

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> December 14, 2011 <b>Time:</b> 1:30 p.m. <b>Agenda Item No.:</b> 6	
<b>Project Description:</b> Zoning Reclassification to reclassify an approximately 2 acre parcel from the "LDR/2-D (CZ)" [Low Density Residential, 2 acres per unit, Design Control Overlay District, Coastal Zone] zoning classification to the "LDR/2-D-HR (CZ)" [Low Density Residential, 2 acres per unit, Design Control and Historic Resources Overlay Zoning Districts, Coastal Zone] zoning classification.	
<b>Project Location:</b> 1207 Sombria Court, Pebble Beach	<b>APN:</b> 008-291-024-000
<b>Planning File Number:</b> PLN110580	<b>Owner:</b> Connelly Patrick J and Ginger F. Trust
<b>Planning Area:</b> Del Monte Forest Land Use Plan	<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> : LDR/2-D (CZ) [Low Density Residential, 2 acres per unit, Design Control Overlay District, Coastal Zone]	
<b>CEQA Action:</b> Exempt per CEQA Guidelines Section 15308	
<b>Department:</b> RMA - Planning Department	

**RECOMMENDATION:**

Staff recommends that the Planning Commission adopt a resolution (**Exhibit A**) recommending that the Board of Supervisors adopt an ordinance to amend Section 20.08.060 of Title 20 (zoning) of the Monterey County Code to reclassify an approximately 2-acre parcel from the "LDR/2-D (CZ)" [Low Density Residential, 2 acres per unit, Design Control Overlay District, Coastal Zone] zoning classification to the "LDR/2-D-HR (CZ)" [Low Density Residential, 2 acres per unit, Design Control and Historic Resources Overlay Zoning Districts, Coastal Zone] zoning classification.

**PROJECT OVERVIEW:**

On April 27, 2000, the Monterey County Zoning Administrator approved a Combined Development Permit (Resolution No. 990331) consisting of a Coastal Development Permit for development within 750 feet of known archaeological resources and a Coastal Administrative Permit for the construction of a 425 square foot guesthouse. Condition No. 26 in Resolution No. 990331 required the applicant to request a rezoning of the parcel to add the "HR" [Historic Resources Overlay Zoning District] zoning designation to the existing zoning of the parcel in order to protect the archaeological resources found on the project site. In clearing conditions for the original project, staff discovered that the request was never made by the original applicant. Staff contacted the current property owners, Patrick and Ginger Connolly, and they made the request in a letter dated April 7, 2010. This rezoning is required by Monterey County Code Section 20.147.080.D.1.b which requires development on parcels with an archaeological site to be subject to a condition of approval requiring the applicant to "request a rezoning of the parcel to add an 'HR' (Historical or Archaeological Resources) zoning district to the existing zoning of the parcel." That section provides that the rezoning shall not necessitate an amendment to the Land Use Plan or to Chapter 20.147 (Coastal Implementation Plan Part 5: Regulations for Development in the Del Monte Forest Land Use Plan Area).

**CEQA:**

The proposed rezoning is exempt per CEQA Guidelines Section 15308 which exempts actions by regulatory agencies for the protection of the environment where the regulatory process involves procedures for protection of the environment.



Laura Lawrence, R.E.H.S., Planning Services Manager  
(831) 755-5148, lawrencel@co.monterey.ca.us

November 17, 2011

cc: Front Counter Copy; Planning Commission; Pebble Beach Community Services District  
Fire Department; Public Works Department; Parks Department; Environmental Health  
Bureau; Water Resources Agency; California Coastal Commission; Laura Lawrence,  
Project Planner; Carol Allen, Senior Secretary; Patrick and Ginger Connolly, Property  
Owners; Open Monterey Project; LandWatch; Planning File PLN110580

Attachments: Exhibit A Draft Planning Commission Resolution  
Attachment "A" – Draft Ordinance with Exhibit 1 (Zoning Map)  
Exhibit B Vicinity Map  
Exhibit C Zoning Administrator Resolution No. 990331

*MN*

This report was reviewed by Mike Novo, Director of Planning

**EXHIBIT A**

**DRAFT RESOLUTION**

**DRAFT RESOLUTION TO RECOMMEND AMENDMENT OF LOCAL  
COASTAL PROGRAM (ZONING RECLASSIFICATION)  
PLN110196/STATE OF CALIFORNIA**

**RESOLUTION NO. ----**

Resolution of the Monterey County Planning Commission recommending that the Board of Supervisors adopt an ordinance to amend Section 20.08.060 of Title 20 (zoning) of the Monterey County Code to reclassify an approximately 2 acre parcel from the "LDR/2-D (CZ)" [Low Density Residential, 2 acres per unit, Design Control Overlay District, Coastal Zone] zoning classification to the "LDR/2-D-HR (CZ)" [Low Density Residential, 2 acres per unit, Design Control and Historic Resources Overlay Zoning Districts, Coastal Zone] zoning classification.

[PLN110580, Patrick and Ginger Connolly, 1207 Sombria Court, Pebble Beach, Del Monte Forest Land Use Plan, Coastal Zone (APN: 008-291-024-000)]

**The amendment to Section 20-16 of the Monterey County Sectional District Maps (Coastal Implementation Plan) to add the HR zoning overlay district to a parcel came on for public hearing before the Monterey County Planning Commission on December 14, 2011. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission recommends that the Monterey County Board of Supervisors approve the following amendment with reference to the following facts:**

**RECITALS**

1. On April 27, 2000, the Monterey County Zoning Administrator approved a Combined Development Permit (Resolution No. 990331) consisting of a Coastal Development Permit for development within 750 feet of known archaeological resources and a Coastal Administrative Permit for the construction of a 425 square foot guesthouse. Condition No. 26 in Resolution No. 990331 required the applicant to request a rezoning of the parcel to add the "HR" [Historic Resources Overlay Zoning District] zoning designation to the existing zoning of the parcel in order to protect the archaeological resources found on the project site.
2. The proposed zoning ordinance would reclassify the subject approximately 2 acre parcel from the "LDR/2-D (CZ)" [Low Density Residential, 2 acres per unit, Design Control Overlay District, Coastal Zone] zoning classification to the "LDR/2-D-HR (CZ)" [Low Density Residential, 2 acres per unit, Design Control and Historic Resources Overlay Zoning Districts, Coastal Zone] zoning classification.
3. The subject parcel is located at 1207 Sombria Court, Pebble Beach (APN: 008-291-024-000), in the unincorporated area of Monterey County.

4. Monterey County Code Section 20.147.080.D.1.b requires development on parcels with an archaeological site to be subject to a condition of approval requiring the applicant to request a rezoning of the parcel to add an "HR" [Historical Resources Overlay Zoning District] zoning designation to the existing zoning of the parcel. Condition No. 26 in Resolution No. 990331 required the applicant to request a rezoning of the parcel to the "LDR/2-D-HR (CZ)" [Low Density Residential, 2 acres per unit, Design Control and Historic Resources Overlay Zoning Districts, Coastal Zone] zoning classification in order to protect the archaeological resources found on the project site. The request was made by Patrick and Ginger Connolly on April 7, 2010. Pursuant to Monterey County Code Section 20.147.080.D.1.b, the rezoning does not necessitate an amendment to the Land Use Plan or to Chapter 20.147 (Coastal Implementation Plan, Part 5—Regulations for Development in the Del Monte Forest Land Use Plan Area).
5. The proposed rezoning is exempt per CEQA Guidelines Section 15308 which exempts actions by regulatory agencies for the protection of the environment where the regulatory process involves procedures for protection of the environment.
6. Section 20.08.060 of the Monterey County Coastal Implementation Plan-Part 1 (CIP) references sectional district maps that show the Zoning Plan. Section 20-16 of the Sectional District Maps of the Monterey County Zoning Plan provides a graphic representation of the zoning designations in this portion of the planning area.
7. Pursuant to Public Resources Code sections 30000 et seq., the County may amend the adopted Local Coastal Program provided the County follows certain procedures, including that the County Planning Commission hold a noticed public hearing and make a written recommendation to the Board of Supervisors on the proposed amendment of the CIP portion of the Local Coastal Program (LCP). The proposed change to amend the CIP, reclassify the subject parcel, and apply the "LDR/2-D-HR" zoning designation over the parcel is consistent with the adopted Land Use Plan (LUP).
8. On December 14, 2011, the Monterey County Planning Commission held a duly noticed public hearing to consider and make recommendations to the Board of Supervisors regarding the proposed zoning ordinance. At least 10 days before the first public hearing date, notices of the hearing before the Planning Commission were published in the *Monterey County Herald* and were also posted on and near the property and mailed to the property owners within 300 feet of the subject property.
9. The proposed Zoning Ordinance is attached to this Resolution as **Attachment "A"** and is incorporated herein by reference. The ordinance would amend Section 20-16 of the Sectional District Maps of Section 20.08.060 of Title 20 of the Monterey County Code to apply the "LDR/2-D-HR (CZ)" [Low Density Residential, 2 acres per unit, Design Control and Historic Resources Overlay Zoning Districts, Coastal Zone] zoning classification to the subject parcel.
10. Monterey County Coastal Implementation Plan-Part 1 Section 20.94.042 states that zoning designation reclassifications constituting an amendment to this Title and initiated for the purpose of preserving or enhancing the coastal resources including adding any "B", "A", "HR", or "Z" overlay zoning designations shall not require certification by the California Coastal Commission.

**DECISION**

**NOW, THEREFORE**, the Planning Commission of the County of Monterey, State of California, hereby recommends that the Board of Supervisors adopt an ordinance to amend Section 20.08.060 of Title 20 (Monterey County Coastal Implementation Plan) of the Monterey County Code to reclassify an approximately 2 acre parcel from the "LDR/2-D (CZ)" [Low Density Residential, 2 acres per unit, Design Control Overlay District, Coastal Zone] zoning classification to the "LDR/2-D-HR (CZ)" [Low Density Residential, 2 acres per unit, Design Control and Historic Resources Overlay Zoning Districts, Coastal Zone] zoning classification, as shown on **Exhibit 1 to Attachment "A"**. The parcel is located at 1207 Sombria Court, Pebble Beach (APN: 008-291-024-000).

**PASSED AND ADOPTED** this 14th day of December, 2011 upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Mike Novo, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON \_\_\_\_\_.

**ATTACHMENT "A"**  
**DRAFT ORDINANCE TO AMEND COUNTY CODE**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING SECTION 20.08.060 OF TITLE 20 (MONTEREY COUNTY COASTAL IMPLEMENTATION PLAN) OF THE MONTEREY COUNTY CODE TO AMEND THE ZONING CLASSIFICATION OF CERTAIN PROPERTY IN THE COUNTY OF MONTEREY.

**County Counsel Summary**

*This ordinance amends Section 20-16 of the zoning maps of the Monterey County Coastal Implementation Plan (Title 20 of the Monterey County Code) to rezone an approximately 2 acre parcel located at 1207 Sombria Court, Pebble Beach (Assessor's Parcel Number 008-291-024-000) from the "LDR/2-D (CZ)" [Low Density Residential, 2 acres per unit, Design Control Overlay District, Coastal Zone] zoning classification to the "LDR/2-D-HR (CZ)" [Low Density Residential, 2 acres per unit, Design Control and Historic Resources Overlay Zoning Districts, Coastal Zone] zoning classification.*

The Board of Supervisors of the County of Monterey ordains as follows:

**SECTION 1. ZONING DISTRICT MAP.** Section 20-16 of the Sectional District Maps of Section 20.08.060 of the Monterey County Code is hereby amended to change the zoning of an approximately 2 acre parcel located at 1207 Sombria Court, Pebble Beach (APN: 008-291-024-000) from the "LDR/2-D (CZ)" [Low Density Residential, 2 acres per unit, Design Control Overlay District, Coastal Zone] zoning classification to the "LDR/2-D-HR (CZ)" [Low Density Residential, 2 acres per unit, Design Control and Historic Resources Overlay Zoning Districts, Coastal Zone] zoning classification, as shown on the map attached hereto as Exhibit 1 and incorporated herein by reference.

**SECTION 2. FINDINGS.** On April 27, 2000, the Monterey County Zoning Administrator approved a Combined Development Permit (Resolution No. 990331) consisting of a Coastal Development Permit for development within 750 feet of known archaeological resources and a Coastal Administrative Permit for the construction of a 425 square foot guesthouse on the subject property. In accordance with Section 20.147.080.D.1.b of the Monterey County Code, Condition No. 26 in Resolution No. 990331 required the applicant to request a rezoning of the parcel to add the "HR" [Historic Resources Overlay Zoning District] zoning designation to the existing zoning of the parcel in order to protect the archaeological resources found on the project site.

**SECTION 3. COASTAL COMMISSION CERTIFICATION.** Certification by the California Coastal Commission of the rezoning is not required. Section 20.94.042 of the Monterey County Coastal Implementation Plan-Part 1 states that zoning designation reclassifications constituting an amendment to this Title and initiated for the purpose of preserving or enhancing the coastal resources including adding any "B", "A", "HR", or "Z" overlay zoning designations shall not require certification by the California Coastal Commission.

**SECTION 4. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall become effective on the 31<sup>st</sup> day following its adoption.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2012, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Chair, Monterey County Board of Supervisors

A T T E S T:  
GAIL T. BORKOWSKI,  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy

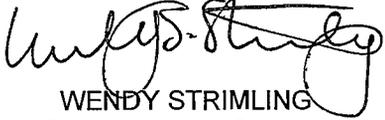
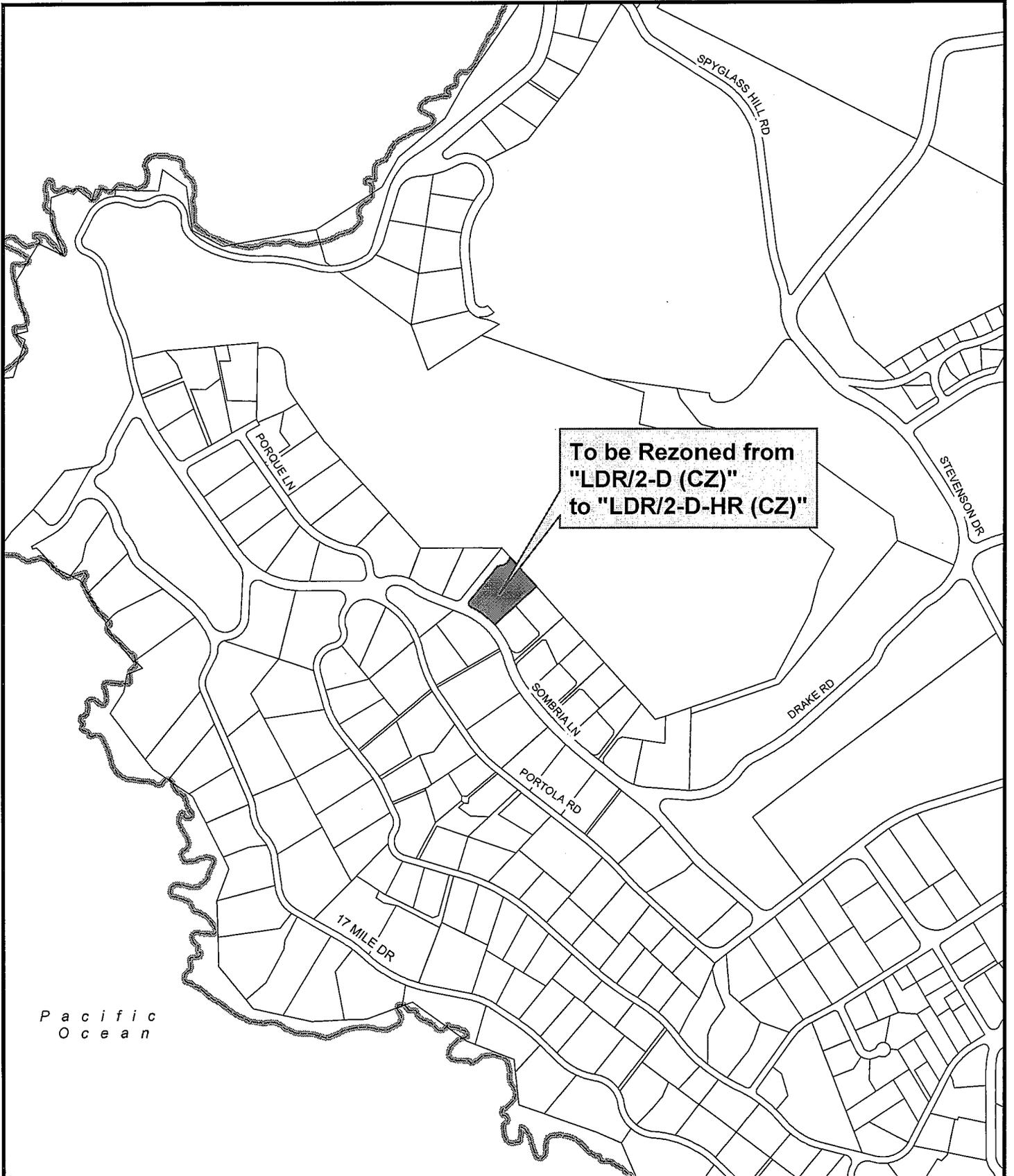
APPROVED AS TO FORM  
  
WENDY STRIMLING  
Deputy County Counsel

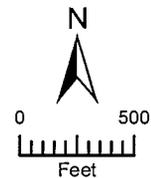
EXHIBIT 1



PROPOSED REZONING OF SECTION 20-16

APN: 008-291-024-000

FILE # PLN110580, CONNOLLY



**EXHIBIT B**  
**VICINITY MAP**

# DEL MONTE FOREST

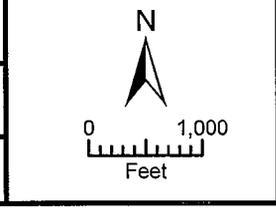


APPLICANT: CONNOLLY

APN:008-291-024-000

FILE # PLN110580

Water 2500' Limit 300' Limit City Limits



PLANNER: LAWRENCE

**EXHIBIT C**

ZONING ADMINISTRATOR  
RESOLUTION NO. 990331

NO. 990331

A. P. # 008-291-024-000

In the matter of the application of  
**Tescher/Levett (990331)**

**FINDINGS AND DECISION**

to allow a **Combined Development Permit** in accordance with Title 20 (Zoning) Chapter 21.210 (Combined Development Permits) of the Monterey County Code, for a Combined Development Permit consisting of a Coastal Development Permit to allow development to be located within 750 feet of archaeological resources and a Coastal Administrative Permit and Design Approval for a new 425 square foot guesthouse; fronting on and easterly of Sombria Court at 1207 Sombria Court, Del Monte Forest area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on April 27, 2000.

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

1. **FINDING:** The subject Combined Development Permit and Design Approval (PLN990331), as described in condition #1 of the attached Exhibit "C," and as conditioned, conforms 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 1207 Sombria Court in the Del Monte Forest area of the Coastal Zone. The parcel is zoned "LDR/2-D (CZ)" or Low Density Residential, 2 acres/unit - Design Control District. 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. 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. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 20, and any zoning violation abatement costs have been paid.

**EVIDENCE:** The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) The certified Del Monte Forest Land Use Plan
- b) The certified Monterey County Coastal Implementation Plan (Part 1, Title 20), regulations for Low Density Residential or the "LDR/2-D (CZ)" District in the Coastal Zone, and
- c) Chapter 20.147 Monterey County Coastal Implementation Plan (Part 5) regulations for development in the Del Monte Forest Land Use Plan.

**EVIDENCE:** The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, and applicable Fire Department. There has been no indication from these agencies that the site is not suitable for the proposed development. Necessary public facilities are available to the project site. Staff verification of the Monterey County Planning and Building Inspection Department records

indicated that no violations exist on subject property. The Initial Study demonstrates that no physical or environmental constraints exist that would indicate the site is not suitable for the proposed development. Each agency has recommended conditions for improvements.

**EVIDENCE:** Design Approval request form, with recommendation for approval of the project by the Del Monte Forest Land Use Advisory Committee on November 18, 1999, by a vote of 7 to 0.

**EVIDENCE:** Archaeological report prepared by Archaeological Consulting contained in the project file PLN990331. Conditions of approval have been added to mitigate potential impacts.

**EVIDENCE:** Geologic and Geotechnical Reports prepared for the project by Haro, Kasunich and Associates, Inc. and Foxx, Nielsen and Associates contained in project file PLN990331. Conditions of approval have been added to address hazards.

**EVIDENCE:** 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 the project file.

**EVIDENCE:** The on-site inspection by the project planner on February 8, 2000 to verify that the proposed project complies with the Del Monte Forest Local Coastal Plan.

**EVIDENCE:** Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

**EVIDENCE:** The Local Coastal Plan does not require access across the property per section 20.70.050.B.4.c.i and ii.

2. **FINDING:** The proposed project, including all permits and approvals, will not have any significant adverse impacts on the environment and a Negative Declaration has been adopted. Potential environmental effects have been studied and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed and mitigated, may cause a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and in consideration of testimony and information received, and scientific and factual data presented in evidence during the public review process. Mitigation measures identified in the Initial Study have been incorporated into the project, and agreed to by the applicant, to reduce any impact to an insignificant level. All applicable mitigation measures are included in the conditions of approval, which are hereby adopted as a mitigation monitoring and reporting program.

Studies, data, and reports prepared by staff from various County departments, including Planning and Building Inspection, Public Works, Environmental Health, and the Water Resources Agency, support the adoption of a Negative Declaration for the project. The custodian of the documents and materials that constitute the record of proceedings upon which the adoption of the Negative Declaration is based is the Monterey County Planning and Building Inspection Department, 240 Church Street, Salinas. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts have been submitted that refute the conclusions reached by these studies, data, and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data, and reports.

**EVIDENCE:** County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA), its Guidelines, and the Monterey County CEQA

Guidelines. The Initial Study provided substantial evidence that the project, with the addition of mitigation measures, would not have significant environmental impacts. A Negative Declaration was filed with the County Clerk on March 24, 2000 and noticed for public review. All comments received on the Initial Study have been considered as well as all evidence in the record, which includes studies, data, and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented or discussed during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data, and reports; application materials; and expert testimony. Among the studies, data, and reports analyzed as part of the environmental determination are the following:

Preliminary Archaeological Reconnaissance Report, Archaeological Consulting, July 28, 1999

Geologic Report for a Guest House Building Site, Foxx, Nielsen and Associates, September 1999

Limited Geotechnical Investigation, Haro, Kasunich and Associates, Inc., September 27, 1999

**EVIDENCE:** File and application materials; Initial Study with mitigation measures; and Negative Declaration contained in the project file.

3. **FINDING:** The design of the proposed improvements are not likely to cause substantial environmental damage or substantially or unavoidably injure fish or wildlife or their habitat.

**EVIDENCE:** A Negative Declaration has been filed for the project and no comments were received. The applicant will be required as conditions of approval to follow practices of erosion control.

**EVIDENCE:** Initial Study and Negative Declaration contained in the project file.

4. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood, or to the general welfare of the County.

**EVIDENCE:** The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, the applicable Fire Department, and the Water Resources Agency. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general.

**EVIDENCE:** File and application materials, Initial Study with mitigation measures, and Negative Declaration contained in the project file.

5. **FINDING:** The project is appealable to the Board of Supervisors and to the California Coastal Commission.

**EVIDENCE:** Sections 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan.

## DECISION

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Negative Declaration and a Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. The subject Combined Development Permit consists of a Coastal Development Permit to allow development to be located within 750 feet of archaeological resources and a Coastal Administrative Permit and Design Approval for a new 425 square foot detached guesthouse. The property fronts on and is east of Sombria Court at 1207 Sombria Court, (Assessor's Parcel Number 008-291-024-000) in the Del Monte Forest area of the Coastal Zone. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use 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 construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (Planning and Building Inspection)

### Prior to the Issuance of Grading and Building Permits:

2. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (Planning and Building Inspection)
3. The applicant shall record a notice which states: "A permit (Resolution \_\_\_\_\_) was approved by the Zoning Administrator for Assessor's Parcel Number 008-291-024-000 on April 27, 2000. The permit was granted subject to 47 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)

4. The applicant shall pay the Monterey County Initial Study fee of \$1,167.00. (Planning and Building Inspection)
5. Prior to issuance of a building permit, or use of an existing structure as a guesthouse, the applicant shall submit for review and approval of the Director of Planning and Building Inspection, and subsequently record, a deed restriction stating the regulations for guesthouses, as follows:
  - a. Only one guesthouse shall be allowed per lot.
  - b. Detached guesthouses shall be located in close proximity to the principal residence.
  - c. Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements.
  - d. The guesthouse shall contain no kitchen or cooking facilities, including but not limited to microwave ovens, hot plates, and toaster ovens.
  - e. There shall be a maximum of 6 linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of 8 square feet of cabinet space, excluding clothes closets.
  - f. Guesthouses shall not exceed 425 square feet of livable floor area.
  - g. Guesthouses shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect.
  - h. Subsequent subdivisions which divide a main residence from a guesthouse shall not be permitted.
  - i. The guesthouse shall be designed in such a manner as to be visually consistent and compatible with the main residence on site and other residences in the area.
  - j. The guesthouse height shall not exceed 12 feet nor be more than 1 story. Additions to height and placement of guesthouses over a 1-story structure, such as a garage, may be considered by Coastal Development Permit (ZA) when intended to provide for architectural consistency and compatibility with the main residence. (Planning and Building Inspection)
6. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection)
7. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. (Planning and Building Inspection)
8. The applicant shall obtain a grading permit from the Building Inspection Division. (Planning and Building Inspection)
9. Trees located close to the construction site shall be protected from inadvertent damage from construction equipment by 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. (Planning and Building Inspection Department)
10. All construction activities, including staging and materials storage, shall remain outside the area of the archaeological deposit on the parcel. The area shall be protected prior to issuance of building permits

subject to the approval of the Director of Planning and Building Inspection. (Planning and Building Inspection)

11. The location, type and size of all antennas, satellite dishes, towers, and similar appurtenances shall be approved by the Director of Planning and Building Inspection. (Planning and Building Inspection)
12. An easement shall be conveyed to the County over those portions of the property where archaeological sites exist. The easement deed to be submitted to and approved by Director of Planning and Building Inspection prior to issuance of building permits. (Planning and Building Inspection)
13. Prior to issuance of building or grading permits, a deed restriction shall be recorded with the Monterey County Recorder which states: "An Archaeology report has been prepared for this parcel by Archaeological Consulting, dated July 28, 1999 and is on record in the Monterey County Planning and Building Inspection Department file number PLN990331. All development shall be in accordance with this report." (Planning and Building Inspection)
14. Thorough control of runoff is important to the performance of the project. Surface runoff from the slopes above the residence shall be diverted or collected and discharged below the residence. (Planning and Building Inspection)
15. Surface drainage shall include provisions for positive gradients so that surface runoff is not permitted to pond adjacent to foundations and pavements. Surface drainage shall be directed away from the building foundations. (Planning and Building Inspection)
16. Roof gutters shall be placed around eaves. Discharge from the roof gutters shall be conveyed away from the downspouts by splash blocks or lined gutters. (Planning and Building Inspection)
17. A civil engineer with experience in foundation design shall evaluate the earth materials under the proposed addition and make recommendations for foundation design criteria. Foundations shall be designed for severe ground shaking. The engineer shall take into account the loose fill in the southeastern part of the proposed building site. The boundaries of the fill on the enclosed site map are approximate, so the engineer shall evaluate the earth materials in the foundation zone and make appropriate recommendations for mitigating the loose nature of the fill. (Planning and Building Inspection)
18. Conventional spread footings may be used to support the guesthouse. Footings shall be founded at least 24 inches below the lowest adjacent grade and at least 30 inches below existing grade. The base of the foundation excavations shall be compacted to provide firm, uniform support for the structure. Footings shall be at least 18 inches wide. Actual footing depths shall be determined in accordance with anticipated use and applicable design standards. The footings shall be reinforced as required by the structural designer based on the actual loads transmitted to the foundation. (Planning and Building Inspection)
19. A geologic consultant shall review the final project plans prior to construction so that the geotechnical recommendations may be properly interpreted and implemented. The recommendations presented in the geologic report require review of final plans and specifications prior to construction and upon

observation and, where necessary, testing of the earthwork and foundation excavations. (Planning and Building Inspection)

20. Prior to the issuance of a building permit, the applicant shall obtain from the Monterey County Water Resources Agency (MCWRA), proof of water availability on the property, in the form of an approved Water Release Form. (Water Resources Agency)
21. Size of letters, numbers and symbols for addresses shall be a minimum of 3 inch letter height, 3/8 inch stroke, contrasting with the background color of the sign. (Pebble Beach Community Service District Fire Department)
22. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance 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, and the address shall be visible and legible from the road on which the address is located. (Pebble Beach Community Service District Fire Department)
23. The building(s) shall be fully protected with automatic fire sprinkler system(s). The following notation is required on the plans when a building permit is applied for:

"The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection." (Pebble Beach Community Service District Fire Department)

**Prior to Final Building Inspection/Occupancy:**

24. The applicant shall comply with Ordinance No. 3932 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 & Planning and Building Inspection)
25. The site shall be landscaped. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, specie, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the

cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. (Planning and Building Inspection)

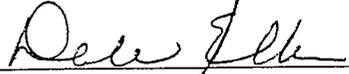
26. The applicant shall request a rezoning of the parcel to add an "HR" (Historical or Archaeological Resources) zoning designation to the existing zoning of the parcel. (Planning and Building Inspection Department)
27. Areas to be graded shall be cleared of all obstructions including loose fill, trees not designated to remain and other unsuitable material. Existing depressions or voids created during site clearing shall be determined in the field by the geologic consultant. Strippings shall be wasted off-site or stockpiled for use in landscaped areas. (Planning and Building Inspection)
28. Areas to receive engineered fill shall be scarified to a depth of six inches, moisture conditioned and compacted to at least 90 percent relative compaction. Portions of the site may need to be moisture conditioned to achieve a suitable moisture content for compaction. These areas may then be brought to design grade with engineered fill. (Planning and Building Inspection)
29. Engineered fill shall be placed in thin lifts not exceeding 8 inches in loose thickness, moisture conditioned, and compacted to at least 90 percent relative compaction. The upper 6 inches of pavement and slab subgrades shall be compacted to at least 95 percent relative compaction. The aggregate base below pavements should likewise be compacted to at least 95 percent relative compaction. (Planning and Building Inspection)
30. Fills shall be keyed and benched into firm soil or bedrock in areas where existing slope gradients exceed 6:1 (horizontal to vertical). Subdrains will be required in areas where keyways or benches expose potential seepage zones. (Planning and Building Inspection)
31. Foundation excavations shall be observed by the Geotechnical engineer prior to the placement of steel or concrete. Actual soil conditions may then be correlated to those encountered in the borings and anticipated for foundations recommendations. (Planning and Building Inspection)
32. The foundation trenches shall be kept moist and be thoroughly cleaned of all slough or loose materials prior to pouring concrete. In addition, all footings located adjacent to other footings or utility trenches shall have their bearing surfaces founded below an imaginary 1.5:1 plane projected upward from the bottom edge of the adjacent footings or utility trenches. (Planning and Building Inspection)
33. Foundations designed in accordance with the above may be designed for an allowable soil bearing pressure of 1000psf for dead plus live loads. This value may be increased by one-third to include short-term seismic and wind loads. (Planning and Building Inspection)
34. Lateral load resistance for structures supported on footings may be developed in friction between the foundation bottom and the supporting subgrade. A friction coefficient of 0.36 is considered applicable. (Planning and Building Inspection)

35. Exterior concrete slabs-on-grade shall be founded on firm, well-compacted ground. Reinforcing should be provided in accordance with the anticipated use and loading of the slab. The reinforcement shall not be tied to the building foundations. These exterior slabs can be expected to suffer some cracking and movement. However, thickened exterior edges, a well-prepared subgrade including premoistening prior to pouring concrete, adequately spaced expansion joints, and good workmanship should minimize cracking and movement. (Planning and Building Inspection)
36. The migration of water or spread of extensive root systems below foundations, slabs, or pavements may cause undesirable differential movements and subsequent damage to these structures. Landscaping shall be planned accordingly. (Planning and Building Inspection)
37. If any unexpected variations in soil conditions, or if any unanticipated geologic conditions are encountered during construction, or if the proposed project will differ from that discussed or illustrated in the geological report, the geotechnic firm shall be notified so supplemental recommendations can be given. (Planning and Building Inspection)
38. The geologic consultant shall be notified at least four working days prior to any grading or foundation excavating so the work in the field can be coordinated with the grading contractor and arrangements for testing and observation can be made. (Planning and Building Inspection)
39. If grading is performed during or shortly after the rainy season, the grading contractor may encounter compaction difficulty, such as pumping or bringing free water to the surface, in the upper surface sands. If compaction cannot be achieved after adjusting the soil moisture content, it may be necessary to overexcavate the subgrade soil and replace it with angular crushed rock to stabilize the subgrade. The estimated depth of overexcavation would be approximately 24 inches under these adverse conditions. (Planning and Building Inspection)
40. Materials used for engineered fill shall be free of organic material, and contain no rocks or clods greater than 6 inches in diameter, with no more than 15 percent larger than 4 inches. (Planning and Building Inspection)
41. Following grading, exposed slopes shall be planted as soon as possible with erosion-resistant vegetation. (Planning and Building Inspection)
42. All cut and/or fill slopes exposed during the course of construction shall be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of Planning and Building Inspection. (Planning and Building Inspection Department)
43. Permanent cut and fill slopes shall be inclined no steeper than 3:1 (horizontal to vertical), unless reviewed by the geologic consultant. (Planning and Building Inspection)
44. Prior to final inspection, the geologic consultant shall provide certification that all development has been in accordance with the geologic report. (Planning and Building Inspection)

**Continuous Permit Conditions:**

45. If during the course of construction activity on the subject property, 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 it can be evaluated by a qualified professional archaeologist. 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. (Planning and Building Inspection)
46. All landscaped areas and replanted trees shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection)
47. An archaeological monitor shall be present during initial grading for the guesthouse. If human remains or intact cultural features are discovered during construction, work shall be halted within 50 meters (165 feet) of the find until it can be evaluated by the monitor, and appropriate mitigation measures formulated and implemented. (Planning and Building Inspection)
48. After the earthwork operations have been completed and the geologic consultant has finished his observation of the work, no further earthwork operations shall be performed except with the approval of and under the observation of the geologic consultant. (Planning and Building Inspection)

**PASSED AND ADOPTED** this 27th day of April, 2000.

  
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DALE ELLIS, AICP  
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON **APR 28 2000**

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 **MAY - 8 2000**

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

NOTES

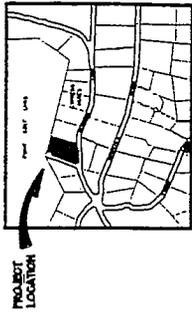
1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

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.

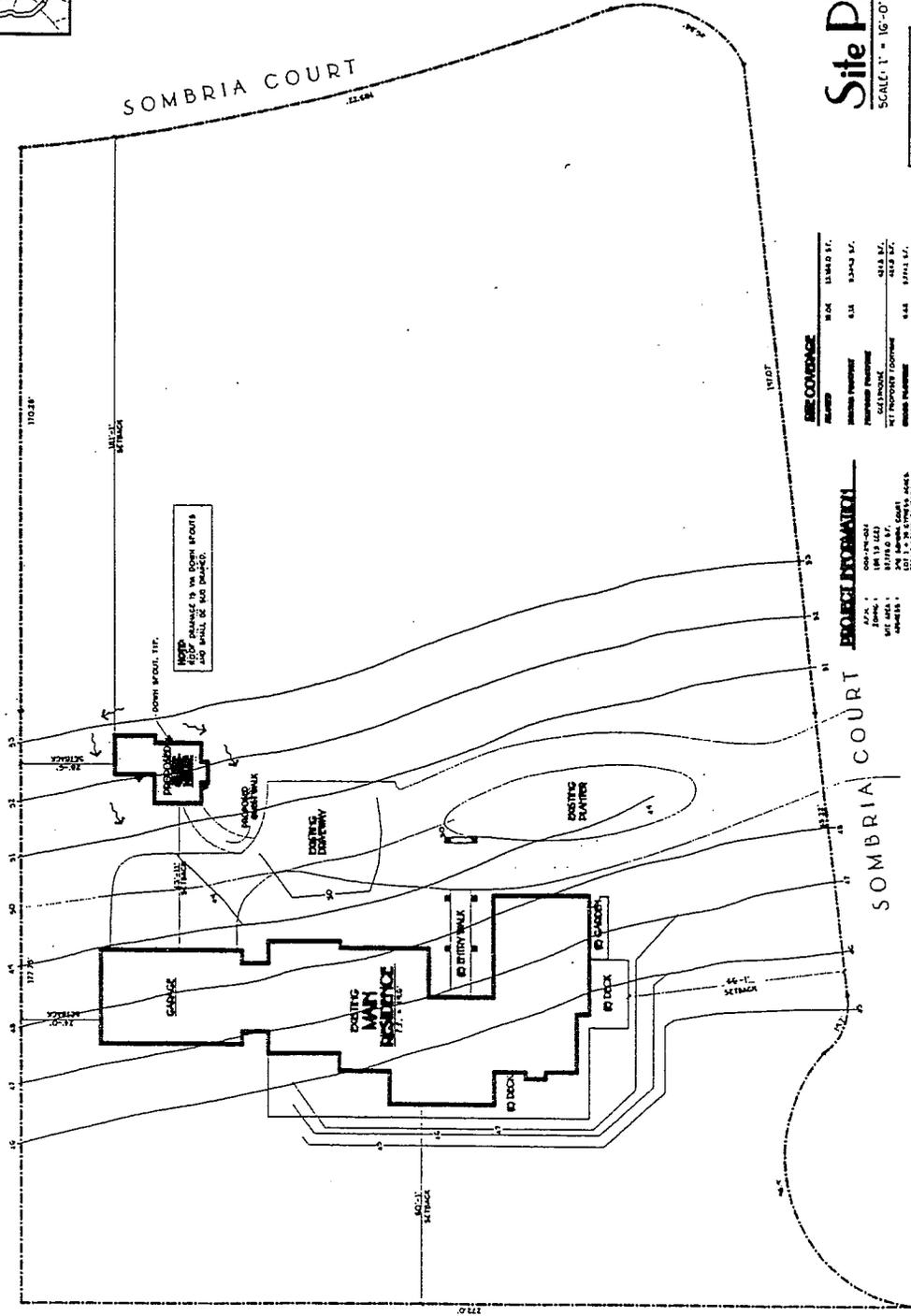
# TESCHER/LEVETT RESIDENCE GUESTHOUSE



Neighborhood Map

## SHEET INDEX

1. Site Plan
2. Guest House Plan



## Site Plan

SCALE: 1" = 16'-0"

AREA	AREA	AREA
Garage	1,100 sq. ft.	
Main Residence	3,100 sq. ft.	
Guest House	400 sq. ft.	
Driveway	400 sq. ft.	
Planters	100 sq. ft.	
<b>TOTAL</b>	<b>5,100 sq. ft.</b>	

## PROJECT INFORMATION

DATE: 10/15/04  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT NO.: [Number]  
 CLIENT: [Name]

## PERMITS

DATE: 10/15/04  
 AREA: 3,100 sq. ft.  
 PERMITS: [List]  
 TOTAL: [Sum]

## LANDSCAPE

DATE: 10/15/04  
 AREA: 1,100 sq. ft.  
 PERMITS: [List]  
 TOTAL: [Sum]

TESCHER/LEVETT RESIDENCE  
 1207 SOMBRIA COURT  
 PEBBLE BEACH, CALIFORNIA

7-19-98

8833

MAURIZIO MARRAS & ASSOCIATES  
 ARCHITECTS

REGISTERED ARCHITECTS  
 STATE OF CALIFORNIA  
 NO. 10000