Before the Zoning Administrator in and for the County of Monterey, State of California

In the matter of the application of: **PEBBLE BEACH CO. (PLN180459) RESOLUTION NO. 19-007**

Resolution by the Monterey County Zoning Administrator:

- Finding the project Categorically Exempt per §15304(e) of the CEQA Guidelines; and
- Approving a Coastal Development Permit for four (4) calendar years (2019-2022) to allow assemblages of 500 people maximum for public ticketing events and 250 people maximum for special hospitality events not to exceed 10 consecutive days for each event and not to exceed a total of 30 event days annually. The assemblages of people will consist of a variety of temporary structures with support elements. No permanent structures are proposed. All existing structures are to remain. [PLN180459, Pebble Beach Company, 1498 Cypress Drive, Pebble Beach, CA (APN: 008-455-001-000), Del Monte Forest Land Use Area Plan]

CORRECTED March 19, 2019

(This resolution supersedes the previously mailed resolution on March 4, 2019)

The Pebble Beach Company application (PLN180459) came on for public hearing before the Monterey County Zoning Administrator on February 28, 2019. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS AND EVIDENCE

FINDING: 1. **CONSISTENCY** – The Project, as described in Condition of Approval No. 1 and as conditioned, conforms to the applicable policies, regulations and standards of: 1982 Monterey County General Plan (Coastal); _ Del Monte Forest Land Use Plan _ Monterey County Zoning Ordinance (Title 20); and Monterey County Noise Ordinance (Title 10.60) **EVIDENCE:** The text, policies, and regulations in the above referenced documents a) have been evaluated during the course of review of this application. No conflicts between these documents and the project application were

found to exist as further discussed in Finding 1 Evidence (b) through (h) below. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

b) The property is located at 1498 Cypress Drive Pebble Beach, CA (Assessor's Parcel Number 008-455-001), Del Monte Forrest Land Use Area Plan. The project site is zoned Low Density Residential/1.5 Acre Minimum - Design Control District Overlay (LDR/1.5-D). Pursuant to Section 20.14.050(R) of Title 20, the Low Density Residential zoning district allows the establishment of assemblages of people, not exceeding 10 days and not involving construction of permanent facilities, with a Coastal Development Permit approved by the Zoning Administrator. Therefore, the project, as described in Condition No. 1 – Specific Uses Only, is an allowed land use with an approved Coastal Development Permit for this site.

- c) <u>Design Control District (D District)</u> The subject property is located within a Design Control District. Pursuant to Section 20.44.30, a Design Approval application shall be submitted and approved prior to the issuance of building permits for the construction of any structures in the "D" District. Structures are defined in Section 20.06 as permanent structures (not including tents). The project proposes only temporary structures, including tents, that do not require building permit issuance therefore, the project is not subject to Design Control Approval or Design Control regulations for the location, size, configuration, materials, and colors of structures.
- d) <u>Noise Control Ordinance (Chapter 10.60)</u> The project applicant submitted an Event Development Plan (Exhibit 3) which states the proposed events may include live music and audible noise but will be restricted to the hours and operation of the event which will not occur between the hours of 10pm and 8am in accordance with Chapter 10.60 Noise Control of the Monterey County Code and as conditioned (Condition No. 1).
- Del Monte Forrest Land Use Plan Visual Resources. The project site is e) located within the Viewshed from Point Lobos as indicated in the Monterey County Del Monte Land Use Plan - Visual Resources (Figure 3). According to the Del Monte Forrest LUP, the preservation of scenic resources shall be a primary objective including the view from distant publicly accessible shoreline areas such as found at Point Lobos State Natural Reserve. The applicant provided photo simulations of the temporary tent located at the project site from the closest Point Lobos viewing area as attached to the staff report. Staff determined that the project does not create a substantially adverse visual impact since the tent structures are only temporary and each event will require approval of a special events development plan (Condition No. 3) which will ensure the proposed temporary structures, lighting and signage will not be visually intrusive when viewed from the distant publicly accessible shoreline area of Point Lobos.
- f) The project was referred to the Del Monte Forrest Land Use Advisory Committee (LUAC) for review on November 15, 2018. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, this application warrants referral to the LUAC because the permit requires approval at a public hearing. The LUAC recommended approval of the project by a vote of 4-0 after conducting a site visit with no conditions.
- ^{g)} The project planner conducted a site inspection on November 15, 2018 to verify that the project on the subject parcel conforms to the event development plans provided.

h) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development can be found in Project File PLN180459.

2. **FINDING: SITE SUITABILITY** – The site is physically suitable for the use proposed.

EVIDENCE: a) The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, Cypress Fire Protection District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, Water Resources Agency and Monterey County Sheriff's Office. There has been no indication from these departments/agencies that the site is not suitable for the proposed use.

- b) Staff conducted a site inspection on November 15, 2018 to verify that the site is suitable for this use.
- c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development can be found in Project File PLN180459.

3. **FINDING: HEALTH AND SAFETY -** The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the 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 improvements in the neighborhood or to the general welfare of the County.

- **EVIDENCE:** a) The project was reviewed by the RMA Planning, Cypress Fire Protection District, Monterey County Sheriff's Office, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau and Water Resources Agency. The respective agencies had no comments or conditions for the proposed use other than RMA-Planning. RMA-Planning has 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.
 - The proposed use is for assemblages of people and development of b) permanent public facilities are not required for the proposed use on the existing residentially zoned property. Solid waste & recycling management plan is required to be submitted to Environmental Health Bureau (EHB) for each proposed special event. When food is prepared, or sold during an event, an application for a temporary food facility permit is required to be submitted to the Consumer Health Protection Services prior to EHB approval. The property receives potable water and sewer service through the Pebble Beach Community Services District. While bottled water and portable restrooms will be provided to special event guests; there would be no public health risk if onsite utilities were utilized. In accordance with Monterey County LAMP, Section 5.3, portable toilets may be used for up to 30 calendar days per year. The applicant is proposing up to 30 calendar days of events per year. The EHB will ensure that sufficient restroom facilities are proposed with each special event applicant submitted to EHB.

- c) Sufficient access & parking for the events will be provided and managed by Pebble Beach Security staff. Onsite parking as shown on attached **Exhibit B2** will be provided as well as off-site parking facilities readily available at nearby parking lots including: the existing lots in and around The Lodge, Peter Hay Hill, Special Event Field, and the area of the former Pebble Beach Driving Range (Planning Area V). The applicant also anticipates event attendees will be shuttled to the site via shuttle buses from locations outside of the area such as the Inn at Spanish Bay. The project has been conditioned (Condition No. 3) to ensure that a parking management plan is provided to the Monterey County Special Events Task Force and Public Works for review and approval when there are multiple large events taking place concurrently and using the same parking facilities.
- d) The project provides an emergency vehicle access route and an evacuation route for each proposed scenario as shown on attached **Exhibit B2** and as reviewed and approved by Cypress Fire Protection District. In the event of emergency, evacuation of the temporary structures will be to the lawn area at the rear of the property or to the Lodge/18th Green area located southeast of the property. Additionally, due to the vertical drop from the rear property line to the shoreline, fencing and cautionary signage will be placed at the rear edge of the property, similar to signage along the coastline at points of interest areas and overlooks.
- e) Staff conducted a site inspection on November 15, 2018 to verify that the site is suitable for this use.
- f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development can be found in Project File PLN180459.
- 4. **FINDING: NO VIOLATIONS -** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.
 - **EVIDENCE:** a) Staff reviewed Monterey County RMA Planning and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on August 15, 2018 and researched County records to assess if any violation exists on the subject property.
 - c) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN180459.
- 5. **FINDING: CEQA** (**Exempt**) The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.
 - **EVIDENCE:** a) California Environmental Quality Act (CEQA) Guidelines Section 15304 (e), categorically exempts "Minor temporary use of land having negligible or not permanent effects on the environment, including carnivals, sales of Christmas trees, etc."

- b) The project is for a temporary use of an existing residentially zoned property for the assemblage of 500 people maximum for public ticketing events and 250 people maximum for hospitality uses for four years (2019-2022), not to exceed 10 consecutive days per event or a total of 30 event days annually.
- c) No adverse environmental effects were identified during staff review of the development application or during a site visit conducted on May 11, 2018.
- d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The exceptions to exemptions listed in Section. 15300.2 are inapplicable (e.g. location, cumulative impact, significant effect) because this is a temporary use of a residential property.
- e) See Findings No. 1 through 5 and evidence to support the conclusions.
- f) Staff conducted a site inspection on November 15, 2018 to verify that the site is suitable for this use.
- g) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed use can be found in Project File PLN180459.

6. **FINDING: APPEALABILITY -** The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.

- **EVIDENCE:** a) <u>Board of Supervisors.</u> Pursuant to Section 20.86.030 of Title 20, an appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
 - b) <u>Coastal Commission</u>. Pursuant to Section 20.86.080.A of Title 20, the project is subject to appeal by/to the California Coastal Commission because it involves development that is permitted in the underlying zone as a conditional use.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

- 1. Find the project Categorically Exempt per §15304(e) of the CEQA Guidelines; and
- 2. Approve a Coastal Development Permit for four (4) years (2019-2022) to allow assemblages of 500 people maximum for public ticketing events and 250 people maximum for special hospitality events not to exceed 10 consecutive days for each event and not to exceed a total of 30 event days annually. The assemblages of people will consist of a variety of temporary structures with support elements. No permanent structures are proposed. All existing structures are to remain. Both in general conformance with the attached plans and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 28th day of February 2019.

Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON: MAR 0 4 2019

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE: MAR 1 4 2019

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

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. This permit expires at the end of the fourth calendar year (December 31, 2022) after the above date of granting thereof unless the applicant submits an extension 120 days prior to the expiration date.

Form Rev. 5-14-2014

PEBBLE BEACH COMPANY (PLN180459)

Monterey County RMA Planning

Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN180459

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation This Coastal Development permit (PLN180459) allows up to four calendar years **Monitoring Measure:** (2019-2022) for assemblages of 500 people maximum for public ticketing events and 250 people maximum for special hospitality events not to exceed 10 consecutive days for each event and not to exceed a total of 30 event days annually. The Special Events covered under this permit from 2019 to 2022 include: The US Open, Concours d'Elegance, AT&T Pebble Beach Pro-Am, and Pebble Beach Food and Wine Festival. The assemblages of people will consist of a variety of temporary structures with support elements. No permanent structures are proposed. All existing structures are to remain. The operational hours for each event shall not be between the hours of The property is located at 1498 Cypress Drive, Pebble Beach, CA 10pm and 8am. (APN: 008-455-001-000), Del Monte Forest Land Use Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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 RMA - Planning. 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Compliance or Monitoring Action to be Performed:

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation
Monitoring Measure:The applicant shall record a Permit Approval Notice. This notice shall state:
"A Coastal Development Permit (Resolution Number ZA 19-007) was approved by the
Zoning Administrator for Assessor's Parcel Number 008-455-001-000 on February 28,
2019. The permit was granted subject to six (6) conditions of approval which run with
the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to commencement of use. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Compliance or Monitoring Action to be Performed: Prior to commencement of use the Owner/Applicant shall provide proof of recordation

3. PD003 (NON STANDARD) SPECIAL EVENT DEVELOPMENT PLAN REVIEW

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant/owner must coordinate with the Special Events Permit Coordinator and RMA-Planning at least 60 days prior to commencement of the event. All Special Events (2019-2022) as listed in Condition of Approval No. 1 - Specific Uses must be sent to the County of Monterey Special Events Task Force for their review and discussed at a Special Events Task Force Meeting before the commencement of the event.

The following Special Events Development Plan information must be included with the Temporary Structure - Construction Permit Application submittal for each proposed event:

1) Traffic & Parking Management Plan. If concurrent events are taking place, provide a shared parking plan for Special Events Task Force and Public Works to review.

2) Length of event, total accumulation of event days at the site, and number of event guests and vendors/staff. RMA-Planning Staff will review the length of event, the total number of event days that has occurred at the site, and the proposed number of event attendees to ensure it complies with the allowed use per Condition No. 1.

3) Event Layout Plan. The event layout plan will be reviewed by all applicable agencies. All proposed temporary facilities must be shown and details of all proposed temporary facilities such as restrooms must be provided.

4) Live Music & Audible Noise Program/Schedule. Environmental Services and RMA-Planning will review the program/schedule to ensure compliance with the allowed times per Condition No. 1 and with Chapter 10.60 – Noise Control of the Monterey County Code.

5) Emergency Vehicle Access and Evacuation Plan. RMA-Public Works, Cypress Fire Protection District and County Sheriff's Office will review the proposed plan.

6) A list of issues that arose from past events and how these issues will be addressed/resolved for the current event (if applicable). All applicable agencies will review the listed issues and the proposed recommendations for resolution.

7) A Lighting Plan. The lighting plan will be reviewed by RMA-Planning in accordance with the County's Exterior Lighting Regulations.

8) A Signage Plan. The signage plan will be reviewed by all applicable reviewing agencies.

Compliance or At least 60 days prior to the commencement of the event, the applicant shall submit

Action to be Performed: Special Events Development Plan information to RMA-Planning and Special Events Permit Coordinator for review.

The Special Events Development Plan information listed in this condition (No. 1 through 8) must be incorporated in the Temporary Structure Construction Permit Application Submittal for inter-agency review.

Non-compliance with the Coastal Development Permit may result in modification or revocation of this permit and subsequent code enforcement and/or legal action may be taken.

4. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel

Condition/Mitigation The property owner agrees as a condition and in consideration of approval of this Monitoring Measure: 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. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its 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 property, filing of the final map, recordation of the certificates of compliance 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. (County Counsel)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the County Counsel for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel.

5. PD032(A) - PERMIT EXPIRATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of approximately four calendar years, to expire on December 31, 2022. Within 120 days prior to the expiration of this permit, the owner/applicant may apply for an extension to continue the use at the residential property. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Within 120 days prior to the expiration of this permit, the owner/applicant may apply for an extension to continue the use at the residential property.

6. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

Compliance or Monitoring Action to be Performed: Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.



R TRUE ORTON EXISTING SITE PLAN



Fletcher + Hardoin Architects



769 PACIFIC STREET • MONTEREY, CALIFORNIA 93940 TEL 831 – 373 – 5855 • FAX 831 – 373 – 5889 CONSULTANT:

PROJECT:

CANARY COTTAGE EXISTING STRUCTURES

1498 CYPRESS DRIVE PEBBLE BEACH, CA 93953 APN: 008-455-001-000 ZONING: LDR-CZ

PROJECT NO: 1813 _____

OWNER:

PEBBLE BEACH COMPANY

PO BOX 1767 PEBBLE BEACH, CA 93953

SHEET TITLE: EXISTING SITE PLAN

SCALE: 1" = 20'-0"

JRC DRAWN BY: PRINT DATE: • DRAWING DATE: 01/10/2019 DATE ISSUED FOR CONSTRUCTION:

REVISIONS:

FILE: VIEW: Use of these drawings and specifications is restricted to the original project site for which they were intended. Re-use or reproduction by any method, in whole or in part, is prohibited. Title to drawings and specifications including all designs, ideas and information remains with Fletcher + Hardoin Architects. Visual contact with these drawings and specifications shall constitute prima face evidence of the acceptance of these restrictions. © FLETCHER + HARDOIN ARCHITECTS 2015

SHEET NUMBER:

A1.0 SHEET _____ OF _____ SHEETS



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