

NO. 000407

A. P. # 008-453-002-000

In the matter of the application of
John and Rebecca Brodersen (PLN000407)

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 for the demolition of an existing one story single family dwelling and detached garage and the construction of a two-story single family dwelling with an attached garage and grading (approximately 1,333 cubic yards cut and 1,333 cubic yards fill), and Design Approval; Coastal Development Permit for the removal of a single three-trunked oak tree (12", 13", and 16" diameter at breast height), located at 3324 Stevenson Road, with an additional frontage on Padre Lane, south of intersection with Padre Lane, Pebble Beach, Del Monte Forest Land Use Plan, 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 Coastal Administrative Permit (PLN 000407), as described in condition #1 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, 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 3324 Stevenson Road in the Del Monte Forest Area of the Coastal Zone. The parcel is zoned "LDR/1.5-D (CZ)" or Low Density Residential, 1.5 acres/units Design Control District in the Coastal Zone. The site is physically suitable for the use proposed. The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.
EVIDENCE: The application and plans submitted for the Combined Development Permit in the project file at the Monterey County Planning and Building Inspection Department.
EVIDENCE: The site is located in a low (III) geologically zoned area. While there are faults and fault related features in the area, the site is suitable for the development proposed.
EVIDENCE: Historic analysis prepared by Enid Sales of Historic Preservation Associates, March 2, 2001.
EVIDENCE: The Forest Management Plan prepared by Rob Cain, Certified Arborist, WC-ISA #1557, dated February 16, 2001.
EVIDENCE: The project as proposed is consistent with policies of the Del Monte Forest Land Use Plan dealing with visual resources and will have no significant impact on the public viewshed. Staff made a site visit and determined that the project as proposed would not be ridgeline or impact the public viewshed.
EVIDENCE: The project application and site plan contained in file PLN000407, which proposes structural coverage of 5,000 square feet and impervious surface coverage of under 4,000

square feet, is consistent with Section 20.147.030.A.1 limiting structural and impervious surface in the Pescadero, Seal Rock Creek and Sawmill Gulch Watershed and the smaller unnamed watersheds which drain into the Carmel Bay Area of Special Biological Significance.

EVIDENCE: An archaeological report, prepared by Mary Doane, B.A. and Trudy Haversat, RPA, of Archaeological Consulting, contained in the project file, shows that the project as proposed is consistent with policies of the Del Monte Forest Land Use Plan dealing with development in archaeologically sensitive areas. No identifiable archaeological resources were located on site. Condition #22 has been added to require that work be stopped in the event that any archaeological resources are found on site.

EVIDENCE: The Del Monte Forest Land Use Advisory Committee reviewed and recommended approval of the Administrative Permit and Design Approval on September 19, 2000.

EVIDENCE: There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, the applicable Fire Department, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

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

EVIDENCE: Section 15303(a) of the CEQA Guidelines categorically exempts the proposed development, a single-family residence in a residential zone, from environmental review. No adverse environmental impacts were identified during staff review of the development application.

3. **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 material was reviewed by the Department of Planning and Building Inspection, applicable Fire Department, Public Works and Parks Departments, Environmental Health Division, and Water Resources Agency. The respective departments and Agency 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.

4. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of Title 20, and all zoning violation abatement costs, if any, have been paid.

EVIDENCE: Sections 20.14 and Chapter 20.147 of the Monterey County Coastal Implementation Plan. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

5. **FINDING:** The project is appealable to the Board of Supervisors and 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 Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. Combined Development Permit consisting of a Coastal Administrative Permit for the demolition of an existing one story single family dwelling and detached garage and the construction of a two-story single family dwelling with an attached garage and grading (approx. 1333 c.y. cut and 1333 c.y. fill), and Design Approval; Coastal Development Permit for the removal of a single three-trunked oak tree. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. **(Planning and Building Inspection Department)**

Prior to issuance of Grading or 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 Department)**
3. The applicant shall record a notice which states: "A permit (Resolution 000407) was approved by the Zoning Administrator for Assessor's Parcel Number's 008-341-037-000 on April 26, 2001. The permit was granted subject to 23 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 Department)**

4. 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. **(Pebble Beach Community Services District)**
5. Size of letters, numbers and symbols for address 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)**
6. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance visible from both directions of travel along the road. In all cases, the address shall be posed 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)**
7. 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." [Garage Included] **(Pebble Beach Community Services District)**
8. (THE FOLLOWING ALARM REQUIREMENT APPLIES ONLY IF A FIRE/INTRUDER ALARM IS PLANNED.) 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)**
9. The applicants shall obtain from the Monterey County Water Resources Agency (MCERA), proof of water availability on the property, in the form of an approved Water Release Form. **(Water Resources Agency)**
10. 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)**
11. All impervious pavers shall conform to County standards of 40 percent or greater open pass-through area. Engineering calculations shall be provided and approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection Department)**
12. 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. That the applicant shall submit 2

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 Department)**

13. 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)**
14. All stormwater runoff shall be contained on site. **(Planning and Building Inspection)**
15. The applicant shall record a deed restriction which states: "A Forest Management Plan has been prepared for this parcel by Rob Cain, Certified Arborist, WC-ISA #1557, dated February 16, 2001 and is on record in the Monterey County Planning and Building Inspection Department Library, File #PLN000407. All tree removal on the parcel must be in accordance with the Forest Management Plan, as approved by the Director of Planning and Building Inspection." This notice shall be recorded prior to issuance of building or grading permits. **(Planning and Building Inspection Department)**
16. The applicant shall record a deed restriction which states: "The driveway shall be installed and maintained as pervious material to allow for permeability of stormwater. At no time shall the material be replaced with an impervious material without the authorization and/or permit approval from the Monterey County Planning & Building Inspection Department and the Pebble Beach Community Services District Fire 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 Department)**
17. The applicant shall obtain a grading permit from the Building Inspection Division. **(Planning and Building Inspection)**
18. 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)**

Prior to Final Building Inspection/Occupancy:

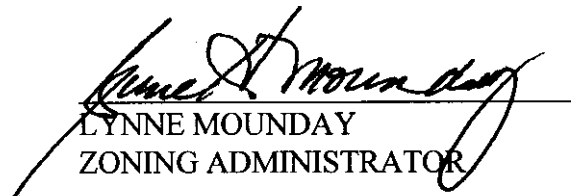
19. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
 - a. All toilets shall be ultra-low flush toilets 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)**

20. 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. One three-trunked oak tree was approved for removal within the development area. This tree shall be replaced by a total of six Coast live oak trees of 24-inch box size or larger, consistent with the recommendations contained in the Forest Management Plan prepared by Rob Cain. A replacement plan shall be included as part of the required landscape 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)

Continuous Permit Conditions:

21. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition and be maintained consistent with the recommendations contained in the forest management plan prepared by Rob Cain and specifically shown on pages 4 through 6. **(Planning and Building Inspection Department)**
22. If, during the course of construction, cultural, archaeological, historical or palentological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (150 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 Department)**
23. 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 Department)**

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


LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON APR 27 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 - 7 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.

Drawn by
 Drawing Date: 11/10/00
 Date Issued for Construction

See THE DETAILS SHEET FOR
 CONSTRUCTION NOTES

Sheet No. **A1.2**

SITE PLAN
 1/8" = 1'-0"

