small live oak seedlings, ranging from 6” to 7” in diameter and (1) Pine tree for the new driveway. No trees screening the property are proposed for removal. Measures for tree protection during construction have been incorporated as conditions and include tree protection zones, trunk protection, hand excavation, and bridging roots.

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

(c) Forest Management Plan prepared by Frank Ono, Arborists, dated February 1, 2004. Report and Addendum is in Project File PLN040161.

**7. FINDING: PESCADERO WATERSHED POLICY** - The project is consistent with Section 20.147.030.A.1 limiting structural coverage to 5,000 square feet, including main and accessory structures and with the limitation of additional impervious surface coverage up to 4,000 square feet. It also meets the total limitation of 9,000 square feet for the Pescadero, Seal Rock Creek and Sawmill Gulch Watersheds 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 PLN040161 proposes structural coverage of approximately 4,505 square feet and impervious surface coverage of 3,943 square feet for a total of 8,448 square feet.

**8. FINDING: VARIANCE (Special Circumstances)** - Because of special circumstances applicable to the subject property, including the size, shape, topography, location of the lot, or the surrounding area, the strict application of Title 20 is found to not deprive the subject property of privileges enjoyed by other property owners in the vicinity under an identical zoning classification.

**EVIDENCE:** (a) The parcel has no circumstances or constraints that prevent the proposed house from meeting required setbacks.

(b) The application and plans submitted for the Combined Development Permit and Design Approval, including the Variance Justification Letter, in project File PLN040161 at the Monterey County Planning and Building Inspection Department.

**9. FINDING: VARIANCE (Special Privileges)** – Approval of the Coastal Administrative Permit and Design Approval described in Condition #1 does constitute a grant of special privileges by intensifying and expanding the nonconformity of side yard setback when there is a feasible alternative available.

**EVIDENCE:** (a) Both the subject parcel and existing house constitute a legal non-conforming parcel size and structure. The 0.94-acre parcel (40,946 square feet) is located in a district zoned for 1.5-acre lots. The existing structure has 14-foot side yard setback on the eastern boundary (20 feet required).

(b) Total structural and impervious surface proposed by the project remains within the allowable 9,000 square feet.

(c) Materials and documents in Project File No. PLN040161.

**10. FINDING: VARIANCE (Authorized Use)** – The Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

**EVIDENCE:** (a) The project for a single-family dwelling is an allowed use under the property’s Low Density Residential designation.

**11. 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:** (a) Preceding findings and supporting evidence.

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

**EVIDENCE:** (a) Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan (Part 1).

## **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 attached conditions.

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

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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.