CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
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Hearing Date:	2/15/2000
Open and Continued::	12/14/2000
Commission Action:	

STAFF REPORT: SAN GIACOMO APPEAL SUBSTANTIAL ISSUE DETERMINATION

APPEAL NUMBER:	**A-3-MCO-00-150, San Giacomo**
LOCAL GOVERNMENT:	MONTEREY COUNTY
DECISION:	Resolution #00-309 approved with conditions, July 11, 2000; Corrected Final Local Action received November 13, 2000.
APPLICANT:	Angelo and Yvonne Li San Giacomo
APPELLANTS:	Wheeler and Nancy Farrish
PROJECT LOCATION:	1568 Cypress Drive, Del Monte Forest, Monterey County (APN 008-411-007).
PROJECT DESCRIPTION:	Demolition of existing 3,718 sf one-story single family dwelling and construction of new 11,084 sf one-story single family dwelling; with variances to exceed Pescadero Watershed coverage limits and maximum lot coverage.
FILE DOCUMENTS:	Monterey County Certified Local Coastal Program; Local Combined Development Permit PLN990314.

1 EXECUTIVE SUMMARY

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal has been filed. Staff has determined that Resolution # 00-309, which includes 18 special conditions established by the Board of Supervisors, conforms to the standards set forth in the Monterey County Certified Local Coastal Program, which includes the Del Monte Land Use Plan, the Coastal Implementation Plan Part 5 – Regulations for Development in the Del Monte Forest Land Use Plan Area, and Title 20 (Zoning Ordinance).

The County's action allows for the demolition of an existing 3,718 sf one story single family dwelling, and construction of an 11,084 sf one-story, single family dwelling, a variance to exceed the 9,000-sf Pescadero Watershed structural and impervious surface limitation, and a variance to exceed the maximum allowable lot coverage of 15%. The project is located in the Del Monte Forest area of the Coastal Zone in Monterey County (project location and site vicinity maps are shown in Exhibits A and B, respectively). The property (APN 008-411-007) is an irregular "triangular" shaped parcel located at 1568 Cypress Drive, in Pebble Beach. The 1.23 acre parcel is an non-conforming legal lot of record located in an area zoned LDR/1.5 (CZ), or Low Density Residential 1.5 acres per unit. The parcel fronts and lies westerly of Cypress Drive, and between the 17th and 18th fairways of the Pebble Beach Golf Links (See Exhibit B Vicinity Map).

The appellants contend (1) that the project does not comply with the Local Coastal Program in that approval of the project allows development in excess of the 15% allowable structural coverage limit, (2) the design is not sensitive to the aesthetic and visual requirements of the LCP, (3) the development doesn't match neighboring residences which do comply with the 15% building limit and (4) issuance of variances undermines the integrity of the land use plan. The full appeal is attached as Exhibit F.

As discussed in the substantial issue section of this report, the approved project is consistent with applicable regulations for development as established by the Monterey County Local Coastal Plan (LCP). Monterey County's LCP provides for the granting of variances for coverage and the County made all of the required findings to issue such a variance. The parcel is deed restricted to one-story structures, which poses a special circumstance not imposed on all other parcels within the zoning district; therefore a variance to the 15% lot coverage was granted. The project, though limited by the pre-existing deed restriction for height, is consistent with the Floor Area Ratio, which helps to maintain the mass and bulk of structures relative to the parcel size. Therefore, the approved development is consistent with other similar parcels located in the LDR/1.5(CZ) zoning district. The design is also consistent with the visual resource policies of the LCP and is compatible with other large homes that characterize the Pebble Beach area. Therefore the appellants' contentions raise no substantial issue with regard to policies of the LCP.

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2 STAFF REPORT CONTENTS

3 LOCAL GOVERNMENT ACTION

The Monterey County Zoning Administrator first issued a Combined Development Permit (Resolution # 990314) for a Coastal Development Permit to demolish an existing 3,718 sf single family dwelling; Coastal Administrative Permit and Design Approval to construct a new 11,350 sf single story single family dwelling; a Variance to exceed the Pescadero Watershed structural and impervious surface limitations; and a Variance to exceed the maximum allowable lot coverage of 15 percent, on May 11, 2000. While the project originally requested a variance to allow 21% site coverage, Resolution 990314 restricted the project not to exceed structural lot coverage of 17.5% (or 9,376 sf) of the 1.23-acre lot.

Resolution 990314 was appealed to the Board of Supervisors by the applicants, who disagreed with certain conditions of approval (conditions 11, 15, 17 and 18, which required lot coverage limit of 17.5%, tree replacement for one 13" Oak tree removed by construction, exterior colors and materials to be used, and no additional building footprint for remodel of existing guesthouse, respectively). The applicant's appeal also claimed that there was no basis to deny the variance request for the proposed lot coverage.

The Board of Supervisors heard the appeal against Zoning Administrator's Resolution 990314 on July 11, 2000. The Board of Supervisors upheld the appeal and adopted Resolution 00-309 granting approval of the demolition, and construction of an 11,084 sf single- story, single family dwelling, a variance to exceed the total 9,000-sf Pescadero Watershed structural and impervious surface limitation, and a variance to exceed the 15% maximum allowable lot coverage. The Board's Resolution 00-309 allows total site coverage of 21%, but also requires that the project retain all stormwater runoff on site using a 1,500 gallon cistern-water detention pond (finding 8), use pervious materials for portions of the driveway, patio & walkway (condition 11), and perform tree removal in accordance with the Forest Management Plan prepared for the parcel (condition 13). The conditions specifying the exterior materials and colors to be used, and guesthouse remodeling requirements were not included in Resolution 00-309.

The Coastal Commission received an appeal of the Board's action from Nancy and Wheeler Farrish on July 26, 2000. However, the Commission did not receive the local government's final notice of the Board's action until November 13, 2000. Commission staff then confirmed that the Farrish's still wanted to appeal, and subsequently filed their appeal. As the County record of the project was not received prior to the December 2000 Commission Hearing, the Commission opened and continued a public hearing of the appeal on December 14th, 2000.

It should be noted that the Final Local Action Notice for Resolution 00-309 includes corrections for the total amount of existing (10,107 sf) and proposed (2,357 sf) impervious surfaces (as shown on page 10 and 11 of the Corrected Copy of the Resolution; see Exhibit E), which had been given different values in other previous documentation of the project.

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4 APPEAL PROCEDURES

Coastal Act section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This project is appealable because it is located between the sea and the first public road paralleling the sea.

The grounds for appeal under section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified local coastal program or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a *de novo* coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under section

30604(b), if the Commission conducts a *de novo* hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter Three of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone.

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5 STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

MOTION: ***I move that the Commission determine that Appeal No A-3-MCO-00-150 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.***

STAFF RECOMMENDATION:

Staff recommends a **Yes** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION TO FIND NON-SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. ***A-3-MCO-00-150*** does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Program and/or the public access and recreation policies of the Coastal Act.

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6 RECOMMENDED FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

6.1 Project Location and Description

The San Giacomo property (APN 008-411-007) is an irregular "triangular" shaped parcel located at 1568 Cypress Drive, in the Del Monte Forest area of Monterey County (See Exhibit A. Regional Map). The 1.23 acre parcel is a non-conforming legal lot of record located in an area zoned LDR/1.5 (CZ), or Low Density Residential 1.5 acres per unit. The parcel fronts and lies westerly of Cypress Drive, and between the 17th and 18th fairways of the Pebble Beach Golf Links (See Exhibit B Vicinity Map and Exhibit C Parcel Map). All properties fronting the 4th and 18th holes of the Pebble Beach Golf Links are limited to one-story structures by deed restriction (Exhibit I). As the subject parcel fronts the 18th hole of the Golf Links, the proposed residence is also limited to one-story.

The project is also located within the Pescadero Watershed, which drains to the Carmel Bay, an Area of Special Biological Significance due to the environmentally sensitive aquatic habitats present.

The County's approval allows for the demolition of an existing 3,718 sf one-story single family dwelling and construction of a new 11,084 sf one-story single family dwelling (which includes 9,327 sf of interior floor space and 1,757 sf of covered porch space). The project also proposes to reduce the amount of impermeable paved surfacing, from an estimated 10,107 sf of existing paved surfacing to 2,357 sf (which includes the 1,757 sf of covered porch area and another 600 sf of uncovered patio area), for a total impervious coverage of 11,684 sf. As shown on the plans, the entry drive and parking area would be constructed using pervious surfacing materials (Exhibit D).

While the total coverage is an overall reduction in impervious surface coverage of 2,141 sf, the project still exceeds the 9,000-sf limit (5,000-sf structural coverage and 4,000-sf paved surface) limit for development within the Pescadero Watershed. However, the County's action also requires that the applicants retain all stormwater on the property by installation of a new drainage system and 1,500 gallon cistern-water detention pond. This condition serves to protect water quality within the Pescadero Watershed and the Carmel Bay ASBS, and hence accomplishes the water quality protection goal of limiting total impervious surfaces. The actual drainage plans show a 1,500-gallon sand/oil interceptor and a 15,000-gallon storm water/irrigation storage tank for detention of stormwater runoff and reuse for irrigation.

The project additionally calls for the removal of one cypress tree to allow construction of the new residence, however tree removal will be in accordance with the Forest Management Plan, which indicates that this tree was planted, rather than naturally occurring on site. The project will also retain most of the existing hedge that surrounds the property. The project also proposes to screen the structure by adding a new stone wall and additional hedging along the north side of the parcel, and along Cypress Drive.

6.2 Substantial Issue Analysis – Consistency with Local Coastal Program

6.2.1 APPELLANT'S BASIS FOR APPEAL

The appellants contend (1) that the project does not comply with the Local Coastal Program in that approval of the project allows development in excess of the 15% allowable structural coverage limit, (2) the design is not sensitive to the aesthetic and visual requirements of the LCP, (3) the development doesn't match neighboring residences which do comply with the 15% building limit and (4) issuance of variances undermines the integrity of the land use plan. The full appeal is attached as Exhibit F.

6.2.2 SITE COVERAGE

6.2.2.1 Appellants' Contention

The appellants contend that by granting a variance, the County's approval of the project allows for development in excess of the 15% allowable structure limit. The appellants further contend that allowance of variances undermines the integrity of the Land Use Plan.

6.2.2.2 Relevant LCP Policy

Section 20.14.060.E of the Monterey County Local Coastal Program (Zoning Ordinance) limits Building Site Coverage to a maximum of 15%.

Coverage is defined under Section 20.06.250 to mean:

> *"any area covered by a structure, structures or structure protrusions including decks twenty-four inches or more above grade but not including building eaves of thirty inches or less and similar non-usable areas, paved driveways, sidewalks, paths, patios and decks less than twenty-four inches above grade."*

Zoning Ordinance Section 20.78 of the LCP allows modifications to setback, coverage, height, building site area, floor area ratio and development standard regulations, when, as required by Section 20.78.040, it can be found:

A. *That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of [the Zoning Ordinance] is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications; and*

B. *That the variance not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such propoerty is situated.*

C. A Variance shall not be granted for a use or activity, which is not otherwise expressly authorized by the zone regulation governing the parcel or property.

Additionally, Section 20.78.050.C indicates that additional conditions can be required by the appropriate authority (in this case, the Board of Supervisors) in connection with the Variance "...as deemed reasonable and necessary under the circumstances to preserve the integrity and character of the zoning district and to secure the general purposes of [the zoning ordinances]."

6.2.2.3 Analysis

The subject parcel is 1.3 acres (53,579 sf). The 15% site coverage limitation would allow for a structure that is 8,037 sf. The County approved the applicants' request for a variance of the maximum site coverage, and allows for a total site coverage of 11,084 sf, which is nearly 21% of the site. As defined above, the 11,084 sf site coverage for the subject property includes 9,327 sf of interior floor space and 1,757 sf of covered porch space (or loggias as shown on the plans; Exhibit D).

As the parcel fronts the 18th fairway of the Pebble Beach Golf Links, any development on the subject parcel is restricted by deed to be no more than one story in height. This deed restriction has been required for all houses that front the 4th and 18th fairways of the Pebble Beach Golf Links, but is not required for all parcels within the LDR zoning district. As this puts limitations on the subject site that are not imposed on all parcels within this zoning district, the County is allowed, as provided by Section 20.78.040.A, above, to grant a variance due to the special circumstances of the subject parcel. The County's final action (Resolution 00-309) makes the findings required by Section 20.78.040 above to grant such a variance, and indicates that several adjacent homes along the 18th fairway also exceed the 15% lot coverage requirement. The resolution also indicates that although the approved development would exceed the 15% lot coverage, it is consistent with the 17.5% Floor Area Ratio that serves to control the basic bulk and mass of structures relative to property size within the LDR zoning district. As shown on Exhibit G, the size of the residence is also in line with other properties in the area, which includes site coverage in the range of 8,000 to 15,000 sf (see also photos in Exhibit H).

6.2.2.4 Conclusions

The County has acted in a manner that is provided for by the certified LCP, since the granting of a variance for site coverage is permissible by the LCP, and the County has made all required findings for granting such a variance. Therefore the appellants' contentions regarding site coverage limits and the issuance of a variance undermining the integrity of the LCP does not raise a substantial issue with regard to conformance with policies of the LCP.

6.2.3 VISUAL AND AESTHETIC RESOURCES

6.2.3.1 Appellants' Contention

The appellants contend that the project design is not sensitive to aesthetic and visual requirements of the LCP and that the project design does not match neighboring residences that do comply with the 15% building site coverage limitation.

6.2.3.2 Relevant LCP Policy

The appellants refer to the Del Monte Forest Area Planning Goals listed on page viii of the Del Monte Forest Land Use Plan:

- *to minimize the adverse effects of visual and aesthetic factors of development through the application of sensitive design*
- *to obtain an optimum match between land uses, existing facilities, and natural resources*

The language of this section of the Del Monte Forest LUP indicate that these are not actual policies of the LUP, but rather goals designed to protect coastal resources. Some relevant LCP policies include the following:

LUP Policy 51. *Areas within visually prominent settings identified on the LUP Visual Resources Map, when proposed for development, should be developed so that the lots and/or buildings are situated to allow the highest potential for screening from view the development and its access roads...*

LUP Policy 55. *...New structures shall be designed to harmonize with the natural setting and not be visually intrusive.*

LUP Policy 56. *Design and siting of structures in scenic areas should not detract from scenic values of the forest, stream courses, ridgelines, or shoreline. Structures, including fences, shall be subordinate to and blended into the environment, using appropriate materials to achieve that effect...*

LUP Policy 57. *Structures in scenic areas shall utilize native vegetation and topography to provide screening from the viewing area....*

6.2.3.3 Analysis

The subject parcel is located within the area visible from Pont Lobos and within the view area from 17-Mile Drive and vista points. The zoning ordinance Section 20.14.060.C allows for a height limit of 30 feet for development in the LDR/1.5 (CZ) zoning district. However, a one-story height limit has been placed on properties that front the 4th and 18th fairways by deed restriction (see Exhibit I). As described by staff of the Pebble Beach Company (the original developers), the intent of the deed restriction is to maintain a low profile for houses located

adjacent to the premier golf holes on the course, which is one of the main scenic resources located along the coast.

As required by the deed restriction, the project approved by the County has been designed as a one-story structure, similar to other residences which front the 4th and 18th fairways of the Pebble Beach Golf Links. The design has incorporated the use of existing hedging along with new hedging to screen the structure from Cypress Drive and from views across the 17th fairway. While the design will be visible from the shoreline and 18th fairway, it will maintain the low profile of the existing one-story structure, which can also currently be viewed from these locations. The existing low hedge adjacent to the golf cart trail south of the site will also remain. The design is consistent with the surrounding area, which is known for the grand custom built homes that surround the fairways of one of the worlds best known golf courses, and so does not detract from the scenic value of the existing setting.

Other areas zoned LDR/1.5(CZ) are allowed to build up to 30 foot high, and so are able to build homes with greater than one story. These parcels are thereby provided with the ability to more easily conform to the 15% building coverage by building upward. However, while much larger in scale than the existing structure, the floor area ratio for the new structure is consistent with the 17.5% floor area ratio required for the LDR/1.5(CZ) zoning district.

6.2.3.4 Conclusions

The project, though limited by a pre-existing deed restriction for height, is consistent with the Floor Area Ratio, which helps to maintain the mass and bulk of structures relative to the parcel size. Therefore, the approved development is consistent with other similar parcels located in the LDR/1.5(CZ) zoning district. The project has been designed in a manner that is compatible with the visual resource policies of the LCP and is compatible with other large homes that characterize the Pebble Beach area. Therefore, the appellants' contentions do not raise a substantial issue with regards to aesthetic and visual requirements of the LCP.

6.3 Substantial Issue Analysis – Conclusions

In conclusion, the appeal does not raise a substantial issue in terms of compliance with the LCP policies related to site coverage, aesthetic and visual resources and variances. As conditioned, Resolution # 00-309 does conform with LCP policies of the Monterey County Certified Local Coastal Policy, which includes the Del Monte Forest Area Land Use Plan and Title 20 Zoning Ordinances. Additionally, while the project does not provide any additional public access, it has no adverse impact on public access, either cumulatively or individually. Adequate public access and recreational opportunities are provided adjacent to the subject parcel, and throughout the Pebble Beach area. Additionally, shoreline access is available at the nearby Stillwater Cove, which can be reached via Cypress Drive. Therefore the project is in conformance with the public access and public recreation policies of the Coastal Act and LCP, and does not interfere with any form of historic public use or trust rights.

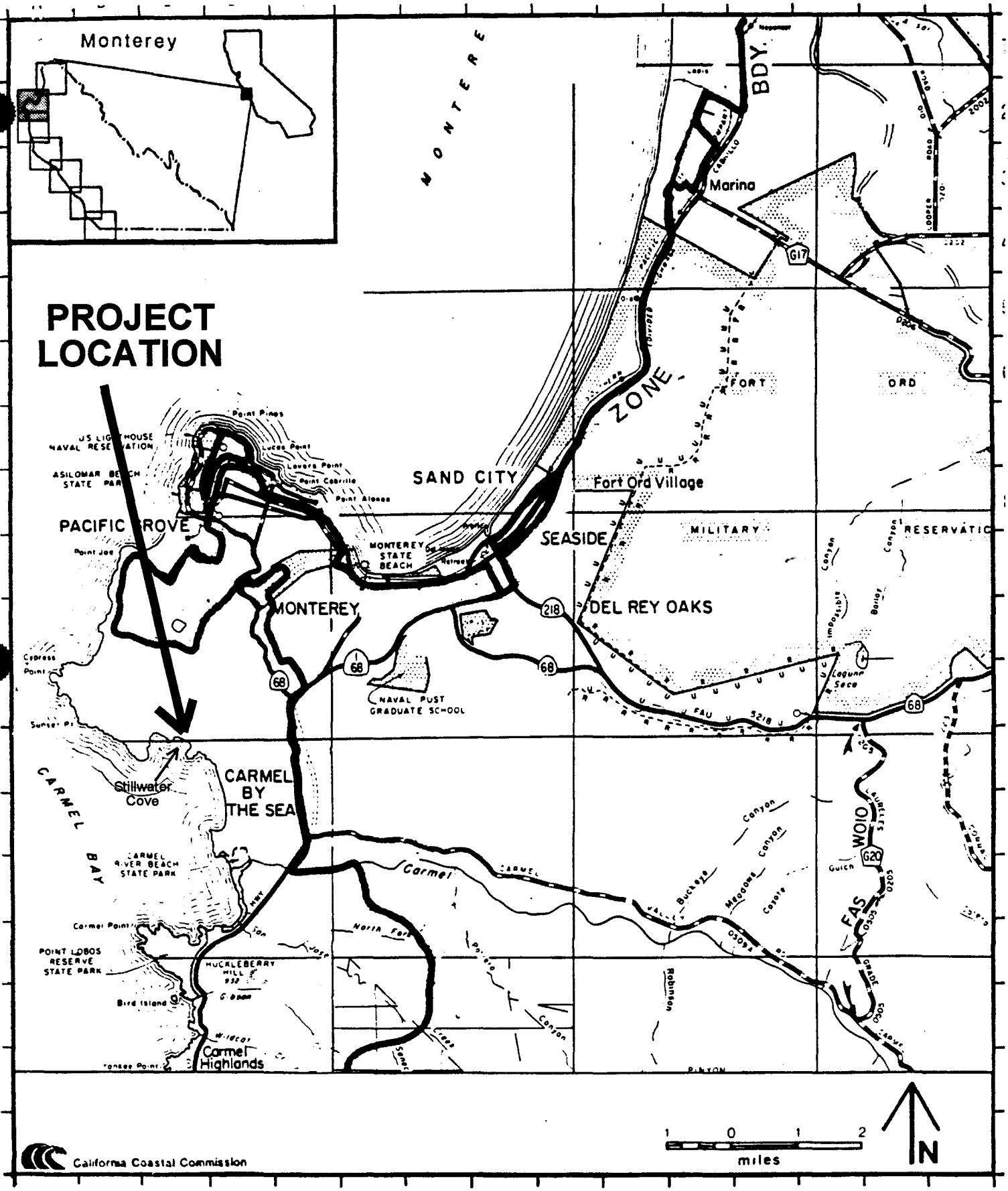


Exhibit A
Regional Location Map
San Giacomo Residence
A-3-MCO-00-150

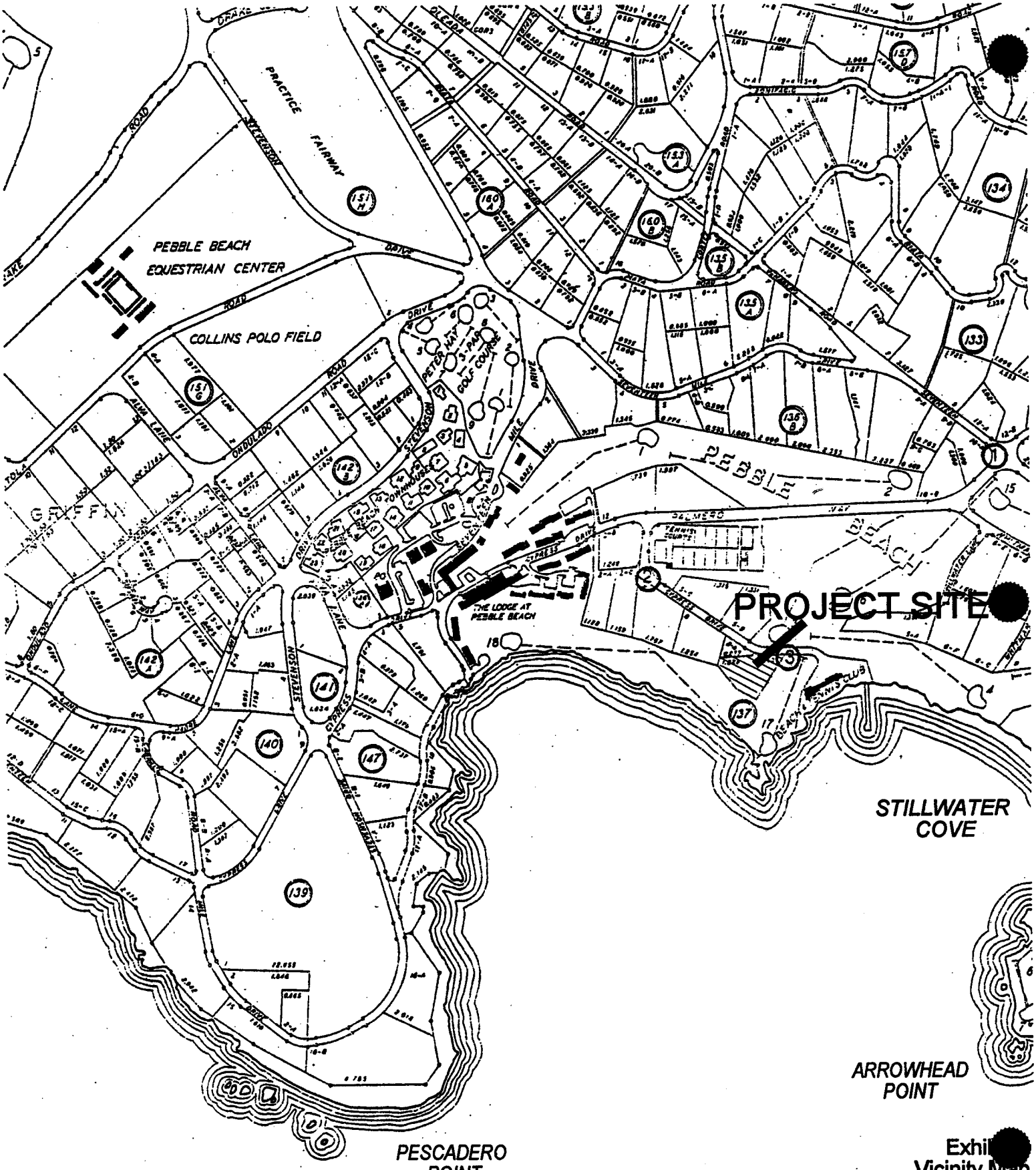


Exhibit
Vicinity Map
San Giacomo Residence
A-3-MCO-00-150

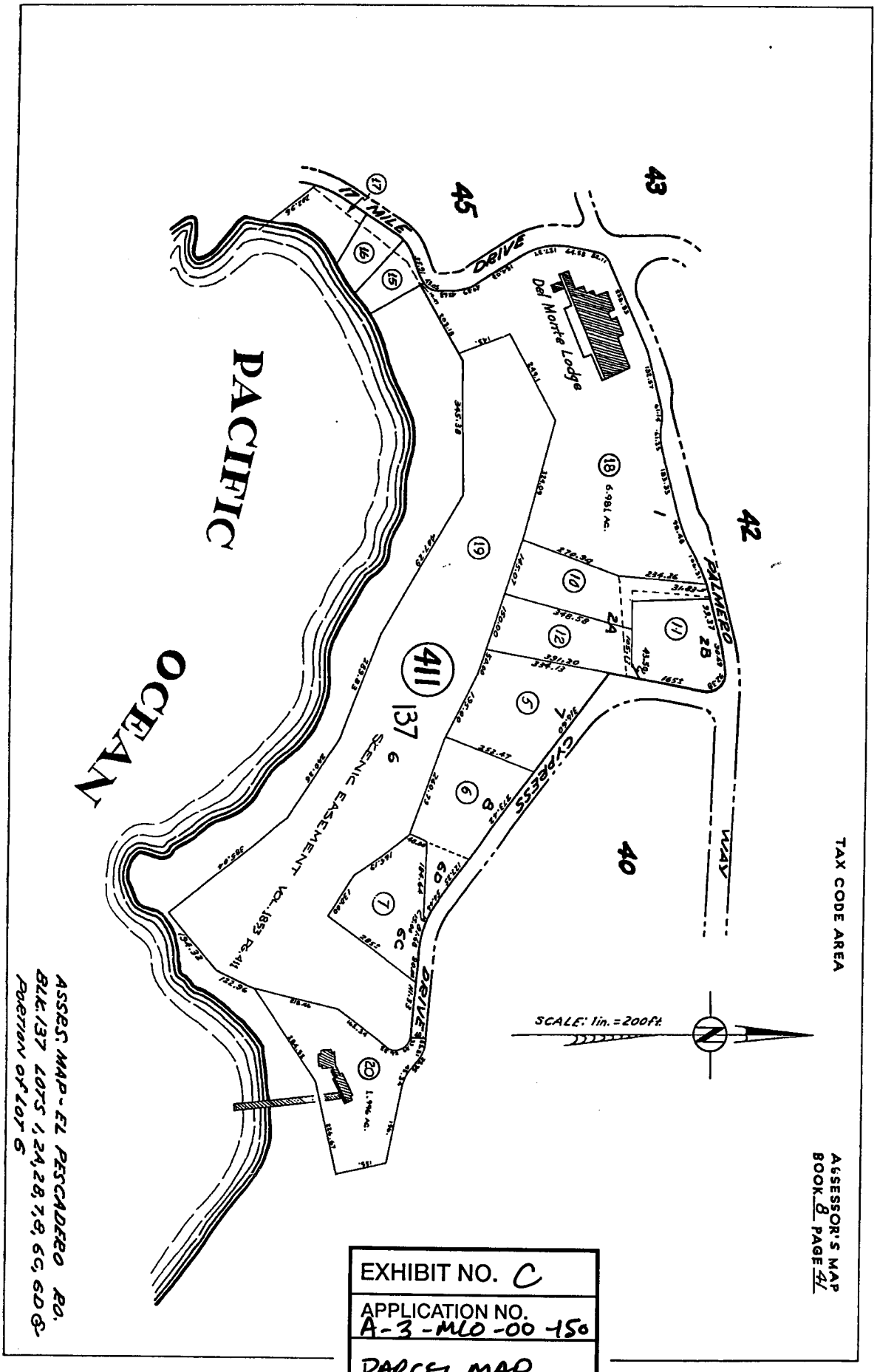
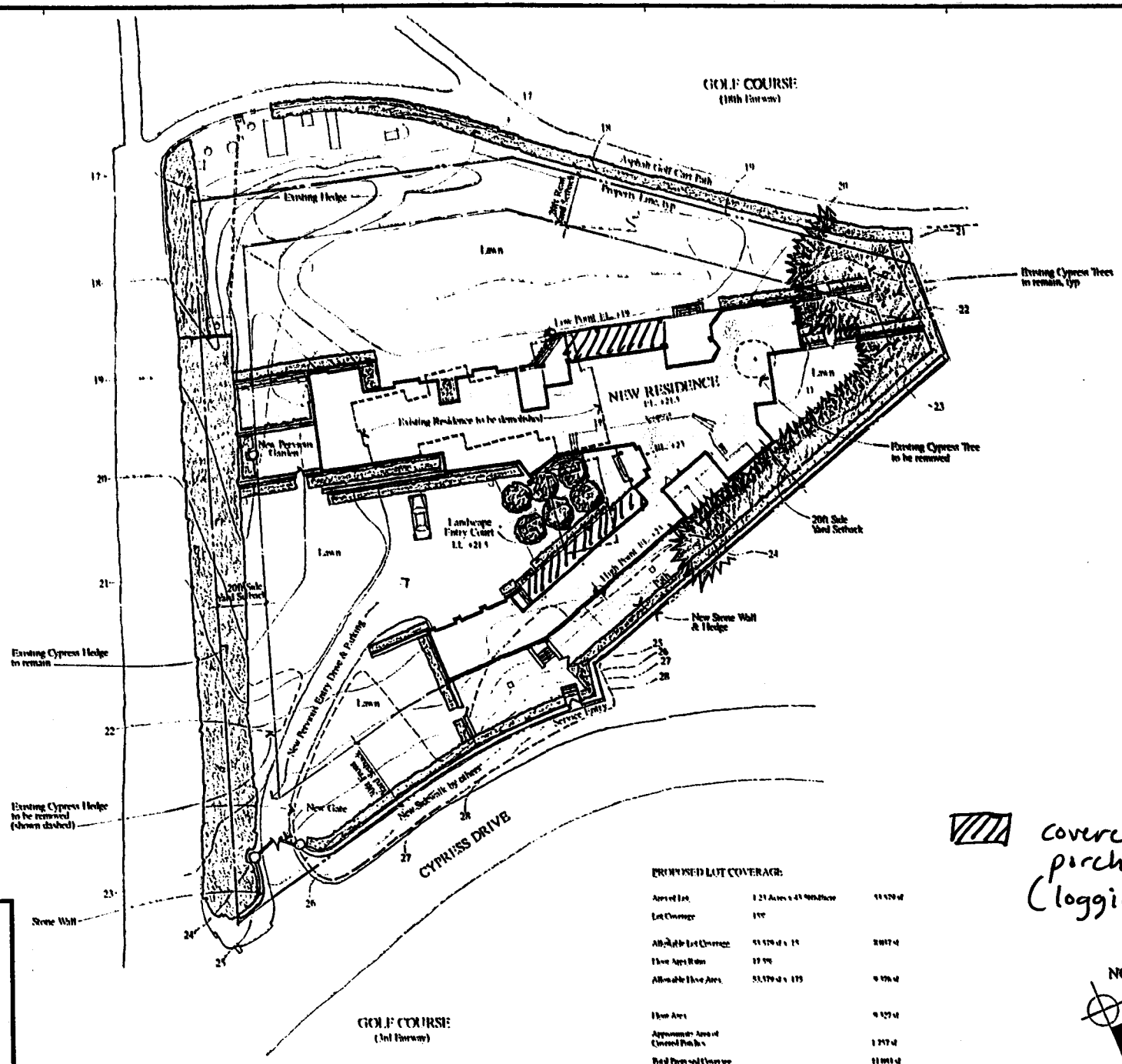


EXHIBIT NO. C

APPLICATION NO. A-3-MLO-00-150

PARCEL MAP

California Coastal Commission



PROPOSED LOT COVERAGE:

Area of Lot	1.23 Acres x 43,560 sf/acre	53,579 sf
Lot Coverage	15%	
Allowable Lot Coverage	53,579 sf x 15%	8,037 sf
Floor Area Ratio	17.5%	
Allowable Floor Area	53,579 sf x 17.5%	9,376 sf
Floor Area		9,327 sf
Approximate Area of Covered Porches		1,257 sf
Total Proposed Coverage		10,803 sf

PROPOSED SITE PLAN

BAR

SANGIACOMO RESIDENCE
1568 CYPRESS DRIVE PEBBLE BEACH CALIFORNIA 93953
ASSESORS PARCEL NO: 008 411 007

99003 9/27/99

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EXHIBIT NO. D
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BAR

SANGIACOMO RESIDENCE

1568 CYPRESS DRIVE PEBBLE BEACH CALIFORNIA 93953
ASSESSORS PARCEL NO: 008 411 007

99003 9/22/99

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FLOOR PLAN

NORTH

FLOOR PLAN LEGEND

1	AUTO COURT
2	COURTYARD
3	ENTRY PORTICO
4	GARAGE (3 CAR)
5	LOGGIA
6	MAIN ENTRY
7	POWDER ROOM
8	COAT CLOSET
9	GALLERY
10	LIVING ROOM
11	OUTDOOR TERRACE
12	DINING ROOM
13	KITCHEN
14	BREAKFAST NOOK
15	SEATING NOOK
16	PANTRY
17	MUDROOM / UTILITY
18	SERVICE YARD
19	BEDROOM
20	BATH
21	BEDROOM
22	BATH
23	EXERCISE ROOM
24	YVONNE'S BEDROOM
25	YVONNE'S DRESSING
26	YVONNE'S BATH
27	YVONNE'S COURT
28	ANGELO'S BEDROOM
29	ANGELO'S DRESSING
30	ANGELO'S BATH
31	ANGELO'S SHOWER
32	ANGELO'S STUDIO

EXHIBIT NO. D

APPLICATION NO. A-3-MCO-00-150

SITE PLANS

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California Coastal Commission

PROPOSED LOT COVERAGE

Sangiacomo Residence - 1568 Cypress Drive, 4/12/200

Area of Lot:	1.23 Acres x 43,560sf/acre	53,579 sf
Lot Coverage:	15%	
Allowable Lot Coverage:	53,579 sf x .15	8,037 sf
Total Proposed Coverage: (Floor Area: 9,327 sf, Approximate Area of Covered Porches: ~~1,150~~ sf) = 1757 sf	19.5%	~~10,477~~ sf (=9327 sf floor area + 1150 sf covered porches) 11 084sf (= 9327 sf floor area + 1,757 sf covered porches)

Total paved surfaces = 1,757 (paved area of covered porches) + 600 sf (uncovered) = 2,357 sf

Lot Coverage

Zoning allowed	w/variance approved
15%	

EXHIBIT NO. 5
APPLICATION NO. A-3-MCO-00-150
SITE PLANS
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California Coastal Commission

PROPOSED FLOOR AREA RATIO (FAR)

Sangiacomo Residence - 1568 Cypress Drive, 4/12/200

Area of Lot:	1.23 Acres x 43,560sf/acre	53,579 sf
Floor Area Ratio:	17.5%	
Allowable Floor Area:	53,579 sf x .175	9,376 sf
Total Proposed Floor Area:		9,327 sf

49 ft less than allowed

BAR

SANGIACOMO RESIDENCE

1568 CYPRESS DRIVE PEBBLE BEACH CALIFORNIA 93953
ASSESSORS PARCEL NO. 008 411 007

99003 9/28/99

A5

ELEVATIONS

EXHIBIT NO. D
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California Coastal Commission

BAR

SANGIACOMO RESIDENCE

1568 CYPRESS DRIVE PEBBLE BEACH CALIFORNIA 93953
ASSESSORS PARCEL NO: 008 411 007

99003 9/20/99

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ELEVATIONS

EXHIBIT NO. D

APPLICATION NO. A-3-MCO-00-150

SITE PLANS 6 of 6

California Coastal Commission

CORRECTED COPY

Before the Board of Supervisors in and for the County of Monterey, State of California

Resolution No. 00-309 --

Approve the Combined Development Permit for a Coastal Development Permit **(Sangiacomo/ PLN990314)** to demolish an existing 3,718 square foot single-family; Coastal Administrative Permit and Design Approval to construct a new 11,084 square foot single-story, single family dwelling; a Variance to exceed the Pescadero Watershed structural and impervious surface limitations; and a Variance to exceed the maximum allowable lot coverage of 15 percent. The property is fronting on and westerly of Cypress Drive, located at 1568 Cypress Drive (Assessor's Parcel Number 008-411-007-000), in the Del Monte Forest area of the Coastal Zone.

WHEREAS: The Monterey County Board of Supervisors pursuant to regulations established by local ordinance and state law, has considered, at a public hearing, a Combined Development Permit for a project located at 1568 Cypress Drive in the Del Monte Forest area of the Coastal Zone.

WHEREAS: Said proposal includes:

1) Adoption of Negative Declaration;
2) Combined Development Permit for a Coastal Development Permit to demolish an existing 3,718 square foot single-family,
3) Coastal Administrative Permit and Design Approval to construct a new 11,084 square foot single-story, single family dwelling;
4) Variance to exceed the Pescadero Watershed structural and impervious surface limitations; and
5) Variance to exceed the maximum allowable lot coverage of 15 percent.

NOW, THEREFORE, the Board of Supervisors finds as follows:

1. FINDING: The proposed project consists of a Combined Development Permit for a Coastal Development Permit and Design Approval (Sangiacomo/ PLN990314) to demolish an existing 3,718 square foot single-family; Coastal Administrative Permit and Design Approval to demolish a single-story residence and construct a new 11,084 square foot single-story, single family dwelling; a Variance to exceed the Pescadero Watershed structural and impervious surface limitations; and a Variance to exceed the maximum allowable lot coverage of 15 percent. The property is fronting on and westerly of Cypress Drive, located at 1568 Cypress Drive (Assessor's Parcel Number 008-411-007-000), in the Del Monte Forest area of the Coastal Zone. The project, as described in the application and attachments, and as conditioned, conforms to the plans, policies, requirements and standards of the Del Monte Forest Land Use Plan, Del Monte Forest

CORRECTED COPY

Coastal Implementation Plan (Part 5). The project does not conform to the Monterey County Coastal Zoning Ordinance (Title 20).

EVIDENCE: The Planning and Building Inspection staff reviewed the project for conformance with:
1) The certified Del Monte Forest Area Land Use Plan,
2) Zoning regulations for the "LDR/1.5 (CZ)" district in the Coastal Zone; and
3) The certified Del Monte Forest Area Coastal Implementation Plan, Part 5, Chapter 20.147 "Regulations for Development in the Del Monte Forest Land Use Plan Area.

EVIDENCE: Design Approval Request form with plans recommended for denial (0-7-2) by the Del Monte Forest Land Use Advisory Committee, October 28, 1999.

EVIDENCE: The project planner conducted a site visit on January 15, 2000 to verify that the proposed project complies with the Monterey County Coastal Implementation Plan (Part 5).

EVIDENCE: The application and plans submitted for the Coastal Development Permit as found in Planning File No. 990314 of the Monterey County Planning and Building Inspection Department.

EVIDENCE: An archaeological survey prepared by Archaeological Consulting, dated October 4, 1999, concluded that resources exist on the site. Therefore, the project is conditioned to have on-site monitoring during demolition of the existing foundations and pavements, grading, excavations for footings and utilities, etc.

EVIDENCE: The project is not consistent with the Del Monte Forest Area Coastal Implementation Plan, Part 5, Chapter 20.147.030.A.1.b, pertaining to maximum structural coverage of 5,000 square feet.

EVIDENCE: The project is not consistent with Title 20, Section 14.060.E regarding 15 percent lot coverage.

EVIDENCE: A Forest Management Report was prepared for the project by Stephen Staub and is dated September 28, 1999. Trees to be removed are determined to be shrubbery, not native trees and their removal does not constitute a significant impact and is considered consistent with the Del Monte Forest Area Land Use Plan Coastal Implementation Plan (Section 20.147.050.A.1.a).

EVIDENCE: An historical analysis of the existing dwelling proposed to be removed was conducted on behalf of the project applicant by Kent Seavey and is dated September 20, 1999.

EVIDENCE: A geologic report prepared by Foxx, Nielsen and Associates dated October 1999.

EVIDENCE: A geotechnical report prepared by Haro, Kasunich and Associates dated October 1999.

EVIDENCE: Staff report and administrative record contained in Project File No. 990314.

2. FINDING: The project will not have a significant adverse impact on the environment and a Negative Declaration has been adopted by the Board of Supervisors. An initial study was prepared for the project and it was determined that the project would have no significant impacts and a Negative Declaration was filed with the County Clerk January 21, 2000, and noticed for public review, and circulated to the State Clearinghouse. The Board of Supervisors considered public testimony and the initial study.

EVIDENCE: Initial Study and Negative Declaration contained in project File No. 990314.

3. FINDING: Considering the record as a whole, there is no evidence that the project will have potential for adverse effect either individually or cumulatively on wildlife resources as defined under Section 759.2 and 711.2 of the Fish and Game Code.

EVIDENCE: The administrative record as a whole, which must and does contain the following information, supports the above finding. The Initial Study prepared for the Sangiacomo project concludes that there will be no impacts to biological resources.

EVIDENCE: Staff analysis contained in the Initial Study and the administrative record as a whole indicate the project will not result in changes to resources listed in Section 735.5(d) of the Department of Fish and Game regulations.

EVIDENCE: Initial Study and Negative Declaration contained in project File No. 990314.

4. FINDING: The proposed project is located in the Pebble Beach Planning Area of the Del Monte Forest Land Use Plan area. In this Planning Area, the maximum structural coverage is 5,000 square feet and the maximum impervious surface coverage is 4,000 square feet (9,000 total square feet) (20.147.030.A.1(b)). The project, although not meeting the requirements shown above, is subject to special circumstances, and with the application of certain conditions will meet the intent of the Section 20.147.030.A.1 by reducing existing impervious coverage and providing onsite stormwater retention as described in the following findings and evidence.

EVIDENCE: The intent of the coverage limitations is to reduce the amount of stormwater runoff into Carmel Bay, which is an area of Special Biological Significance (ASBS) (20.147.030.A), thereby protecting an area of marine biological significance.

EVIDENCE: The applicant will implement the intent of policy 20.147.030.A by significantly reducing the existing impervious surfacing (estimated to be 10,107 square feet) and constructing impervious surfacing of not more than 600 square feet.

EVIDENCE: Staff report and administrative record contained in Project File No. 990314.

5. FINDING: Development of properties located in the Monterey Peninsula Water Management District ("District") depends in large part, on the availability of water pursuant to an allotment system established by the District based on a prorationing of the known water supply for each of the jurisdictions served by the California-American Water Service Company.

EVIDENCE: Staff report, oral testimony at the hearing; administrative record.

6. FINDING: Based upon the District's water allotment system, the County of Monterey ("County") has established a system of priority distribution of water allocation for properties within its own jurisdiction. Current information available to the County indicates that the County's share of water under the District's allotment system, over which the County has no control, has been exhausted to the point that the County is unable to assure that property owners who do or have obtained development permits for their properties will be able to proceed with their development projects.

EVIDENCE: Staff report, oral testimony at the hearing; administrative record.

7. FINDING: In view of the preceding finding, and the fact that the present application for a use permit otherwise meets all County requirements, the County approves the application subject to determination by the Monterey County Water Resources Agency, in the form of a water availability certification, that water is available for the project and the applicant's being able to obtain a water use permit from the District.

EVIDENCE: Staff report, oral testimony at the hearing; administrative record.

CORRECTED COPY

8. 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 13,601 square feet) are 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 stormwater 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 10,107 square feet of exterior impervious surface coverage (existing driveway, walkways and patios). The applicant will reduce the impervious surface coverage to 2,357 square feet (1,757 + 600) by removal of some walkways, eliminating a large driveway turn-around and converting the driveway and patio to pervious material. In addition, the applicant shall install a new drainage system to retain all stormwater on the property including a 1,500-gallon cistern-water detention pond. 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 990314.

9. 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.

10. FINDING: Approval of the Variance to exceed the allowable 15 percent lot coverage does not constitute a grant of privileges inconsistent with the limitation upon other properties in the vicinity and zone in which such property is situated.

EVIDENCE: The zoning regulations for this and similarly zoned properties are subject to 17.5 percent floor area ratio (FAR). FAR is a key factor in controlling the mass and bulk of development in proportion to property size. The variance as approved allows the FAR to be located entirely on the ground floor as a single story development. Although additional coverage is provided, which exceeds the 15 percent maximum lot coverage, the basic bulk and mass regulations for the property and the area will not be exceeded. The resultant lot coverage is similar to several adjacent homes along the ocean side of Cypress Drive.

Existing house = 3718 sf structural + 10,107 sf paved = 13825 sf total impervious surface
Proposed house = 9,327 sf structural + 2,357 sf paved = 11,684 sf total impervious surface
(per other records 9,327 sf cov house + 1150 sf covered decks = 10,477 sf 11 revised)
15% of site = 8,037 sf
1.23 acre parcel
9,327 + 1,757 sf = 11,054 lot coverage by defn

CORRECTED COPY

EVIDENCE: A deed restriction on the property limits the property owner from having a second story and a larger house and that other houses in the area are larger and exceed the 15 percent lot coverage.

EVIDENCE: Justification Letter provided by applicant and contained in File 990314.

EVIDENCE: Administrative record contained in File PLN990314.

11. FINDING: Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, and a deed restriction on the property prohibiting a second floor, the strict application of Title 20 is found to deprive the subject property of privileges enjoyed by other properties in the vicinity, and under identical zone classification.

EVIDENCE: A deed restriction on the property limits the property owner from having a second story and a larger house and that other houses in the area are larger and exceed the 15 percent lot coverage.

EVIDENCE: Justification Letter provided by applicant and contained in File 990314.

EVIDENCE: Administrative record contained in File PLN990314.

12. 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 the 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, California Department of Forestry and Fire Protection (CDF)/Pebble Beach Community Services District, Public Works Department, Parks Department, Environmental Health Division, Monterey County Water Resources Agency and the Del Monte Forest Land Use Advisory Committee. The respective departments, agency and committee 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.

13. FINDING: The project, as approved by the Board of Supervisors, is appealable to the California Coastal Commission.

EVIDENCE: Section 86.080.1 of Title 20, Monterey County Coastal Implementation Plan - Part 1.

NOW, THEREFORE, the Board of Supervisors resolves as follows:

1) Adopt the Negative Declaration and Initial Study consisting of:

   a. The Negative Declaration and Initial Study (Negative Declaration filed on 1/21/2000);

2) Adopt findings pursuant to CEQA contained herein; and
3) Approve said application based on the above findings and subject to the following conditions (the following conditions are those prescribed to the project by the Board of Supervisors at their July 11, 2000

hearing):

1. The proposed project consists of a Combined Development Permit for a Coastal Development Permit and Design Approval (Sangiacomo/ PLN990314) to demolish an existing 3,718 square foot single-family; Coastal Administrative Permit and Design Approval for demolition of a single-story residence and construct a new 11,084 square foot single-story, single family dwelling; a Variance to exceed the Pescadero Watershed structural and impervious surface limitations; and a Variance to exceed the maximum allowable lot coverage of 15 percent. The property is fronting on and westerly of Cypress Drive, located at 1568 Cypress Drive (Assessor's Parcel Number 008-411-007-000), in the Del Monte Forest area of the Coastal Zone. The project, as described in the application and attachments, and as conditioned, conforms to the plans, policies, requirements and standards of the Del Monte Forest Land Use Plan, Del Monte Forest Coastal Implementation Plan (Part 5).

   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 Department)**

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. Proof of recordation of this indemnification agreement shall be furnished to the Director of Planning and Building Inspection prior to commencement of construction or commencement of the use. **(Planning and Building Inspection Department)**

3. The applicant shall record a notice which states: "A permit (Resolution # 00-309) was approved by the Monterey County Board of Supervisors for Assessor's Parcel Number 008-411-007-000 on July 11, 2000. The permit was granted subject to 18 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. Where entry gates are to be locked, the Reviewing Authority having jurisdiction may require installation of a key box or other acceptable means for immediate access of emergency equipment. **(Pebble Beach Community Services District Fire Department)**

5. The applicant shall maintain all access roads with unobstructed vertical clearance not less than 15 feet. **(Pebble Beach Community Services District Fire Department)**

6. The size of the address letters, numbers and symbols shall be a minimum of 3 inch letter height, 3/8 inch stroke and shall contrast with the background color of the sign. **(Pebble Beach Community Services District Fire Department)**

7. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and be visible from both directions of travel along the roadway. 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 roadway on which said address is located. **(Pebble Beach Community Services District Fire Department)**

8. 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)**

9. If during the course of future development activity on the subject property, cultural, archaeological, historical, paleontological 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 Archaeologist) 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)**

10. The structural lot coverage shall not exceed 11,084 of the area of the lot. Coverage shall be reviewed and calculated in strict adherence to the following definition: "Coverage means any area covered by a structure, structures or structure protrusions including decks twenty-four inches or more above grade but not including building eaves of thirty inches or less and similar non-usable areas, paved driveways, sidewalks, paths, patios, and decks less than twenty-four inches above grade." (*Section 06.250. Title 20, Monterey County Coastal Implementation Plan - Part 1*) **(Planning and Building Inspection Department)**

11. Prior to the issuance of a demolition, building and /or grading permit, the applicant shall record a deed restriction which states: "Portions of the driveway, patio and walkway as identified on the site plan contained in Project File No. 990314, shall be converted to landscaping and/or a pervious material as approved under Resolution No. 00-309. The pervious material shall be installed and maintained 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 by the Monterey County Planning and Building Inspection Department and the Pebble Beach Community Services District Fire Department". **(Planning and Building Inspection Department)**

12. Prior to the issuance of a building permit, the applicant shall submit an exterior lighting plan for the first floor and second floor additions for approval by the Director of Planning and Building Inspection Department. The applicant shall submit three copies of an exterior lighting plan, which shall indicate the location, type, and wattage of all exterior light fixtures and include catalog sheets for each fixture. 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. **(Planning and Building Inspection Department)**

13. Prior to the issuance of a demolition, grading and/or building permit, the applicant shall record a notice with the Monterey County Recorder which states: "A Forest Management Plan has been prepared for this parcel by Urban Forestry Consulting dated July 30, 1998, and is on record with the Monterey County Planning and Building Inspection Department, Library No. 33.07.003. 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." 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)**

14. Pursuant to State Public Resources Code, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee to be collected by the County of Monterey in the amount of $1,275. This fee shall be paid on or before filing of the Notice of Determination. Prior to issuance of a building permit and/or grading permit, proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection. The project shall not be operative, vested or final until the filing fees are paid. **(Planning and Building Inspection Department)**

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, species, 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 Department)**

16. 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 three copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and inclu8de catalog sheets for each fixture. The exterior light 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)**

Prior to Final Building Inspection and Prior to Occupancy

CORRECTED COPY

17. 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)**

In Perpetuity

18. 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. **(Planning and Building Inspection Department)**

PASSED AND ADOPTED on this 11th day of July 2000, upon motion of Supervisor Potter, seconded by Supervisor Johnsen, by the following vote, to-wit:

AYES: Supervisors Salinas, Pennycook, Calcagno, Johnsen and Potter.
NOES: None.
ABSENT: None.

I, SALLY R. REED, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page – of Minute Book 70, on July 11, 2000.

DATED: July 11, 2000

SALLY R. REED, Clerk of the Board
of Supervisors, County of Monterey, State of California

By: Nancy Lukenbill
Deputy

STATE OF CALIFORNIA - THE RESOURCES AGENCY Gray Davis, Governor

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

RECEIVED
JUL 31 2000
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

Nancy and Wheeler FARISH
Box 27
Pebble Beach, CA 93953
(831) 6242136
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government:
Monterey County Board of Supervisors

2. Brief description of development being appealed:
Demolish 3718 square foot single story house and construct 11350 square foot single story house. Two variances to exceed maximum allowable lot coverage of 15% and to exceed Pescadero Watershed structural and impervious surface limitations.

3. Development's location (street address, assessor's parcel number, cross street, etc.:
1568 Cypress Drive, Pebble Beach, CA 93953
Parcel # 008-411-007-000, Cross street Palmero

4. Description of decision being appealed:

a. Approval; no special conditions: _____
b. Approval with special conditions: ✓
c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____
DATE FILED: _____
DISTRICT: _____

EXHIBIT NO. F
APPLICATION NO. A-3-MCO-00-150
Appeal of Res 00-309
1 of 3
California Coastal Commission

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

a. ___ Planning Director/Zoning Administrator

c. ___ Planning Commission

b. ✓ City Council/Board of Supervisors

d. ___ Other: _____

6. Date of local government's decision: 7-13-00

7. Local government's file number: _____

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:
San Giacomo, Angelo and Yvonne Li
1568 Cypress Drive
Pebble Beach, CA 93953
Mail- 333 Bay St, San Francisco, Ca 94133

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) County of Monterey-Planning Dept.-Courthouse
Box 1208
Salinas, CA 93902

(2) CAL Coastal Commission-Central Office
725 Front St, Suite 300
Santa Cruz, CA 95060

(3) Pebble Beach Co.
Box 1767
Pebble Beach, CA 93953

(4) Mr & Mrs Di Grazia
Box 1237
Pebble Beach, CA 93953

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section which continues on the next page.

EXHIBIT NO. F
APPLICATION NO. A-3-MCO-00-150
Appeal of Res 00309
2 of 3
California Coastal Commission

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

(1) Over building on a lot in excess of the 15% allowable limit should not be allowed.

(2) Violation of Del Monte Forest Area Planning Goals (Land Use Plan) on page VIII (1) "minimize the adverse effects of human and aesthetic factors of development through the application of sensitive design."

(3) Also on page VIII (2) is a violation "to obtain an optimum balance between development facilities and natural resources (the surrounding neighborhood complies with the 15% lot build limit)

(4) Also on page X is a violation "to maintain a high degree of integrity in all future land development projects" (Waivers of variances should not be allowed.)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Nancy Faricy Wheeler Farish
Signature of Appellant(s) or Authorized Agent

Date July 26, 2000

NOTE: If signed by agent, appellant(s) must also sign below.

SECTION VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

_____
Signature of Appellant(s)

Date _____

EXHIBIT NO. F
APPLICATION NO. A-3-MCO-00-150
Appeal of Res 00309
3 of 3
California Coastal Commission

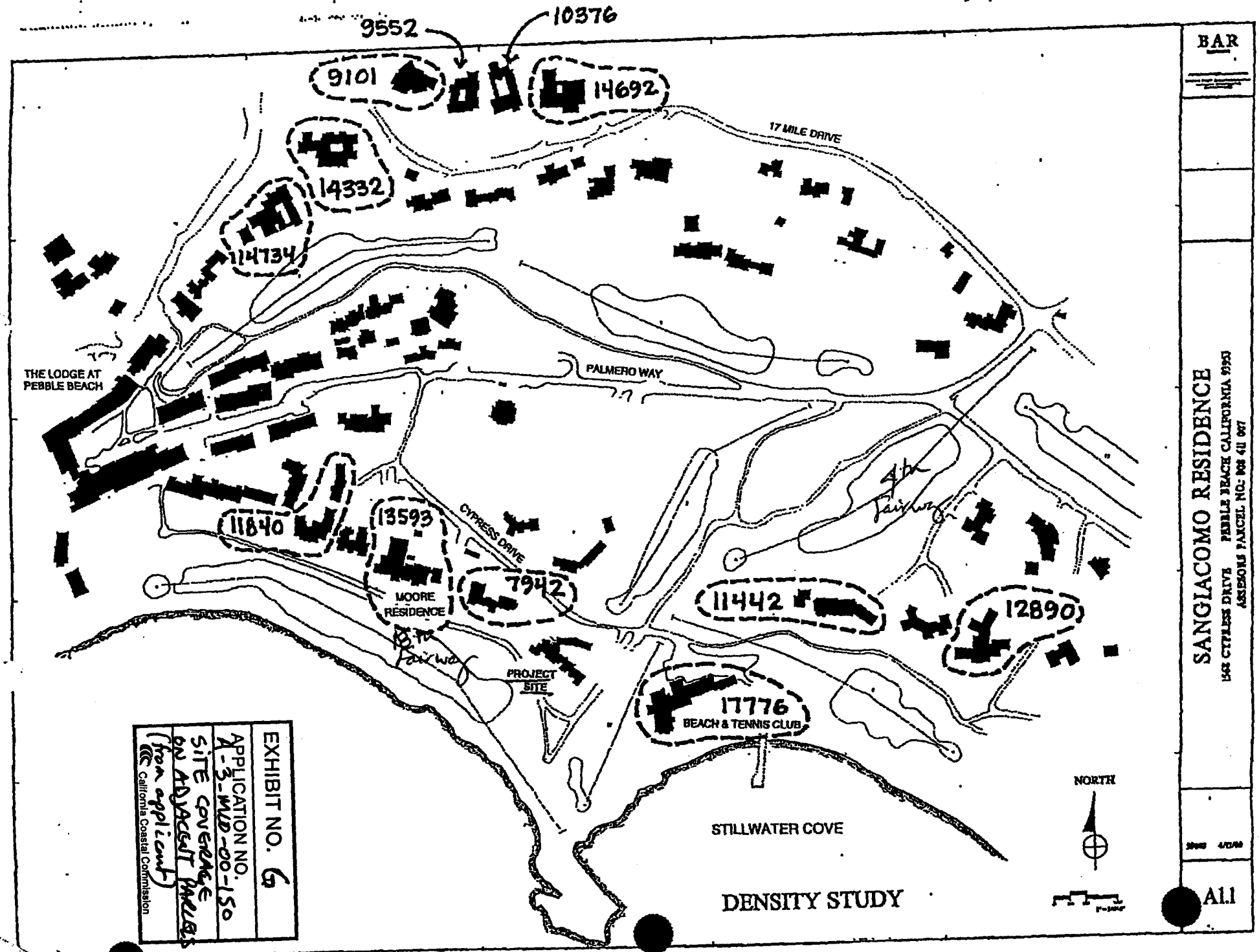
9552
10376
9101
14692
17 MILE DRIVE
14332
14734
THE LODGE AT PEBBLE BEACH
PALMERO WAY
11840
13593
CYPRESS DRIVE
MOORE RESIDENCE
7942
11442
12890
PROJECT SITE
17776
BEACH & TENNIS CLUB
STILLWATER COVE
NORTH
DENSITY STUDY
BAR
SANGIACOMO RESIDENCE
1508 CYPRESS DRIVE PEBBLE BEACH CALIFORNIA 93953
ASSESSORS PARCEL NO: 008 411 007
A1.1
EXHIBIT NO. 6
APPLICATION NO. A-3-MRB-00-150
SITE COVERAGE ON ADJACENT PARCELS (from applicant)
California Coastal Commission

EXHIBIT NO. H

APPLICATION NO. A-3-MND-00-150

PHOTOS

1 of 6

California Coastal Commission

EXHIBIT NO. H

APPLICATION NO. A-3-MCO-00-158

PHOTOS

2 of 6

EXHIBIT NO. H

APPLICATION NO. A-3-MCO-00-150

PHOTOS

3 of 6

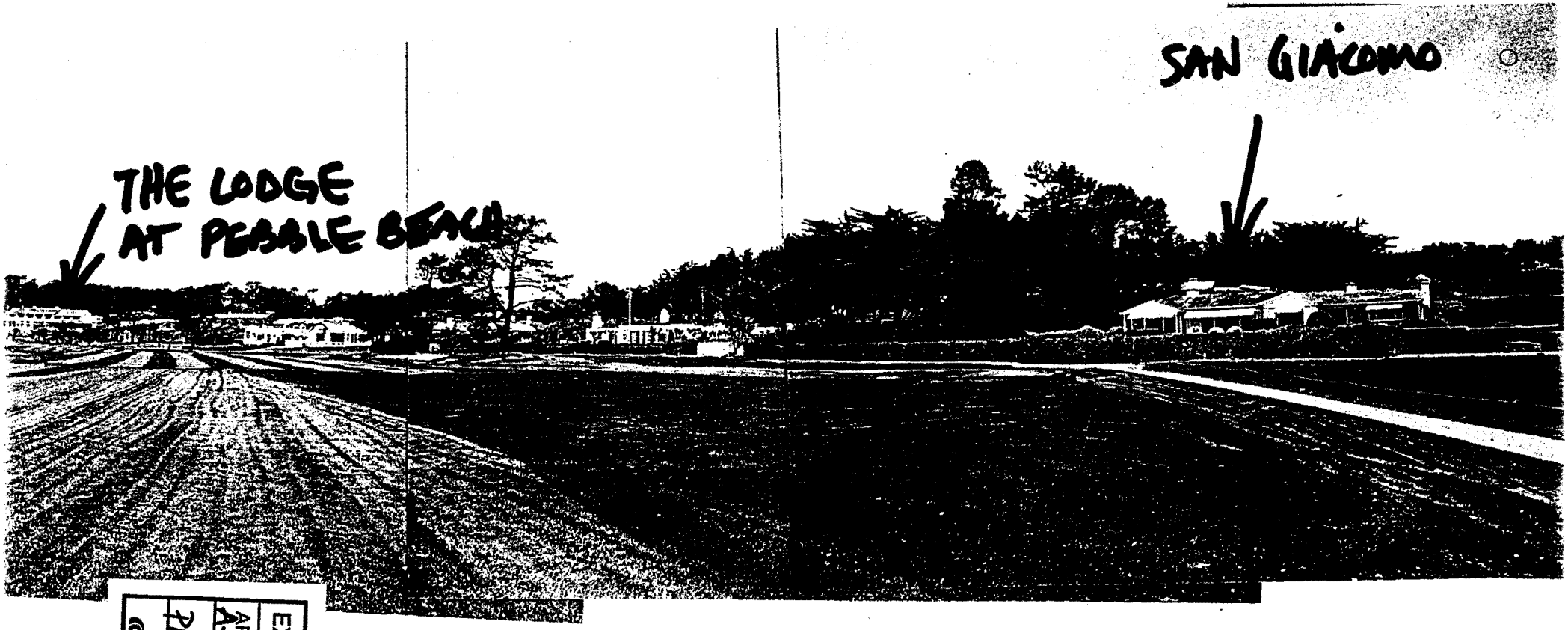

EXHIBIT NO. 4
APPLICATION NO.
A-3-MCO-00-150
Photos
4 of 6
California Coastal Commission

SCREENING ALONG 13TH FAIRWAY

EXHIBIT NO. H

APPLICATION NO. A-3-MCO-00-150

PHOTOS

5 of 6

California Coastal Commission

EXHIBIT NO. H

APPLICATION NO. A-3-MCO-00-150

PHOTOS

6 of 6

California Coastal Commission

Anthony L. Lombardo
Jeffery R. Gilles
Derlinda L. Messenger
[redacted] J. Minor
[redacted] W. Sullivan
Jacqueline M. Zischke
Vanessa W. Vallarta
Wendy R. Elliott
Todd D. Bessire
Joseph M. Karnes
Steven D. Penrose
Jason S. Retterer
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File No. 00851.000.A

May 2, 2000

VIA FACSIMILE

Adrienne Grover
Monterey County Counsel
60 W. Market Street, Suite 140
Salinas, CA 93901

Re: **Sangiacomo (PLN 990314)**

Dear Ms. Grover:

At the most recent Zoning Administrator hearing on this application, the Zoning Administrator mentioned that he was going to forward correspondence that had been received from our office regarding the County's actions relating to the rezoning of property owned by the Sangiacomos in Pebble Beach.

The issue before the Zoning Administrator is a coastal development permit which includes the request of a grant of a variance to the site coverage standards contained in the Coastal Implementation Plan of fifteen percent (15%).

In a nutshell, there are approximately twelve parcels within the Del Monte Forest Area which are the subject of single story height limitations. The Zoning Ordinance previously provided for a thirty-five percent (35%) lot coverage standard which was, within the past few years, reduced to fifteen percent (15%). At the same time, the County adopted a floor area ratio standard for development in the Del Monte Forest Coastal Plan Area of seventeen and one-half percent (17.5%).

Unfortunately, the result of the zoning action is that for these specific lot owners fronting a small area of Pebble Beach Golf Course (see attached letter from Mike Canning), this zoning action deprives these lot owners of the benefits of the zoning district enjoyed by the other properties in Pebble Beach. Specifically, the single story limitation precludes them from being able to build a home that has a seventeen and one-half percent (17.5%) floor area ratio because it is not possible to meet that standard with the limitation of a single story home with fifteen percent (15%) lot coverage. During the rezoning process the County did not notify these few affected property owners of the fact that because of the single story limitation they

would be precluded from taking advantage of the same floor area ratio that all the other properties in the district can.

I am sure you are aware of the case law which states that where a small number of property owners are specifically affected by a zoning change, the government agency has an obligation to provide them with specific notice of that impact. The County did not provide notice to the Sangiacomos or any of the other property owners so affected. While the Sangiacomos are not at this time seeking to invalidate the zoning change, they do believe that this along with the other evidence submitted to the Zoning Administrator provides ample support for the issuance of a variance to allow them to build their home which is actually slightly smaller than the floor area ratio standard that the Zoning Ordinance allows.

While the Sangiacomos are not at this time challenging the reduction in the allowed site coverage standard in the Zoning Ordinance, the is ample legal authority to support a conclusion that in order to be valid, they would have had to have been provide notice since there are such a limited number of people who are uniquely affected by this change.

Sincerely

Anthony L. Lombardo

ALL:ncs

Enclosure

cc: Mr. Angelo Sangiacomo

THE MITCHELL GROUP

MICHAEL L. CANNING

May 28, 2000

Todd Bessire, Esq.
Lombardo & Gilles
P.O. Box 2119
Salinas, CA 93902-2119

Re: Sangiacomo/Pebble Beach height restriction

Dear Mr. Bessire, this letter is intended to confirm that, in Pebble Beach, all of the properties fronting on the 4th and 18th holes of the Pebble Beach Golf Links are burdened by a deed restriction limiting the residences to one story in substantially similar form to the language attached.

If I can be of any further help in any way please feel free to call.

Yours very truly,

Mike Canning

EXHIBIT NO. I
APPLICATION NO. A-3-MCO-00-150
CORRESPONDENCE
3 of
California Coastal Commission

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Eleventh: That each and all of the aforesaid conditions shall be enforcible by injunction or by other form of action available to the parties aggrieved or to the Grantor or its successors in interest, and in the event of any action or suit being brought and/or arising out of and/or for the enforcement of any of the conditions, restrictions, covenants, agreements and promises herein contained, whether for specific performance and/or foreclosure and/or damages and/or forfeiture and the plaintiff shall recover in such action or suit, the defendant therein shall pay said plaintiff a reasonable attorney's fee in such action, which shall be taxed by the Court as part of the costs therein and no action brought or judgment rendered shall be construed as a merger of the whole nor as a bar to any action for succeeding breaches.

Any buildings erected on this property are expressly limited to one story in height, with a low pitch roof, with the location and final design subject to the approval of the Grantor.

Any trees now growing on the property, or that may be planted on the property, are subject to such trimming and cutting by the Grantor as it may from time to time deem advisable, to the end that the view from other residential property at Pebble Beach may not be injured because of such growth.

No fence or wall is to be built on the property where it joins the golf course, and the Grantor is held free from any responsibility from damage of any kind that may result from golf balls that are driven onto the property.

It is further understood and agreed that whenever necessary the word "Grantee," as used in this deed shall be deemed to include the feminine and neuter, as well as the masculine gender, and the plural as well as the singular number, and that all the conditions, restrictions, covenants, agreements and promises herein contained shall inure to and bind the heirs, executors, administrators, successors and assigns of the Grantor and the Grantee.

IN WITNESS WHEREOF, the Del Monte Properties Company has caused these presents to be signed by its President and by its Secretary, and its corporate seal to be hereunto affixed, and the said Grantee has hereunto set his hand and seal the day and year first above written.

DEL MONTE PROPERTIES COMPANY

By JOHN B. MCRSE

President.

And PAUL S. WINSLOW

Secretary.

HENRY B. BELDON (SEAL)

— (SEAL)

(CORPORATE SEAL)

Approved for Execution

O. K.

S. S.

4-23-46

EXHIBIT NO. I

APPLICATION NO. A-3-MCO-00-150

CORRESPONDENCE

4 of

California Coastal Commission

Stephen R. Staub
Forester & Environmental Consultant

STAUB

September 28, 1999

Forester's Report on Hedged Cypress Trees Planted at
1568 Cypress Drive, Pebble Beach, Monterey County APN 008-411-037

Todd Bessire, Esq.
Lombardo and Gilles
PO Box 2119
Salinas, CA 93902-2119

Dear Mr Bessire:

At your request, I personally inspected on September 20, 1999 the lines of hedged cypress trees planted at the driveway entry and along the northern and eastern edges of the Sangiacomo property at 1568 Cypress Drive in Pebble Beach. These trees were obviously planted specifically for landscaping purposes, being aligned in rows both along Cypress Drive and the Beach Access parking area next to the 17th fairway. Rows are always at least two deep next to the property lines, extending up to 8 rows deep in some places to provide the desired landscape shape. Spacing between cypress plants in different rows varies from 3 to 6 feet. Individual stem diameters range from 3" to 18" with the vast majority being in the 4" to 8" range. The trees have been repeatedly topped and pruned to form a solid hedge over 15 feet in height. The hedge has been maintained by ongoing planting as holes have developed. The hedging is mature to overmature with increasing exposure of woody interior structure. One inch saplings have been planted in a number of locations to establish more juvenile hedge material. The total of cypress hedge area consists of approximately 200 plants.

These cypress trees are plainly planted rather than naturally occurring trees. Although permitted to grow into more normal tree form, the remaining cypress trees on the property, a group of relatively small trees located at the western corner of the property and a single cypress tree shown on the Site Plan to be removed as part of proposed construction, are also planted rather than naturally occurring trees. These trees were not closely inspected but observed from the Lot perimeter in their landscaped context. The Lot and all its trees are located outside the native range of our indigenous cypress trees, which are restricted to the coastline between Cypress Point and Pescadero Point in Pebble Beach and along the headlands of Point Lobos. This restricted native range is confirmed by the authoritative book, The Distribution of Forest Trees in California, which notes that the species has been planted extensively along the coast and that "Some of the old plantings . . . could easily be mistaken for natural populations in the future." (Griffin and Critchfield, USDA Forest Service, 1972.)

Given the original intent and maintenance of the hedged cypress, it is probably more appropriate to think of them as ornamental shrubbery rather than native trees. The tree form cypresses on the property, which are all of small to modest size by local standards, were also clearly planted as part of landscaping for the current structure. As planted trees, removal of the cypress hedge and the individual cypress tree near the western corner appear to be permitted per the Del Monte Forest Implementation Ordinance, Chapter 20.147.050., Section A.1.a., which allows removal of planted trees under a Waiver. I presume that landscape and visual resource issues (as opposed to forestry issues) will be addressed as part of your development application.

Submitted by:

Stephen R. Staub
Registered Professional Forester
License Number 1911

EXHIBIT NO. 1
APPLICATION NO. A-3-MCO-00-150
CORRESPONDENCE
5 of
California Coastal Commission

6010 Highway 9, # 6, Felton CA 95018 Phone: (831) 335-1452 Fax: (831) 335-1462 Registered Professional Forester, License No. 1911