

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: October 31, 2013 Time: 2:10 P.M	Agenda Item No. : 3
Project Description: Combined Development Permit consisting of: 1) Coastal Development Permit to allow development on slopes over 30% consisting of the demolition of an existing structure and slope restoration grading in the area of the demolished structure and to allow construction of concrete slabs for propane and water tanks, emergency generator and retaining walls; 2) Coastal Development Permit for removal of three protected Oak trees; and 3) Coastal Administrative Permit and Design Approval to allow construction of a retaining wall; reconstruction of a 450-square foot deck adjacent to the existing residence; reroofing and repair and replacement of siding on existing shop/storage outbuilding; installation of a new 5,000-gallon rubber water tank; installation of a new back-up emergency generator; and replacement of a 500-gallon propane gas tank. The project requires grading, approximately 350 cubic yards of cut and 500 cubic yards of fill, to prevent slope failure and to backfill retaining walls. The Combined Development Permit clears Monterey County Code violations identified under Code Enforcement Case No. 19960149.	
Project Location: 51404 Partington Ridge Road	APN: 420-221-017-000
Planning File Number: PLN110213	Owner: Nancy Golob Agent: Joel Panzer, Maureen Wruck Planning Consultant, LLC.
Planning Area: Big Sur Coast Land Use Plan	Flagged and staked: Yes
Zoning Designation: : “RDR/40-D (CZ)” [Rural Density Residential/40 Acre Minimum with Design Control Overlay (Coastal Zone)]	
CEQA Action: Categorically Exempt per Section 15304	
Department: RMA - Planning Department	

RECOMMENDATION:

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

- 1) Find the project exempt from environmental review under CEQA Section 15304; and
- 2) Approve PLN110213, based on the findings and evidence and subject to the conditions of approval (**Exhibit B**);

PROJECT OVERVIEW:

The subject property is a two-acre parcel located on Partington Ridge Road, easterly of Highway One in the Big Sur Area. The property contains steep terrain sloping towards the Pacific Ocean with a small house, a dilapidated structure (cabin) and a short access driveway on the upper portion. The project covered under the subject application was initiated without the required planning and construction permits. A “Code Compliance Order” was sent to the property owner on March 23, 2011 stating the following code violations:

- Partial demolition of an existing cabin and reconstruction of the existing deck;
- Grading on slopes greater than 25%;
- Construction of retaining walls with a surcharge; and
- Placement of a new 5,000-gallon water tank not on a natural grade.

An application for the planning permits was given to the owner on July 26, 2011 which was submitted officially on March 20, 2013.

The project includes the construction of a retaining wall in four sections of 108' x 9', 30' x 8', 45' x 2' and 25' x 5' foot in length and height respectively in the area above the existing house. The retaining walls are necessary to retain a failing slope located very close to the house, and to accommodate the location of a water tank and a propane gas tank. The project also includes partial demolition of a significantly deteriorated structure; the reconstruction of an existing approximately 450 square foot deck; and grading of slopes over 30% in order to build retaining walls. The construction of the retaining walls and re-grading of the slope behind the retaining walls are necessary to prevent slope failure in the area directly behind the existing residence on the property. There are no alternative sites for the construction of the walls as they are necessary at the proposed location to prevent further slope degradation and to protect the existing cabin on the property. The project also includes re-grading of slopes over 30% in the area of the demolition of the existing dilapidated structure. The re-grading in this area would be the minimum necessary to prevent erosion and potential slope failure.

No significant environmental issues have arisen during the review of the application. Approval of this permit and construction of the improvements would correct the code violations of the property.

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

- RMA - Public Works Department
- Environmental Health Bureau
- Water Resources Agency
- √ Cal Fire Coastal Station
- RMA - Building Department
- California Coastal Commission (Emergency Permit No. PLN130095)

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

The Big Sur Land Use Advisory Committee (LUAC) considered the project on April 23, 2013. The LUAC recommended approval of the project as proposed by a 6-0 vote.

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

/S/ PROJECT PLANNER NAME


Luis A. Osorio, Senior Planner
(831) 755-5177, osoriol@co.monterey.ca.us
October 14, 2013

cc: Front Counter Copy; Zoning Administrator; Cal Fire Coastal Station; RMA-Public Works Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Wanda Hickman, Planning Services Manager; Luis A. Osorio, Project Planner; Nancy Golob, Owner; Joel Panzer, Agent; The Open Monterey Project; LandWatch;; Planning File PLN110213

Attachments: Exhibit A Project Data Sheet
Exhibit B Draft Resolution, including:
• Conditions of Approval
• Site Plan and Wall Elevations
Exhibit C Vicinity Map
Exhibit D Land Use Advisory Committee Minutes
Exhibit E Emergency Permit No. PLN130095

This report was reviewed by Wanda Hickman, Planning Services Manager. *wsh*

EXHIBIT A

Project Information for PLN110213

Application Name: Golob Nancy I
Location: 51404 Partington Ridge Rd, Big Sur
Applicable Plan: Coast-Big Sur
Primary APN: 420-221-017-000
Advisory Committee: Big Sur Coast Advisory Committee
Coastal Zone: Yes
Permit Type: Combined Development Permit
Final Action Deadline (884): 6/22/2013
Environmental Status: Categorical Exemption
Zoning: RDR/40-D(CZ)
Land Use Designation: Rural Residential

Project Site Data:

Lot Size: 3.16	Coverage Allowed: 25
Existing Structures (sf): 2536	Coverage Proposed: <25%
Proposed Structures (sf): 172	Height Allowed: 30
Total Sq. Ft.: 2708	Height Proposed: N/A
Special Setbacks on Parcel:	FAR Allowed: NA
	FAR Proposed: NA

Resource Zones and Reports:

Seismic Hazard Zone: RELATIVELY UNSTABLE UPLANDS	Soils Report #: N/A
Erosion Hazard Zone: High	Biological Report #: N/A
Fire Hazard Zone: Very High	Forest Management Rpt. #: LIB130355
Flood Hazard Zone: X (unshaded)	Geologic Report #: LIB130356
Archaeological Sensitivity: high	Archaeological Report #: LIB130050
Visual Sensitivity: None	Traffic Report #: N/A

Other Information:

Water Source: Partington Ridge Mutual	Grading (cubic yds.): 350
Water Purveyor: NA	Sewage Disposal (method): SEPTIC
Fire District: Big Sur VFB	Sewer District Name: NA
Tree Removal: 3 Oak Tree	

**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:

Nancy Golob (PLN110213)

RESOLUTION NO. ----

Resolution by the Monterey County Zoning
Administrator:

- 1) Finding the project exempt from environmental review under CEQA Guidelines Section 15304; and
- 2) Approving a Combined Development Permit consisting of: 1) Coastal Development Permit to allow development on slopes over 30% consisting of the demolition of an existing structure and slope restoration grading in the area of the demolished structure and to allow construction of concrete slabs for propane and water tanks, emergency generator and retaining walls; 2) Coastal Development Permit for removal of three protected Oak trees; and 3) Coastal Administrative Permit and Design Approval to allow construction of a retaining wall; reconstruction of a 450-square foot deck adjacent to the existing residence; reroofing and repair and replacement of siding on existing shop/storage outbuilding; installation of a new 5,000-gallon rubber water tank; installation of a new back-up emergency generator; and replacement of a 500-gallon propane gas tank. The project requires grading, approximately 350 cubic yards of cut and 500 cubic yards of fill, to prevent slope failure and to backfill retaining walls. The Combined Development Permit clears Monterey County Code violations identified under Code Enforcement Case No. 19960149.

[PLN110213, Nancy Golob, 51404 Partington Ridge Road, Big Sur Land Use Plan (APN: 420-221-017-000)]

The Golob application (PLN110213) came on for public hearing before the Monterey County Zoning Administrator on October 31, 2013. 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:** **PROJECT DESCRIPTION** – The proposed project consists of the following: 1) Development on slopes over 30% consisting of the demolition of an existing structure (outbuilding and decks) and slope restoration grading in the area of the structure and deck demolition and to allow construction of concrete slabs for propane and water tanks and emergency generator and to allow retaining wall construction; 2) Removal of three protected Oak trees; and 3) Construction of a new retaining wall in four sections of 108' x 9', 30' x 8', 45' x 2' and 25' x 5' foot in length and height respectively; reconstruction of a 450-square foot deck adjacent to the existing residence; reroofing and repair and replacement of siding on existing shop/storage outbuilding; installation of a new 5,000-gallon rubber water tank; installation of a new back-up emergency generator; and replacement of a 500-gallon propane gas tank. The project includes grading, approximately 350 cubic yards of cut and 500 cubic yards of fill, to prevent slope failure and to backfill retaining walls.

EVIDENCE: 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 PLN110213.

2. **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 51404 Partington Ridge Road (Assessor's Parcel Number 420-221-017-000), Big Sur Coast Land Use Plan. The parcel is zoned "RDR/40-D (CZ)", which allows allow development on slopes over 30% and construction of retaining walls, reconstruction of decks and reroofing and repairs of existing structures; the installation of ancillary facilities such as installation of water storage and propane gas tanks; and tree removal and grading. Therefore, the project is an allowed land use for this site.
- c) The area where the retaining walls are proposed is located directly

behind an existing dwelling and accessory building, water tank and a propane gas tank on the subject property. A near vertical cut slope exists in the area of the retaining wall. Significant sloughing and slippage are evident and there are noticeable cracks in the soil strata immediately above the cut slope. The retaining walls are proposed to prevent landslides and to protect existing structures both below and above the retaining wall area. Therefore the project is consistent with Policy Nos. 3.7.1 and 3.7.2.3 of the Big Sur Coast Plan.

- d) Per the Tree Assessment/Arborist Report prepared by Frank Ono, of Pacific Grove, California, dated July 28, 2011, and the site visit conducted by staff, there are no environmentally sensitive habitats in the area of the proposed retaining wall. Therefore, the project is consistent with Policy No. 3.3.2 (1) of the Big Sur Coast Land Use Plan.
- e) An Archaeological Report prepared for the project by Archaeological Consulting of Salinas, California, dated August 2, 2011, did not identify any archaeological resources in the area of the retaining wall. Therefore the project is consistent with Policy 3.11.1 of the Big Sur Coast Land Use Plan.
- f) The proposed retaining walls have been designed to meet applicable building code standards per the recommendations contained in a “Geotechnical Retaining Wall and Drainage Criteria” prepared by Haro, Kasunich and Associates, Inc. of Watsonville, California, dated August 24, 2010 and February 5, 2013. Therefore the project is consistent with Policy Nos. 3.7.3. (A) (1) (7) & (8) of the Big Sur Coast Land Use Plan.
- g) An Emergency Permit (File No. PLN130095) was issued on June 26, 2013 pursuant to the provisions of Chapter 20.79 of the Monterey County Coastal Implementation Plan (Part 1), for the construction of the 108' x 9', 30' x 8' and 25' x 5' foot retaining walls. Such issuance was accompanied by findings supporting an emergency situation arising from the deterioration of the slopes on the property. The subject Combined Development Permit is a follow-up to the Emergency Permit consistent with pertaining regulations of the Coastal Implementation Plan.
- h) 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 proposed project includes a design approval subject to review by the Zoning Administrator. The LUAC recommended approval of the project (6-0 vote).
- i) The project planner conducted a site inspection on February 17, 2012 and May 1, 2013 to verify that the project on the subject parcel conforms to the plans listed above.
- j) 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 Nos. PLN110213 and PLN130095.

3. FINDING: DEVELOPMENT ON SLOPES GREATER THAN 30% - There is

no feasible alternative which would allow development to occur on slopes less than 30% and therefore the proposed project is consistent with the provisions of Chapter 20.64.230 (Regulations for Development on Slopes in Excess of 30%) of the Zoning Ordinance.

- EVIDENCE:**
- a) 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 criteria to grant said permit have been met.
 - b) The project includes grading of slopes in over 30% in order to build retaining walls. The construction of the retaining walls and re-grading of the slope behind the retaining walls are necessary to prevent slope failure in the area directly behind the existing residence on the property. There are no alternative sites for the construction of the walls as they are necessary at the proposed location to prevent further slope degradation and to protect the existing cabin on the property.
 - c) The project also includes re-grading of slopes over 30% in the area of the demolition of the existing dilapidated structure. The re-grading in this area would be the minimum necessary to prevent erosion and potential slope failure.

4. **FINDING:** **TREE REMOVAL** – The proposed removal of three (3) protected Oak trees is the minimum necessary for the proposed development and consistent with the provisions of Section 20.145.060 (Forest Resources Development Standards) of the Monterey County Coastal Implementation Plan (Part 3).

EVIDENCE: A Forest Management Plan (Arborist Report) has been prepared by Frank Ono for the project consistent with the requirements of Section 20.145.060 B 1 of the Implementation Plan. The Arborist Report has identified three Oak trees for removal. The trees are identified as Nos. 129, 130 & 131 on the Plot Plan included in the Report. The trees are located on the undercut embankment, directly above the area of the construction of the tallest of the proposed retaining walls and above the existing cabin, and present a high hazard potential.

EVIDENCE: According to the Arborist Report, Tree No. 129 is a 23-inch diameter Oak with a crack at its base and its roots have been exposed by soil failure around it. The remaining trees also have their roots exposed and are leaning dangerously over the existing cabin. The Arborist Report recommends that the trees must be removed because they constitute a significant hazard. Additionally, the area in the location of the subject trees must be re-contoured after construction of the retaining walls which would cause additional damage to the roots of the trees. Tree replacement is required as a condition of the approval of the project.

5. **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 Station, 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. The proposed project is accessory and complementary to

the established uses on the property. Conditions recommended have been incorporated.

b) Staff identified potential impacts to Forestry Resources, Soil/Slope Stability, and Historical and Archaeological Resources. The following reports have been prepared:

- “Golob Residence Tree Assessment Arborist Report” (LIB130355) prepared by Frank Ono, Pacific Grove, California, July 28, 2011.
- “Geotechnical Retaining Wall and Drainage Criteria” (LIB130356) prepared by Haro, Kasunich and Associates, Inc., Watsonville, California, August 24, 2010 and February 5, 2013.
- “Historic Survey” (LIB130357) prepared by Kent Seavey, Pacific Grove, California, recorded with the California Department of Parks and Recreation on July 24, 2010.
- “Preliminary Archaeological Assessment for a Portion of APN 420-221-017-000, Big Sur, Monterey County, California” (LIB130050) prepared by Archaeological Consulting, Salinas, California, August 2, 2011.

The above-mentioned 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 has independently reviewed these reports and concurs with their conclusions.

- c) Staff conducted a site inspection on February 17, 2012 and May 1, 2013 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 Nos. PLN110213 and PLN130095.

6. FINDING:

HEALTH AND SAFETY - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE:

- a) The project was reviewed by the RMA - Planning Department, Cal Fire Coastal Station, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective 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. Water for the site and existing use is provided by the Partington Ridge Mutual Water Company. Wastewater disposal is provided by an existing approved onsite septic disposal system.
- c) Staff conducted a site inspection on February 17, 2012 and May 1, 2013 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 Nos. PLN110213 and PLN130095.

7. **FINDING:** **CODE VIOLATIONS** - The subject property is not compliance with all rules and regulations pertaining to the zoning and building/grading codes. Violations exist on the property. The approval of this permit will correct the violations and bring the property into compliance.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is aware of any violations existing on subject property. Staff conducted a site inspection on February 17, 2012 and May 1, 2013 and researched County records and confirmed that code violations exist on the subject property.
- b) The code violations have been documented by code enforcement staff from the RMA-Building Department (Code Enforcement Case #19960149). A "Compliance Order" was sent to the property owner on March 23, 2011.
- c) The proposed project corrects the existing code violations which include:
- Partial demolition of the existing cabin and reconstruction of the existing deck;
 - Grading on slopes greater than 25%;
 - Construction of retaining walls with a surcharge; and
 - Placement of a new 5,000-gallon water tank not on a natural grade.
- Approval of the subject application would grant the necessary land use permits to complete the zoning code violations identified in the "Compliance Order." When implemented, the project will bring the subject property into compliance with all rules and regulations pertaining to the property and will remove the existing violations.
- d) Zoning violation abatement costs, if any, have been paid.
- 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 Nos. PLN110213 and PLN130095.

8. **FINDING:** **CEQA (Exempt)** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15304 categorically exempts minor alterations in the conditions of the land including filling of earth into excavated land with material compatible with the natural features of the site (Section 15304 (c), and minor backfilling when the surface is restored (Section 15304 (f)).
- b) The proposed project includes excavation in slopes greater than 30% to allow construction of a retaining wall necessary to contain the failing slope and to protect an existing cabin on the site; and re-grading/re-contouring of slopes greater than 30% to their natural configuration in the location of a severely dilapidated structure to be demolished. The

area of both the excavation and re-grading/re-contouring encompasses a relatively small area on the site. There are no alternatives to these actions.

- c) No adverse environmental effects were identified during staff review of the development application during a site visit on February 17, 2012 and May 1, 2013.
- d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. While the project site contains protected Oak trees, it does not contain any other environmental resource of hazardous or critical concern; tree removal is allowed in specific circumstances and subject to replacement and other recommendations from professional arborists. The project is proposed to correct hazardous conditions, i.e. slope failure and demolition of hazardous structures, and potential significant effects on the site and adjoin parcels. The project would not damage scenic resources or visibility from public viewing areas. The site is not listed as a hazardous waste site. And the project would not result in potential significant impacts on a historical resource (See Evidence e) below.
- e) A "Historic Survey" (LIB130357) was prepared to analyze the potential historical value of the existing cabin on the property and any potential impacts from the project on the cabin. The report describes the cabin, as the "Keith B. Evans Cabin, a much altered example of a pre-WWII vernacular vacation house," that "has lost the physical integrity of its original 1939 design and workmanship through a series of alterations and additions executed by the later owners and occupants between c. 1971 and the present." The survey concludes that "Because of these changes the property does not evoke any particular sense of time and place, or of the feeling and association with its 1939 period of construction.
- f) Staff conducted a site inspection on February 17, 2012 and May 1, 2013 to verify that the site is suitable for this use.
- g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110213 and PLN130095.

9. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act of 1976 (specifically Chapter 3, 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 cumulative, as described in Section 20.145.150 of the Monterey County Coastal Implementation Plan (Part 3) can be demonstrated.
 - b) The subject property is not located in an area where the Local Coastal Program requires public access.
 - 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, 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 PLN110213 and PLN130095.

10. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission
- EVIDENCE:**
- a) Section 20.86.070 of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.
 - b) Section 20.86.080 (A) (3) of the Monterey County Zoning Ordinance states that the proposed project is subject to appeal by/to the Coastal Commission because the project is a permitted as a conditional use in the underlying zoning.

DECISION

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

1. Finds the project exempt from environmental review under CEQA Guidelines Section 15304; and
2. Approves a Combined Development Permit consisting of: 1) Coastal Development Permit to allow development on slopes over 30% consisting of the demolition of an existing structure and slope restoration grading in the area of the demolished structure, and to allow construction of concrete slabs for propane and water tanks, emergency generator and retaining walls; 2) Coastal Development Permit for removal of three protected Oak trees; and 3) Coastal Administrative Permit and Design Approval to allow construction of a retaining wall in four sections of 108' x 9', 30' x 8', 45' x 2' and 25' x 5' foot in length and height respectively; reconstruction of a 450-square foot deck adjacent to the existing residence; reroofing and repair and replacement of siding on existing shop/storage outbuilding; installation of a new 5,000-gallon rubber water tank; installation of a new back-up emergency generator; and replacement of a 500-gallon propane gas tank. The project requires grading, approximately 350 cubic yards of cut and 500 cubic yards of fill, to prevent slope failure and to backfill retaining walls. The Combined Development Permit clears Monterey County Code violations identified under Code Enforcement Case No. 19960149. The approval is 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 31st day of October, 2013.

Jacqueline R. Onciano, Zoning Administrator

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]

(Coastal Projects)

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. 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.

Form Rev. 01-31-2013

Monterey County Planning Department
DRAFT Condition of Approval Implementation Plan/Mitigation
Monitoring Reporting Plan

PLN110213

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This permit includes: 1) Coastal Development Permit to allow development on slopes over 30% consisting of the demolition of an existing structure (outbuilding and decks) and slope restoration grading in the area of the structure and deck demolition and to allow construction of concrete slabs for propane and water tanks and emergency generator and to allow retaining wall construction; 2) Coastal Development Permit for removal of three protected Oak trees; and 3) Coastal Administrative Permit and Design Approval to allow construction of a retaining wall in four sections of 108' x 9', 30' x 8', 45' x 2' and 25' x 5' foot in length and height respectively; reconstruction of a 450-square foot deck adjacent to the existing residence (cabin); reroofing and repair and replacement of siding on existing shop/storage outbuilding; installation of a new 5,000-gallon rubber water tank; installation of a new back-up emergency generator; and replacement of a 500-gallon propane gas tank. The project requires grading, approximately 350 cubic yards of cut and 500 cubic yards of fill, to prevent slope failure and to backfill retaining walls. The Combined Development Permit clears Monterey County Code violations identified under Code Enforcement Case No. 19960149. The 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 Permit Approval Notice. The notice shall state: "A Combined Development Permit (Resolution No. ___) was approved by the Zoning Administrator for Assessor's Parcel Number 420-221-017-000 on October 31, 2013. The permit was granted subject to 14 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. 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.

4. 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.

5. PD016 - NOTICE OF REPORT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:

"The following reports were prepared prepared for the project:

"Golob Residence Tree Assessment Arborist Report" (LIB130355) prepared by Frank Ono, Pacific Grove, California, July 28, 2011.

• "Geotechnical Retaining Wall and Drainage Criteria" (LIB130356) prepared by Haro, Kasunich and Associates, Inc., Watsonville, California, August 24, 2010 and February 5, 2013.

• "Historic Survey" (LIB130357) prepared by Kent Seavey, Pacific Grove, California, recorded with the California Department of Parks and Recreation on July 24, 2010.

• "Preliminary Archaeological Assessment for a Portion of APN 420-221-017-000, Big Sur, Monterey County, California" (LIB130050) prepared by Archaeological Consulting, Salinas, California, August 2, 2011.

The reports are on file in the Monterey County RMA - Planning. All development shall be in accordance with the provisions and recommendations of the reports."

(RMA - Planning)

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

Prior to occupancy, the Owner/Applicant shall submit proof, for review and approval, that all development has been implemented in accordance with the report to the RMA - Planning.

6. PD022(A) - EASEMENT-CONSERVATION & SCENIC

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: A conservation and scenic easement shall be conveyed to the County over those portions of the property where the slopes exceed 30%. The easement shall be developed in consultation with certified professionals. An easement deed shall be submitted to, reviewed and approved by, the Director of RMA - Planning and accepted by the Board of Supervisors prior to recording the parcel/final map or prior to the issuance of grading and building permits. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of permits for demolition and grading and building permits, the Owner shall submit the conservation and scenic easement deed and corresponding map, showing the exact location of the easement on the property along with the metes and bound description developed in consultation with a certified professional, to RMA - Planning for review and approval.

7. PD011 - TREE AND ROOT PROTECTION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of RMA - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to RMA - Planning for review and approval.

During construction, the Owner/Applicant/Arborist shall submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to RMA-Planning after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

8. PD048 - TREE REPLACEMENT/RELOCATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Within 60 days of permit approval, the applicant shall replace and or relocate each tree approved for removal as follows:

- Replacement ratio:
- Replacement ratio recommended by arborist:
- Other:

Replacement tree(s) shall be located within the same general location as the tree being removed. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall submit evidence of tree replacement to RMA-Planning for review and approval. Evidence shall be a receipt for the purchase of the replacement tree(s) and photos of the replacement tree(s) being planted.

Six months after the planting of the replacement tree(s), the Owner/Applicant shall submit evidence demonstrating that the replacement tree(s) are in a healthy, growing condition.

One year after the planting of the replacement tree(s), the Owner/Applicant shall submit a letter prepared by a County-approved tree consultant reporting on the health of the replacement tree(s) and whether or not the tree replacement was successful or if follow-up remediation measures or additional permits are required.

9. PD007- GRADING WINTER RESTRICTION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services. (RMA - Planning and RMA - Building Services)

Compliance or Monitoring Action to be Performed: The Owner/Applicant, on an on-going basis, shall obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.

10. 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.

11. 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 building permit, Applicant or owner shall incorporate specification into design and enumerate as Fire Department Notes on plans.
2. Prior to final building inspection, Applicant or owner shall schedule Fire Department clearance inspection.

12. FIRE014 - 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.

13. 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.

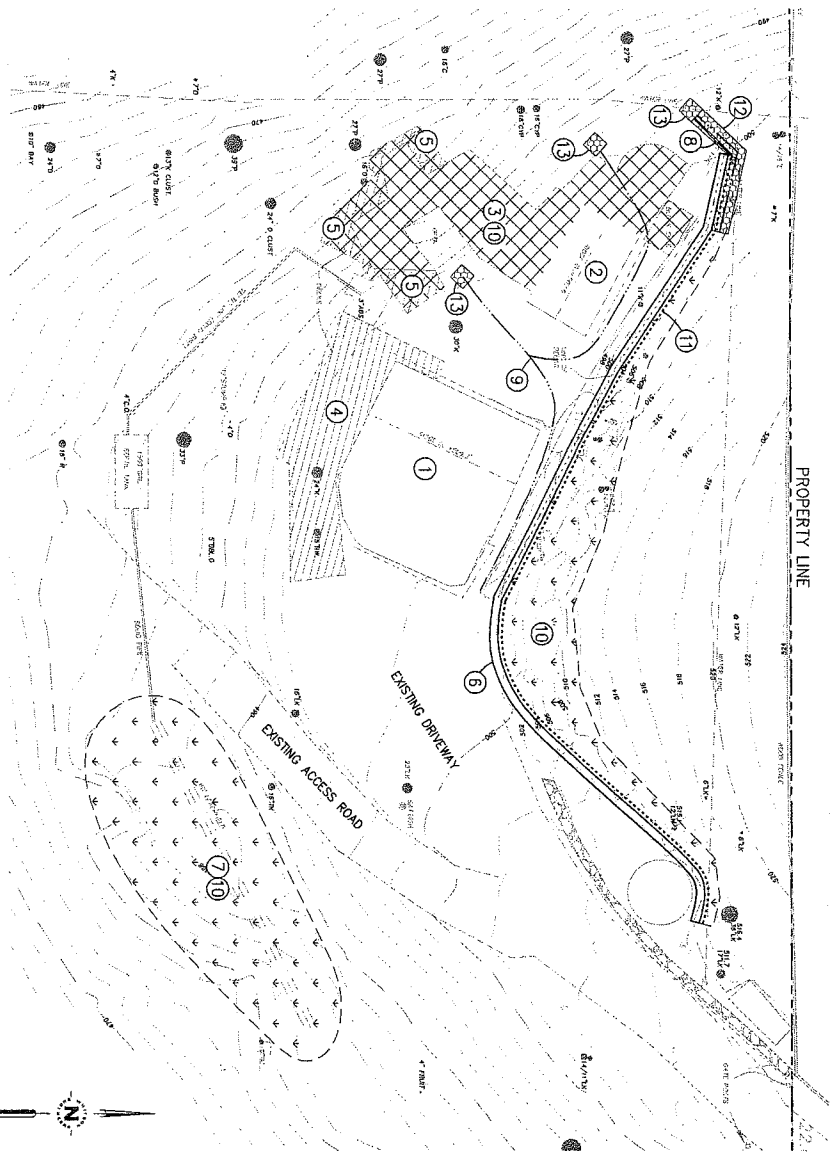
14. FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Manage combustible vegetation within a minimum of 100 feet of structures (or to the property line). Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire 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.



PROPERTY LINE



- GENERAL**
- CONSTRUCTION CONTRACTOR AGREES THAT, IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THAT THIS REQUIREMENT SHALL BE MADE TO ALL CONTRACTORS AND SUBCONTRACTORS AND TO ALL PERSONS AND PROPERTY. CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL(S) HARMLESS FROM ANY AND ALL LIABILITY, EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL(S).
 - ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH:
 - THE 2010 CALIFORNIA BUILDING STANDARDS CODE (CBC) TITLE 24, WITH LATEST ADOPTED AMENDMENTS
 - CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH ACT STANDARDS (CAL-OSHA)
 - CONTRACTOR APPLICABLE SAFETY LAWS OF ALL APPLICABLE JURISDICTIONS. THE DESIGN PROFESSIONAL(S) IS DIRECTED TO CONTACT THE DIVISION OF OCCUPATIONAL SAFETY AND HEALTH, SALINAS, CALIFORNIA AT PHONE (831) 443-3050.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL BARRICADES, SAFETY DEVICES AND CONTROL OF TRAFFIC WITHIN THE CONSTRUCTION AREA.
 - THE BUILDING OFFICIAL OR DESIGNATED REPRESENTATIVE SHALL HAVE THE RIGHT OF ENTRY TO THE JOB SITE.
 - ON-SITE GRADING AND EARTHWORK, SITE PREPARATION, AND EARTHWORK SHALL BE PERFORMED BY THE GEOTECHNICAL ENGINEER DESIGNATED BY THE OWNER. ALL GRADING AND EARTHWORK SHALL BE DONE IN ACCORDANCE WITH THE GEOTECHNICAL ENGINEER'S DESIGN. IMPERVIOUS SURFACES ADJACENT TO STRUCTURES SHALL HAVE A MINIMUM OF 2% SLOPE AWAY FROM THE STRUCTURE FOR A MINIMUM DISTANCE OF 10 FEET, UNLESS OTHERWISE SHOWN. LANDSCAPE AREAS ADJACENT TO STRUCTURES SHALL SHOW A MINIMUM OF 5% AWAY FROM THE STRUCTURE FOR A MINIMUM DISTANCE OF 10 FEET, UNLESS OTHERWISE SHOWN. (REF: 2010 CBC 1803.3)

- WATER POLLUTION CONTROL (MON. CO. ORD.)**
- ESTIMATED TOTAL DISTURBED AREA, LESS THAN 1 ACRE. A SWPPP IS NOT REQUIRED.
 - ALL SURFACES EXPOSED OR EXPECTED TO BE EXPOSED DURING GRADING ACTIVITIES SHALL BE PREPARED AND MAINTAINED THROUGH THE LENGTH OF THE ENTIRE PROJECT TO PROTECT AGAINST EROSION. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE PROJECT. DISTURBED AREAS BY HYDROSEEDING, PLANTING, MULCHING, OR OTHER APPROVED METHOD, AS SHOWN ON THE EROSION CONTROL AND LANDSCAPE PLANS.
 - THE FOLLOWING PROVISIONS SHALL APPLY BETWEEN OCTOBER 15 AND APRIL 15.
 - OPERATIONS MUST BE PROTECTED BY APPLYING STRAW OR OTHER EROSION CONTROL MEASURES TO ALL EXPOSED SOIL SURFACES. THESE MEASURES SHALL BE MAINTAINED THROUGHOUT THE PROJECT AND TENDED IN TO PREVENT UNDESIRABLE DRAINAGE WATER FLOW.
 - RUNOFF FROM THE SITE SHALL BE DETAINED OR FILTERED BY BERMS, VEGETATED FILTER STRIPS AND/OR CATCH BASINS TO PREVENT THE ESCAPE OF SEDIMENT FROM THE SITE. THESE DRAINAGE CONTROLS MUST BE MAINTAINED BY THE CONTRACTOR AS NECESSARY TO ACHIEVE THEIR PURPOSE THROUGHOUT THE LIFE OF THE PROJECT.
 - EROSION CONTROL MEASURES SHALL BE IN PLACE AT THE END OF EACH DAY'S WORK.
 - THE BUILDING INSPECTOR SHALL STOP OPERATIONS DURING PERIODS OF INCLEMENT WEATHER IF HE DETERMINES THAT EROSION PROBLEMS ARE NOT BEING CONTROLLED ADEQUATELY.
 - CONTRACTOR SHALL MAINTAIN CONSTRUCTION AND FINAL SUBCONTRACTORS ARE OPERATING EQUIPMENT ON THE SITE SHALL PREVENT THE FORMATION OF AN ARBORE DUST NUISANCE BY WATERING AND/OR TREATING THE SITE OF THE WORK IN SUCH A MANNER THAT WILL CONFINE DUST PARTICLES TO THE IMMEDIATE SURFACE OF THE WORK. THE CONTRACTOR WILL BE RESPONSIBLE FOR ANY DAMAGE DONE BY DUST FROM HIS OR HER SUBCONTRACTOR.

CONSTRUCTION KEY NOTES

- EXISTING CABIN TO REMAIN.
- EXISTING SHED/STORAGE BUILDING TO REMAIN.
- REMOVE EXISTING STRUCTURES' FOOTINGS ON HILLSIDE MAY REMAIN, DUE TO DIFFICULT ACCESS AND EROSION POTENTIAL, AS APPROVED BY THE GEOTECHNICAL ENGINEER. FILL IN ANY RESULTING VOIDS ON THE GRADED PAD AREA AS DIRECTED BY OWNER AND GRADE TO FINISH FROM BUILDING. FILL IN VOIDS ON THE HILLSIDE AS DIRECTED BY OWNER. FILL IN VOIDS ON THE HILLSIDE WITH SOIL. THE SOIL SHOULD BE DIRECTLY FILLED IN, DEPENDING ON FIELD CONDITIONS ENCOUNTERED.
- EXISTING DECK TO REMAIN.
- REMOVE EXISTING DECK PER NOTE 4.
- CONSTRUCT RETAINING WALL, (DESIGNED BY OTHERS).
- REMOVE A PORTION OF EXISTING SOIL STOCKPILE. CUT SHALL BE 50 CY OR LESS (CUT PLUS FILL SHALL BE LESS THAN 100 CY FOR THE ENTIRE PROJECT). SOIL MAY BE PLACED BEHIND FINISHED RETAINING WALL, IN VOIDS CREATED BY STRUCTURE REMOVAL, OR DISPOSED OF OFF-SITE IN A LEGAL MANNER.
- WALL BACK DRAIN DISCHARGE PIPE, 4" SOLID PVC OR ABS PIPE LAD AT 2% MIN. SLOPE PERMEABLE BACKFILL MATERIAL SHALL BE CAPPED WITH MIN 1" OF CLAYEY NATIVE SOIL TO PREVENT STORM WATER RUNOFF FROM ENTERING THE WALL DRAIN. PROVIDE FLOWLINE AT 2% MINIMUM SLOPE BEHIND THE EXISTING BUILDINGS. AND GRADE A SHALLOW SWALE TO DISCHARGE TO THE SLOPE IN FRONT OF THE BUILDINGS.
- PLANT AREA WITH APPROPRIATE NATIVE PLANTS AS APPROVED BY THE OWNER AND COVER SOIL WITH MIN 2" WOODY MULCH (CHIPPED MATERIAL AND/OR PINE NEEDLES AND LEAVES) TO PREVENT EROSION.
- PROPOSED WALL BACK DRAIN PER RETAINING WALL PLANS BY OTHERS.
- LINE SWALE BEHIND RETAINING WALL WITH 2"-WIDE X 6"-DEEP RIP RAP (050=4") TO PREVENT EROSION WHERE FLOW LINE SLOPE EXCEEDS 20%. EXTEND LINING TO RIP RAP ENERGY DISSIPATOR (KEY NOTE 14).
- PROVIDE 3"x3" RIP RAP (050=4") ENERGY DISSIPATOR. PLACE FILTER FABRIC ON BOTTOM AND SIDES OF PAD PRIOR TO PLACING RIP RAP.

NO.	DATE	DESCRIPTION

GLOB RESIDENCE
 APN 420-221-017 BIG SUR, CA
CIVIL GRADING, DRAINAGE AND EROSION CONTROL PLAN

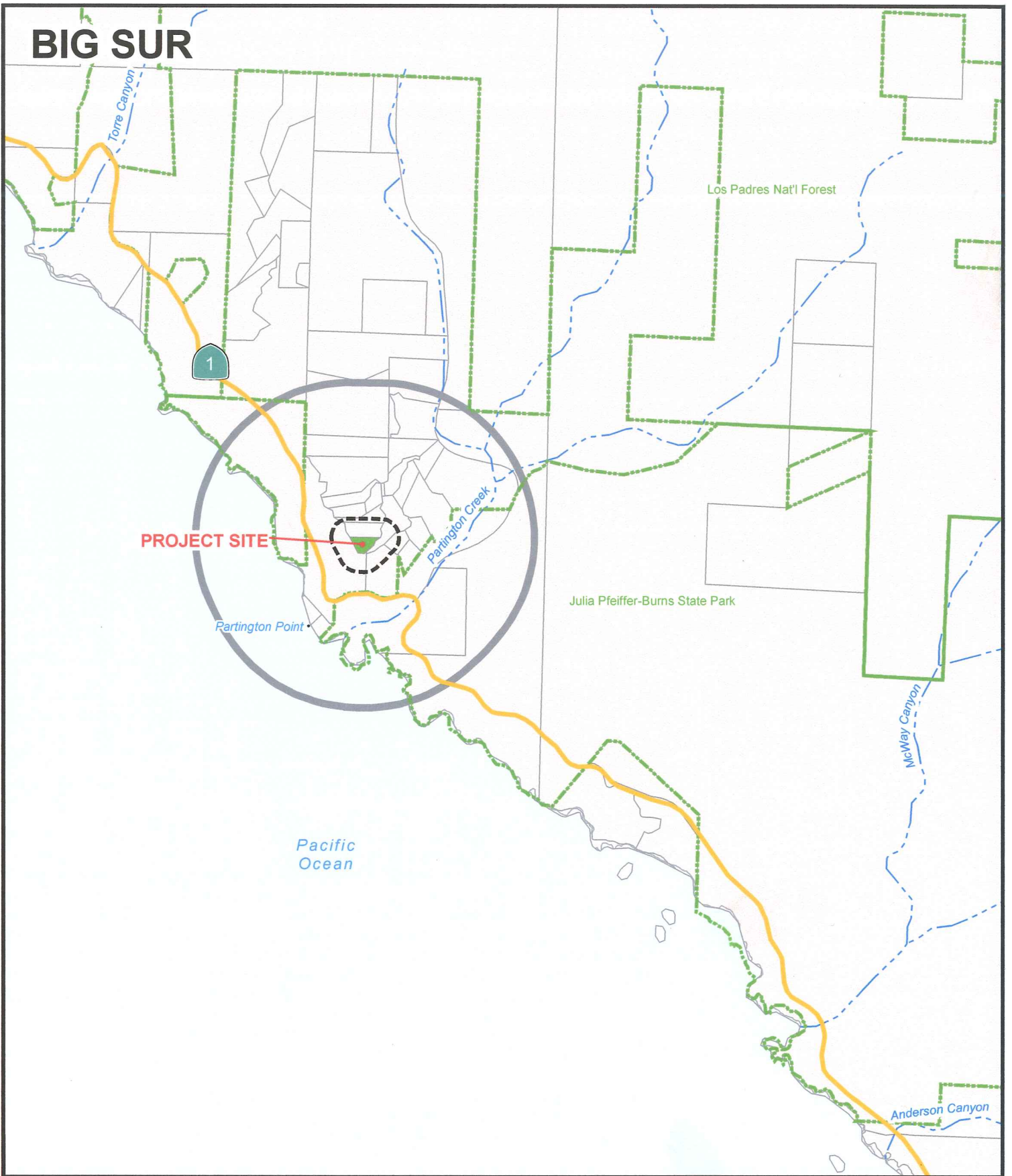
DATE: MARCH 14, 2013
 SCALE: 1"=10'
 DRAWN BY: KGL/NDM
 JOB #: 2917.00

WHITSON ENGINEERS
 9699 Blue Larkspur Lane - Suite 105 - Monterey, CA 93940
 831 649-5225 - Fax 831 373-5065
 CIVIL ENGINEERING • LAND SURVEYING • PROJECT MANAGEMENT



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BIG SUR



APPLICANT: GOLUB

APN: 420-221-017-000

FILE # PLN110213

2500' Limit 300' Limit Water City Limits

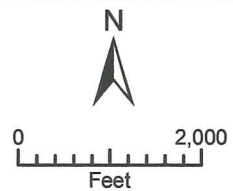


EXHIBIT C

PLANNER: OSORIO

MINUTES
Big Sur Land Use Advisory Committee
Tuesday, April 23, 2013

EXHIBIT D

1. Site visit at 9:00 AM at 51404 PARTINGTON RIDGE RD BIG SUR (GOLOB)

ATTENDEES: Steve Beck, Richard, Ravich, Brian Lyke, David Smiley, Mary Trotter, Dan Priano
Orin & Debbie Hein, Arden Handshy, Joel Panzer, Basil Sanborn, Nancy Golob and Joe Sidor

2. Meeting called to order by Mary Trotter **at** 10:31 **am**

3. Roll Call

Members Present: Mary Trotter, David Smiley, Brian Lyke, Steve Beck, Richard Ravich and
Dan Priano

Members Absent: 0

4. Approval of Minutes:

A. March 26, 2013 minutes – **Minutes to be considered at next meeting**

Motion: _____ (LUAC Member's Name)

Second: _____ (LUAC Member's Name)

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

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)

7. **Other Items:**

A) Election of Officers:

LUAC member nominated for Chairperson: Mary Trotter

Motion: Steve Beck (LUAC Member's Name)

Second: Brian Lyke (LUAC Member's Name)

Ayes: Steve Beck, Brian Lyke, Richard Ravich, Mary Trotter, David Smiley and Dan Priano

Noes: 0

Absent: 0

Abstain: 0

LUAC member nominated for Secretary: Dan Priano

Motion: Steve Beck (LUAC Member's Name)

Second: David Smiley (LUAC Member's Name)

Ayes: Steve Beck, David Smiley, Mary Trotter, Richard Ravich, Brian Lyke and Dan Priano

Noes: 0

Absent: 0

Abstain: 0

B) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

C) Announcements

None

8. **Meeting Adjourned:** 11:35 am

Minutes taken by: Dan Priano, Secretary

Minutes received via email May 8, 2013

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: **April 23, 2013**

Project Title: GOLOB NANCY I
File Number: PLN110213
File Type: PC
Planner: OSORIO
Location: 51404 PARTINGTON RIDGE RD BIG SUR

Project Description:

Combined Development Permit to clear code violation on the property (Code Enforcement Case No. 19960149) consisting of: (1) a Coastal Administrative Permit to allow new retaining walls, demolishing of unpermitted structures, and new 5,000 gallon water tank and a propane tank; (2) Coastal Development Permit to allow development on slope over 30%; and (3) a Design Approval. The property is located at 51404 Partington Ridge Road, Big Sur (Assessor's Parcel Number 420-221-017-000), Big Sur Coast Land Use Plan, Coastal Zone.

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

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

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Orin & Debbie Hein	X		Non-reflective roof shake, location of generator, propane tank and retaining wall

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)
Structure, Status Historical? Removal of structures		
Septic System		
Removal of Eucalyptus trees		

ADDITIONAL LUAC COMMENTS

None

RECOMMENDATION :

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

Second by: David Smiley (LUAC Member's Name)

Support Project as proposed

Recommend Changes (as noted above)

Continue the Item

Reason for Continuance: _____

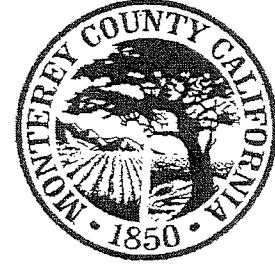
Continued to what date: _____

A YES: Steve Beck, David Smiley, Richard Ravich, Mary Trotter, Brian Lyke and Dan Priano

NOES: 0

ABSENT: 0

ABSTAIN: 0



MONTEREY COUNTY

PLANNING DEPARTMENT

168 W. Alisal St. 2nd Floor Salinas CA 93901

(831) 755-5025 FAX: (831) 757-9516

NOTICE OF ISSUANCE OF AN EMERGENCY PERMIT (COASTAL ZONE)

PROPERTY OWNER: Nancy I. Golob

REPRESENTATIVE: Joe Panzer, Maureen Wruck Planning Consultant, LLC

PROJECT DESCRIPTION: Construction of a retaining wall

PROJECT ADDRESS: 51404 Partington Ridge Road

APNs: 420-221-017-000

ISSUANCE DATE: June 26, 2013

FILE #: PLN130095

NOTICE AND CAUSE OF EMERGENCY: Pursuant to Chapter 20.79 of the Monterey County Coastal Implementation Plan (Part 1) the property owner has requested an Emergency Permit to *construct a retaining wall*. The purpose of Chapter 20.79, *Emergency Permits*, is to provide a means whereby development normally requiring discretionary approvals under this Title may be considered without the normally required public hearing processes to meet an emergency situation. The situation demands immediate action to prevent or mitigate circumstances that are detrimental to the safety, comfort, and general welfare of the persons occupying and working on the property. This project is statutorily exempt under 15269(b) of the CEQA Guidelines. This Administrative decision is appealable to the Monterey County Board of Supervisors pursuant to 20.86.030.A of the Monterey County Coastal Implementation Plan (Part 1). Plans and a vicinity map are attached. The project will be located at 51504 Partington Ridge Road, Big Sur, Big Sur Land Use Land Use Plan, Coastal Zone.

I. FINDINGS OF FACT

1. **FINDING:** An emergency situation exists which requires more expeditious action than the normal discretionary permit procedure.

EVIDENCE:

- a) The area where the retaining walls are proposed is located directly behind an existing dwelling and accessory building, water tank and a propane gas tank on the subject property. A near vertical cut slope exists in the area of the retaining wall. Significant sloughing and slippage are evident and there are noticeable cracks in the soil strata immediately above the cut slope. Construction of the retaining wall started without the required planning or construction permits.
 - b) The Deputy Building Official has determined that it is imperative that the retaining wall be constructed, backfilled and the upslope stabilized with appropriate erosion control prior to the onset of any significant rain.
 - c) The project engineer –Haro, Kasunich and Associates, Inc.- in correspondence dated February 5, 2013, has stated that “If the steep cut slope is not retained, further land sliding of cut face is likely to occur. This would put the existing development on the property in jeopardy of being impacted; it would further degrade and destabilize the hillside; and, headward migration of landslides compromises the integrity of the earth that supports the adjacent property upslope from the failing hillside.”
 - d) Site visit conducted by Mark Setterland, Deputy Building Official and Luis Osorio, Senior Planner on May 1, 2013.
 - e) “Emergency Retaining Wall Recommendation,” Golob Residence, Partington Ridge, Big Sur, Monterey County, California, February 5, 2013.
 - f) “Geotechnical Retaining Wall and Drainage Criteria,” Golob Residence, Partington Ridge, Big Sur, Monterey County, California, August 24, 2010.
 - g) “Combination Geotechnical Update and Plan Review Letter,” Golob Residence, Partington Ridge, Big Sur, Monterey County, California, July 5, 2011.
 - h) The project is located at 51504 Partington Ridge Road in Big Sur (APN 420-221-017-000).
 - i) Plans and materials contained in project file PLN130095.
2. **FINDING:** The work authorized by the Emergency Permit is the minimum amount of work required to mitigate the emergency situation.

EVIDENCE:

- a) The Emergency Permit authorizes the construction of a cast in place concrete retaining walls as follows:
 - i. A 108-foot long by 9-foot high retaining wall behind the existing dwelling and accessory structure;
 - ii. A 30-foot long by 8-foot high retaining wall behind an existing 5,000-gallon water tank; and

iii. A 25-foot long by 5-foot high retaining wall behind an existing propane gas tank.

No other development is allowed under this Emergency Permit (Condition No. 1).

- b) A follow-up coastal development permit is required to obtain approvals for the subject retaining walls and the proposed remaining improvements on the site.
- c) Multiple site visits conducted by project planner on several dates including the most recent one with the Deputy Building Official on May 1, 2013.
- d) Plans and materials contained in Project File PLN130095.

3. **FINDING:** The work authorized by the Emergency Permit is consistent with the provisions of the applicable Monterey County Local Coastal Program.

EVIDENCE:

- a) There are no environmentally sensitive habitats in the area of the proposed retaining wall; therefore, the project is consistent with Policy Nos. 3.3.1 3.3.2.1 of the Big Sur Coast Land Use Plan. (See also Finding/Evidence No. 1 above)
- b) The proposed retaining walls are proposed to prevent landslides and to protect existing structures both below and above the retaining wall area. Therefore the project is consistent with Policy Nos. 3.7.1 and 3.7.2.3 of the Big Sur Coast Plan.
- c) The proposed retaining wall has been designed by a civil engineer to meet applicable building code standards. Therefore the project is consistent with Policy Nos. 3.7.3.7, 3.7.3.8 of the Big Sur Coast Land Use Plan.
- d) An Archaeological Report has been prepared for the project which did not identify any archaeological resources in the area of the retaining wall.3.11.1 of the Big Sur Coast Land Use Plan.
- e) This emergency permit will expire sixty (60) days from the date of issuance. The owner/applicant shall obtain required construction permits within that time frame (Condition No. 3).
- f) Plans and materials contained in Project File Nos. PLN130095 and PLN110213.

4. **FINDING:** The establishment, maintenance or operation of the use or structures approved by the Emergency Permit will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such approved use, or, be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.

EVIDENCE:

- a) The project was reviewed by the RMA-Planning Department and RMA-Building Department. The respective departments 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 on the property or in the neighborhood.
- b) Reference additional Findings specifically.
- c) Plans and materials contained in Project File PLN130095.

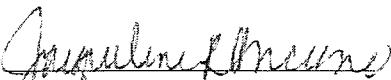
5. **FINDING:** This emergency activity is exempt from the requirements of the California Environmental Quality Act (CEQA).

EVIDENCE:

- a) Section 15269(b) of CEQA statutorily exempts emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare.
- b) The work authorized by the Emergency Permit allows construction of three separate concrete retaining walls as described above.
- c) No potential adverse environmental effects were identified during staff review of the development application and during a site visit on May 1, 2013.
- d) State additional evidence to support conclusion.
- e) Finding and Evidence No. 1
- f) Plans and materials contained in Project File PLN130095.

II. DECISION OF THE ZONING ADMINISTRATOR

Based on these facts, the Monterey County Zoning Administrator hereby grants an Emergency Permit subject to conditions contained in *Exhibit A*, attached hereto and incorporated herein by reference.



Jacqueline R. Onciano, Zoning Administrator
July 5, 2013

Note: You may need a building and/or grading permits and must comply with the Monterey County Building ordinance in every respect. Do not start any construction until you have obtained the necessary permits and use clearances from the Monterey County RMA-Building Services Department.

cc: Zoning Administrator; California Coastal Commission; Environmental Health Bureau; Water Resources Agency; The Open Monterey Project; LandWatch; Owner; Luis Osorio, Project Planner; Project File PLN130095.

EXHIBIT A
Monterey County Resource Management Agency
Planning Department
Condition Compliance Reporting Plan

Project Name: Golob Emergency Permit

File No.: PLN130095

APN: 420-221-017-000

Approved by: Zoning Administrator **Date:** July 5, 2013

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
1.		<p>PD001 - SPECIFIC USES ONLY This Emergency Permit (PLN130095) allows the construction of three separate concrete retaining walls. The property is located at 51404 Partington Ridge Road (Assessor's Parcel Numbers 420-221-017-000), Big Sur Coast Land Use Plan. This 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</p>	<p>Adhere to conditions and uses specified in the permit.</p>	<p>Owner/ Applicant</p>	<p>Ongoing unless otherwise stated</p>	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
2.		<p>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)</p> <p>PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution PLN130095) was approved by the Zoning Administrator for Assessor's Parcel 420-221-017-000 on July 5, 2013. The permit was granted subject to (3) 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)</p>	<p>Proof of recordation of this notice shall be furnished to the RMA - Planning Department.</p>	Owner/Applicant	Prior to the issuance of well permit or commencement of use.	
3.		<p>PD032 - PERMIT TIME/YEAR & DATE The permit shall be granted for a time period of sixty (60) days, to expire on September 5, 2013. (RMA - Planning Department)</p>	None	Owner/Applicant	As stated in the conditions of approval.	

END OF CONDITIONS

Osorio, Luis x5177

From: Setterland, Mark T. x5962
Sent: Monday, May 06, 2013 4:36 PM
To: Osorio, Luis x5177
Cc: Rodriguez, Michael x5613
Subject: 11Cp01575 51404 Partington Ridge Rd

Luis

Subsequent to our site review on 5/1/13 I have reviewed the file, the project geotechnical report dated 8/24/10, the geotechnical engineer's emergency retaining wall recommendation letter dated 2/5/13, and the retaining wall design and permit submittal documents. These permit documents include a site plan dated 6/3/11 by Ned Callihan Architect, and a structural calculation and detail package prepared by Messmer Associates Consulting Engineers dated 11/9/11r. The project submittal documents reflect the design and detailing for cast in place concrete retaining walls up to 9' in height behind the residence, adjacent accessory building, the water tank and the propane tank.

Our site review reflected a condition where a near vertical cut slope exists that appears to be a few years old. Significant sloughing and slippage is evident, and there are noticeable cracks in the soil strata immediately above the cut slope. In the area above the propane tank there is undermining of the neighbors fence which is located on the adjoining property line. There is also evidence of a moderate soil mass behind the house that has settled away from the cut slope. The visible soil appears to be highly weathered and decomposed granite mixed with brown silty clay. This type soil when saturated usually loses strength and cohesion and will likely continue to settle and/or slough and slide away from the cut slope. It was also evident that retaining wall foundations have already been poured. A permit for this proposed work has not been issued, nor have there been any County of Monterey inspection or other verification on the retaining wall foundations.

Based on our site visit and review of the geotechnical documentation submitted, I agree with the geotechnical engineer that it is imperative that the retaining walls be constructed; backfilled and the upslope stabilized with appropriate drainage and erosion control elements prior to the onset of any significant rainfall. Moderate to heavy saturation of the soil mass behind and above the cut slope may cause additional settlement and/or sliding of the slope. This could potentially damage the existing structures below and might adversely affect the neighbor's residence above.

Review of the site reflects conditions where the retained height of portions of the retaining walls will be in excess of 10'. Review of the structural calculations, plans and details indicates the maximum design height of walls to be 9'. Review of the site plan developed by Mr. Callihan reflects that the proposed design will require rounding of the top of the cut slope to accommodate the shorter stem wall design height. Recommendation number 8 on page 4 of

6/20/2013

the geotechnical report specifically prohibits such rounding, indicating the retaining wall must be designed for the full retained height.

It is recommended that a licensed surveyor or civil engineer determine actual retaining wall elevations and that the structural engineer re-design for the full extent of the retained condition as specified in the geotechnical report. Our office has no record of inspections for the foundation construction, therefore an independent evaluation by a licensed engineer to verify the size, depth and construction of the as-built foundations will be required.

Mark Setterland PE

Deputy Building Official

County of Monterey - Building Services
168 West Alisal Street, 2nd Floor
Salinas, CA 93901
Phone: (831)784-5962 Fax (831)757-9516

Project No. M10035
5 February 2013

NANCE GOLOB
P.O. BOX 563
Big Sur, California 93920

Subject: Emergency Retaining Wall Recommendation

Reference: Existing Steep Cut Slope
Golob Residence
Partington Ridge
Big Sur, Monterey County, California
APN 420-221-017

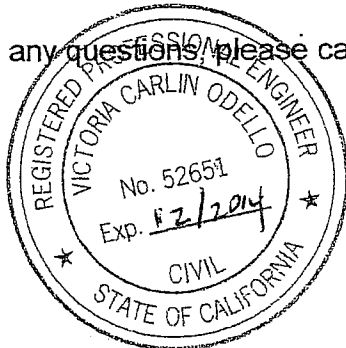
Dear Ms. Golob,

This letter describes the immediate need for construction of a retaining wall at the referenced site.

The existing cut slope behind the house must be retained immediately. If the steep cut slope is not retained, further landsliding of the cut face is likely to occur. This would put the house area in jeopardy of being impacted; it would further degrade and destabilize the hillside; and, headward migration of landslides compromises the integrity of the earth that supports the adjacent property upslope from the failing hillside.

We have been to the site many times of the last few years and are very familiar with the condition of the site soil and cut slope environment. The original cut slope showed signs of past failures. The current cut slope failed forming its present condition. The slope materials consist of clayey decomposed granitic-like material and are susceptible to saturation, erosion, and spalling off. Based on our observations, the cut slope is not stable in an un-retained condition. It must be retained to avoid potential failures, impact, undermining, erosion and instability.

If you have any questions, please call our office.



Very truly yours,
HARO, KASUNICH & ASSOCIATES, INC.

Vicki Odello
C.E. 52651

VO/vc

Copies: 1 to Addressee via email
1 to Joel Panzer

