

RESOLUTION NO. 000491

A. P. # 008-592-015-000

In the matter of the application of  
**Lloyd M. Townley (PLN000491)**

**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, consisting of a Coastal Administrative Permit and Design Approval for a 450 sq. ft. addition to an existing 2,885 sq. ft. two-story single family residence and a Variance to increase the floor area ratio from 27.5% to 31.8%; located at 4106 Pine Meadows Way, Pebble Beach, west of Sunset Lane and south of Sunridge Road, Del Monte Forest area, came on regularly for meeting before the Zoning Administrator on May 31, 2001.

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

1. **FINDING:** The Townley Combined Development Permit (PLN000491) consists of a Coastal Administrative Permit, Variance, and Design Approval for a 450 sq. ft. addition to an existing 2,885 sq. ft. two-story single family residence and a Variance to increase the Floor Area Ratio (FAR) from 27.5% to 31.8% The property is located at 4106 Pine Meadows Way in Del Monte Forest (Assessor's Parcel Number 008-592-015-000). The parcel is zoned "MDR/2-D (CZ)" or Medium Density Residential, 2 units per acre, Design Control District. Except for the Variance request, the project described in the application and accompanying materials, and as conditioned, conforms with the plans, policies, requirements and standards 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 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. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, or any other applicable provisions of Title 20. Zoning violation abatement costs, if any, 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, Regulations for Medium Density Residential/Design Control or "MDR/2-D (CZ)" Zoning District in the Coastal Zone, and
- c) Chapter 20, Section 20.12.060 of the Monterey County Coastal Implementation Plan, Regulations for development in the Del Monte Forest Land Use Plan.

**EVIDENCE:** The application and plans submitted for the Variance, including the justification letter, located in the project file at the Monterey County Planning and Building Inspection Department.

**EVIDENCE:** Design Approval Request form with plans recommended for approval by the Del Monte Forest Land Use Advisory Committee.

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

**EVIDENCE:** Site visit by the planner on December 12, 2000 confirmed that the proposed project will not have any significant adverse visual effects and compliance with policies in the Monterey County Local Coastal Program.

**EVIDENCE:** The subject property is not described as an area where the Local Coastal Program requires access.

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

**EVIDENCE:** Section 15301 of the CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.

3. **FINDING:** Because of special circumstances applicable to subject property, including the size, shape, topography, location or surroundings, the strict application of Title 20 is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under an identical zone classification.

**EVIDENCE:** The 10,482 square foot property is small in size. The existing residence is located on the northeastern section of the parcel. The property is highly forested toward the rear of the lot, which slopes steeply towards the far end. The parcel is covered with Coast Monterey Pines as well as other vegetation. As a result, special circumstances exist on the parcel, which include the small size of the lot, its unusual shape, the steep slopes on the rear of the property, and the highly forested areas on the property.

**EVIDENCE:** The application and plans submitted for the Variance, including the justification letter, in the project file at the Monterey County Planning and Building Inspection Department.

4. **FINDING:** The Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

**EVIDENCE:** The application and plans submitted for the Variance, including the justification letter, in the project file at the Monterey County Planning and Building Inspection Department.

**EVIDENCE:** The proposed addition to the existing single-family residence will not result in a special privilege for the applicant. Several existing single-family residences in the same area also exceed FAR requirements and have been granted Variances for an increase in FAR.

5. **FINDING:** The Variance does not grant a use or activity that is not otherwise expressly authorized by the zone regulation governing the parcel of property.

**EVIDENCE:** The use is allowed per Section 20.12.120, "Principal Uses Allowed" in the MDR/2-D (CZ) zoning district.

6. **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:** Preceding findings and supporting evidence.

7. **FINDING:** The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

**EVIDENCE:** Sections 20.78.050.E, 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. The Combined Development Permit (PLN000491) consists of a Coastal Administrative Permit and Design Approval for a 450 sq. ft. addition to an existing 2,885 sq. ft. two-story single family residence and a Variance to increase the floor area ratio from 27.5% to 31.8% The property is located at 4106 Pine Meadows Way (Assessor's Parcel Number 008-592-015-000) in Del Monte Forest. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or 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 Issuance of Building and Grading 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 000491) was approved by the Zoning Administrator for Assessor's Parcel Number 008-592-015-000 on May 31, 2001. The permit was granted subject to 8 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. 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 for the sign. **(Pebble Beach Community Services Fire Department)**
5. 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 Fire Department)**

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

6. 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)**
7. 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)**

#### **Continuous Permit Conditions**

8. If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until 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)**
9. All landscaped areas and/or fences shall be continuously maintained by the property owner and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**

**PASSED AND ADOPTED** this 31st day of May, 2001.

  
LYNNE MOUNDAY  
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON **JUN 11 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 **JUN 21 2001**

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS. IT IS NOT APPEALABLE TO 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 90<sup>th</sup> day following the date on which this decision becomes final.

NOTES

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

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Monterey.

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

**Site Conditions Calculations**

Calculation	Result
Site Area	10,000
Building Footprint	1,114
Open Space	8,886
Total Existing Footprint	1,114
Building Site Coverage	11.14%

  

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**Owner:**  
 Mr. and Mrs. Lloyd Townley  
 10000 Pebble Beach, California 95019  
 APN: 004-004-010-000



Site Plan

