

MIKE NOVO  
ZONING ADMINISTRATOR

COUNTY OF MONTEREY  
STATE OF CALIFORNIA

RESOLUTION NO. 040359

A. P. # 008-164-001-000

In the matter of the application of  
**Pebble Beach CSD (PLN040359)**

**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 an extension of 120 feet to an existing fire road (Fire Road 22/23) consisting of a Coastal Development Permit for development on slopes of 30% or greater to extend an existing fire protection road, including grading of 450 cubic yards (cut); a Coastal Development Permit for tree removal (2 Monterey pines of 20.3 and 12.3 inches DBH and one coast live oak of 8.6 inches DBH); and Design Approval. The project will be constructed over a road easement westward from the 17-Mile Drive, approximately 125 feet south of the intersection of the 17-Mile Drive and the access road to the Carmel Hill/CDF fire station, Pebble Beach, Del Monte Forest Land Use Plan, Coastal Zone, came on regularly for meeting before the Zoning Administrator on October 28, 2004.

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

**FINDINGS AND EVIDENCE**

1. **FINDING: CONSISTENCY** - The Project, as conditioned is consistent with applicable plans and policies, the Del Monte Forest Land Use Plan, Coastal Implementation Plan (Part 5), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20) which designates this area as appropriate for residential development.

**EVIDENCE:** (a) 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 has determined that the project is consistent with the Del Monte Forest Land Use Plan. Staff notes are provided in Project File PLN040359.

(b) Project planner conducted an on-site inspection on October 4, 2004 to verify that the project on the subject parcel conforms to the plans listed above.

(c) On September 9, 2004 the Del Monte Forest Land Use Advisory Committee recommended approval of the project by a vote of 4 for and 0 against.

(d) 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 PLN040359.

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

**EVIDENCE:** (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks, and

Pebble Beach Community Services District (CDF). Conditions recommended have been incorporated.

(b) A “Preliminary Cultural Resources Reconnaissance” prepared by Gary Breschini, Anna Runnings, and Trudy Haversat (Archaeological Consulting, May 23, 1988, amended January 3, 1989 and August 17, 1989) concluded that the project area does not contain surface evidence of potentially significant cultural resources. To insure that cultural resources are not disturbed by this project a standard condition of approval is recommended that would require the cessation of work if archaeological resources or human remains are accidentally discovered during construction.

(c) Staff conducted an on-site visit on October 4, 2004 to verify that the site is suitable for this use.

(d) Necessary public facilities are available and will be provided.

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

**EVIDENCE:** (a) CEQA Guidelines Section 15304 categorically exempts minor alterations to land.  
 (b) No adverse environmental effects were identified during staff review of the development application during site visit on October 4, 2004  
 (c) No significant biological resources were identified in the area of the proposed improvements. (Volume II of the Draft EIR for the Pebble Beach Company’s Del Monte Forest Preservation and Development Plan, Jones & Stokes, February 2004, Figure E-22).  
 (d) Development constitutes the extension of an existing fire road by approximately 120 feet. Tree removal is minimal. 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.  
 (b) The subject property 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.  
 (c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.  
 (d) Staff site visit on October 4, 2004.

6. **FINDING: TREE REMOVAL** – The subject project minimizes tree removal in accordance with the applicable goals and policies of the Del Monte Forest Land Use Plan and Coastal Implementation Plan (Part 5).
- EVIDENCE:** (a) A Forest Management Plan (FMP) was prepared in accordance with the requirements of Section 20.147.050.B of the Monterey County Coastal Implementation Plan, Part 4. This plan, prepared by Matt Rourke, a registered professional forester on the Department's list of approved foresters.
- (b) The FMP states that the road extension is located in the least forested area in the general vicinity. This statement was confirmed by a staff site visit on October 4, 2004.
- (c) Due to the fact that this area is a heavily wooded Monterey pine forest and that there is no viable access point that would require the removal of fewer trees it has been determined that there is no alternative to the removal of these trees.
- (d) The FMP proposes that the three trees proposed for removal be replaced through natural regeneration, which would be encouraged by the on-site chipping of the downed trees.
7. **FINDING: 30 PERCENT SLOPES** – There is no feasible alternative that would allow development to occur on slopes of less than 30%.
- EVIDENCE:** (a) As man-made slopes in excess of 30% line the eastern edge of the 17 Mile Drive in this vicinity there is no location where a fire road connection to the 17 Mile Drive can be constructed which would not cross slopes in excess of 30%.
- (b) While located on slopes in excess of 30%, the road location proposed configuration minimizes site disturbance and would help to stabilize existing man-made slopes.
- (c) Materials in file including the 30% Slope Exhibit prepared by Whitson Engineers, dated July 13, 2004.
8. **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.
9. **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 28th day of October, 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.

<u>Planning and Building Inspection Department</u> <u>Condition Compliance &amp; Mitigation Monitoring and/or</u> <u>Reporting Plan</u>	<u>Project Name:</u> <i>Pebble Beach Com. Serv. Dist.</i> <u>File No:</u> <u>PLN040359</u> <u>APNs:</u> <u>008-164-001</u> <u>Approval by:</u> _____ <u>Date:</u> <u>October 28, 2004</u>
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*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1		<b>PBD029 - SPECIFIC USES ONLY</b> This Combined Development Permit consists of a Coastal Administrative Permit to allow for an extension of 120 feet to an existing fire road (Fire Road 22/23) consisting of a Coastal Development Permit for development on slopes of 30% or greater to extend an existing fire protection road, including grading of 450 cubic yards (cut); a Coastal Development Permit for tree removal (2 Monterey pines of 20.3 and 12.3 inches dbh and one coast live oak of 8.6 inches dbh); and Design Approval. The project will be constructed over a road easement westward from the 17-Mile Drive, approximately 125 feet south of the intersection of the 17-Mile Drive and the access road to the Carmel Hill/CDF Fire Station (Assessor's Parcel Number 008-164-001-000), Pebble Beach, Del Monte Forest Land Use Plan, 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	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other-wise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. <b>(Planning and Building Inspection)</b>				
2		<b>PBD025 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice that states: "A permit (Resolution 040359) was approved by the Zoning Administrator for Assessor's Parcel Number 008-164-001-000 on October 28, 2004. The permit was granted subject to six (6) conditions of approval that 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. <b>(Planning and Building Inspection)</b>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of building or grading permits.	
3		<b>PBD030 - STOP WORK - RESOURCES FOUND</b> If, during the course of construction, cultural, archaeological, 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 a qualified professional archaeologist can evaluate it. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. <b>(Planning and Building Inspection)</b>	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeologist	Ongoing	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
4		<b>PBD032(B) – TREE AND ROOT PROTECTION</b> Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, 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. Said protection shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. <b>(Planning and Building Inspection)</b>	Submit evidence of tree protection to PBI for review and approval.	Owner/ Applicant	Prior to Issuance of Grading and/or Building Permits	
5		<b>PBD026 – NOTICE OF REPORT</b> Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder that states: "A Forest Management Plant has been prepared for this parcel by Matt Rourke, RPF, dated August 20, 2004 and is on record in the Monterey County Planning and Building Inspection Department Library No. _____. All development shall be in accordance with this report." <b>(Planning and Building Inspection)</b>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of grading and building permits	
6		<b>TREE REPLACEMENT</b> The three native trees authorized for removal shall be replaced and maintained on-site at a 1:1 ratio with a one-gallon size tree of the same species. Every effort shall be taken to secure native/locally adapted seedlings with demonstrated pitch canker resistance rather than nursery stock of unknown origin. The location and installation methods shall be approved by the consulting forester	Prior to final inspection, the consulting forester shall submit both written and photographic verification that all required replacement trees have been planted including the location, species, installation methods and required maintenance schedule.	Owner/ Applicant	Prior to final inspection	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<b>(Planning and Building Inspection)</b>	An annual report detailing the number and condition (i.e. health and hazard level) of all replacement trees shall be submitted for 5 years after final inspection. If a net loss of replacement trees is found during the annual inspection, additional trees meeting the qualifications above shall be planted and reported to the Director of Planning and Building Inspection including the location, species, installation methods and required maintenance schedule.	Owner/ Applicant	Annually for five years from date of final inspection	
		End of Conditions				



