MIKE NOVO ZONING ADMINISTRATOR

COUNTY OF MONTEREY STATE OF CALIFORNIA

RESOLTUION NO. 040705

A. P. # 008-222-016-000

FINDINGS AND DECISION

In the matter of the application of **Alicia Greenan (PLN040705)**

to allow a **Combined Development Permit** in accordance with Title 20 (Zoning) Chapter 21.210 (Combined Development Permits) of the Monterey County Code, to allow a Coastal Administrative Permit and Design Approval to replace an existing 1,403 square foot caretaker's unit with an 850 square foot senior citizen unit including a 668 square foot terrace, exercise spa, and 384 square foot attached garage; and a Variance to exceed the 4,000 square foot allowable impervious surface (6,062 square feet proposed) and 5,000 square foot structural coverage (7,814 square feet proposed) requirements in the Pescadero watershed (total combined coverage was reduced from 21,357 square feet to 13,876 square feet) located on 1515 Bonifacio Road, Pebble Beach, came on regularly for meeting before the Zoning Administrator on September 29, 2005.

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

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. Specifically, the proposed senior citizen unit complies with all applicable requirements of §20.64.010.

EVIDENCE:

(a) <u>Plan Conformance.</u> PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the Del Monte Forest Land Use Plan (LUP), Part 5 of the Coastal Implementation Plan (CIP), and Part 6 of the Coastal Implementation Plan (CIP) and 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. Conditions have been incorporated addressing senior citizen unit requirements. Staff notes are provided in Project File PLN040705.

(b) <u>Land Use</u>. The parcel is zoned Low Density Residential, 1.5 units/acre, Design Control District, Coastal Zone ("LDR/1.5-D (CZ)"). The use is allowed per §20.14.040.P for a senior citizen unit provided it meets the requirements of §20.64.010. The proposed uses meet all necessary regulations.

(c) <u>Development Standards</u>. The project is in compliance with Site Development Standards for a Low Density Residential District in accordance with §20.14.060. A variance is required to exceed coverage requirements in the Pescadero Watershed (Findings #6, 7, 8 and 9).

(d) <u>Senior Citizen Unit.</u> The project complies with the regulations for a senior citizen unit in accordance with §20.64.010.C. A condition requires the applicant to record a deed restriction that this unit will be maintained in accordance with these standards (Condition 3).

(e) <u>Floor Area Ratio (FAR)</u>. Development standards for the zoning district limit FAR to 17.5% of the property (10,118 square feet). The project proposes FAR of 14.4% (8,326 square feet).

(f) <u>Land Use Advisory Committee (LUAC)</u>. The Del Monte Forest Land Use Advisory Committee recommended approval of the project without conditions by a vote of 4-0 with 1 absent.

(g) <u>Site Visit</u>. Project planner conducted an on-site inspection on June 23, 2005 to verify that the project on the subject parcel conforms to the plans listed above.

(h) <u>Project File</u>. 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 PLN040705.

2. **<u>FINDING - SITE SUITABILITY</u>**: 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. Conditions recommended have been incorporated.
- (b) Research of mapped GIS information indicates that 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. Agency staff concurs.
- (c) Staff conducted an on-site visit on June 23, 2005 to verify that the site is suitable for this use.
- (d) Necessary public facilities are available and will be provided.

3. <u>FINDING - CEQA (Exempt)</u>: The project is exempt from environmental review. EVIDENCE:

(a) CEQA Guidelines categorically exempt the replacement of existing structures (CEQA Guidelines §15302). Class 2 projects consist of the replacement and reconstruction of existing structures located in the same site and for the same purpose. Grading for the project is a minimal and the slope of the property is fairly flat. No tree removal is proposed.

(b) Although the structure may be over 50 years old, alterations and additions not consistent with the original construction and modifications that contribute to the lack of integrity of design and construction from that of the original residence, have been made. County staff determined that no additional historic review or measures were necessary.

(c) No adverse environmental effects were identified during staff review of the development application during a site visit on June 23, 2005.

(d) There are no unusual circumstances related to the project or property that would require additional review.

4. **<u>FINDING - NO VIOLATIONS</u>**: 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) Staff site visit on June 23, 2005.

5. **<u>FINDING - PUBLIC ACCESS</u>**: 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. 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 June 23, 2005.

6. **<u>FINDING - PESCADERO WATERSHED POLICY:</u>** The project is not consistent with Section 20.147.030.A.1 limiting structural coverage to 5,000 square feet, including main and accessory structures, nor is consistent with the limitation of additional impervious surface coverage up to 4,000 square feet. It exceeds 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) Development in the Pescadero Watershed is limited to 5,000 square feet of structural coverage and 4,000 square feet of impervious surface coverage (9,000 square feet combined). The project application, including the site plan, contained in file PLN040705 proposes decreasing structural coverage from 7,983 to 7,814 square feet and reducing impervious surface coverage from 13,374 to 6,062 square feet. The result is a total combined coverage of 13,876 square feet, a net reduction of 7,481 square feet.

(b) A condition has been added for engineering calculations for any pervious pavers used to ensure they meet County standards and the intent of the Pescadero Watershed policy and verification of the installation (Condition 4).

(c) See Variance Findings #7, 8, 9.

7. **<u>FINDING - VARIANCE (Special Circumstances)</u>**: 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 Section 20.147.030.A.1.b of the Monterey County Coastal Implementation Plan is found to deprive the subject property of privileges enjoyed by other property owners in the vicinity under an identical zoning classification.

EVIDENCE:

(a) The intent of the Pescadero watershed coverage limitations (Section 20.147.030.A.1.b of the Monterey County Coastal Implementation Plan, Part 5) is to limit the amount of stormwater runoff into Carmel Bay, thereby protecting an area of biological significance. Although, the proposed project exceeds the 5,000 square foot limit for structural coverage by 2,814 square feet and exceeds the allowable 4,000 square foot impervious surface coverage limit by 2,062 square feet, there is an overall net reduction of 7,481 square feet from the existing 21,357 square feet of combined coverage. In addition, the proposed project's impervious surface reduction eliminated the circular driveway to

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better meet policy standards (§20.147.090.A.1CIP). Staff supports approval of the variance because existing conditions have been brought into conformance to the greatest extent feasible relative to coverage, driveway length and design. The project meets all other zoning requirements regarding size and bulk (i.e. Floor Area Ratio), lot coverage and setbacks.

(b) Retaining stormwater on site helps meet the intent of Section 20.147.030.A.1.b of the certified Monterey County Coastal Implementation Plan, Part 5 regarding impervious coverage in the Pescadero watershed. A condition has been incorporated requiring onsite retention/percolation facilities for stormwater runoff. (Condition #7)

(c) Materials and documents in Project File No. PLN040705.

8. **FINDING - VARIANCE (Special Privileges):** The variance to exceed the allowable Pescadero watershed structural and impervious surface coverage shall not constitute a grant of privileges inconsistent with the limitations upon other property owners in the vicinity and zone in which such property is situated.

EVIDENCE:

- (a) According to county records, there are at least 40 other instances where Variances have been granted to increase the Pescadero Watershed structural and/or impervious coverage limits for residential structures.
- (b) Other property owners in the vicinity and under identical zoning classification have been afforded the same privilege sought by the property owner of this application. Within 300 feet of the subject parcel, several residential projects have been granted similar variances and include: 1) PLN030568 (Kent) approved a variance "to exceed the structure and impervious coverage limitation in the Pescadero Watershed," 2) PLN020361 (Griggs) approved a variance "to exceed the 5,000 square foot structural and 4,000 square foot non-structural Pescadero Watershed impervious surface limit," and 3) PLN040120 (Winston) approved a variance "to exceed structural coverage limits in the Pescadero Watershed." Similar to these projects, the subject project proposes to exceed the structural coverage and impervious coverage limitations in the Pescadero Watershed.
- (c) Materials and documents in Project File No. PLN040705.

9. **<u>FINDING - VARIANCE (Authorized Use)</u>**: 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 senior citizen unit is an allowed use under the Low Density Residential designation.
- (b) Materials and documents in Project File No. PLN040705.

10. **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.

11. <u>FINDING – APPEALABILITY</u>: The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

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EVIDENCE:

(a) Section 20.86.030 of the Monterey County Coastal Implementation Plan - Part 1 (Board of Supervisors).

(b) Section 20.86.080 of the Monterey County Coastal Implementation Plan - Part 1 (Coastal Commission). In addition the site is located between the sea (Pacific Ocean) and the first public road paralleling the sea (Highway One).

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 conditions.

PASSED AND ADOPTED this 29th day of September, 2005.

ML/MM TKE NOVO, ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON NOV 17 2005

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS AND THE COASTAL COMMISSION.

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 NOV 27 2005

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 Monterey.

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

Montere	y County Planning and Building Inspection	Project Name: GREENAN	File No: <u>PLN040705</u>
	on Compliance and Mitigation Monitoring	APN: 008-222-016-000	
	Reporting Plan	Approval by: Zoning Administrator	Date: September 29, 2005

*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.

Permit Cond. Number	Impact Addressed, and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsibl e Party for Complianc e	Timing	Verificati on of Complian ce (name/dat e)
1	SPECIFIC USES ONLY The subject Combined Development Permit consisting of a Coastal Administrative Permit and Design Approval to replace an existing 1,403 square foot caretaker's unit with an 850 sq. ft. senior citizen unit including a 668 sq. ft. terrace, exercise spa, and 384 sq. ft. attached garage; Variance to exceed the allowable impervious surface and structural coverage requirements in the Pescadero Watershed. The property is located at 1515 Bonifacio Road, Pebble Beach (Assessor's Parcel Number 008-222-016-000), Del Monte Forest area, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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	specified in the permit.	Owner/ Applicant	Ongoing unless other-wise stated	

2	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) NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 040705) was approved by the Zoning Administrator for Assessor's Parcel Numbers 008-222-016-000 on September 29, 2005.	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and
	The permit was granted subject to 11 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)			building permits or start of use.
3	DEED RESTRICTION - SENIOR CITIZEN UNIT The applicant shall record a deed restriction stating the regulations applicable to the senior citizen unit (Section 20.64.010 CIP), including that the senior citizen unit shall not be occupied by more than 2 persons, 1 of whom shall be sixty years of age or handicapped. (Planning and Building Inspection Department)	Proof of recordation of this deed restriction shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of grading and building permits

4	4 PERVIOUS MATERIALS All pervious pavers shall conform to County standards of 40 percent or greater open pass- through area. Impervious surfaces shall not exceed the 6,062 square feet allowed, as indicated on the approved project plans. The total combined coverage (structural and impervious surface) shall not exceed 13,876 square feet (Planning and Building Inspection Department)	amount of allowable impervious surface coverage shall be included on the Site and Grading Plans.	Owner/ Applicant	Prior to issuance of building or grading permits.
		Inspection of driveway consistent with the approved project plans.	Owner/ Applicant	Prior to final inspection or occupancy
		Final Plan shall include engineering plans that clearly illustrates the impervious limitation is met and provides details, accepted by the Fire Department, that use of pavers as pervious surface meets a minimum 40% pass through criteria, subject to review ands approval of the Planning and Building Inspection Department.		Prior to installatio n of pervious surface material.
		Call for an inspection to verify that the pervious structures have been installed as designed and approved by the Planning and Building Inspection Department.	· · · · · · · · · · · · · · · · · · ·	Prior to installatio n of pervious surface materials

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5	DEED RESTRICTION -PERVIOUS	11	Owner/	Prior to
-	SURFACES (non-standard)		Applicant	Issuance
	Prior to the issuance of a building permit the	PBI.		of
	applicant shall record a deed restriction as a		PBI	Grading
	condition of project approval stating that " Patios,			and
	driveways, motor courts, walkways and other			Building
	similar improvements shall be installed and			Permits
	maintained to meet the allowable 6,062square foot			
	impervious surface limitation of the Pescadero			
	Watershed. At no time shall any material be			
	replaced with any impervious material without the			
	authorization and/or permit approval of the			
	Monterey County Planning and Building Inspection			
	Department."			
6	EXTERIOR LIGHTING	Submit three copies of the lighting	Owner/	Prior to
0	All exterior lighting shall be unobtrusive,	plans which shall indicate the	Applicant	issuance
	harmonious with the local area, and constructed or	location, type, and wattage of all	rippileant	of
	located so that only the intended area is illuminated	light fixtures and include catalog		building
	and off-site glare is fully controlled. (Planning and	sheets for each fixture to PBI for		permits.
	Building Inspection)	review and approval.		•
		Inspection of installation by PBI	Owner/	Prior to
		or submittal of evidence.	Applicant	final
				/occupanc
				V
	WR3 - DRAINAGE PLAN - RETENTION	Submit 3 copies of the engineered	Owner/	Prior to
7	The applicant shall provide the Water Resources	drainage plan to the Water	Applicant/	issuance
	Agency a drainage plan prepared by a registered	01	engineer	of grading
	civil engineer or architect addressing on-site and	approval.		or
	off-site impacts. The plan shall include			building
	retention/percolation facilities to mitigate the			permits
	impact of impervious surface stormwater runoff.			
	Drainage improvements shall be constructed in	Drainage improvements installed.		Prior to
	accordance with plans approved by the Water			Final
	Resources Agency. (Water Resources Agency)			
	Resources Agency. (Water Resources Agency)			

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8	WR43 - WATER AVAILABILITY CERTIFICATION The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits
9	 WR40 - WATER CONSERVATION MEASURES 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) 	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspect- ion/ occupancy

10	FIRE011 - ADDRESSES FOR BUILDINGS	Applicant shall incorporate	Applicant or	Prior to
10	10 All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be 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. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Pebble Beach Community Services District)	specification into design and enumerate as "Fire Dep t. Notes" on plans.	owner	issuance of building permit.
		Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection
11	FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.
	sprinkler inspection must be scheduled by the installing	Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection
	contractor and completed prior to requesting a framing inspection. (Pebble Beach Community Services District)	Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection

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