

NO. 000051

A. P. # 0008-22-012-000

In the matter of the application of
Kenneth & Deborah Reitz (PLN000051)

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 Administrative Permit and Design Approval for a 151 sq. ft. first-story addition and a 1.179 sq. ft. second story addition to an existing 3,246 sq. ft. one-story single family dwelling; and a Variance of 3,050 sq. ft. from Pescadero watershed coverage requirements, located at 1504 Viscaino Road, Pebble Beach, east of the intersection of Ronda Road and Viscaino Road, Del Monte Forest area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on April 26, 2001.

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

1. **FINDING:** The subject Combined Development Permit, (PLN000051), consists of a Coastal Administrative Permit and Design Approval for a 151 sq. ft. first-story addition and a 1,179 sq. ft. second story addition to an existing 3,246 sq. ft. one-story single family dwelling; and a Variance of 3,847 sq. ft. from Pescadero watershed impervious surface coverage requirements. As conditioned, the project (except for Section 20.147.030.A.1.b. of Title 20 which is addressed by the Variance) 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 1504 Viscaino Rd, (Assessor's Parcel Number 008-222-012-000). The parcel is zoned "LDR/1.5-D (CZ)" or Low Density Residential, 1.5 acres per unit, in a Design Control area of the Coastal Zone. The site is physically suitable for the use proposed. The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights. 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, 1.5 acres per unit minimum (LDR/1.5-D(CZ)) 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.

EVIDENCE: Design Approval request form, with recommendation for approval of the project by the Del Monte Forest Land Use Advisory Committee on December 7, 2000, by a vote of 5 to 0 with the comment that "There was concern by the Committee about the excessive amount of impervious surface in this application."

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: 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:** Because of special circumstances applicable to the subject property, the strict application of Title 20 for the Pescadero Watershed structural and impervious surface coverage limitation would deprive the property owner of the privileges enjoyed by other Del Monte Forest/Pescadero Watershed area property owners to remodel and modernize older residences under an identical zone classification.

EVIDENCE: The subject property is legal nonconforming for site coverage. The existing residence and driveway/patio areas (total 15,013 square feet) are well in excess of the allowable 9,000 square foot combined structural and impervious surface coverage limitation.

EVIDENCE: The intent of the Pescadero Watershed coverage limitations is to reduce the amount of storm water runoff into Carmel Bay, thereby protecting an area of marine biological significance. The applicant will implement the intent of the Pescadero Watershed coverage policy by significantly reducing the legal nonconforming 10,961 square feet of impervious surface coverage (existing driveway, walkways and patios). The applicant will reduce the impervious surface coverage to 7,847 square feet by removing a portion of the driveway and a parking pad. In addition, the applicant shall install a drainage system to retain all storm water on the property. Although completion of the proposed project will still result in the property coverage exceeding the 9,000 square foot combined structural and impervious surface coverage limitation, there will be a net reduction in overall coverage. Therefore, reduced site coverage will reduce the amount of surface runoff, which is the intent of the Pescadero Watershed policy.

EVIDENCE: Justification Letter provided by applicant and materials in File 000051.

3. **FINDING:** The variance request from the strict application of Title 20 as it pertains to the Del Monte Forest/Pescadero Watershed structural and impervious surface coverage limitation would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the project vicinity and zone in which such property is situated.

EVIDENCE: Numerous properties in the Del Monte Forest/Pescadero Watershed have been granted variances related to the Pescadero Watershed coverage limitations. Said variances are on file at the Monterey County Planning and Building Inspection Department.

4. **FINDING:** The proposed project will not have a significant environmental impact.

EVIDENCE: Section 15301(e2) of the Monterey County CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during review of the proposed development application.

EVIDENCE: File and application materials contained in the project file.

5. **FINDING:** The establishment, maintenance, and operation of the proposed development applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working 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, the applicable Fire Department, Public Works and Parks Departments, Environmental Health Division, and the Water Resources Agency. The respective departments and Agencies 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 contained in the project file to include Findings and Evidence 1 through 4 listed above.

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 following conditions:

1. The subject Combined Development Permit, (PLN000051, Reitz), consists of a Coastal Administrative Permit and Design Approval for a 151 sq. ft. first-story addition and a 1,179 sq. ft. second story addition to an existing 3,246 sq. ft. one-story single family dwelling; and a Variance to exceed the Pescadero watershed coverage requirements. The property is located at 1504 Viscaino Rd (Assessor's Parcel Number 008-222-012-000), east of the intersection of Ronda Rd and Viscaino Rd, Del Monte Forest Land Use Plan. 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 000051) was approved by the Zoning Administrator for Assessor's Parcel Number 008-222-012-000 on April 26, 2001. The permit was granted subject to 24 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. 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)
5. 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)
6. The applicant shall obtain a grading permit from the Building Inspection Division. (Planning and Building Inspection)
7. 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)
8. 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 Services District Fire Department)

9. The building(s) shall be fully protected with an automatic alarm system(s). The following notation is **required on the plans** when a building permit is applied for:

“The building(s) shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by National Fire Protection Association Standard 72 - 1993 Edition. Plans and specifications for the fire alarm system must be submitted and approved by the enforcing jurisdiction prior to requesting a framing inspection. All fire alarm system inspections and acceptance testing shall be in accordance with Chapter 7 of NFPA 72 - 1993.” (Pebble Beach Community Services District Fire Department)-**Condition applies only if the owner chooses a combination alarm system.**
10. All stormwater runoff shall be contained on site as shown on an approved drainage control plan. (Planning and Building Inspection Department)
11. Prior to issuance of grading or building permits, a drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts, to include retention/percolation facilities to mitigate the impact of impervious surface stormwater runoff. Necessary improvements shall be constructed in accordance with approved plans. (Water Resources Agency)
12. Spacing of boards on all new wood decking shall have be a minimum of ¼-inch to allow for permeability of the structure. Deck spacing shall be indicated on the building plans prior to issuance of the building permit, and shall be verified prior to final. (Planning and Building Inspection Department)
13. 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)

Prior to Final Building Inspection/Occupancy:

14. 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)
15. 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

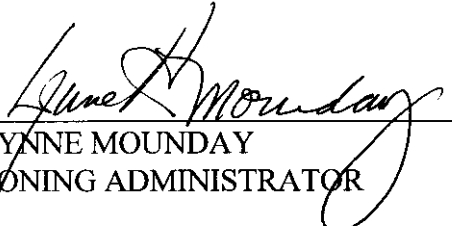
cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. (Planning and Building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

16. Where gates are to be locked, the Reviewing Authority having jurisdiction may require installation of a key box or other acceptable means to immediate access for emergency equipment. (Pebble Beach Community Services District Fire Department)
17. The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting the imposed load of fire apparatus (60,000 lbs. All Weather). (Pebble Beach Community Services District Fire Department)
18. All impervious pavers shall conform to County standards of 40 percent or greater open pass-through area. Engineering calculations shall be provided to and approved by the Director of Planning and Building Inspection prior to final occupancy. (Planning and Building Inspection)
19. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. (Pebble Beach Community Services District Fire Department)
20. 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 Services District Fire Department)

Continuous Permit Conditions:

21. 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)
22. 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)
23. Removal of indigenous vegetation and land disturbance shall be restricted to only those amounts necessary for the construction of approved project. (Planning and Building Inspection)
24. 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)

PASSED AND ADOPTED this **26th** day of **April, 2001**.



LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON **MAY - 3 2001**

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 14 2001**

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

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.

