

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: March 29, 2012 Time: 1:50 PM		Agenda Item No.: 5
Project Description: Combined Development Permit consisting of 1) a Coastal Development Permit to allow the construction of a 424 square foot guesthouse and a 615 square foot studio, accessory to an existing single family dwelling with associated grading (Cut: 525 cubic yards; Fill: 0); 2) a Coastal Development Permit to allow development on slopes over 30%; 3) a Variance to modify front setback requirements from 50 feet to 22.5 feet from the existing road right-of-way; and 4) Design Approval. The property is located at 46950 Clear Ridge Road, Big Sur (Assessor's Parcel Number 419-271-007-000), Coastal Zone.		
Project Location: 46950 Clear Ridge Road, Big Sur		APN: 419-271-007-000
Planning File Number: PLN110535		Owner: Andrew & Melissa Stern Agent: Carver and Schicketanz Architects
Planning Area: Big Sur Coast Land Use Plan		Flagged and staked: Yes
Zoning Designation: : WSC/40 (CZ) [Watershed & Scenic Conservation, 40 acres per unit with a Design Control Overlay (Coastal Zone)]		
CEQA Action: Categorically Exempt per Section 15303(e)		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt a resolution (**Exhibit B**) to:

- 1) Find the project Categorical Exempt per Section 15303(e); and
- 2) Approve PLN110535, based on the findings and evidence and subject to the conditions of approval (**Exhibit B**).

PROJECT OVERVIEW:

The project entails the construction of a new 424 square foot guesthouse and an attached 615 square foot art studio detached from the existing main dwelling. The project will require grading (Cut: 525 cubic yard; Fill: 0) in order to place the majority of the structure below grade. The spoils will be hauled off-site. The guesthouse/art studio will be visually consistent with the main dwelling which includes natural stone walls, glass and weathered wood exterior walls, rusty bronze trim, and a native grass roof. The accessory development will be connected to the existing septic system and well (Clear Ridge Mutual Water Company) used by the main dwelling.

The project will require a variance to allow development to encroach into the required front yard setbacks. The front yard setback requirement for an accessory structure is 50 feet from the front of the property or road right-of-way. The project proposes a front setback of 22.5 feet. The project originally proposed a front setback of 5 feet, but the owner decided to relocate the project 22.5 feet away from the front setback to appease neighborhood concerns. Based on the special circumstances of the property (extremely limited developable area) and similar setback reductions granted to other neighbors within the area due to similar circumstances, there is substantial evidence in which the variance can be supported.

The project also proposes over 300 square feet of the accessory structure and a portion of the proposed patio and driveway be placed onto slopes over 30%. Allowing development onto slopes will save 5 Coastal Buckwheat (coastal scrub) which was originally proposed for removal and better meets the intent of viewshed Policy 3.2.4.1 (Big Sur Coast Land Use Plan) which protects viewshed and neighborhood privacy.

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

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

Agencies that submitted comments are noted with a check mark (“✓”). Conditions recommended by have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit B**).

The project was referred to the Big Sur 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. The project was originally reviewed on December 13, 2012 and was continued to allow the project agent to relocate the development away from the existing road as requested by the neighbors. The revised project was reviewed by the LUAC on February 28, 2012. Due to the lack of LUAC members, a quorum was not made and no recommendations were given.

Note: The decision on this project is appealable to the Board of Supervisors. The project is also appealable by the Coastal Commission.



Dan Lister – Assistant Planner
(831) 759-6617, listerdm@co.monterey.ca.us
March 5, 2012

cc: Front Counter Copy; Zoning Administrator; Big Sur VFB; Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Wanda Hickman, Planning Services Manager; Bob Schubert, Senior Planner; Dan Lister, Project Planner; Carol Allen, Senior Secretary; Andrew & Melissa Stern, Owner; Carver & Schicketanz, Agent; The Open Monterey Project; LandWatch; Planning File PLN110535.

Attachments: Exhibit A Project Data Sheet
 Exhibit B Draft Resolution, including:
 • Conditions of Approval
 • Site Plan, Floor Plan and Elevations, Parcel Map, Tentative Map
 Exhibit C Vicinity Map
 Exhibit D Big Sur Advisory Committee Minutes for January 10, 2012
 Exhibit E Variance Justification Letters

This report was reviewed by Bob Schubert, Senior Planner; and Wanda Hickman, Planning Services Manager.

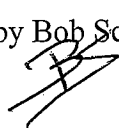


EXHIBIT A
PROJECT INFORMATION FOR PLN110535

Project Title: STERN	Primary APN: 419-271-007-000
Location: 46950 Clear Ridge Road, Big Sur	Coastal Zone: Yes
Applicable Plan: Big Sur Coast LUP	Zoning: WSC/40-D(CZ)
Permit Type: Coastal Administrative Permit	Plan Designation: Watershed & Scenic Conservation
Environmental Status: Categorically Exempt	Final Action Deadline: 04/29/2012
Advisory Committee: Big Sur LUAC	

Project Site Data:

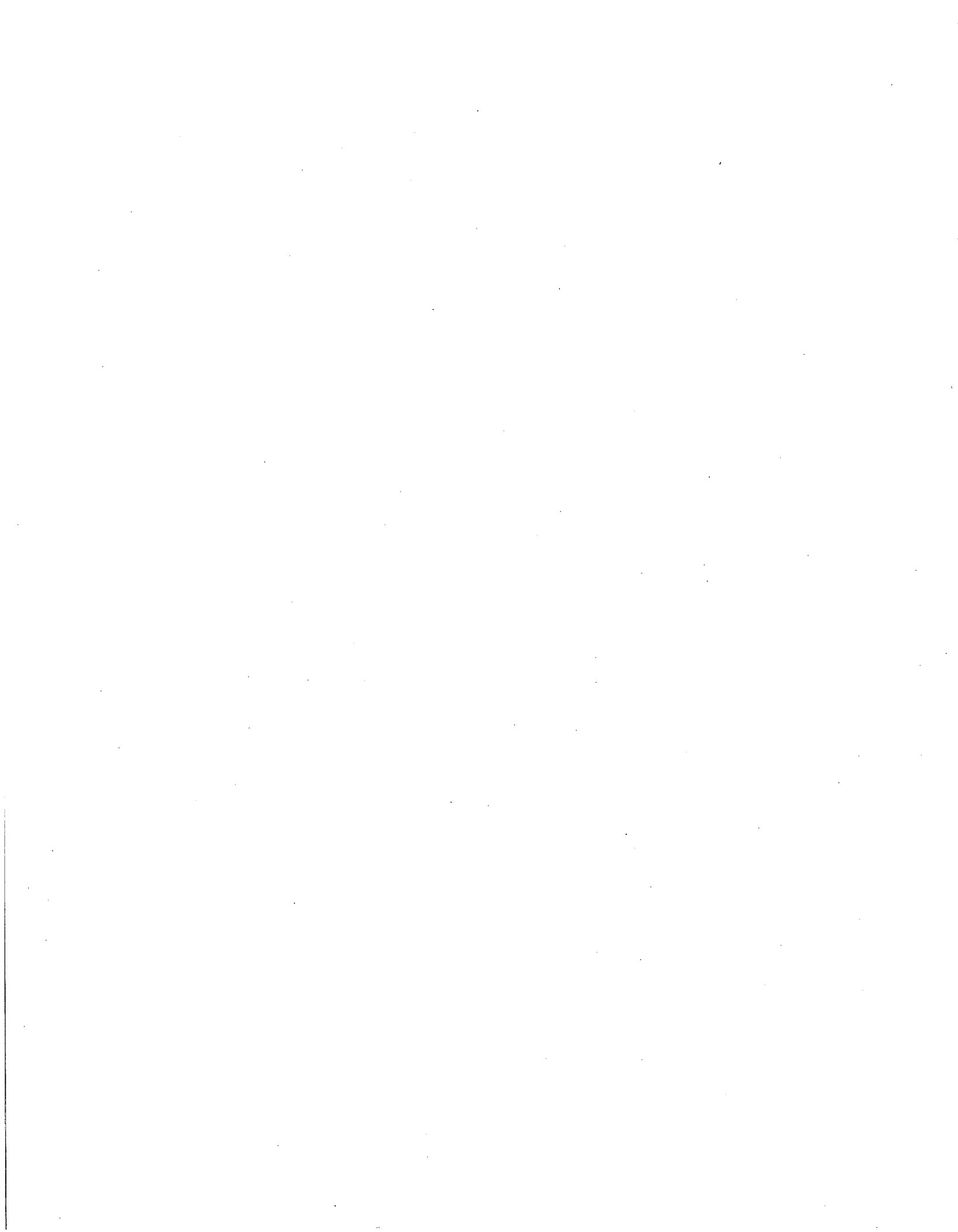
Lot Size: 1,742,400sf	Coverage Allowed: 174,240sf
Existing Structures: 2,233sf	Coverage Proposed: 3,039sf
Proposed Structures: 3,272sf	Height Allowed: 12'
Total Square Feet: 3,272sf	Height Proposed: 4.5'
	FAR Allowed: N/A
	FAR Proposed: N/A

Resource Zones and Reports

Environmentally Sensitive Habitat: No	Erosion Hazard Zone: Moderate
Botanical Report #: LIB110474	Soils/Geo. Report #: LIB110472
Forest Mgt. Report #: N/A	Geologic Hazard Zone: No Data
Archaeological Sensitivity Zone: High	Geologic Report #: LIB110473
Archaeological Report #: LIB110475	Traffic Report #: No
Fire Hazard Zone: No	

Other Information:

Water Source: Private Well	Sewage Disposal (method): Septic
Water District/Company: N/A	Sewer District Name: N/A
Fire District: Cal-Fire Coastal	Grading (cubic yds): 525cy
Tree Removal (Count/Type): None	



**EXHIBIT B
DRAFT RESOLUTION**

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

In the matter of the application of:

STERN (PLN110535)

RESOLUTION NO. _____

Resolution by the Monterey County Hearing Body:

- 1) Finding the project Categorically Exempt per Section 15303(e); and
- 2) Approving a Combined Development Permit consisting of 1) a Coastal Development Permit to allow the construction of a 424 square foot guesthouse and a 615 square foot studio, accessory to an existing single family dwelling with associated grading (Cut: 525 cubic yards; Fill: 0); 2) a Coastal Development Permit to allow development on slopes over 30%; 3) a Variance to modify front setback requirements from 50 feet to 22.5 feet from the existing road right-of-way; and 4) Design Approval.

[PLN110535, Stern, 46590 Clear Ridge Road, Big Sur, Big Sur Coast Land Use Plan (APN: 419-271-007-000)]

The Stern application (PLN110535) came on for public hearing before the Monterey County Zoning Administrator on March 29, 2012. 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

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:
 - the 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 46590 Clear Ridge Road, Big Sur

(Assessor's Parcel Number 419-271-007-000), Big Sur Coast Land Use Plan. The parcel is zoned WSC/40 (CZ) [Watershed & Scenic Conservation, 40 acres per unit with a Design Control Overlay (Coastal Zone)], which allows the development of a guesthouse and art studio accessory to an established main dwelling. All development is considered secondary to the primary purpose of the zoning district which is to protect viewshed, watershed, and sensitive habitat. The project was specifically design to be secondary to viewshed by placing development below grade and hiding most of the structure with a native grass roof. Therefore, the project is an allowed land use for this site.

- c) The project planner conducted a site inspection on November 15, 2011 to verify that the project on the subject parcel conforms to the plans listed above.
- d) According to Policy 3.2.4.1 (Big Sur Coast Land Use Plan), the property is not located within the established critical viewshed, but is required to be designed and sited to not distract from the viewshed. The project proposed is specifically design to reduce visibility to the viewshed by placing development below grade and hiding most of the structure with a native grass roof.
- e) The project was referred to the Big Sur 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 required a variance and a discretionary permit for development on 30% slopes. The project was originally reviewed on December 13, 2012 and was continued to allow the project agent to relocate the development away from the existing road as requested by the neighbors. The revised project was reviewed by the LUAC on February 28, 2012. Due to the lack of LUAC members, a quorum was not made and no recommendations were given.
- f) 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 PLN110535.

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 Coastal, Parks, 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, Archaeological Resources and Soil/Slope Stability. Technical reports by outside consultants indicated that there are no physical or environmental constraints that would 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:

- "Geologic Report" (LIB110473) prepared by Karl Vonder Linden, Menlo Park, CA, prepared on October 20, 1998 and amended by Grice Engineering and Geology on February 15, 2012;
 - "Biological Assessment" (LIB110474) prepared by Fred Ballerina, Pacific Grove, CA, prepared on November 18, 2011 and amended on January 25, 2012;
 - "Geotechnical and Percolation Investigation" (LIB110472) prepared by Soil Surveys Inc, Salinas, CA, prepared on October 17, 1999 and amended by Grice Engineering and Geology on February 18, 2012;
 - "Preliminary Cultural Resources Reconnaissance" (LIB110476) prepared by Archaeological Consulting, Salinas, CA, prepared on October 18, 1991 and amended on November 28, 2011.
- c) Staff conducted a site inspection on November 15, 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 PLN110535.

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 RMA - Planning Department, Cal-Fire Coastal, Parks, 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 on the property. The accessory development will be connected to the existing septic system and well (Clear Ridge Mutual Water Company) used by the main dwelling.
 - c) Preceding findings and supporting evidence for PLN110535.

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 Department and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on November 15, 2011 and researched County records to assess if any violation exists on the subject property.

- c) There are no known violations on the subject parcel.
 - 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 PLN110535.
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 15303(e) categorically exempts the construction of accessory structures to an established main dwelling use.
 - b) The proposed guesthouse and an art studio are described as accessory uses to an existing main dwelling and can only be developed if a main dwelling exists (Zoning Ordinance Sections 20.17.040.B & 20.64.020.C).
 - c) No adverse environmental effects were identified during staff review of the development application during a site visit on November 15, 2011.
 - d) The proposed project will not create the impacts listed in Section 15300.2 of the CEQA Guidelines (Exceptions).
 - e) See preceding and following findings and supporting evidence.
6. **FINDING:** **GUESTHOUSE** – The subject project meets the regulations, standards and circumstances for a guesthouse in accordance with the applicable goals, policies, and regulations of the applicable area plan and zoning codes.
- EVIDENCE:**
- a) The proposed 424 square foot guesthouse meets the livable space maximum of 425 square feet, pursuant to section 20.64.020.C.6 of the Monterey County Zoning Ordinance.
 - b) The recordation of a Deed Restriction shall be applied to the approval of the project as a condition to ensure that the regulations pursuant to Section 20.64.020.C are observed.
 - c) The proposed art studio attached to the guesthouse will also be condition to record a Deed Restriction to ensure the art studio is used for non-habitable accessory uses.
 - 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 PLN110535.
7. **FINDING:** **DEVELOPMENT ON 30% SLOPE** – There is no feasible alternative which would allow development to occur on slopes of less than 30%.
- EVIDENCE:**
- a) In accordance with the applicable policies of the 1982 Monterey County General 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) The project planner conducted a site inspection on November 15, 2011.
 - c) The proposed project is located of a 40 acre property that is mostly undevelopable due to hazardous topography and valuable biological resources. An approximate 1 acre portion near the road right-of-way is

the only location appropriate for development. By relocating the accessory dwelling 22.5 feet away from the road right-of-way, approximately 300 square feet of the accessory structure will be placed onto slopes over 30%. The relocation onto slopes will save 5 Coastal Buckwheat (coastal scrub) which were originally proposed for removal and better meets the intent of watershed Policy 3.2.4.1 (Big Sur Coast Land Use Plan) which protects watershed and neighborhood privacy.

- d) The Zoning Administrator shall require such conditions of approval and changes in the development as it may deem necessary to assure compliance with Monterey County Zoning Ordinance Chapter 20.64.230.E.1.
- 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 PLN110535.

8. FINDING:

FRONT YARD SETBACK VARIANCE – Variances shall only be granted based upon the following Findings:

- 1. That because of special circumstances applicable to the subject property, including the size, shape, topography, location or surroundings, the strict application of development standards in the Monterey County Codes is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under and under identical zoning classification;
- 2. That the variance shall not constitute a grant of privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated;
- 3. A Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

EVIDENCE:

- a) The property has a zoning designation of WSC/40 (CZ) [Watershed & Scenic Conservation, 40 acres per unit with a Design Control Overlay (Coastal Zone)].
- b) Pursuant to the Monterey County Zoning Ordinance, an accessory structure must meet the minimum setback of 50 feet (20.17.060.C (2) & (3)). The proposed project is requesting a reduction to the minimum accessory structure setback from 50 feet to 22.5 feet.
- c) Special Circumstances exist because the proposed project is located on a 40 acre property that is mostly undevelopable due to hazardous topography and valuable biological resources. An approximate 1 acre portion near the road right-of-way is the only location appropriate for development. Though many of the property are limited by the topography and biological resources of the area, the proposed project has special circumstances in that the property is substantially more limited with less developable area compared to some of the other neighboring sites due to immediate site constraints and a portion of the road right-of-way meandering through the developable portion of the property.
- d) Other properties within the neighboring area also have been approved in the area where front setbacks to the road right-of-way were reduced. Upon review of the properties along Clear Ridge Road, three

residential projects have been granted similar setback reductions and include: 1) Parcel Number: 419-261-034 (Canfield) the main residence is approximately 17 feet from the centerline of Clear Ridge Road which, according to Section 20.17.060.C.1 of the Monterey County Zoning Ordinance, requires a minimum front setback of 30 feet; 2) Parcel Number: 419-271-004-000 (Shoemaker) the main residence is approximately 28 feet from the centerline of Clear Ridge Road which requires a minimum front setback of 30 feet (20.17.060.C.1); and 3) Parcel Number 419-271-008-000 (Milne) the main residence is only 5 feet from the property line which requires a minimum front setback of 30 feet (20.17.060.C.1).

- e) The project planner conducted a site inspection on November 15, 2011 to verify the circumstances related to the property.
- 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 PLN110535.

9. **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.A of the Monterey County Zoning Ordinance (Coastal Commission). The project is appealable to the California Coastal Commission because the project is located between the sea and the first public road.

DECISION

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

1. Find the project categorically exempt per Section 15303(e);
2. Approve a Combined Development Permit consisting of 1) a Coastal Development Permit to allow the construction of a 424 square foot guesthouse and a 615 square foot studio, accessory to an existing single family dwelling with associated grading (Cut: 525 cubic yards; Fill: 0); 2) a Coastal Development Permit to allow development on slopes over 30%; 3) a Variance to modify front setback requirements from 50 feet to 22.5 feet from the existing road right-of-way; and 4) 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 29th day of March, 2012.

Jacqueline Onciano, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

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 _____.

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 Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN110535

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This permit (PLN110535) allows a Coastal Development Permit to allow the construction of a 424 square foot guesthouse and a 615 square foot studio, accessory to an existing single family dwelling with associated grading (Cut: 525cy; Fill: 0); Coastal Development Permit to allow development on slopes over 30%; a Variance to modify front setback requirements from 50 feet to 22.5 feet from the existing road right-of-way; and Design Approval. The property is located at 46950 Clear Ridge Road, Big Sur (Assessor's Parcel Number 419-271-007-000), Coastal Zone. The permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of 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 Zoning Administrator for Assessor's Parcel Number 419-271-007-000 on March 29, 2012. The permit was granted subject to 17 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 Register 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. PD008 - GEOLOGIC CERTIFICATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to final inspection, the geologic consultant shall provide certification that all development has been constructed in accordance with the geologic report (LIB110473).
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the Owner/Applicant/Geological Consultant shall submit certification by the geological consultant to the RMA - Planning Department showing project's compliance with the geological report.

6. PD009 - GEOTECHNICAL CERTIFICATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report (LIB110472).
(RMA - Planning Department and Building Services Department)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the Owner/Applicant/Geotechnical Consultant shall submit certification by the geotechnical consultant to the RMA-Building Services Department showing project's compliance with the geotechnical report.

7. PD010 - EROSION CONTROL PLAN

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services.
(RMA - Planning Department and RMA - Building Services Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, the Owner/Applicant shall submit an Erosion Control Plan to the RMA - Planning Department and the RMA - Building Services Department for review and approval.

The Owner/Applicant, on an on-going basis, shall comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.

8. PD014(A) - LIGHTING-EXTERIOR LIGHTING PLAN

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to occupancy and on an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

9. PD017 - DEED RESTRICTION-USE

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to issuance of a building permit the applicant shall record a deed restriction as a condition of project approval stating the regulations applicable to the requested use (art studio).
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/Applicant shall submit the signed and notarized document to the Director of RMA-Planning Department for review and signature by the County.

Prior to occupancy or commencement of use, the Owner/Applicant shall submit proof of recordation of the document to the RMA-Planning Department.

10. PD019(B) - DEED RESTRICTION-GUESTHOUSE (COASTAL)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a deed restriction stating the regulations applicable to a Guesthouse (Coastal) as follows:

- * Only 1 guesthouse shall be allowed per lot.
- * Detached guesthouses shall be located in close proximity to the principal residence.
- * Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements.
- * The guesthouse shall not have cooking or kitchen facilities, including but not limited to microwave ovens, hot plates and toaster ovens.
- * The guesthouse shall have a maximum of 6 linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of 8 square feet of cabinet space, excluding clothes closets.
- * The guesthouse shall not exceed 425 square feet of livable floor area.
- * The guesthouse shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect.
- * Subsequent subdivisions which divide a main residence from a guesthouse shall be prohibited.
- * The guesthouse shall be designed in such a manner as to be visually consistent and compatible with the main residence on site and other residences in the area.
- * The guesthouse height shall not exceed 12 feet nor be more than one story.

(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/Applicant shall submit a signed and notarized document to the Director of RMA-Planning Department for review and signature by the County.

Prior to occupancy or commencement of use, the Owner/Applicant shall submit proof of recordation of the document to the Director of the RMA-Planning Department.

11. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire on March 29, 2015 unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.

12. PDSP001 - COASTAL SHRUB PROTECTION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: All recommendations in the Biological Assessment prepared by Fred Ballerini (LIB110474) shall be consistently followed. The recommendations include 1) Silt fencing shall be installed along the perimeter of the building envelope to prevent excavated soils and sedimentation from moving off-site into the outlining Coastal Sage Shrub habitat; 2) Staging of equipment, parking of construction vehicles, or other "overflow" construction activities shall be organized to minimized impacts to existing surrounding habitats. 3) Habitat protection fencing shall be in place prior to construction.; 4) Restoration of the Coastal Prairie habitat shall occur in all areas disturbed by construction activities. Native plant species (grasses and forbs) and quantities should be identified in a restoration plan; and 5) Exotic species control will be necessary within newly graded soils during and after construction. Invasive species control guidelines, methods, and success criteria shall be included in the restoration landscaping plan.

Compliance or Monitoring Action to be Performed:

- 1) Prior to the issuance of a grading or building permit, the owner must submit to the RMA - Planning Department two (2) sets of restoration landscaping plans for review and approval which identify all recommendation made by biologist Fred Ballerini (LIB110474) and have been reviewed and approved by a County-approved biological consultant.
- 2) Prior to building permit final, a letter shall be prepared by a County-approved biological consultant identifying if the project complied with all recommendation, or if remediation is required. The letter shall be submitted to the RMA - Planning Department for review.

13. PDSP002 - LANDSCAPING PLANS

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: In conjunction with recommendations made in the Biological Assessment prepared by Fred Ballerini (LIB110474; Condition No. 12), restoration of native vegetation and bushes should be strategically planted to also provide a visual buffer in order to maintain the native viewshed of the area. A landscaping plan shall be submitted or incorporated within the restoration plan recommended by the project biological assessment which shall provide information regarding the native vegetation being planted, all proposed development including patios, driveways and paths, locations of the planting which shall reestablish the native beauty of the area by visual buffering any highly visible portions of the proposed development, and debris management to ensure all debris on-site is removed.

Compliance or Monitoring Action to be Performed: Prior to the issuance of a building permit, the applicant shall submit a landscaping plan or incorporate the landscaping requirements into the restoration plan recommended in the Biological Assessment prepared by Fred Ballerini (LIB110474; Condition No. 12) to the RMA - Planning Department for review and approval.

Prior to Building Final, the project planner shall conduct a on-site inspection to ensure all landscaping is in place and will properly provide a visual buffer.

14. EHSP001 - ONSITE WASTEWATER TREATMENT SYSTEM DESIGN

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Environmental Health has determined that adequate area exists for onsite wastewater disposal for the proposed development. Submit onsite wastewater treatment system plans for review and approval indicating the location, design layout and size specifications that meets standards found in Monterey County Code Chapter 15.20, Sewage Disposal Ordinance, and the Central Coast Basin Plan, Regional Water Quality Control Board. Environmental Health Bureau.

Compliance or Monitoring Action to be Performed: Prior to issuance of building permit, submit onsite wastewater treatment system design plans for review and approval by the Environmental Health Bureau. Also submit new design plans showing new wastewater system location. Applicant shall obtain a permit to install the onsite wastewater treatment system from Environmental Health.

15. 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 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.

16. 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.

17. 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.

PROJECT DATA

OWNER: Andrew and Melissa Stern
 80 Carver + Schickelstein Architects
 P.O. Box 3204
 Carver + Schickelstein Architects
 4850 Clear Ridge Road • 892 Sur, California 93020
 Phone: (510) 271-2700 Fax: (510) 271-2704
 Email: info@carverandschickel.com

ARCHITECT: Carver + Schickelstein Architects
 4850 Clear Ridge Road • 892 Sur, California 93020
 Phone: (510) 271-2700 Fax: (510) 271-2704
 Email: info@carverandschickel.com

DATE: 31 JANUARY 2012

SCALE: AS NOTED

DRAWN BY: AJ

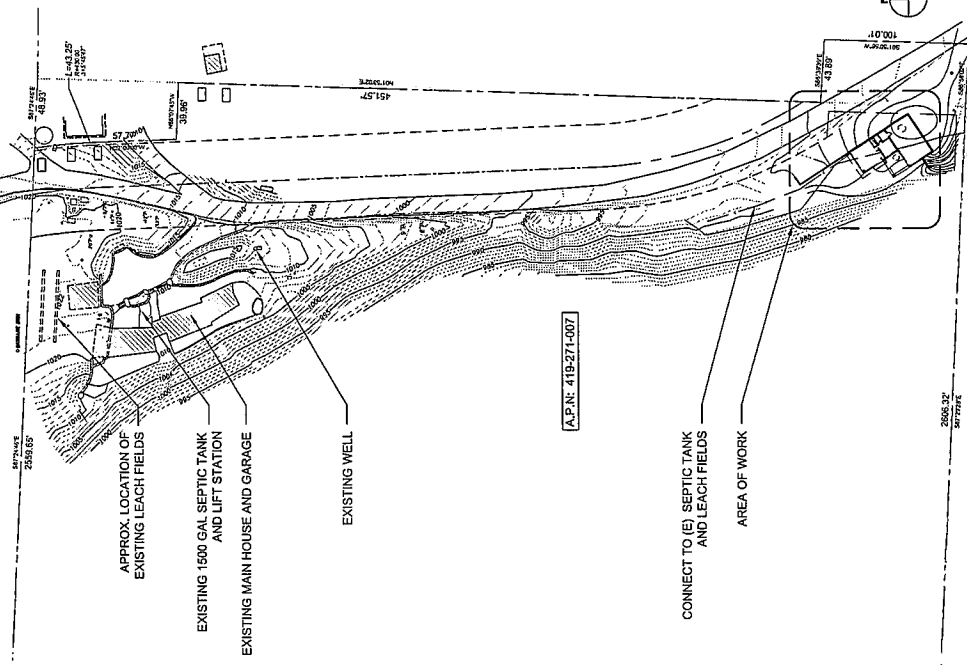
JOB NUMBER: 2410

SCOPE OF WORK

NEW GUEST HOUSE AND ATTACHED STUDIO,
 EXTENDING ALL UTILITIES,
 GRADING ESTIMATE
 CUT: 552 CUBIC YARDS (ESTIMATED)
 FILL: NONE
 TREES TO BE REMOVED: NONE

SHEET SCHEDULE

1 MAIN HOUSE AND GUEST HOUSE, UTILITY MAP
 2 PROPOSED SITE PLAN AND FLOOR PLAN
 3 PROPOSED EXTERIOR ELEVATIONS



2 SITE PLAN
 SCALE: 1" = 60'

T-19 S. R. 1. E.
 POR. OF SEC 26 AND 35
 BARBARA PFEIFFER SUBD.
 LOT 17

LOT E
 40 ACRES

1 PARCEL MAP
 SCALE: 1" = 4000'



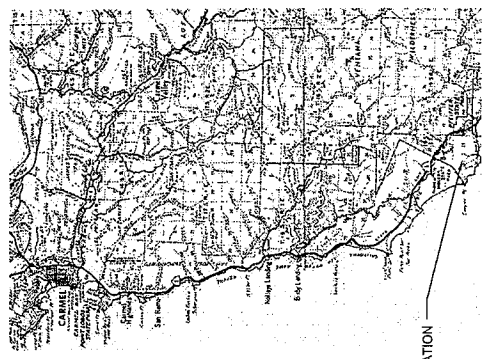
EXISTING SITE, LOOKING SOUTH



EXISTING SEPTIC SYSTEM
 EXISTING MAIN HOUSE
 AND GARAGE
 EXISTING
 ROAD
 PROPOSED GUEST HOUSE
 AND STUDIO

PROPOSED SQUARE FOOTAGE:
 GUEST HOUSE: 424 SQUARE FEET
 STUDIO: 615 SQUARE FEET

BUILDING HEIGHT:
 MAXIMUM HEIGHT ALLOWED: 1000' ELEV. (12" ABOVE AVG. INT. GRADE)
 AVERAGE NATURAL GRADE: 896' ELEV.
 PROPOSED HEIGHT: 1001' ELEV. (4" ABOVE AVG. INT. GRADE)



PROJECT LOCATION

3 VICINITY MAP
 SCALE: 1" = 1000'

DATE: 31 JANUARY 2012
 SCALE: AS NOTED
 DRAWN BY: AJ
 JOB NUMBER: 2410

PROJECT DATA AND SITE PLAN

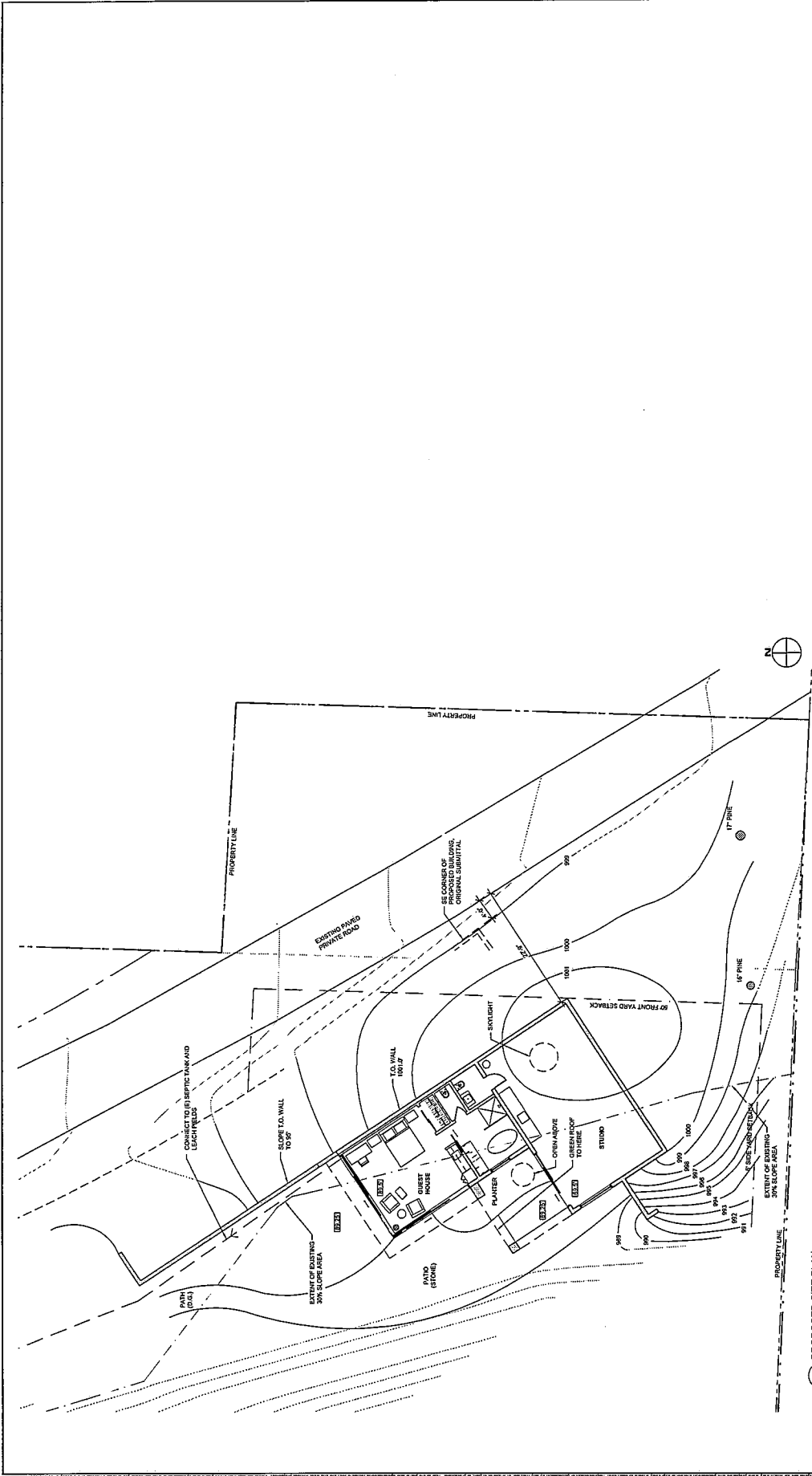
STERN Studio and Guesthouse
 4850 CLEAR RIDGE ROAD • 892 SUR, CALIFORNIA 93020

Carver + Schickelstein
 ARCHITECTS • PLANNERS • INTERIOR DESIGNERS

PO BOX 284 • CARVER, CA 93701 • USA
 PHONE 530.838.3381 • FACSIMILE 530.838.4
 CONTACT@CARVERANDSCHICKEL.COM

SHEET

1

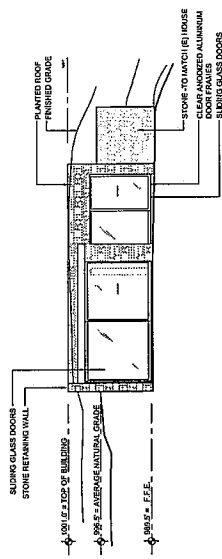


1 PROPOSED SITE PLAN
SCALE: 1/8" = 1'-0"

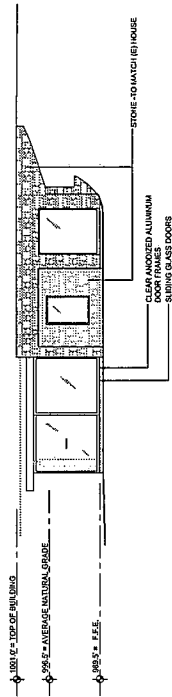
DATE: 31 JANUARY 2012		TITLE: PROPOSED SITE PLAN - REVISION #2		Carver + Schickelstanz ARCHITECTS • PLANNERS • INTERIOR DESIGNERS PO BOX 2481 • CANAL CA 93521 • USA PHONE 831.434.3361 • FACSIMILE 831.3364 WWW.CARVER+SCHICKELSTANZ.COM		SHEET 2
SCALE: AS NOTED		DRAWN BY: AJ				
JOB NUMBER: 2419		JOB NUMBER: 2419				

STERN Studio and Guesthouse

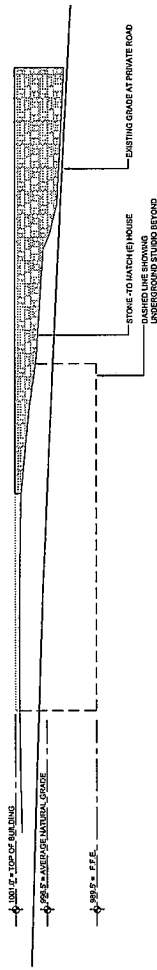
4696 CLEANTREE ROAD • 926 SUR, CALIFORNIA 93520



1 PROPOSED NORTH ELEVATION
SCALE: 1/8" = 1'-0"



2 PROPOSED WEST ELEVATION
SCALE: 1/8" = 1'-0"



3 PROPOSED EAST ELEVATION
SCALE: 1/8" = 1'-0"

DATE	31 JANUARY 2012
SCALE	1/8" = 1'-0"
DRAWN BY	AJ
JOB NUMBER	7110

TITLE
PROPOSED ELEVATIONS

STERN Studio and Guesthouse

4555 CLEAR BROOK ROAD • BIG SUR, CALIFORNIA 93920



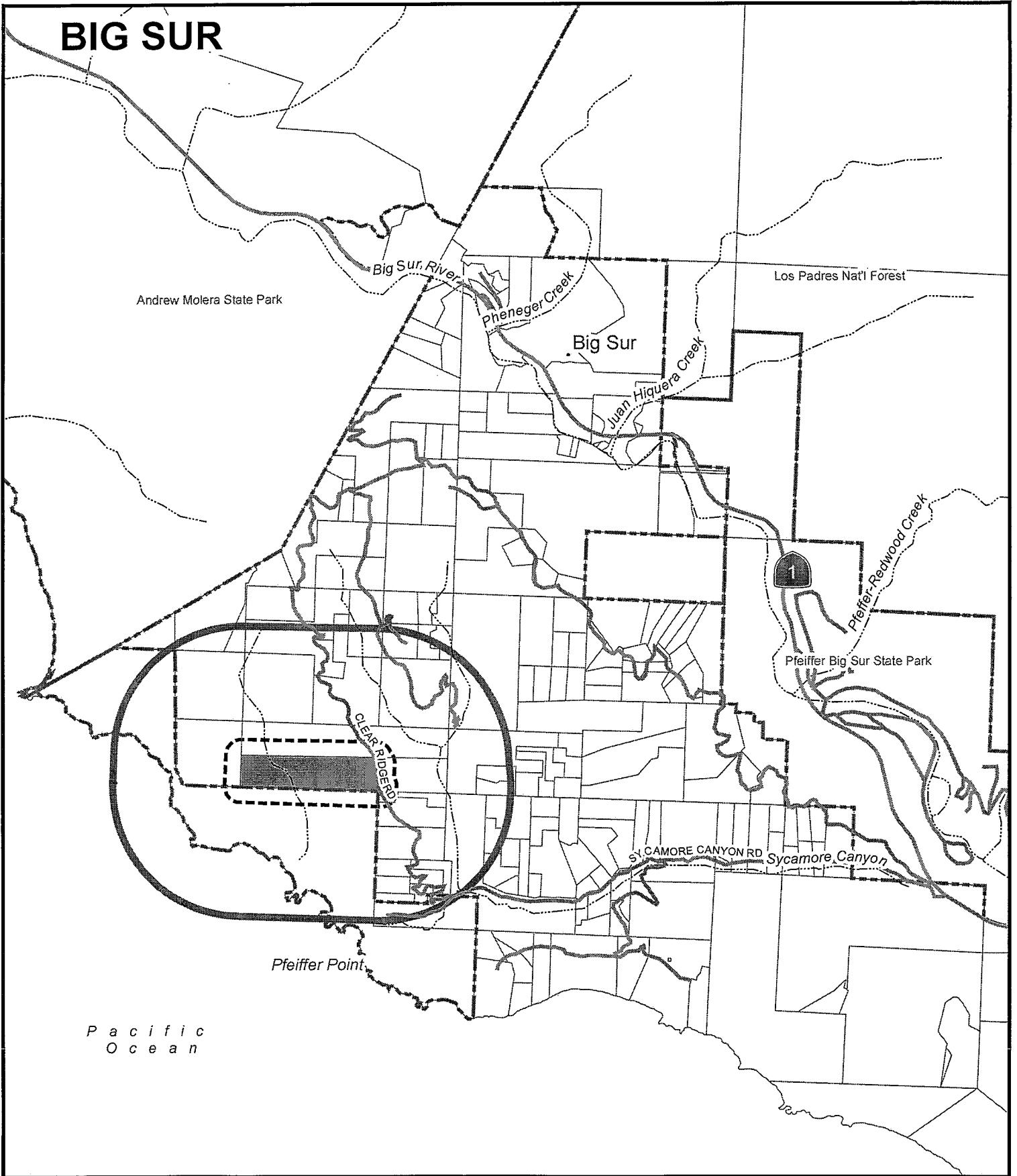
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PO BOX 2864 • CARMEL CA 93921 • USA
TEL: 831.923.8800 • FAX: 831.923.8804
WWW.CARVER-SCHICKELSTANZ.COM

SHEET

3

BIG SUR

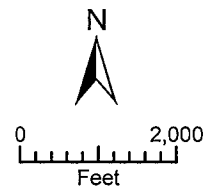


APPLICANT: STERN & MCGRAIN

APN: 419-271-007-000

FILE # PLN110535

Water 2500' Limit 300' Limit City Limits



PLANNER: LISTER

MINUTES
Big Sur Land Use Advisory Committee
Tuesday, January 10, 2012

1. Site visit at 9:00 AM at 46950 CLEAR RIDGE RD BIG SUR (STERN)

ATTENDEES: Mary Ann Schicketenz, Joe Sidor, Dan Lister, Ken Shoemaker, Arden Handshy, Hugh Mylne, Rebecca

2. Meeting called to order by Mary Trotter at 10:07 am

3. Roll Call

Members Present: Steve Beck, Richard Ravich, Mary Trotter and Dan Priano

Members Absent: Barbara Layne and Ned Callahan

4. Approval of Minutes:

A. September 27, 2011 minutes

Motion: Steve Beck (LUAC Member's Name)

Second: Richard Ravich (LUAC Member's Name)

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

Noes: o

Absent: Barbara Layne and Ned Callahan

Abstain: o

B. December 13, 2011 minutes

Motion: Richard Ravich (LUAC Member's Name)

Second: Steve Beck (LUAC Member's Name)

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

Noes: o

Absent: Barbara Layne and Ned Callahan

Abstain: o

5. **Public Comments:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

None

6. **Scheduled Item(s)** Next meeting for full board

7. **Other Items:**

A) Election of Officers:

LUAC member nominated for Chairperson: _____

Motion: _____ (LUAC Member's Name)

Second: _____ (LUAC Member's Name)

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

NEXT MEETING

LUAC member nominated for Secretary: _____

Motion: _____ (LUAC Member's Name)

Second: _____ (LUAC Member's Name)

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

B) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

C) Announcements

None

8. Meeting Adjourned: 11:07 am

Minutes taken by: Dan Priano

Minutes received via email February 18, 2012

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: **January 10, 2012**

Project Title: STERN ANDREW & MCGRAIN MELISSA

File Number: PLN110535

File Type: ZA

Planner: LISTER

Location: 46950 CLEAR RIDGE RD BIG SUR

Project Description:

Coastal Development Permit to allow the construction of a 424 square foot guesthouse and a 615 square foot studio, accessory to an existing single family dwelling with 525 cubic yards of associated grading; a Variance to modify the front setback; and Design Approval. The property is located at 46950 Clear Ridge Road, Big Sur (Assessor's Parcel Number 419-271-007-000), Coastal Zone.

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

Mary Ann Schicketenz

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

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Hugh Mylne and Rebecca	x		Move structure next to main house so not in there view
Ken Shoemaker	x		No Concerns
Victor Pavloff	x		Concerned - Sun Refleciton on glass and close to road

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)

ADDITIONAL LUAC COMMENTS

Motion

Architect to look at moving proposed structure further west to achieve goals

1. Set back from road
2. Reduce exposed view of structure from neighbor home to reduce light at night
3. No permanent parking at proposed structure

RECOMMENDATION :

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: see above

Continued to what date: Depending on Architect time frame

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

NOES: 0

ABSENT: Barbara Layne and Ned Callahan

ABSTAIN: 0