

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 02031&32

A. P. # 419-241-029-000

FINDINGS AND DECISION

In the matter of the application of
John and Carol O'Neil (PLN020209 & PLN010080)

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, an extension of a Combined Development Permit, located off Pfeiffer Ridge Road, Big Sur, west of Highway 1, Coastal Zone, came on regularly for hearing before the Planning Commission on June 12, 2002.

WHEREAS: Said proposal includes:

1) An Amendment and third Permit Extension (O'Neil PLN010080), to an approved Combined Development Permit (PC94136), which consists of a Coastal Development Permit for a 2,747 sq. ft. single-family dwelling, septic system, guesthouse with a 120 sq. ft. trellis area, and 1,254 cu. yds of grading; and a Coastal Development Permit for development on slopes in excess of 30%. The Amendment seeks to allow a relocation of the footprint and a reduction in the square footage of the single-family dwelling to 1,489 sq. ft., a detached garage, and to increase the amount of grading to 1,616 cu. The proposed Amendment would rescind the approval of the guesthouse and trellis area, but would retain the 30%-slope waiver.

WHEREAS: Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. FINDING: The proposed project consists of an Amendment and a third Permit Extension to an approved Combined Development Permit (PC94136), which consists of a Coastal Development Permit for a single-family dwelling (2,747 sq. ft., 14 ft. above average natural grade), septic system, guesthouse (420 sq. ft., 7 ft. above average natural grade), trellis area (120 sq. ft.), and grading (1,254 cu. yds., exported off-site); and a Coastal Development Permit for development on slopes in excess of 30%. The Amendment seeks to allow a relocation of the footprint and a reduction in the square footage of the single-family dwelling to 1,489 sq. ft. (from the approved 2,747 sq. ft.) and a reduction in height to 13' 2" above average natural grade (from the approved 14 ft.), to allow a detached garage (480 sq. ft.; 7.5 ft. above average natural grade) and to increase the amount of grading to 1,616 cu. yds. (from the approved 1,254 cu. yds.) to be distributed on-site (instead of the approved exportation). The proposed Amendment would rescind the approval of guesthouse and trellis area, but retain the 30%-slope waiver. The proposed development, together with the provisions of its design, are consistent with both the Big Sur Coast Land Use Plan and the development standards and zoning regulations contained in the certified Coastal Implementation Plan, specifically Chapter 20.145 "Regulations for Development in the Big Sur Coast Land Use Plan Area."

EVIDENCE: This area is designated as "WSC/40 (CZ)" (Watershed and Scenic Conservation, 40 acres/unit), which allows single-family dwellings.

EVIDENCE: The results of Staff research and field review of this project indicate that this project satisfies the requirements of the development standards and zoning district regulations of the plan that

address such topics as setback requirements, height limitations, lot coverage, parking and all other development standards and zoning regulations of the Coastal Implementation Plan.

EVIDENCE: Based on Staff review on-site, the project as proposed is consistent with policies of the Local Coastal Program dealing with visual resources and will have no significant impact on the public viewshed. The proposed project was evaluated in terms of the impact upon the public viewshed from Highway 1. It was found that a) the project will not result in ridgeline development, and b) the project is not located in the public viewshed as defined in Section 20.145.030 of the Coastal Implementation Plan.

EVIDENCE: Staff reviewed the issue of siting in terms of the required minimization of visual impacts upon the views and privacy of neighbors. Based on the comparative simulation of both the approved project and the proposed amendment submitted by the project proponent, Staff has determined that from the Adair's vantage point, the amendment does not represent a significant visual impact, and as such is consistent with prior project approval.

EVIDENCE: Based on the archaeological report prepared by Archaeological Resource Management for the approved project, dated October 29, 1992 (contained in the project file PC94136) and the updated archaeological report prepared by Archaeological Consulting, dated August 31, 2001 (in project file PLN020209), the project as proposed is consistent with policies of the Local Coastal Program dealing with development in archaeologically sensitive areas. The reports state that there are no identifiable archaeological resources located on site. A condition has been added to stop work in the event that any archaeological resources are found on site (condition no. 31).

EVIDENCE: Based on Appendix 2b, Resource Maps, of the Monterey County Coastal Implementation Plan, and the geologic report prepared for the project by Karl Vonder Linden, consistent with "Guidelines for Geologic/Seismic Reports" of the California Divisions of Mines and Geology, dated November 24, 1992 (contained in project file PC94136), as well as an update of the geologic report prepared for the subject parcel, dated October 8, 2001, also prepared by Karl Vonder Linden (contained in project file PLN020209), the proposed project is consistent with policies of the Local Coastal Program dealing with development in hazardous areas. The reports conclude that the proposed project is feasible and can proceed with conditions.

EVIDENCE: Based on Appendix 2b, Resource Maps, of the Monterey County Coastal Implementation Plan and implementation of condition no. 22, the proposed project is consistent with policies of the Local Coastal Program dealing with development in Hazardous areas. The project site is located in a high fire hazard zone. According to the Monterey County Coastal Implementation Plan, conditions of project approval required that a deed restriction be recorded which states that the fire hazards exist on the parcel and that development may be subject to certain restrictions.

EVIDENCE: Request for third Permit Extension and Amendment was received on February 16, 2001, more than 30 days prior to April 4, 2001, which was the expiration date of the second Permit Extension (granted by Minor & Trivial Amendment PLN980659). Application Request form in file PLN010080.

2. **FINDING:** Neither the approved project, nor the proposed amendment, will have a significant adverse impact on the environment. A Negative Declaration was adopted by the Planning Commission. An initial study was prepared for the project and it was determined that the project would have no significant impacts. A Negative Declaration was filed with the County Clerk on December 22, 1994, noticed for public review and circulated to the State Clearinghouse. The amendment will not cause a change in physical circumstances that would result in potentially significant environmental impacts that were not already assessed in the adopted negative declaration.

EVIDENCE: Initial Study and negative Declaration contained in File No. PC94136.

EVIDENCE: Staff reviewed the proposed project-amendment and determined that the change in location, reduction in square footage and height, and increased grading is reasonably similar to physical circumstances originally assessed in the adopted Negative Declaration; specifically, the only two areas that were noted as potentially causing a significant impact were Earth and Water, both of which are addressed by the recommended conditions of approval, consistent with similar issues identified for the existing and amended project.

3. FINDING: For purposes of the Fish and Game Code, the project will have a potential for adverse impact on fish and wildlife resources upon which the wildlife depends.

EVIDENCE: Staff analysis contained in the Initial Study and the record as a whole indicate the project may or will result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations. Project will result in changes to resource B as listed in number 25 of the Initial Study (i.e., "Native and non-native plant life and the soil required to sustain habitat for fish and wildlife").

4. FINDING: The request for the proposed development to be located on slopes in excess of 30 percent is consistent with Section 20.145.140.A.4 of the Big Sur Coast Land use Plan, since no other alternative exists which would allow development to occur on slopes of less than 30 percent.

EVIDENCE: Slope analysis map prepared by Arden Handshy which shows all slopes over 30 percent.

EVIDENCE: Site investigation by staff confirming accuracy of slope map, and that no other location or alternative is available.

5. FINDING: The project, as described in the application and accompanying materials, conforms to the applicable provisions of the Monterey County Code relative to (1) Small Water Systems, Chapter 15.04, and (2) Sewage Disposal, Chapter 15.20.

EVIDENCE: The project was reviewed by the Monterey County Departments of Health and Public Works for conformity with the applicable provisions of the County Code. Appropriate recommendations for the project as contained in Planning Commission File No. PC94136.

6. FINDING: The establishment, maintenance, or operation of the use or building applied for 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 or to the general welfare of the County.

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Health Department, Public Works Department, and the Water Resources Agency. 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 in the neighborhood; or the county in general.

7. FINDING: The project, as approved by the Coastal Development Permit, is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: Sections 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan.

DECISION

THEREFORE, it is the decision of the Planning Commission that said amendment and third permit extension be granted as shown on the attached sketch, subject to the following conditions:

1. The subject Amendment and Extension to Combined Development Permit #PC94136 allows a relocation of the footprint and a reduction in the square footage of the single-family dwelling to 1,489 sq. ft. (from 2,747 sq. ft.) and a reduction in height to 13' 2" above average natural grade (from 14 ft.); allows a detached garage (480 sq. ft.; 7.5 ft. above average natural grade) and an increase the amount of grading to 1,616 cu. yds. (from 1,254 cu. yds.) to be distributed on-site (instead of exported off-site); rescinds the approval of the guesthouse and trellis area; and retains a 30% slope waiver for the project. The project is 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 Planning and Building Inspection. 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. **(Planning and Building Inspection)**
2. This permit shall expire two years from the date of adoption unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan. **(Planning and Building Inspection)**
3. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
4. A Grading Permit shall be required pursuant to the Monterey County Code relative to Grading, Chapter 16.08. **(Planning and Building Inspection)**
5. All cut and fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion, subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
6. The location, type and size of all antennas, satellite dishes, towers, and similar appurtenances shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
7. New utility and distribution lines shall be placed underground. **(Public Works)**

Prior to the Issuance of Grading and Building Permits:

8. The applicant shall record a notice which states: "A permit (Resolution # 02031 & 32) was approved by the Planning Commission for Assessor's Parcel Number 419-241-029-000 on June 12, 2002. The permit was granted subject to 32 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**
9. All exterior lighting shall be unobtrusive, compatible with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and

Building Inspection, prior to the issuance of building permits. **(Planning and Building Inspection Department)**

10. Stormwater runoff from impervious surfaces shall be dispersed over vegetated slopes at multiple points with erosion protection at the outlets, in accordance with the County Erosion Control Ordinance and from plans by a registered civil engineer or architect. Runoff from impervious surfaces shall be directed away from the proposed driveway to minimize drainage onto the existing road. Plans shall be approved by the Director of Planning and Building Inspection and Water Resources Agency prior to issuance of grading/building permits **(Planning and Building Inspection & Water Resources Agency)**
11. Posted address shall be placed at each driveway entrance 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, and the address shall be visible and legible from the road on which the address is located. **(California Department of Forestry)**
12. Driveways shall not be less than 12 feet wide unobstructed. Unobstructed vertical clearance shall not be less than 15 feet. **(California Department of Forestry)**
13. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400 foot intervals. Roadway turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum 25 foot taper on each end. **(California Department of Forestry)**
14. The grade for all roads, streets, private lanes, and driveways shall not exceed 15 percent. Where road grades exceed 8 percent, a minimum structural surface thickness of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. **(California Department of Forestry)**
15. Roadway turnarounds shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roadways shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. **(California Department of Forestry)**
16. For residential driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius of curvature shall be 28 feet. **(California Department of Forestry)**
17. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. 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 that road. Where gates are to be locked, the installation of a key box is required. **(California Department of Forestry)**
18. Approved fire protection water supply systems must be installed and made serviceable prior to the time of construction. **(California Department of Forestry)**
19. A minimum fire protection water supply of 3,000 gallons shall be provided regardless of parcel size. Minimum storage requirements for single family dwelling may be reduced to 2,000 gallons if an approved automatic fire sprinkler is required. **(California Department of Forestry)**
20. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor farther 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 nor more than 1,000 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. Each hydrant/valve or access to water shall be identified as follows:

- a. If located along a driveway, a reflectorized blue marker, with a minimum dimension of 3 inches, shall be located on the driveway address sign and mounted on a fire retardant post, or
- b. If located along a street or road, a reflectorized blue marker, with a minimum dimension of 3 inches, shall be mounted on a fire retardant post.

The sign post shall be within 3 feet of said hydrant/valve, with a sign no less than 3 feet nor greater than 5 feet above ground, in a horizontal position and visible from the driveway. **(California Department of Forestry)**

21. All parcels 1 acre and larger shall provide a minimum 30 foot setback for buildings and accessory buildings from all property lines and/or the center of the road. **(California Department of Forestry)**
22. That the applicant record a deed restriction which states: "The parcel is located in high fire hazard area and development may be subject to certain restriction required as per Section 20.142.130 of the Coastal Implementation Plan and per the standards for development of residential property," prior to the issuance of building or grading permits. **(Planning and Building Inspection)**
23. Pursuant to the State Public Resources Code and the State Fish and Game Code, the applicant shall pay a fee to be collected by the County of Monterey in the amount of \$1,275. This fee shall be paid prior to filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to commencement of use or the issuance of building and/or grading permits. **(Planning and Building Inspection)**

Prior to Final Building Inspection/Occupancy:

24. The applicant shall comply with Ordinance No. 3932 of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
 - a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
 - b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. **(Water Resources Agency & Planning and Building Inspection)**
25. The site shall be landscaped. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. The project will be subject to a landscape plan review fee which shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey

County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. **(Planning and Building Inspection Department)**

26. Drainage improvements shall be constructed in accordance with the recommendations of the Erosion Control Plan by Messinger & Associates, Inc., dated August 12, 1994, unless or until a revised Erosion Control Plan is submitted for approval by the Director of Planning and Building Inspection, prior to issuance of grading/building permits. Written certification (wet-seal stamped) stating to what degree the recommendations of the Erosion Control Plan were implemented as prescribed shall be obtained from the consultant who prepared the Erosion Control Plan. Said written certification shall be submitted to the Planning & Building Inspection Department and shall be subject to the Director's approval. **(Planning and Building Inspection)**
27. All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own address. **(California Department of Forestry)**
28. Size of letters, numbers and symbols for addresses shall be a minimum of 3 inch letter height, 3/8 inch stroke, contrasting with the background color of the sign. **(California Department of Forestry)**
29. The surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces shall be capable of supporting the imposed load of fire apparatus. **(California Department of Forestry)**
30. Remove flammable vegetation from within 30 feet of structures, limb trees 6 feet up from ground, and remove limbs within 10 feet of chimneys. **(California Department of Forestry)**

Continuous Permit Conditions:

31. 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 it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection)**
32. All landscaped areas and/or fences shall be continuously maintained by the property owner and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 12th day of June, 2002 by the following vote:

AYES: Errea, Sanchez, Hawkins, Pitt-Derdivanis, Brennan, Diehl, Classen, Wilmot
NOES: None
ABSENT: Parsons, Hernandez

DALE ELLIS, SECRETARY

Copy of this decision mailed to applicant on

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, 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 and Building Inspection Department office in Marina.

2. The construction or use authorized by this permit must start within two years of the date of approval of this permit unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan.