### MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: January 8, 2015	Agenda Item No.: 1		
Project Description: Design Approval to allow the construction of an attached 659 square foot			
garage. Materials and colors to match the existing single-family dwelling and workshop.			
Project Location: 41000 Highway 1, Monterey	<b>APN:</b> 418-171-004-000		
(Big Sur)			
Planning File Number: PLN130889	Owner/Applicant: Scott Givens		
	<b>Agents:</b> Christine Kemp & Arden Handshy		
Planning Area: Big Sur Coast Land Use Plan	Flagged and staked: Yes		
Zoning Designation: WSC/40-D (CZ) [Watershed and Scenic Conservation, 40 acres per unit,			
with Design Control Overlay (Coastal Zone)]			
CEQA Action: Categorically exempt per section 15303 of the CEQA Guidelines			
Department: RMA-Planning			

### RECOMMENDATION:

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

- 1) Find the project categorically exempt per section 15303 of the CEQA Guidelines; and
- 2) Approve the Design Approval (PLN130889), based on the findings and evidence and subject to the conditions of approval (**Exhibit B**).

### PROJECT OVERVIEW:

The Applicant proposes to construct a 659 square foot garage, attached to and between the existing single-family dwelling and workshop. The proposed colors and materials will match the existing single-family dwelling and workshop, and use a Corten steel exterior and green roof that will be planted with natural vegetation.

The parcel is zoned WSC/40-D (CZ) [Watershed and Scenic Conservation, 40 acre minimum, with a Design Control overlay (Coastal Zone)]. This zoning allows residential uses and accessory structures, such as garages, as the principal onsite use. The project is exempt from a coastal development permit pursuant to 20.70.120.A.4 of the Monterey Municipal Code because this project, although located between the sea and the first public road paralleling the sea, will not result in any of the following: an increase of 10% or more of internal floor area, an additional story, a detached structure in excess of 1,000 square feet, a fence over six (6) feet in height, shoreline protective works, docks, trees or satellite dishes. The project, as designed and sited, is consistent with the applicable Critical Viewshed policies of the Big Sur Coast Land Use Plan and would not be visible from major public viewing areas.

The Planning Commission approved a Combined Development Permit in 2006 for a 1,060 square foot second floor addition to the single-family dwelling and a 650 square foot detached garage to an existing residence. The County issued a building permit in 2007 which allowed the previously-approved garage to be changed to a workshop. This application proposes a 659 square foot garage to be built between the existing single-family dwelling and workshop, attaching all structures. The garage proposes a maximum height of ten (10) feet, which is lower than both existing structures, and will not cause any impacts to the Big Sur Critical Viewshed. The project can be seen from neighboring residences, but will not cause a significant visual impact or reduction in private views.

All utilities for the site exist, and the project will not intensify water or septic use. The parcel is located in an area of high sensitivity for prehistoric cultural resources; however, an archaeological survey (LIB05082) was prepared for the property in 2005 and concluded that no

archaeological resources were identified on the lot. The location of the proposed garage will not disturb any trees or coastal vegetation.

The project, as described above and as conditioned, conforms to the policies and objectives of the applicable County plans and ordinances. The parcel is legal nonconforming with regard to size; however, the project does not propose to change the existing lot configuration. The project planner conducted site inspections on December 3, 2013, and January 14, 2014, to verify that the proposed project on the subject parcel conforms to the applicable plans and to make a critical viewshed determination. The project is also categorically exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15303(e) which exempts the construction of accessory structures, including garages. Staff also reviewed Monterey County records and did not discover any code violations existing on the subject parcel. Conditions recommended by RMA-Planning have been incorporated into the Condition Compliance Plan attached to the draft resolution (**Exhibit B**).

### OTHER AGENCY INVOLVEMENT:

The project was referred to the Big Sur Land Use Advisory Committee (LUAC) for review. The Big Sur LUAC, at a public meeting held on November 25, 2014, voted unanimously (3-0) to support the project with the changes proposed by the Applicant.

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

Joseph Sidor, Associate Planner

(831) 755-5262, SidorJ@co.monterey.ca.us

December 18, 2014

cc: Front Counter Copy; Zoning Administrator; Luke Connolly, RMA Services Manager; Joseph Sidor, Project Planner; Scott Givens, Owner; Arden Handshy, Agent; Christine Kemp, Agent; Carl Dauphine, Interested Party; David Sweigert, Agent for Interested Party; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); Planning File PLN130889

Attachments: Exhibit A P

Exhibit A Project Data Sheet

Exhibit B Draft Resolution, including:

Conditions of Approval

• Site Plan, Floor Plan and Elevations

Exhibit C Vicinity Map

Exhibit D Land Use Advisory Committee Minutes (November 25, 2014)

Exhibit E Proposed Colors and Materials – Photo Simulation

This report was reviewed by Luke Connolly, RMA Services Manager.

### **EXHIBIT A**

### **Project Information for PLN130889**

Application Name: Givens Scott W Tr

Location: 41000 Hwy 1, Monterey

Applicable Plan: Coast-Big Sur

Advisory Committee: Big Sur Coast Advisory Committee

Permit Type: Design Approval

Environmental Status: Categorical Exemption

Zoning: WSC/40-D(CZ)

Land Use Designation: Watershed & Scenic

Primary APN: 418-171-004-000

Conservation

Project Site Data:

Lot Size: 5.64

Existing Structures (sf): 2879

Proposed Structures (sf): 659

Total Sq. Ft.: 3538

Special Setbacks on Parcel: NA

Coverage Allowed: 10%

Coastal Zone: Yes

Final Action Deadline (884): 3/18/2014

Coverage Proposed: 1.44%

Height Allowed: 15

Height Proposed: 10

FAR Allowed: NA

FAR Proposed: NA

Resource Zones and Reports:

Seismic Hazard Zone: UNDETERMINED

Erosion Hazard Zone: High

Fire Hazard Zone: High / Very High

Flood Hazard Zone: X

Archaeological Sensitivity: High

Visual Sensitivity: BIG SUR CRITICAL VIEWSHEE

Soils Report #: NA

Biological Report #: NA

Forest Management Rpt. #: NA

Geologic Report #: NA

Archaeological Report #: LIB050582

Traffic Report #: NA

Other Information:

Water Source: WATER SYSTEM

Water Purveyor: NA

Fire District: Big Sur VFB

Tree Removal: 0

Grading (cubic yds.): 0

Sewage Disposal (method): SEPTIC

Sewer District Name: NA

Date Printed: 12/16/2014

### 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:

SCOTT W. GIVENS TR (PLN130889) RESOLUTION NO. 15 -

Resolution by the Monterey County Zoning Administrator:

- 1) Finding the project categorically exempt per section 15303 of the CEQA Guidelines; and
- 2) Approving a Design Approval to allow the construction of an attached 659 square foot garage, with matching colors and materials.

[PLN130889, Givens, 41000 Highway 1, Big Sur Coast Land Use Plan (APN: 418-171-004-000)]

The Givens application (PLN130889) had a public hearing before the Monterey County Zoning Administrator on January 8, 2015. 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 is a Design

Approval to allow the construction of an attached 659 square foot garage, with colors and materials that will match the existing single-family dwelling and workshop

family dwelling and workshop.

**EVIDENCE:** a) An application for a Design Approval was submitted on November 20, 2013.

- b) The property is located at 41000 Highway 1 (Assessor's Parcel Number 418-171-004-000), Big Sur Coast Land Use Plan. The parcel is zoned Watershed and Scenic Conservation, 40 acres per unit, with a Design Control Overlay (Coastal Zone) [WSC/40-D (CZ)], which allows non-habitable accessory structures, with colors and materials to match the existing single-family dwelling and workshop, with the issuance of a Design Approval. Therefore, the project is an allowed land use for this site.
- c) On December 18, 2014, notices were mailed to all parties that the Zoning Administrator has reason to know may be interested in the application.
- d) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development that are found in Project File PLN130889.

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; and
- Monterey County Zoning Ordinance (Title 20)

No conflicts were found to exist. The County received communications during the course of review of the project indicating inconsistencies with the text, policies, and regulations in these documents; however, the County finds that the project is consistent with the text, policies, and regulations in the applicable documents above.

- 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, this application warranted referral to the LUAC because the project is a Design Approval subject to review by the Zoning Administrator.
- c) The Big Sur LUAC reviewed the project at public meetings held on January 14, March 25, and November 25, 2014. At the public meeting held on November 25, 2014, the Big Sur LUAC voted unanimously (3 0) to support the project with the changes proposed by the Applicant, including a green roof and a minor footprint change.
- d) Big Sur Critical Viewshed: The project site is located near Highway 1, a state-designated scenic highway; however, the proposed structure would not be visible from major public viewing areas, and would not intrude into the Big Sur Critical Viewshed. Therefore, the project is consistent with the Big Sur Coast Land Use Plan (LUP) policies regarding protection of the Critical Viewshed (LUP Section 3.2, Visual Resources). Moreover, siting the garage between the existing single-family dwelling and workshop, and using a green roof, minimizes any visible increase to the sites' structural bulk and mass.
- e) The project planner conducted site inspections on December 3, 2013, and January 14, 2014, to verify that the project on the subject parcel conforms to the plans listed above.
- f) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development that are found in Project File PLN130889.
- 3. **FINDING:**
- **DESIGN** The design of the proposed project assures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity without imposing undue restrictions on private property.
- EVIDENCE: a) The proposed attached garage will be sited between the existing single-family dwelling and workshop, will use matching colors and materials, and will have a green roof planted with natural vegetation. Therefore, as proposed, the project minimizes any visible increase to the sites' structural bulk and mass. Also, the project will not be visible from major public viewing areas, and is consistent with the Big Sur Coast Land Use Plan policies regarding protection of the Critical Viewshed.
  - b) The project planner conducted site inspections on December 3, 2013, and January 14, 2014, to verify that the project on the subject parcel conforms to the plans listed above.
  - c) The application, project plans, and related support materials submitted

by the project applicant to the Monterey County RMA - Planning for the proposed development that are found in Project File PLN130889.

4. **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 categorically exempts the construction and location of limited numbers of new, small accessory facilities or structures, including garages.
- b) The project involves the construction of a 659 square foot non-habitable accessory structure (i.e., an attached garage); therefore, the project is consistent with the parameters of the Section 15303 categorical exemption.
- c) No adverse environmental effects were identified during staff review of the development application during site visits on December 3, 2013, and January 14, 2014.
- d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact. The project site is located near Highway 1, a state-designated scenic highway; however, the proposed structure would not be visible from major public viewing areas, and would not intrude into the Big Sur Critical Viewshed. Therefore, the project is consistent with the Big Sur Coast Land Use Plan (LUP) policies regarding protection of the Critical Viewshed (LUP Section 3.2, Visual Resources). Moreover, siting the garage between the existing single-family dwelling and workshop, and using a green roof, minimizes any visible increase to the sites' structural bulk and mass.
- e) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development that are found in Project File PLN130889.

5. **FINDING:** 

**APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.

**EVIDENCE:** 

Section 20.44.070 of the Monterey County Zoning Ordinance (Title 20) states that the proposed project is appealable to the Board of Supervisors.

### **DECISION**

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

- 1) Find the project categorically exempt per section 15303 of the CEQA Guidelines; and
- 2) Approve a Design Approval to allow the construction of an attached 659 square foot garage, with colors and materials to match the existing single-family dwelling and workshop, in general conformance with the attached sketch, colors and materials photo simulation, and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 8<sup>th</sup> day of January, 2015.

	Jacqueline R. Onciano, Zoning Administrator
COPY OF THIS DECISION MAILED TO APPLICAN	T ON
THIS APPLICATION IS APPEALABLE TO THE BOA	ARD OF SUPERVISORS.
IF ANYONE WISHES TO APPEAL THIS DECISION, AND SUBMITTED TO THE CLERK TO THE BOARI	
FEE ON OR BEFORE	
This decision, if this is the final administrative decision	, is subject to judicial review pursuant to California

### **NOTES**

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

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.

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 Monterey County RMA-Planning and RMA-Building Services Department office in Salinas.

### **Monterey County RMA Planning**

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

PLN130889

#### 1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation **Monitoring Measure:** 

This Design Approval (PLN130889) allows the construction of an attached 659 square foot garage, with colors and materials to match the existing single-family dwelling and The property is located at 41000 Highway 1, Monterey (Assessor's Parcel Number 418-171-004-000), Big Sur Coast Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed:

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:

RMA-Planning

Condition/Mitigation Monitoring Measure:

The applicant shall record a Permit Approval Notice. This notice shall state: Design Approval (Resolution Number 15 -) was approved by the Zoning Administrator for Assessor's Parcel Number 418-171-004-000 on January 8, 2015. The permit was granted subject to six (6) conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

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

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.

### 3. PD002(A) - ATTACH RESOLUTION TO CONSTRUCTION PLANS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

A copy of the Resolution of Approval (Resolution No. 15 -) for the Design Approval (Planning File No.: PLN130889) shall be incorporated onto the construction plans for the project prior to the issuance of a grading or building permit. Contractor/Owner/Applicant shall be responsible for compliance with all conditions of approval. (RMA - Planning)

Compliance or Monitorina Action to be Performed:

Prior to commencement of any grading or construction activities, the Owner/Applicant shall submit evidence to RMA-Planning for review and approval, that the Resolution of Approval, for the project, has been incorporated (attached to) onto the construction plans for the project/approved development.

Ongoing throughout construction and until all Conditions of Approval and/or Mitigation Measures have been complied with, the Contractor/Owner/Applicant shall provide evidence of compliance with Conditions of Approval to the Responsible Land Use Department as specified in the "Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan."

### 4. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department:

RMA-Planning

Condition/Mitigation Monitoring Measure:

during the course of construction, cultural, archaeological, 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. Monterey County RMA - Planning and a qualified archaeologist (i.e., an archaeologist registered with the 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)

Compliance or Monitorina Action to be Performed:

The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County RMA - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are 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.

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### 5. PD014(C) - LIGHTING-EXTERIOR LIGHTING PLAN (BIG SUR)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

All exterior lighting shall be unobtrusive, down-lit, compatible with the local area, and constructed or located so that only intended area is illuminated and off-site glare is Exterior lights shall have recessed lighting elements. sources that would be directly visible from critical viewshed viewing areas as defined in Section 20.145.020.V, are prohibited. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate 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 RMA - Planning, prior to the issuance of building permits. (RMA - Planning)

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

Prior to final/occupancy, staff shall conduct a site visit to ensure that the lighting has been installed according to the approved plan.

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

#### 6. PD032(A) - PERMIT EXPIRATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

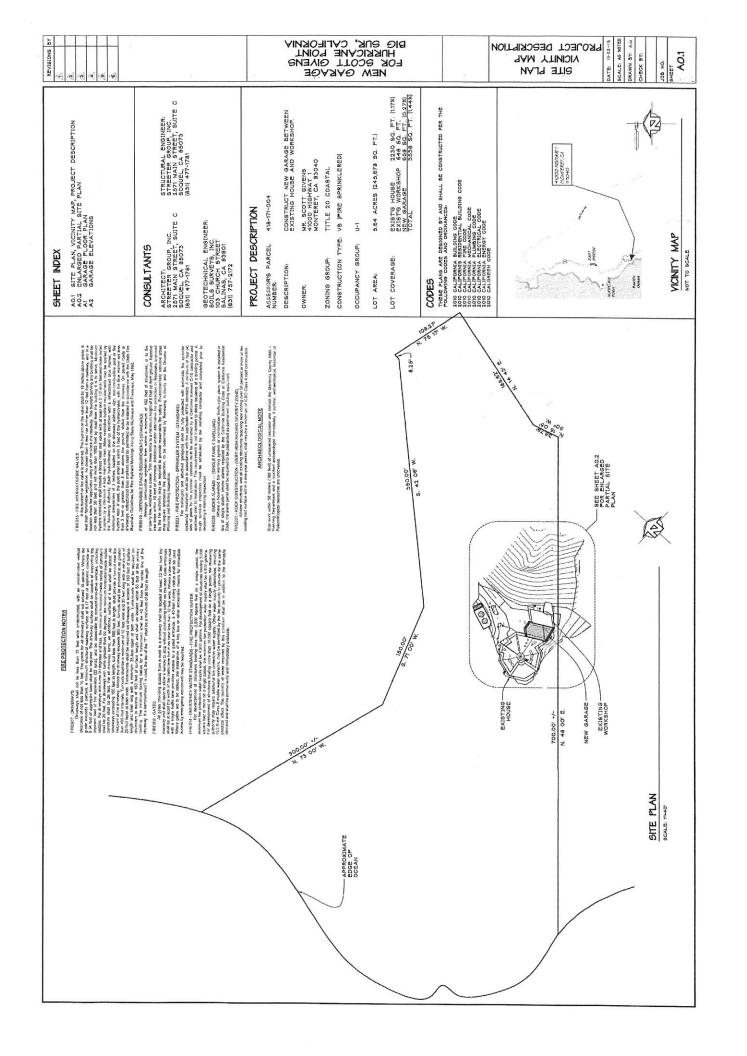
The permit shall be granted for a time period of three (3) years, to expire on January 8, 2018, unless use of the property or actual construction has begun within this period. (RMA-Planning)

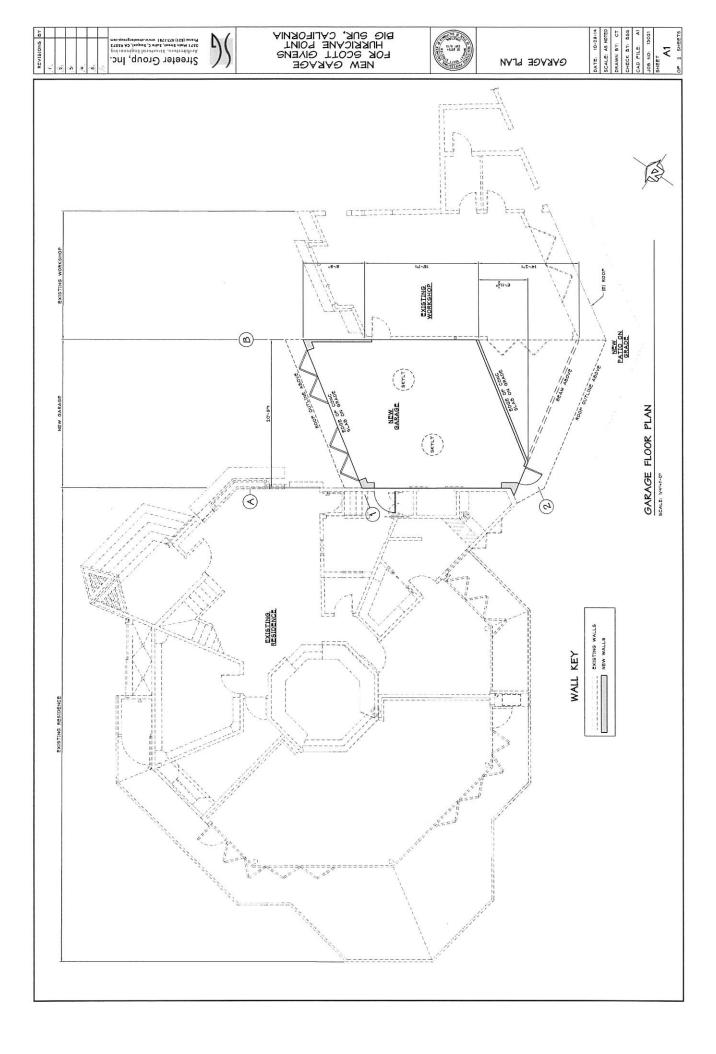
Compliance or Monitoring Action to be Performed:

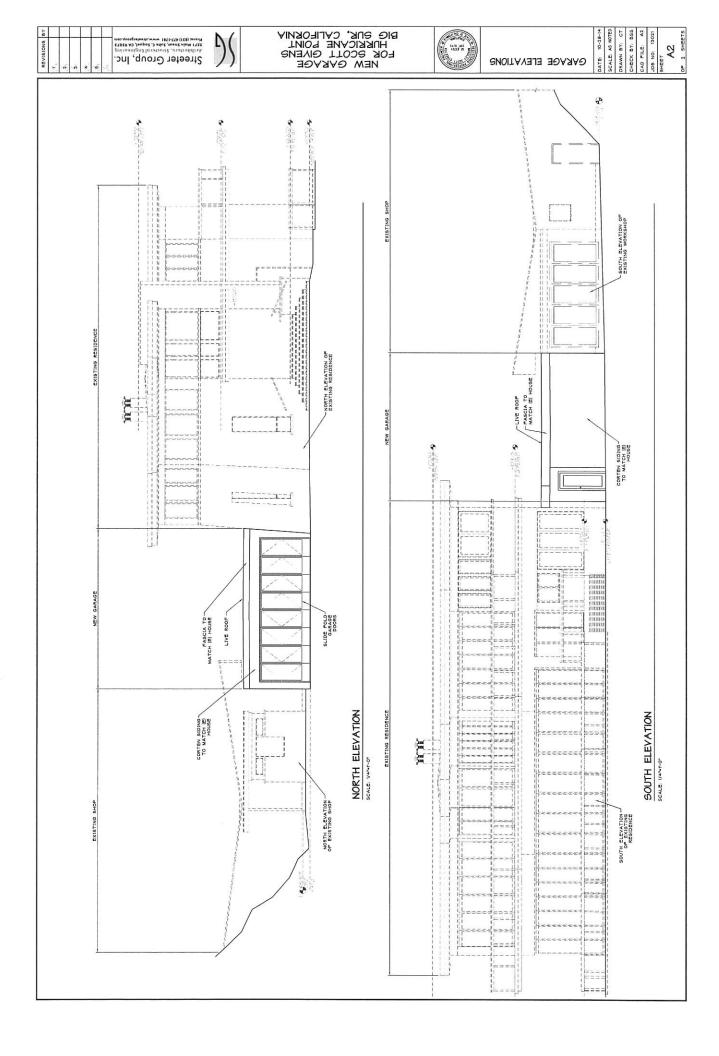
Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration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

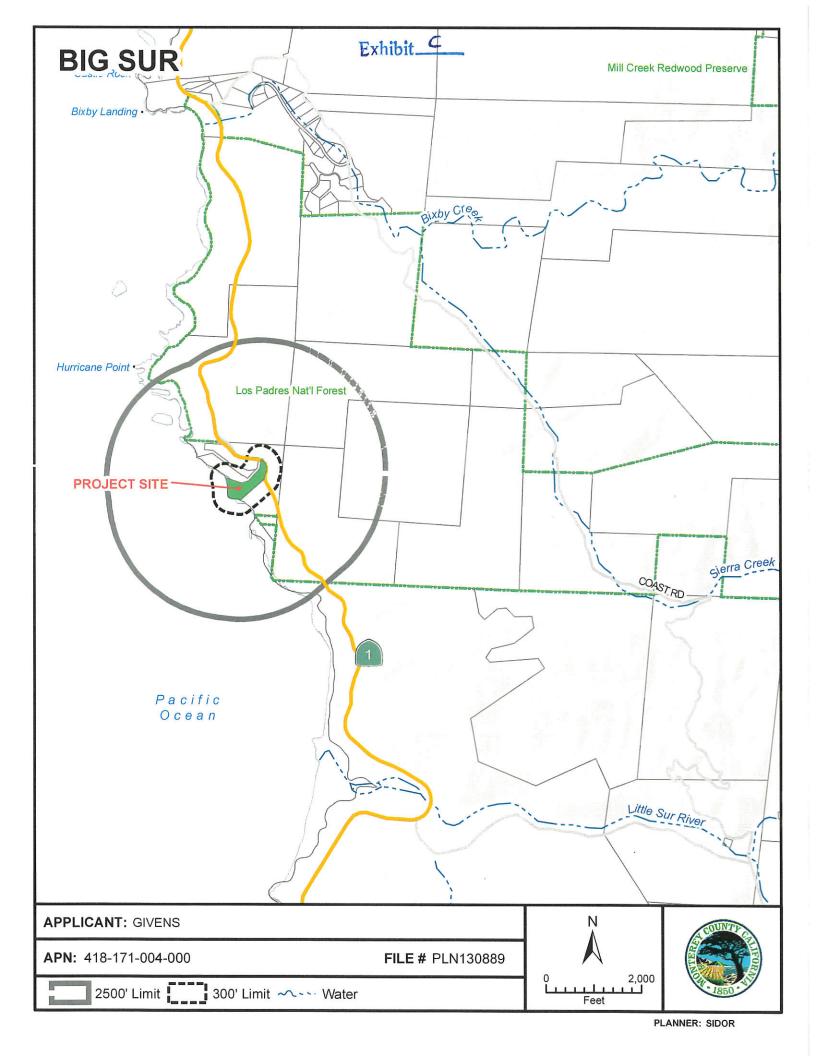
PLN130889

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# Exhibit\_D

## Action by Land Use Advisory Committee Project Referral Sheet

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

Advisory Committee: Big Sur						
Please submit your recommendations for this application by: November 25, 2014						
Project Title: GIVENS SCOTT W TR File Number: PLN130889 File Type: ZA Planner: SIDOR Location: 41000 HWY 1 (SOUTH 40) BIG SUR Project Description: Design Approval to allow for the construction of a 659 square foot garage to be attached to the existing single family dwelling and workshop. Materials and colors to match the existing. The property is located at 41000 Highway 1, Monterey (Assessor's Parcel 418-171-004-000), Big Sur Land Use Plan, Coastal Zone.						
Was the Owner/Applicant/Representative Present at Meeting? Yes X No  Christine Kemp, representing Mr. Givens Arden Handshy Frank Pinney						
Was a County Staff/Representative present at meeting? Joe Sidor (Name)  PUBLIC COMMENT:						
Name	Site Neighbor?  YES NO		Issues / Concerns (suggested changes)			
Christine Kemp and Frank Pinney		Х	"Green" roof was added to garage. A more quiet generator was installed and relocated to a better location.			

### 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		
No representative was present for Mr. Da	auphine, a neighbor to the project	

### RECOMMENDATION:

Motio	n by:	Dick Ravich		(LUAC Member's Name)		
Secon	d by:	Steve Beck		(LUAC Member's Name)		
-	_ Suppo	ort Project as proposed				
X	_ Suppo	ort Project with changes (a	s noted under "F	Public Comment by the representatives)		
	Continue the Item					
Reaso	n for Co	ntinuance:				
Contin	nued to v	vhat date:				
AYES:	Mary '	Trotter, Steve Beck, Dick	Ravich (3)			
NOES:	0					
ABSENT:	Dan P	riano, Dave Smiley (2)				
ABSTAIN:	0					

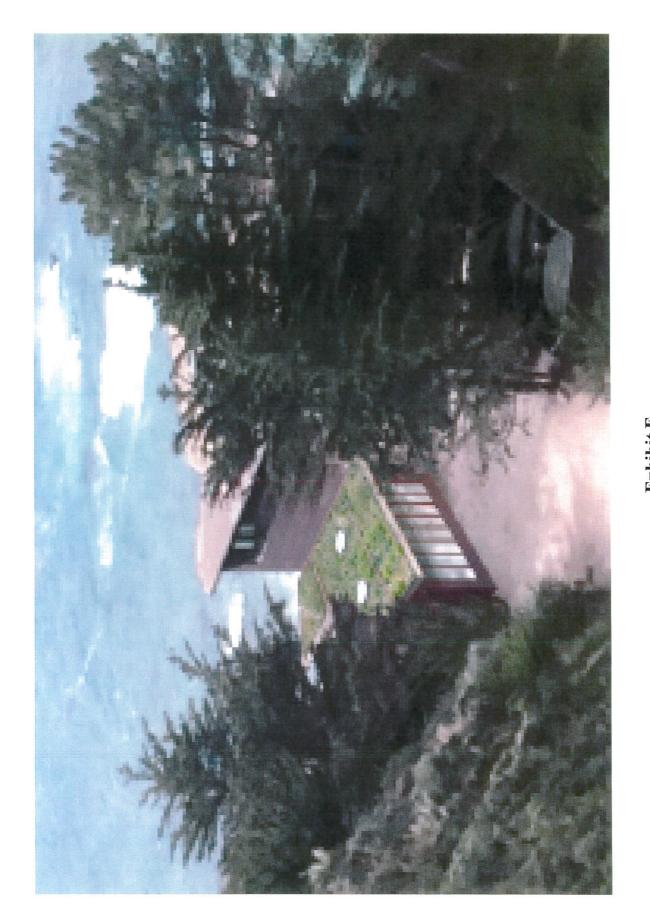


Exhibit E Proposed Colors and Materials – Photo Simulation