

MONTEREY COUNTY PLANNING COMMISSION

Meeting: March 13, 2013 Time: 10:30am	Agenda Item No.: 5
Project Description: Combined Development Permit to correct violations on the property (CE010418 and CE030343) consisting of: 1) Coastal Administrative Permit to allow a 1,148 square foot addition to an existing 1,068 square foot two story single family dwelling which includes an office, workout room, sauna, closet, extension to the existing kitchen and bedroom, three new bathrooms. Additions also include a 90 square foot balcony, 1,488 square feet of uncovered patio area and 398 square foot deck addition; 2) Coastal Administrative Permit to convert a 270 square foot unit into a guesthouse; 3) Coastal Development Permit for the removal of two (2) landmark and (5) non-landmark Redwood trees; 4) Coastal Development Permit to allow development within 100 feet of an environmentally sensitive habitat; 5) a Restoration Plan for the demolition of an 431 square foot unfinished garage structure and restoration to slopes and vegetation near Palo Colorado Road; 6) Coastal Development Permit for development on slopes greater than 30%; and 7) a Design Approval.	
Project Location: 37295 Palo Colorado Road, Big Sur	APN: 418-041-037-000
Planning File Number: PLN100528	Owner: Andreas Baer
Planning Area: Big Sur Coast Land Use Plan	Staked: Yes
Zoning Designation: : WSC/40-D(CZ) [Watershed and Scenic Conservation, 40 acres per unit with a Design Control Overlay (Coastal Zone)]	
CEQA Action: Categorically Exempt per Section 15301(e) and 15308	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit C**) to:

- 1) Find the project Categorically exempt per Section 15301(e) and 15308 of the CEQA Guidelines; and
- 2) Approve PLN100528, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**)

PROJECT OVERVIEW:

The project entails the correction of code violations placed on the property due to redwood tree removal (CE010418) and unpermitted construction (CE030343). Unpermitted construction includes 1,004 square feet of habitable space, a 398 square foot deck extension to an existing 1,325 square foot deck, 1,488 square feet of uncovered patio area, a 90 square foot balcony, and an unfinished garage structure located near Palo Colorado Road. Also included is the unpermitted removal of seven (7) redwood trees. To clear the violation, the project proposes to obtain permits for additions previously built. A total of 414 square feet of additional space will be required to provide internal circulation between the existing house and the unpermitted additions which were previously used as separate units. The 270 square foot unit is unable to connect to the existing dwelling so it is being converted into a guesthouse. An unfinished garage structure near Palo Colorado Road will be demolished and the area disturbed will be restored back to native condition. Due to new trees regenerating in the area of the previously impacted redwoods, tree replacement is not required.

The unpermitted violations stated above impacted redwood forest habitat and slopes over 30%. Additionally, if the project was properly submitted, additions would have been significantly reduced due to forest and creek habitat. As is stands, the unpermitted additions have been on the property for over 12 years and all reports conclude that impacts to the site have naturally been restored. Additional improvements proposed to bring the property into compliance with County standards will have no impact to the resources on the property. The impacted tree area is producing healthy

redwood trees and vegetation. Native vegetation near the dwelling has been restored by the surrounding forest habitat. At this point full restoration of the unpermitted areas will be considered a significant impact. Also, the current owner is attempting to correct the previous owner's mistakes by restoring the disturbed area near Palo Colorado Road (unfinished garage) and modifying the unpermitted additions to comply with regulations of that area in regards to zoning and policies for development within ESHA. Staff has determined the project, as proposed, will better meet the policies of the Big Sur Coastal Land Use Plan/Costal Implementation Plan and Title 20 of the County Zoning Ordinance (sees **Exhibit B** for project discussion).

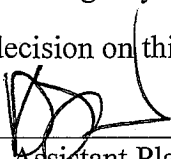
OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

- √ RMA - Public Works Department
- √ Environmental Health Bureau
- √ Water Resources Agency
- √ Cal-Fire Coastal

Agencies that submitted comments are noted with a check mark ("√"). Conditions recommended by the Environmental Health Bureau and Cal-Fire Coastal have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit C**).

The project was referred to the Big Sur Coast Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the project requires a discretionary permit with a public hearing before the Monterey County Planning Commission. On July 24, 2012, after being continued on June 24, 2012, the LUAC recommend support of the project with recommendations that Environmental Health Bureau and Fire Agency ensure water and wastewater use is adequate and existing bridge is safe.

Note: The decision on this project is appealable to the Board of Supervisors.



Dan Lister – Assistant Planner
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March 6, 2013

cc: Front Counter Copy; Planning Commission; Cal-Fire Coastal; Public Works Department; Environmental Health Bureau; Water Resources Agency; Wanda Hickman, Planning Services Manager; John Ford, Senior Planner; Dan Lister, Project Planner; Carol Allen, Senior Secretary; Andreas Baer, Owner; The Open Monterey Project; LandWatch; File PLN110528.

Attachments: Exhibit A Project Data Sheet
Exhibit B Project Discussion
Exhibit C Draft Resolution, including:

- Conditions of Approval
- Site Plan, Floor Plan and Elevations

Exhibit D Vicinity Map
Exhibit E Advisory Committee Minutes (LUAC)

- July 26, 2011
- July 10, 2012

- July 24, 2012

This report was reviewed by John Ford, Senior Planner.

A handwritten signature in black ink, appearing to be 'JF', with a long horizontal line extending to the right from the top of the signature.

EXHIBIT A
PROJECT INFORMATION FOR PLN100528

Project Title:	Baer	Primary APN:	418-041-037-000
Location:	37295 Palo Colorado Road, Big Sur, CA	Coastal Zone:	Yes
Applicable Plan:	Big Sur Coast LUP	Zoning:	WSC/40-D (CZ)
Permit Type:	Combined Development Plan	Plan Designation:	Watershed and Scenic Conservation
Environmental Status:	Categorically Exempt	Final Action Deadline:	3/18/2013
Advisory Committee:	Big Sur Coast LUAC		

Project Site Data:

Lot Size:	22,589	Coverage Allowed:	10%
Existing Structures (sf):	2,465	Coverage Proposed:	8.35%
Proposed Structures (sf):	1,948	Height Allowed:	24'
Total Square Feet:	4,413	Height Proposed:	23'

Resource Zones and Reports:

Environmentally Sensitive Habitat:	Yes	Erosion Hazard Zone:	Moderate
Botanical Report #:	LIB130036	Geologic Hazard Zone:	Relatively Stable
Forest Mgt. Report #:	LIB130037	Geologic Report #:	LIB130038
Archaeological Sensitivity Zone:	Moderate	Traffic Report #:	N/A
Archaeological Report #:	N/A	Hydrology Report#:	LIB130039
Fire Hazard Zone:	V. High	Hydrogeologic Report#:	LIB130040

Other Information:

Water Source:	Water Catchment System	Sewage Disposal (method):	Septic
Fire District:	CDF - Coastal	Grading (cubic yds):	0
Tree Removal (Count/Type):	7 Redwoods		

EXHIBIT B DISCUSSION

Project Description

The project entails the legalization of unpermitted additions to an existing single family dwelling. Unpermitted construction consisting of a 734 square foot addition to the existing single family dwelling, a 270 square foot unit with kitchen, a 398 square foot deck expansion, a 1,488 square foot patio/paver expansion with hot tub, 114 linear feet of retaining walls, a 90 square foot balcony and a 431 square foot unfinished garage structure near Palo Colorado Road. The additions have no internal circulation to the main dwelling appearing to be separate units. Also, seven (7) Redwood trees were removed without benefit of a permit.

Two code violations were opened on the property in 2001 (CE010418) and 2003 (CE030343) for the illegal work. The previous owner (Norman Nelson) attempted to clear the violations in 2005 (PLN050697) but never completed the permit process. The property was purchased by Mr. Andreas Baer with plans to correct the violations submitted in 2010. The project proposes to legalize structural additions made and modify the additions to have internal circulation with the main dwelling. One unit will be converted into a guesthouse by removing the kitchen. The unfinished garage structure will be removed and area restored.

Environmental Setting

The project is located adjacent to Palo Colorado Road, a one-lane road which extends from Highway 1 and the Los Padres National Forest. The properties along the road consist of dwellings built within a thick redwood forest habitat, steep slopes and located 20-30 feet from Palo Colorado Creek. The majority of the properties along the road do not have designated parking spaces requiring vehicles to park along the road between trees. Dwellings in the area pump water from the Palo Colorado Creek. Most properties wastewater systems consist of alternative treatment system due to previous issues with septic systems and creek contamination.

Project Issues

Unpermitted development activities have impacted seven (7) redwood trees, slopes over 30%, and native vegetation. Associated technical reports identify that impacts have naturally been restored by the surrounding natural forest habitat, regenerating new redwood trees and native vegetation. All reports concur that the site is stable and impacts are self-restored.

Recommendations regarding tree protection and maintenance, restoration to slopes and vegetation after the removal of the unfinished garage, construction management and lighting has been added as a condition of approval (see **Exhibit C**).

Other concerns, primarily from the Big Sur Coast Advisory Committee, include the size of the proposed dwelling and its impact to water and septic resources. Prior to violations, the property consisted of a 1,068 square foot two-story dwelling with 924 square feet of patio/pavers, 72 linear feet of retaining walls and 1,325 square feet of decks. The final product will be a 2,234 square foot two story (734 square feet of illegal additions and 414 square feet for internal circulation modifications) with a 270 square foot guesthouse, 2,279 square feet of patio/pavers, 186 linear feet of retaining walls, and 1,723 square feet of decks.

The project site currently has a septic system and a water catchment system that pumps water from Palo Colorado creek. A hydrology and hydrological report has been prepared to determine the riparian water rights, as well as flood zone evaluation in relation to the existing development.

A hydrology report was prepared evaluating the high water level of Palo Colorado Creek during a 100-year storm event. As mentioned in the biological and forest management plan, a flood occurred in 1998 requiring a streambed alteration approval by the Department of Fish and Game

improving the channel to decrease future flood impacts. Based on factors such as stream improvements, slope drainage, area and shape of watershed, surface soils, resistance of flow and rainfall event statistics, the developed area is located 25 feet above the flood area and would not be affected during a 100-year storm.

A hydrogeological report was prepared to determine riparian water rights and provide an interior and exterior water demand using factors based on Monterey Peninsula Water Management District (MPWMD) fixture unit counts and non-potable water use factors. The current project proposes an interior water demand of 0.24 acre feet per year (af/yr) and an exterior water demand of 0.31 af/yr giving a water demand of 0.55af/yr. The proposed demand is consistent with the Supplemental Statement of Water Diversion and Use from the State Water Resource Control Board #S015724. The statement was approved with a water demand of 15,000 gallons per month, totaling 180,000 gallons a year, equivalent to 0.55 af/yr. The statement allows a maximum of 200,000 gallons a year (0.61 af/yr)

Based upon review of the project and associated technical reports by the Environmental Health Bureau, an alternative wastewater treatment system is required, as conditioned. The existing septic system is inadequate and must be capped. An alternative treatment system is not uncommon in the area, and is normally required due to the inadequate septic systems in the area and their contribution to water contamination. Review by the Bureau regarding the H2O catchment system was determined to be adequate for the size and location.

Due to the projects location, if the project was submitted through our planning process prior to development staff would have recommended a reduction in deck and patio size. Development on slopes over 30% would still occur due to no other location on the site suitable for development. With that being said, the unpermitted work has been on the property for 12 years. According to the technical reports associated with the project, requiring the owner to fully restore previous development in an area that has naturally restored previous impacts and is considered stable would significantly impact forest and creek habitat on the property. Staff has determined that the project, as it stands, would benefit to the surrounding forest habitat by retaining previous development. The current owner, Andreas Baer, applied for planning permits almost three years ago to correct unpermitted development previously done by the previous owner. The project essentially corrects zoning inconsistencies which have been identified in the associated technical reports to have no environment impacts.

Environmental Review

The project is Categorical Exemption per Section 15301(e) and 15308 of the CEQA Guidelines. CEQA Guideline Section 15125(a) determines impacts based on current environmental conditions of the project area at the time of preparation of environmental review. The environmental setting for the subject project is the existing dwelling with 12 year old improvements. The subject project proposes to clear violations on the property which requires 414 square feet of improvements that will provide internal circulation between the existing dwelling and the unpermitted additions. Improvements also include removing the kitchen in a detached unit that will serve as a guesthouse and the removal of the unfinished garage structure near Palo Colorado Road which will be restored consistent with the forest habitat. Modifications proposed to rectify code violations on the property (414 square feet) will be less than 50% of the floor area and the project as whole will not exceed 2,500 square feet of additions. The project, as previously stated, proposes restoration and maintenance methods to the property that will benefit the surrounding resource, which include erosion control methods near the creek, invasive plant species removal, reduced exterior lighting, and tree protection and maintenance measures.

EXHIBIT C
DRAFT RESOLUTION

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

BAER (PLN100528)

RESOLUTION NO. [REDACTED]

Resolution by the Monterey County Hearing Body:

- 1) Finding the project Categorically exempt per Section 15301(e) and 15308 of the CEQA Guidelines; and
- 2) Approving a Combined Development Permit to correct violations on the property (CE010418 and CE030343) consisting of: 1) Coastal Administrative Permit to allow a 1,148 square foot addition to an existing 1,068 square foot two story single family dwelling which includes an office, workout room, sauna, closet, extension to the existing kitchen and bedroom, three new bathrooms. Additions also include a 90 square foot balcony, 1,488 square feet of uncovered patio area and 398 square foot deck addition; 2) Coastal Administrative Permit to convert a 270 square foot unit into a guesthouse; 3) Coastal Development Permit for the removal of two (2) landmark and (5) non-landmark Redwood trees; 4) Coastal Development Permit to allow development within 100 feet of an environmentally sensitive habitat; 5) a Restoration Plan for the demolition of an 431 square foot unfinished garage structure and restoration to slopes and vegetation near Palo Colorado Road; 6) Coastal Development Permit for development on slopes greater than 30%; and 7) a Design Approval.

PLN100528, Baer, 37295 Palo Colorado Road, Big Sur Big Sur Coast Land Use Plan (APN: 418-041-037-000)

The Combined Development Permit application (PLN110528) came on for public hearing before the Monterey County Planning Commission on March 13, 2013. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
- EVIDENCE:**
- a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - 1982 Monterey County General Plan;
 - Big Sur Coast Land Use Plan / Monterey County Coastal Implementation Plan Part 3;
 - Monterey County Zoning Ordinance (Title 20);No conflicts were found to exist. 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 37295 Palo Colorado Road, Big Sur (Assessor's Parcel Number 418-041-037-000), Big Sur Coast Land Use Plan. The parcel is zoned WSC/40-D (CZ) [Watershed and Scenic Conservation, 40 acres per unit with a Design Control Overlay (Coastal Zone)], which allows limited residential development while protecting significant and substantial resources of the area (20.17.010, Zoning Ordinance). The project proposes to legalize unpermitted structural additions to the existing main dwelling. The biological report prepared for the project has identified that in the last 12 years redwood trees have started to regenerate and other native vegetation has been re-established. The biological resources of the site would be better enhanced by propagating what is happening naturally with little disruption possible than attempting to remove the illegal improvements and restore the site to its condition 12 years ago.
 - c) The project planner conducted a site inspection on October 10, 2011 to verify that the project on the subject parcel conforms to the plans listed above.
 - d) The project was referred to the Big Sur Coast Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the project requires a discretionary permit with a public hearing before the Monterey County Planning Commission. On July 24, 2012, after being continued on June 24, 2012, the LUAC recommend support of the project with recommendations that Environmental Health Bureau and Fire Agency ensure water and wastewater use is adequate and existing bridge is safe.
 - e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110528.
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 Department, Cal-Fire,

Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- b) Staff identified potential impacts to Biological Resources, Forest Resources, Soil/Slope Stability and Hydrology. Technical reports by outside consultants indicated that impact due to illegal construction have been naturally restored through regeneration of the surrounding forest habitat and recommend maintenance conditions. The reports do not indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:
 - "Riparian Right Water Demand for 37295 Palo Colorado Road" (LIB130040) prepared by Bierman Hydrogeologic, Aptos, CA, April 23, 2012.
 - "Hydrology Study" (LIB130039) prepared by Andreas Baer, Engineer, Big Sur, CA, March 14, 2012.
 - "Geology of Nelson Property, Palo Colorado Canyon" (LIB130038) prepared by Karl Vonder Linden, Menlo Park, CA, November 17, 2006.
 - "Forest Management Plan for Residential Parcel" (LIB130037) prepared by Forest City Consulting, Carmel, CA, August 9, 2007 and updated August 26, 2010 and January 10, 2012.
 - "Biological Assessment" (LIB130036) prepared by Nicole Nedeff, Carmel Valley, CA, July 24, 2007, updated on August 29, 2010 and January 6, 2012.
- c) Staff conducted a site inspection on October 10, 2011 to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100528.

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 Cal-Fire, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary public facilities are available to serve the proposed dwelling. Water will be supplied from Palo Colorado Creek through a water catchment system. The Environmental Health Bureau and Water Resources Agency reviewed the riparian water rights for the property

determining the source adequate for the development. The existing septic system is inadequate and has been conditioned by the Environmental Health Bureau to be removed and replaced by an alternative wastewater treatment system.

c) Preceding findings and supporting evidence for PLN100528.

4. **FINDING:** **EXISTING VIOLATIONS** - The subject property has existing code violations. The proposed project will bring the property into compliance with County policies and regulations.

EVIDENCE:

- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is aware of violations existing on subject property. Two code violations were opened on the property in 2001 (CE010418) and 2003 (CE030343) for the illegal work. The previous owner (Norman Nelson) attempted to clear the violations in 2005 (PLN050697) but never completed the permit process. The property was purchased by Mr. Andreas Bear in 2010 with plans to correct the violations.
- b) Staff conducted a site inspection on October 10, 2011 and researched County records to assess if any violation exists on the subject property.
- c) The proposed project cures all existing violations regarding illegal construction (CE030343) and tree removal (CE010418). Unpermitted construction consisting of a 734 square foot addition to the existing single family dwelling, a 270 square foot unit with kitchen, a 398 square foot deck expansion, a 1,488 square foot patio/paver expansion with hot tub, 114 linear feet of retaining walls, a 90 square foot balcony and a 431 square foot unfinished garage structure near Palo Colorado Road. The additions have no internal circulation to the main dwelling appearing to be separate units. Also, seven (7) Redwood trees were removed without benefit of a permit. To clear the violation, the project proposes to obtain permits for additions previously built. A total of 414 square feet of additional space will be required to provide internal circulation between the existing house and the unpermitted additions which were previously used as separate units. The 270 square foot unit is unable to connect to the existing dwelling so it is being converted into a guesthouse. An unfinished garage structure near Palo Colorado Road will be demolished and the area disturbed will be restored back to native condition. The biological assessment and Forest Management Plan prepared has determined that the impact Redwood trees have naturally restored themselves with the growth of new redwood saplings. Tree replacement is not recommended.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100528.

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 15301(e) and 15308 of the CEQA Guidelines exempt
- b) CEQA Guideline Section 15125(a) determines impacts based on current environmental conditions of the project area at the time of preparation of environmental review. The environmental setting for the subject

project is the existing dwelling with 12 year old improvements. Associated technical reports have identified that forest habitat within the impacted areas have regenerating, naturally restoring disturbed area. Removal of unpermitted structures in an area that is considered stable with naturally restored resources would be a significant impact. The subject project proposes to clear violations on the property which requires 414 square feet of improvements that will provide internal circulation between the existing dwelling and the unpermitted additions. Improvements also include removing the kitchen in a detached unit that will serve as a guesthouse and the removal of the unfinished garage structure near Palo Colorado Road which will be restored consistent with the forest habitat.

- c) Modification proposed to rectify code violations on the property (414 square feet) will be less than 50% of the floor area and the project as a whole will not exceed 2,500 square feet in additions. The project also proposes restoration to an area disturbed by an unfinished garage structure and on-going maintenance methods that will benefit the surrounding forest habitat.
- d) No adverse environmental effects were identified during staff review of the development application during a site visit on October 10, 2011.
- e) Based on the environmental setting and development existing on the property, the project will not impact resources listed in Section 15300.2 of the CEQA Guidelines.
- f) See preceding and following findings and supporting evidence.

6. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.145.150 of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 2 in the Big Sur Coast Shoreline Access Plan).
 - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100528.

7. **FINDING:** **DEVELOPMENT ON SLOPE** – Pursuant to General Plan policy 26.1.10, no feasible alternative allowing development to occur on slopes of less than 30% were identified. Said development will better meet the goals and polices of the General Plan, Big Sur Coast Land Use Plan and Coastal Implementation Plan.

- EVIDENCE:**
- a) The project includes application for development on slopes exceeding 30%. In accordance with the applicable policies of the Big Sur Coast Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal

Development Permit and geological assessment is required for development of slopes over 30% (20.145.080.A.b, CIP and 20.64.230, Zoning Ordinance).

- b) The project is located in the Palo Colorado Canyon area where dwellings are placed on steep slopes in order to protect forest habitat and the creek. Additions, as proposed by the project, are attached to the existing dwelling located on portions of slopes over 30%. The location of the additions is preferred due to the surrounding redwood forest and creek just outside of the developed area. There are no alternative locations for development.
- c) Pursuant to technical reports, existing additions on slopes are stable. Restoration is not recommended because of the stable conditions as well as the regeneration of impacted habitat that have been naturally restored. At this point, restoration would be considered a significant impact.
- d) To ensure protection to slopes on the property, a condition has been applied requiring the owner to record a deed restricting further development of the property.
- e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100528.
- f) The project planner conducted a site inspection on October 10, 2011.

8. **FINDING:**

ESHA – The subject project minimizes impact on environmentally sensitive habitat areas in accordance with the applicable goals and policies of the applicable area plan and zoning codes. Pursuant to section 20.145.040.A, a biological report is required for development proposed within 100 feet of ESHA. The project is located in a dense redwood forest in the Palo Colorado Canyon area. Policy 3.3.3.8 of the LUP requires development to be sited and designed to minimize impacts to redwood habitat forest. Also, Policy 3.3.3.4 of the LUP requires a 150 foot setback from streambanks in order to protect riparian vegetation.

EVIDENCE:

- a) The project includes application for development within 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.
- b) A Biological Report was prepared by Nicole Nedeff on July 24, 2007, updated on August 29, 2010 and January 6, 2012. The report concludes that previous impacts to forest habitat due to tree removal and unpermitted construction have regenerated. The previously impacted trees have been naturally restored with redwood saplings. Slopes and areas previously disturbed by development have been naturally restored by the surrounding forest habitat. The report recommends maintenance measure that will enhance the regeneration of the forest habitat and prevent future erosion hazard to existing creek. Maintenance measures include removal of invasive plant species, standard erosion control methods, exterior lighting limitations, and restoration measures to area near road where illegal garage will be removed.
- c) Restoration and habitat maintenance recommendations by the biologist have been applied as conditions.

- d) The project planner conducted a site inspection on October 10, 2011 to verify ESHA locations and potential project impacts to ESHA.
- e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100528.

9. **FINDING:** **TREE REMOVAL – COASTAL** The subject project minimizes tree removal in accordance with the applicable goals and policies of the Big Sur Coast Land Use Plan and the associated Coastal Implementation Plan.

- EVIDENCE:**
- a) The project includes application for the previous illegal removal of seven (7) redwood trees (2 landmark, 5 non-landmark). In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20/21), a Coastal Development Permit is required and the authority to grant said permit has been met.
 - b) Pursuant to Section 20.145.060.D.1 of the CIP, landmark tree removal is not permitted unless an exception can be grant by the appropriate decision-maker. According to the Forest Management Plan prepared for the project, there is sufficient evidence that two (2) landmark redwood trees were leaning over the existing dwelling. The leaning trees were cabled to minimal the potential hazard, but the cables continued to snap. Due to the immediate hazard, the two (2)-landmark trees were removed. Five (5) non-landmark trees were removed in order to access and remove the hazardous trees. Pursuant to Section 20.145.060 of the CIP, a Coastal Permit is not required for the removal of hazardous trees.
 - c) Pursuant to Section 20.145.060.B of the CIP, Forest City Consulting prepared a Forest Management Plan on August 9, 2007 and updated August 26, 2010 and January 10, 2012. The report states that impacted area has regenerated and the report recommends maintenance conditions, such as methodical thinning and invasive species removal to ensure the success of the redwood tree growth. Tree replacement is not recommended due to overcrowding and regeneration within the area impacts occurred.
 - d) Measures for tree protection during construction (restoration work and correction work to the unpermitted additions) have been incorporated as conditions of approval and include tree protection zones, trunk protection, hand excavation and bridging roots.
 - e) Staff conducted a site inspection on October 10, 2011 to verify that the tree removal is the minimum necessary for the project and to identify any potential adverse environmental impacts related to the proposed tree removal.
 - f) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100528.

10. **FINDING:** **WATER SUPPLY –** The project has an adequate long-term water supply and manages development in the area so as to minimize adverse effects on the aquifers and preserve them as viable sources of water for human consumption.

- EVIDENCE:**
- a) All properties along Palo Colorado Road pump water from the Palo

Colorado Creek. The subject property has an existing water Catchment System that pumps water from the creek into a storage tank for habitable use.

- b) Pursuant to the Hydrogeologic Report, the property has approved riparian water rights (Permit #S015724, April 2004) from the State Water Resource Control Board (SWRCB). Pursuant to Water Rights Permit from the SWRCB, the property is allowed 180,000 gallons a year (15,000 gallons a month), not to exceed 200,000 gallons a year. Using interior and exterior water demand factors, the proposed project will use 0.55 acre feet a year (180,000 gallons) and will not exceed 0.61 acre feet a year (200,000 gallons).
- c) Pursuant to the Big Sur Land Use Plan and Coastal Implementation Plan, Palo Colorado Creek is located in a water study area requiring the property to enter into a water reporting program with the Department of Fish and Wildlife and SWRCB if intensification of water use is proposed (Policy 3.4.3.A & C, LUP and 20.145.050.A & D, CIP). Pursuant to the Water Right Permit (#S015724) from SWRCB and review by the Water Resources Agency and Environmental Health Bureau, the project is not proposing a intensification of water use.

11. **FINDING:**

WILDFIRE PROTECTION STANDARDS IN STATE RESPONSIBILITY AREAS

– The subject project, as conditioned, will ensure standardized basic emergency access and fire protection pursuant to Section 4290 of the Public Resource Code.

EVIDENCE:

- a) The proposed project is within the Monterey County State Responsibility Area.
- b) The project is located in a dense redwood forest. Pursuant to review by the Cal-Fire – Coastal, the six (6) recommended conditions will ensure adequate access for local protection agency and fire protection of the property.
- c) The six (6) conditions require the dwelling to have fire-sprinklers, a fire hydrant/adequate water supply, Class A roofing materials, proper address identification, and removal of combustible vegetation within 100 feet of the house.

12. **FINDING:**

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

EVIDENCE:

- a) Section 20.86.030.A of the Monterey County Zoning Ordinance (Board of Supervisors).
- b) Section 20.86.080 of the Monterey County Zoning Ordinance (Coastal Commission). The project is subject to appeal by the California Coastal Commission because the project is within 100 feet of a stream.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

1. Find the project Categorically exempt per Section 15301(e) and 15308 of the CEQA Guidelines; and
2. Approve a Combined Development Permit to correct violations on the property (CE010418 and CE030343) consisting of: 1) Coastal Administrative Permit to allow a 1,148 square foot addition to an existing 1,068 square foot two story single family dwelling which includes an office, workout room, sauna, closet, extension to the existing kitchen and bedroom, three new bathrooms. Additions also include a 90 square foot balcony, 1,488 square feet of uncovered patio area and 398 square foot deck addition; 2) Coastal Administrative Permit to convert a 270 square foot unit into a guesthouse; 3) Coastal Development Permit for the removal of two (2) landmark and (5) non-landmark Redwood trees; 4) Coastal Development Permit to allow development within 100 feet of an environmentally sensitive habitat; 5) a Restoration Plan for the demolition of an 431 square foot unfinished garage structure and restoration to slopes and vegetation near Palo Colorado Road; 6) Coastal Development Permit for development on slopes greater than 30%; and 7) a Design Approval, in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 13th day of March, 2013 upon motion of XXXX, seconded by XXXX, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mike Novo, Secretary.

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

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 DATE

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS / IS NOT 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. FOR FURTHER INFORMATION, CONTACT 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. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

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

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

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Monterey County Planning Department

DRAFT Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan

PLN100528

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This Combined Development Permit (PLN100528) allows violations on the property (CE010418 and CE030343) to be corrected. The Combined Development Permit consists of: 1) Coastal Administrative Permit to allow a 1,045 square foot addition (600 square feet upstairs; 445 square feet main floor) to an existing 1,152 square foot two story single family dwelling which includes an office, workout room, sauna, closet, extension to the existing kitchen and bedroom, three new bathrooms. Additions also include a 90 square foot balcony and 1,030 square foot deck addition; 2) Coastal Administrative Permit to convert a 370 square foot unit into a guesthouse; 3) Coastal Development Permit for the removal of two (2) landmark and (5) non-landmark Redwood trees; 4) Coastal Development Permit to allow development within 100 feet of an environmentally sensitive habitat; 5) a Restoration Plan for the demolition of an unfinished garage structure and restoration to slopes and vegetation near Palo Colorado Road; 6) Coastal Development Permit for development on slopes greater than 30%; and 7) a Design Approval. The property is located at 37295 Palo Colorado Road, Carmel (Assessor's Parcel Number 418-041-037-000), approximately 2.5 miles east of Highway One, Coastal Zone. 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 the RMA - Planning Department. 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 Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Monterey County Planning Commission for Assessor's Parcel Number 418-041-037-000 on March 13, 2013. The permit was granted subject to 15 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis. Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. 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.

4. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of 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. The 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 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.
(RMA - Planning Department)

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, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA-Planning Department.

5. PDSP001 - RESTORATION AND MAINTENANCE PLAN

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: As proposed and recommended in technical reports associated with the subject project, a Restoration and Maintenance Plan is required. The plan will delineate removal of the garage and restoration to slopes and vegetation in the area located near Palo Colorado Road. All maintenance recommendations regarding trees, vegetation and surrounding habitat shall be applied to the plan and implemented. Recommendations include: tree protection measures, tree root protection during construction, construction management staging, debris removal, erosion control, invasive species removal, fire prevention/thinning, and exterior lighting reduction.

Once all construction activities have ceased, a report by a professional certified biologist shall be submitted to the RMA - Planning Department providing proof that restoration has been completed as recommended. If not, the report should provide measures to ensure restoration is completed as recommended.

The Restoration plan shall establish performance criteria for maintaining and enhancing the forest environment on the property. The plan shall establish performance objectives for a three year period. Three (3) years after restoration completion, a report by a professional qualified biologist shall be submitted to the RMA - Planning Department providing evidence that restoration and maintenance measures have been implemented and is successful. If not, the report shall provide measures and review period to ensure full restoration and maintenance.

Compliance or Monitoring Action to be Performed: Prior to the issuance of any construction permits, a restoration plan shall be submitted to the RMA-Planning Department demonstrating all restoration and maintenance recommendations made by associated consultant have been induced and will be implemented.

Once all construction activities have ceased, a report by a professional certified biologist shall be submitted to the RMA - Planning Department providing proof that restoration has been completed as recommended. If not, the report should provide measures to ensure restoration is completed as recommended.

Three (3) years after restoration completion, a report by a professional qualified biologist shall be submitted to the RMA - Planning Department providing evidence that restoration and maintenance measures have been implemented and is successful. If not, the report shall provide measures and review period to ensure full restoration and maintenance.

6. PDSP002 - DEED RESTRICTION: LIMITED DEVELOPMENT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to the issuance of any construction permits, a deed restriction shall be recorded, stating: "No development shall occur outside the existing developed area to ensure protection of existing slopes, trees, creek and forest habitat. The existing developed area includes: main dwelling, guesthouse, deck, and patios. All development requires review by the RMA - Planning Department. Structures and utilities outside the existing developed area (fences, retaining walls, bridge, water tanks, etc.) may be replaced, maintained, or expanded with benefit of a permit by the County." A copy of the recorded deed must be submitted to the RMA - Planning Department.

Compliance or Monitoring Action to be Performed: Prior to the issuance of any construction permits, a deed restriction shall be notarized and recorded. A copy of the recorded deed must be submitted to the RMA - Planning Department.

7. EHSP01 DEED RESTRICTION: ALTERNATIVE ONSITE WASTEWATER TREATMENT SYSTEM REQUIREMENTS

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Environmental Health Bureau (EHB) has determined that a standard onsite wastewater system that meets minimum public health requirements is not feasible for the Property. An alternative wastewater treatment system will be required. EHB will oversee permitting and installation of an alternative wastewater treatment system suitable for conditions affecting subject parcel.

The applicant shall record a deed restriction with the Monterey County Recorder for parcel 418-041-037-000 which indicates that an Alternative Onsite Wastewater Treatment System (Alt OWTS) is installed on the property. The deed restriction shall include, but is not limited to, the following details:

- The Alt OWTS is subject to all future federal, state or local laws and ordinances regarding the permitting, operation and maintenance and/or monitoring of Alt OWTS
- The system is subject to an annual operating permit with applicable fees paid to the Environmental Health Bureau
- Property owner agrees to enter into and maintain a maintenance contract with an authorized service provider

Contact EHB to request a copy of the deed restriction template. The property owner will be responsible to pay cost recovery fees associated with review of the deed restriction by County Counsel.

Compliance or Monitoring Action to be Performed: Prior to final inspection of building permit, the applicant shall submit a signed and notarized draft deed restriction for review and approval by the Environmental Health Bureau and County Counsel.

Once approved, the property owner shall record the deed restriction with the Monterey County Recorder. Proof of recordation shall be provided to EHB and Planning Department.

8. EHSP02 ALTERNATIVE WASTEWATER TREATMENT SYSTEM REQUIREMENTS: OPERATIONS AND MAINTENANCE CON

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The proposed alternative onsite wastewater treatment system (ATU) requires an ongoing maintenance and monitoring to function as designed. Submit a signed operations and maintenance contract from an authorized licensed service provider to Environmental Health Bureau (EHB). The contract shall include, but not be limited to:

- Statement that if either party fails to comply with the contract EHB will be notified.
- A maintenance report, including effluent quality as specified by the associated ATU OWTS permit shall be submitted to EHB bi-annually.
- EHB shall be notified at each renewal term, and a copy of the contract shall be submitted to EHB.
- All testing requirements in county, state and federal regulations shall be complied with.

Compliance or Monitoring Action to be Performed: Prior to building permit final, submit a signed Operations and Maintenance contract from a authorized licensed service provider to EHB for review and approval.
All lab results and service reports shall be submitted to EHB on a bi-annual basis.
All renew contracts shall be submitted to EHB for review and approval.
The Operations And Maintenance Contract is an ongoing condition.

9. FIRE008 - GATES

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (Cal-Fire Coastal)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to final building inspection, the applicant or owner shall schedule fire dept. clearance inspection.

10. FIRE011 - ADDRESSES FOR BUILDINGS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Cal-Fire Coastal)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to final building inspection, the applicant or owner shall schedule fire dept. clearance inspection.

11. FIRE014 - EMERGENCY WATER STANDARDS - FIRE PROTECTION WATER SUPPLY - (SINGLE PARCEL)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: For development of structures totaling less than 3,000 square feet on a single parcel, the minimum fire protection water supply shall be 4,900 gallons. For development of structures totaling 3,000 square feet or more on a single parcel, the minimum fire protection water supply shall be 9,800 gallons. For development of structures totaling more than 10,000 square feet on a single parcel, the reviewing authority may require additional fire protection water supply. Other water supply alternatives, including ISO Rural Class 8 mobile water systems, may be permitted by the fire authority to provide for the same practical effect. The quantity of water required by this condition shall be in addition to the domestic demand and shall be permanently and immediately available. (Cal-Fire Coastal)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to final building inspection, the applicant or owner shall schedule fire dept. clearance inspection.

12. FIRE015 - FIRE HYDRANTS/FIRE VALVES

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. (Cal-Fire Coastal)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to final building inspection, the applicant or owner shall schedule fire dept. clearance inspection.

13. FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Remove combustible vegetation from within a minimum of 100 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional fire protection or firebreaks approved by the Reviewing Authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Cal-Fire Coastal)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to final building inspection, the applicant or owner shall schedule fire dept. clearance inspection.

14. FIRE022 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM - (HAZARDOUS CONDITIONS)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor completed prior to requesting a framing inspection. Due to substandard access, or other mitigating factors, small bathroom(s) and open attached porches, carports, and similar structures shall be protected with fire sprinklers. (Cal-Fire Coastal)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to framing inspection, the applicant or owner shall schedule fire dept. rough sprinkler inspection.
3. Prior to final building inspection, the applicant or owner shall schedule fire dept. final sprinkler inspection.

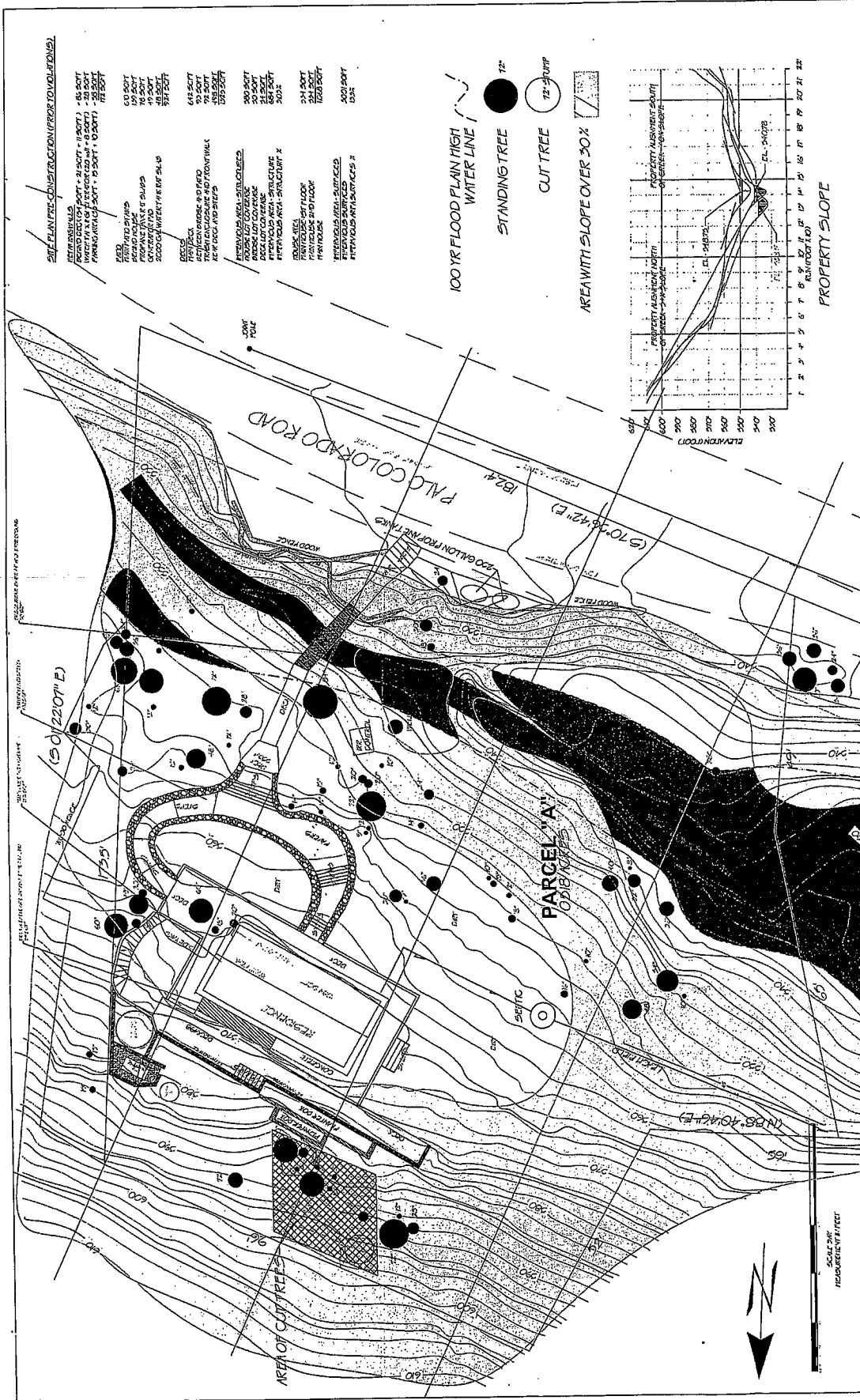
15. FIRE027 - ROOF CONSTRUCTION - (VERY HIGH HAZARD SEVERITY ZONE)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (Cal-Fire Coastal)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to final building inspection, the applicant or owner shall schedule fire dept. clearance inspection.



- SITE PLAN PRE-CONSTRUCTION (PRE-CONSTRUCTION)**
- 100 YR FLOOD PLAN HIGH WATER LINE
 - STANDING TREE
 - CUT TREE
 - AREA WITH SLOPE OVER 30%
- 100 YR FLOOD PLAN HIGH WATER LINE**
- STANDING TREE**
- CUT TREE**
- AREA WITH SLOPE OVER 30%**
- PROPERTY SLOPE**
- AREA OF CUT TREES**
- 100 YR FLOOD PLAN HIGH WATER LINE**
- STANDING TREE**
- CUT TREE**
- AREA WITH SLOPE OVER 30%**
- PROPERTY SLOPE**

ORIGINAL SITE PLAN

SCALE: 1/8" = 1'

DATE: 5/17/2012

DRAWN BY: ANDREA S. DIER

SHEET: 2 OF 12

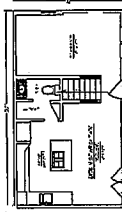
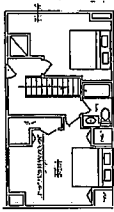
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PROJECT: 37295 PALO COLORADO, SHEET:

SCOPE: SITE PLAN

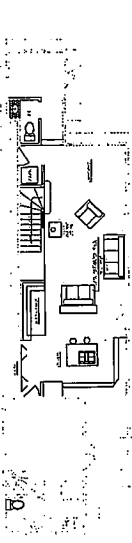
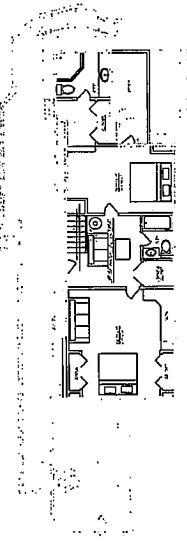
APN: 418-041-037

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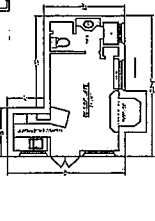
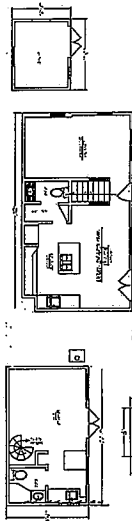
SCALE BAR
1/8" = 1'-0"

FLOOR PLAN - EXISTING PERMITTED STRUCTURES



SCALE BAR
1/8" = 1'-0"

FLOOR PLAN - PROPOSED CONSTRUCTION



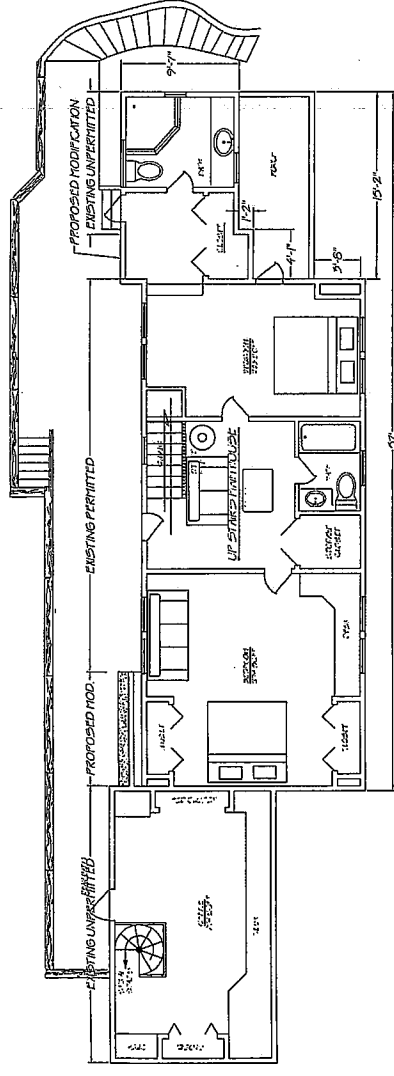
SCALE BAR
1/8" = 1'-0"

FLOOR PLAN - CURRENT WITH VIOLATIONS

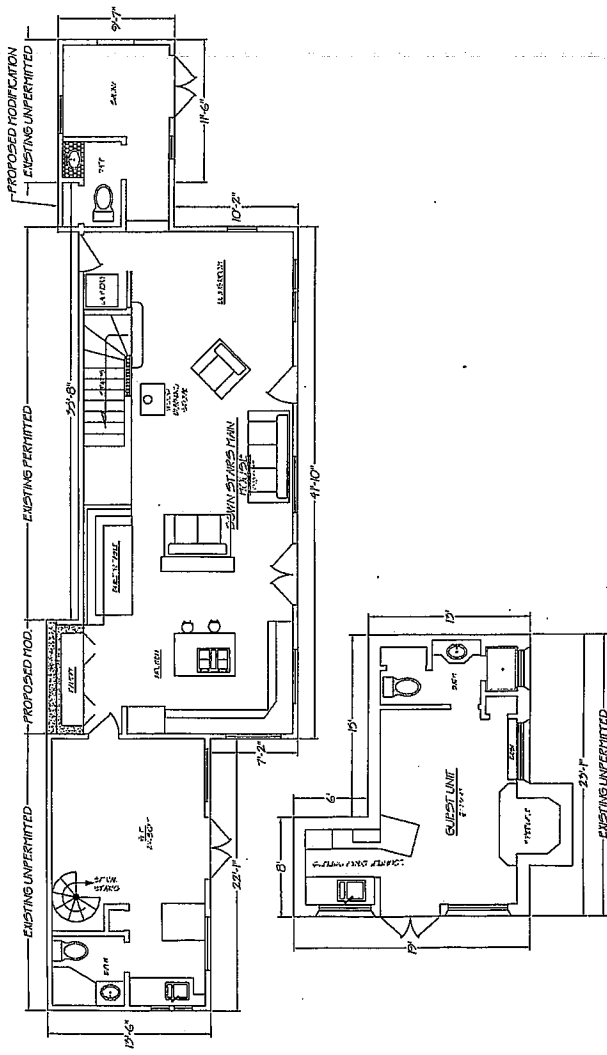
NOTE:
THE AREAS BETWEEN THE EXISTING PERMITTED AND THE EXISTING UN-PERMITTED
STRUCTURES MAKE UP THE NEW CONSTRUCTION.

PROJECT: 37295 PALO COLORADO		SHEET: A 1.0	
SCOPE: SITE PLAN			
DRAWN BY: ANDREA BIER		DATE: 5/17/2012	
SCALE: 1/8" = 1'-0"		SHEET: 7 OF 12	
SHEET TITLE: NEW VS, EXISTING CONST. PLAN		APN: 418-041-037	

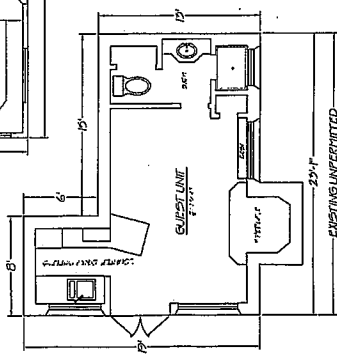
SINGLE FAMILY RESIDENCE - 2ND FLOOR
 BEDROOMS ARE PERMITTED, BATHROOM AND STUDY ARE EXISTING UNPERMITTED



SINGLE FAMILY RESIDENCE - 1ST FLOOR
 THE KITCHEN AND LIVING ROOM ARE PERMITTED, THE GYM AND SWIM ARE EXISTING UNPERMITTED

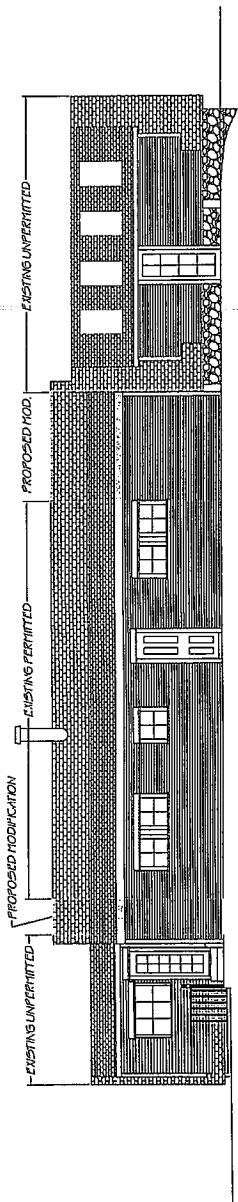


GUEST HOUSE
 THE GUEST HOUSE IS AN EXISTING UNPERMITTED STRUCTURE.

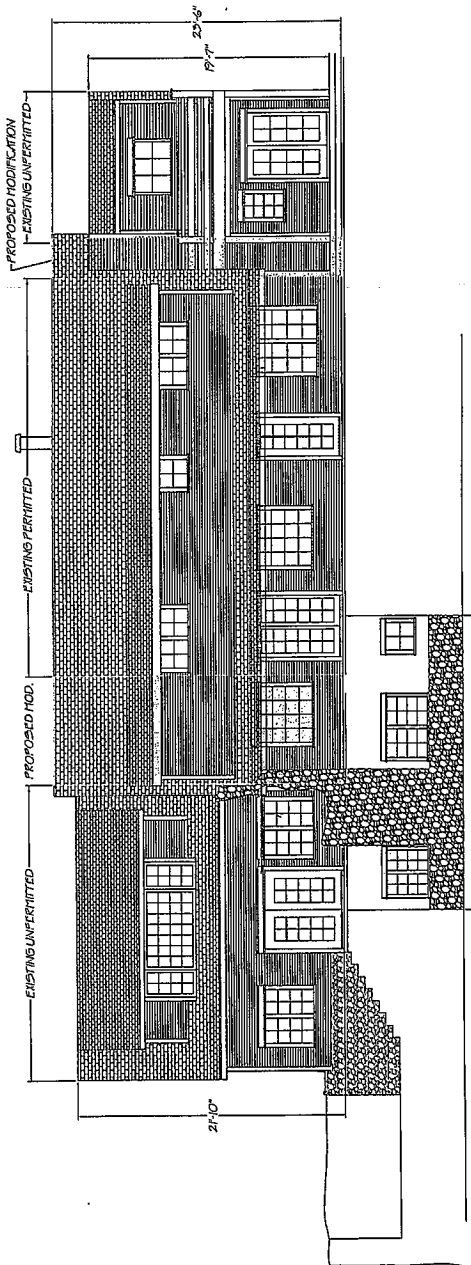


NOTE:
 THE AREAS BETWEEN THE EXISTING PERMITTED, AND THE EXISTING UNPERMITTED
 STRUCTURES MAKE UP THE NEW CONSTRUCTION.

PROJECT: 37295 PALO COLORADO		SHEET: A 1.1
SCOPE: SITE PLAN		
DATE: 5/17/2012		
DRAWN BY: ANDREAS DIER		
SHEET: 8 OF 12		
DATE: 5/17/2012		
SHEET TITLE: PROPOSED FLOOR PLAN		
PROJECT: 37295 PALO COLORADO		
SCOPE: SITE PLAN		
DATE: 5/17/2012		
DRAWN BY: ANDREAS DIER		
SHEET: 8 OF 12		
DATE: 5/17/2012		



RESIDENCE ELEVATION - NORTH

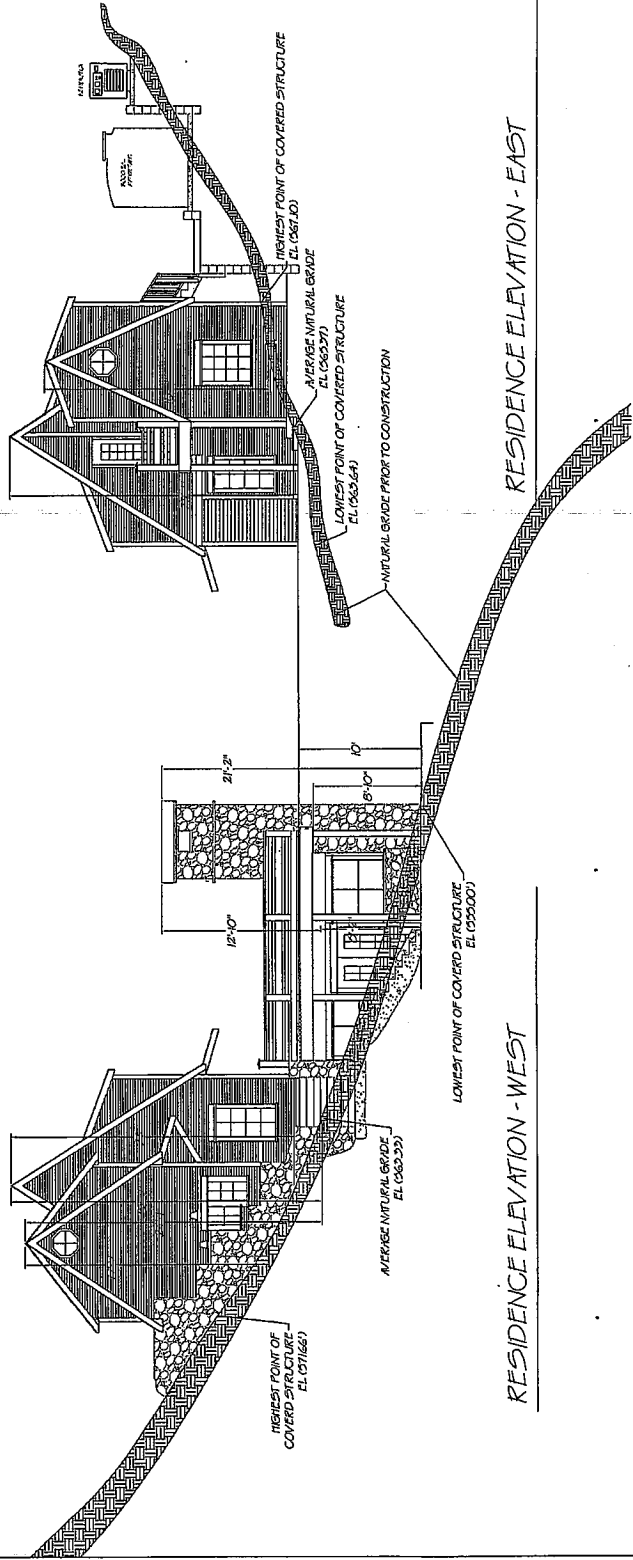


RESIDENCE ELEVATION - SOUTH

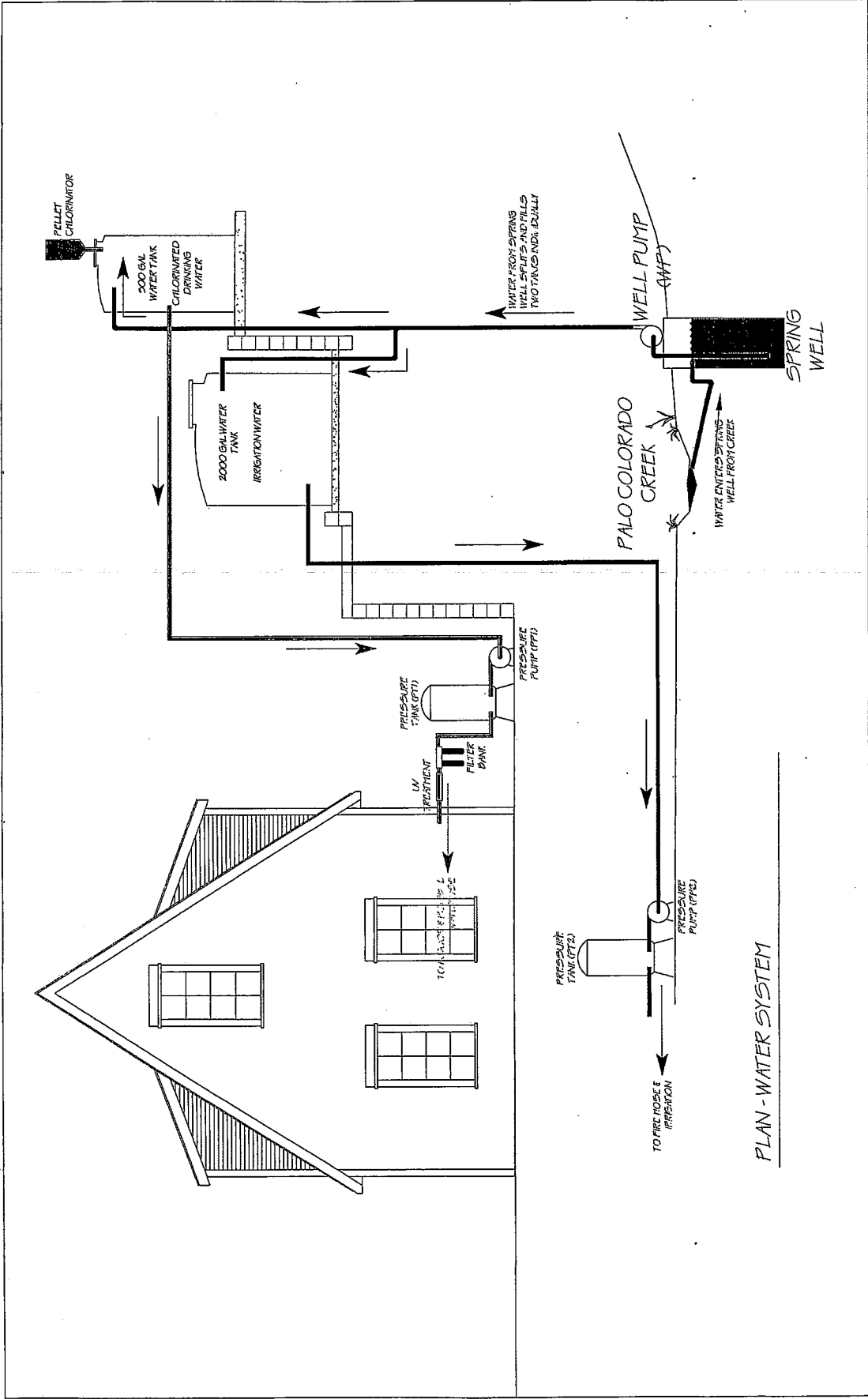
KEY

- PROPOSED MODIFICATIONS
- EXISTING UNPERMITTED
- EXISTING PERMITTED

PROJECT: 37295 PALO COLORADO, SHEET: A 1.2	
SCOPE: SITE PLAN	
APN: 418-041-037	
SHEET TITLE: RESIDENCE ELEVATIONS: N/S	SCALE: 1/4" = 1'-0"
DRAWN BY: ANDREAS BNER	SHEET: 9 OF 12
DATE: 5/17/2012	



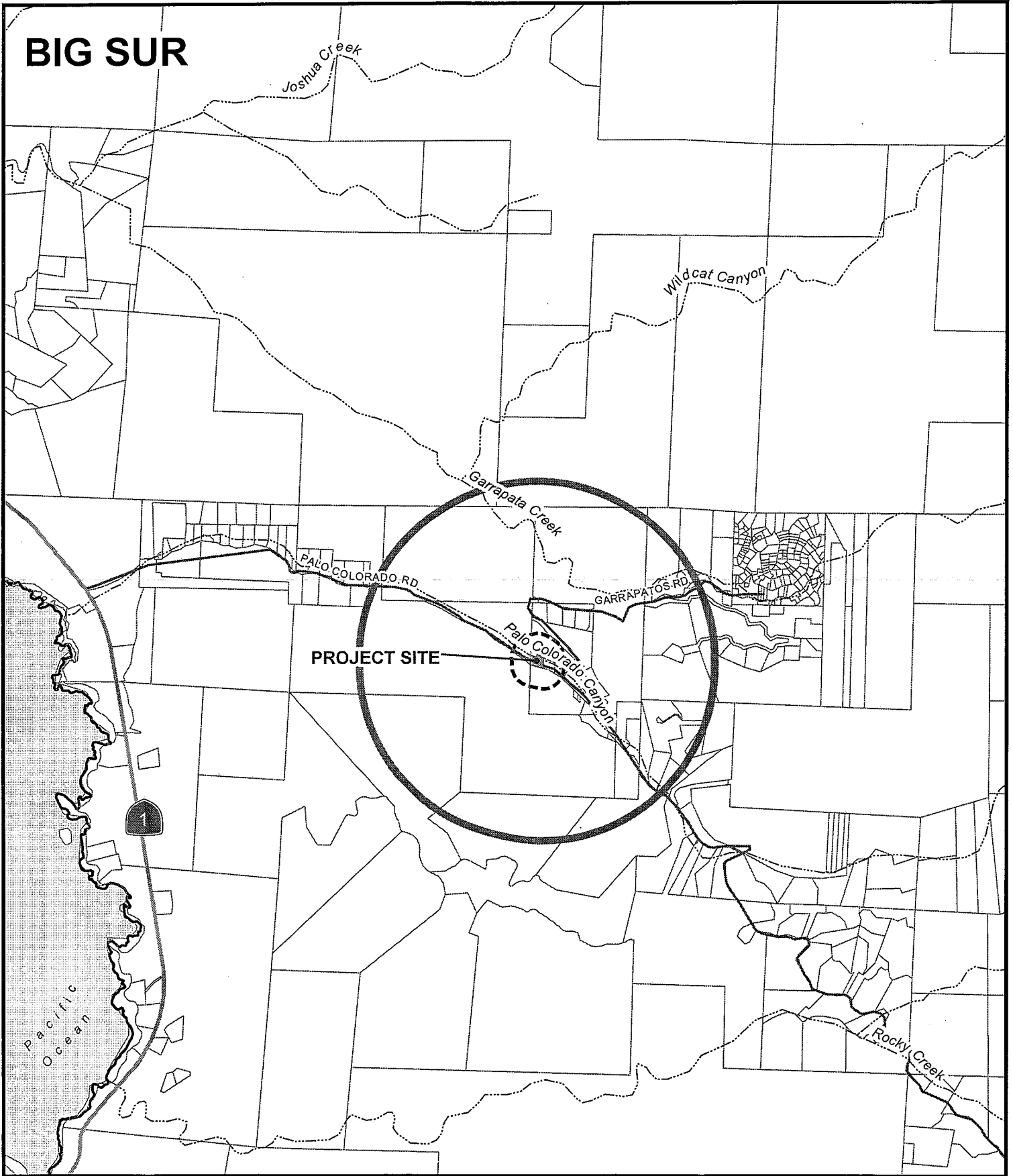
PROJECT: 37295 PALO COLORADO		SHEET: A 1.3	
SCOPE: SITE PLAN			
DATE: 5/17/2012		IPN: 418-041-037	
SHEET TITLE: RESIDENCE ELEVATIONS: EW			
DRAWN BY: ANDREAS DIER		SCALE: 1/4" = 1'-0"	
DATE: 5/17/2012		SHEET: 10 OF 12	



PLAN - WATER SYSTEM

PROJECT: 37295 PALO COLORADO		SHEET: M 0.1
SCOPE: SITE PLAN		
DATE: 5/17/2012	SCALE: NOT TO SCALE	AFN: 418-041-037
SHEET TITLE: WATER SYSTEM		
DRAWN BY: ANDREAS PAER		
SHEET: 12 OF 12		

BIG SUR



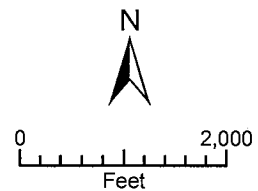
APPLICANT: BAER

APN: 418-041-037-000

FILE # PLN100528

Water 2500' Limit 300' Limit City Limits

Exhibit D



Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas CA 93901
(831) 755-5025

Advisory Committee: **Big Sur**

Please submit your recommendations for this application by: **July 26, 2011**

Project Title: BAER ANDREAS ADKINS
File Number: PLN100528
File Type: ZA
Planner: QUENGA
Location: 37295 PALO COLORADO RD CARMEL

Project Description:

Combined Development Permit to correct Code Enforcement Violations (CE010418 and CE030343) consisting of: 1) Coastal Administrative Permit for an office and gym addition (507 square feet), detached garage/storage (497 square feet), patios/decks, retaining walls, and less than 100 cubic yards of grading; 2) Coastal Administrative Permit for a detached accessory structure (144 square foot sauna); 3) Coastal Administrative Permit for a guest house (270 square feet); 4) Coastal Development Permit to remove two landmark Redwood trees; 5) Coastal Development Permit to allow development within 100 feet of an environmentally sensitive habitat; 6) Coastal Development Permit for development on slopes greater than 30%; Design Approval for new structures; Variance to reduce the front set back from 50 feet to encroach six feet into the right-of-way for Palo Colorado Road (14 feet from the property line) for the garage/storage structure; Variance to reduce the front set back for a fence over six feet tall from 50 feet to a minimum of 5 feet. The property is located at 37295 Palo Colorado Road, Carmel (Assessor's Parcel Number 418-041-037-000), approximately 2.5 miles east of Highway One, Coastal Zone.

Was the Owner/Applicant/Representative Present at Meeting? Yes _____ No xx

Was a County Staff/Representative present at meeting? Joe Sidor (Name)

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Neighbor on upper side of property	xx		Garage would be built on her property line

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
Survey of the Property, Garage built on right of way		Need additional information
Septic Clarification for size of dwelling		Need additional information
Sprinkled for fire protection Will this be a single family		Need Additional information
Proper flagging and representative of the property be present		Need additional information

ADDITIONAL LUAC COMMENTS

RECOMMENDATION : See above

Motion by: Richard Ravich (LUAC Member's Name)

Second by: Steve Beck (LUAC Member's Name)

Support Project as proposed

Recommend Changes (as noted above)

Continue the Item

Reason for Continuance: To get further information which is listed above

Continued to what date: Next LUAC meeting or when

AYES: Richard Ravich, Steve Beck, Barbara Layne, Mary Trotter and Dan Priano

NOES: o

ABSENT: Ned Callihan

ABSTAIN: 0

Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas CA 93901
(831) 755-5025

Advisory Committee: **Big Sur**

Please submit your recommendations for this application by: **June 26, 2012**

Project Title: BAER ANDREAS ADKINS
File Number: PLN100528
File Type: PC
Planner: 37295 PALO COLORADO RD CARMEL
Location: 418-041-037-000

Project Description:

Combined Development Permit to correct Code Enforcement Violations (CE010418 and CE030343) consisting of: 1) Coastal Administrative Permit to allow a 1,045 square foot addition (600 square feet upstairs; 445 square feet main floor) to an existing 1,152 square foot two story single family dwelling which includes an office, workout room, sauna, closet, extension to the existing kitchen and bedroom, three new bathrooms. Associated additions include a 90 square foot balcony and unpermitted 1,030 deck addition; 3) Coastal Administrative Permit to allow a 370 square foot guesthouse; 4) Coastal Development Permit for the removal of two landmark Redwood trees; 5) Coastal Development Permit to allow development within 100 feet of an environmentally sensitive habitat; 6) Restoration to slopes and vegetation near Palo Colorado Road where an illegal detached garage/storage structure was under construction; 7) Coastal Development Permit for development on slopes greater than 30%; and 8) Design Approval. The property is located at 37295 Palo Colorado Road, Carmel (Assessor's Parcel Number 418-041-037-000), approximately 2.5 miles east of Highway One, Coastal Zone.

Was the Owner/Applicant/Representative Present at Meeting? Yes _____ No xx

Was a County Staff/Representative present at meeting? Joe Sidor (Name)

PUBLIC COMMENT: NO

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
Discription of what property owner is actually doing ?		Better discription and owner or represenative present at site
Flagging of property not clear and not properly flagged		Flag to better determine location and heights

ADDITIONAL LUAC COMMENTS

None

RECOMMENDATION :

Motion by: Steve Beck (LUAC Member's Name)

Second by: Richard Ravich (LUAC Member's Name)

Support Project as proposed

Recommend Changes (as noted above)

Continue the Item

Reason for Continuance: Property owner and or represenative not present and better detail of project

Continued to what date: Next scheduled LUAC or when Property owner or Rep can be present

AYES: Mary Trotter, Steve Beck, Richard Ravich and Dan Priano

NOES: 0

ABSENT: 0

ABSTAIN: 0

Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas CA 93901
(831) 755-5025

Advisory Committee: **Big Sur**

Please submit your recommendations for this application by: **July 24, 2012**

Project Title: BAER ANDREAS ADKINS
File Number: PLN100528
File Type: PC
Planner: 37295 PALO COLORADO RD CARMEL
Location: 418-041-037-000

Item continued from 7/10/12 meeting

Project Description:

Combined Development Permit to correct Code Enforcement Violations (CE010418 and CE030343) consisting of: 1) Coastal Administrative Permit to allow a 1,045 square foot addition (600 square feet upstairs; 445 square feet main floor) to an existing 1,152 square foot two story single family dwelling which includes an office, workout room, sauna, closet, extension to the existing kitchen and bedroom, three new bathrooms. Associated additions include a 90 square foot balcony and unpermitted 1,030 deck addition; 3) Coastal Administrative Permit to allow a 370 square foot guesthouse; 4) Coastal Development Permit for the removal of two landmark Redwood trees; 5) Coastal Development Permit to allow development within 100 feet of an environmentally sensitive habitat; 6) Restoration to slopes and vegetation near Palo Colorado Road where an illegal detached garage/storage structure was under construction; 7) Coastal Development Permit for development on slopes greater than 30%; and 8) Design Approval. The property is located at 37295 Palo Colorado Road, Carmel (Assessor's Parcel Number 418-041-037-000), approximately 2.5 miles east of Highway One, Coastal Zone.

Was the Owner/Applicant/Representative Present at Meeting? Yes X No _____

Was a County Staff/Representative present at meeting? Dan Lister (Name)

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Arden Handshy		X	Affirms plans represent good solution to remedy current violations.

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
Size and location of septic system and leech field near stream.		This is being investigated by Health Department and report to be issued.
Sufficient source of water and storage capacity for both normal usage and fire abatement? Are there sufficient standpipes?		This should be considered by Health Department and CAL FIRE.
9 recommendations by CAL FIRE should be implemented.		CAL FIRE should ensure and review implementation of recommendations.
Is foot bridge from road to house safe?		An engineering and stability review should be performed.

ADDITIONAL LUAC COMMENTS

None

RECOMMENDATION:

Motion by: Steve Beck (LUAC Member's Name)

Motion to approve project with the following conditions. Review septic system, water storage, fire protection abatement and bridge stability with special attention to fire access, all as indicated above.

Second by: Richard Ravich (LUAC Member's Name)

Support Project as proposed with

Recommend Changes (as noted above)

Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: Mary Trotter, Steve Beck, Richard Ravich

NOES: None

ABSENT: Dan Priano

ABSTAIN: None