

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

RESOLUTION NO. 02046

A. P. # 419-201-018-000

FINDINGS AND DECISION

In the matter of the application of
Hal Latta and Sharen Carey (PLN010281)

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located at 45950 Clear Ridge Road, Big Sur, west of Highway 1, came on regularly for hearing before the Planning Commission on July 31, 2002.

WHEREAS: Said proposal includes:

- 1) Coastal Administrative Permit for construction of a 2,280 sq. ft. single family dwelling with a detached 848 sq. ft. Garage;
- 2) a Coastal Development Permit to allow for an 848 sq. ft. Caretaker's Unit with an attached 240 sq. ft. garage and separate driveway;
- 3) a Coastal Development Permit request to remove 10 protected Oak trees; grading (532 cubic yards cut, 532 cubic yards fill); and
- 4) Design Approval

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

FINDINGS OF FACT

1. **FINDING:** The Combined Development Permit for Hal and Sharen Latta allows for a Coastal Administrative Permit for construction of a 2,280 sq. ft. single family dwelling with a detached 848 sq. ft. garage; a Coastal Development Permit to allow for an 848 sq. ft. Caretaker's Unit with an attached 240 sq. ft. garage and separate driveway; a Coastal Development Permit request to remove **10** protected Oak trees; grading (532 cu. yds. cut, 532 cu. yds. fill); and Design Approval. The parcel is located west of Highway 1 at 45950 Clear Ridge Road, Big Sur (Assessor's Parcel Number 419-201-018-000), Big Sur area in the Coastal Zone. Development will occur on a 6.30 acre parcel zoned Watershed and Scenic Conservation / 40, Coastal Zone ("WSC/40(CZ)"). The project as described with the accompanying materials contained in the application file, and as conditioned, is consistent with the plans, policies, requirements and standards of the Big Sur Coastal Land Use Plan Local Coastal Program, the Coastal Implementation Plan (Part 3) and the Monterey County Implementation Plan (Part 1).

EVIDENCE: Staff reviewed the project as contained in the application and accompanying materials for consistency with:

- 1) The certified Big Sur Coast Land Use Plan;
- 2) Chapter 20.145 of the Monterey County Coastal Implementation Plan (Part 3)- Regulations for Development in the Big Sur Coast Land Use Plan Area; and

- 3) The certified Monterey County Coastal Implementation Plan (Part 1)-Regulations for Watershed and Scenic Conservation / 40 Zoning Districts or “WSC/40 (CZ)” Districts.

EVIDENCE: Plans and materials contained in File No. PLN010281.

EVIDENCE: The parcel is located in a Design control or “D” District which requires action by the Planning Commission pursuant to Chapter 20.44 of the Monterey County Coastal Implementation Plan (Part 1). The Big Sur Land Use Advisory Committee recommended approval of the project with a vote of 5 to 0 on January 8, 2002 .

2. **FINDING:** The project is consistent with the Visual Resource Development Standards of the Implementation Plan (Part 3). Pursuant to Section 20.145.030, the project was evaluated in terms of the impact on the Highway One viewshed and other important viewpoints.

EVIDENCE: A “Non-Critical Viewshed Determination” was made by the project planner, August 2001 during a site inspection.

EVIDENCE: Proposed buildings were flagged and staked as to the dimensions height and rooflines of the proposed structures

EVIDENCE: Plans and materials contained in File No. PLN010281.

3. **FINDING:** The project is consistent with the Forest Resources Development Standards of the Implementation Plan (Part 3). Pursuant to Section 20.145.060, a Forest Management Plan is required for the removal of protected trees.

EVIDENCE: Ten coast live oak trees will be removed from the site with the following diameters: 22”, 36”, 13”, 8”, 9”, 14.5”, 12.5”, 14.5”, 12.5”, 14.5”, 12”, 12”. A Forest Management Plan prepared by Paul A. Dubsky, submitted December 6, 2001, recommended removal of these trees to accommodate the new development. Their removal will not impact views from Highway 1 or other important viewpoints. The project has been designed around existing oak and redwood trees which will be protected during development.

EVIDENCE: The Forester has proposed a Replanting Plan as compensation for the trees to be removed with a 2:1 ratio for the 9 non-landmark oak trees to be removed , and a 5:1 ratio to compensate for the landmark tree.

EVIDENCE: Plans and materials contained in File No. PLN010281.

4. **FINDING:** The project is consistent with the Hazardous Area Development Standards - Fire Hazards of the Implementation Plan (Part 3).

EVIDENCE: The parcel is located in a high fire hazard zone. Section 20.145.080.C.1.a.1.a. requires that a deed restriction be recorded as a condition of approval. A condition of approval has been attached to the project stating that fire hazards exist on the parcel and that development may be subject to certain restrictions required as per Section 20.145.130.

EVIDENCE: The project was referred to the local Fire District and the plans submitted (dated 12/04/01) by the applicant are recommended for approval by that department. A statement from that agency states that, “All Fire Department conditions are indicated on Page 0.1 of the 12/04/01 plan set.”

EVIDENCE: Plans and materials contained in File No. PLN010281.

5. **FINDING:** The project is consistent with the Hazardous Area Development Standards-Geologic Hazards of the Implementation Plan (Part 3). The parcel is located in a high seismic zone.

EVIDENCE: Pursuant to Section 20.145.080.A.1.b., a Geologic Hazards Assessment Report was prepared by John Kingsley, Consulting Geologist and Hydrologist. The report concluded that “there are no discernable geologic hazards which affect the building site.” No mitigations or conditions of approval were recommended by the Geologist.

EVIDENCE: Plans and materials contained in File No. PLN010281.

6. **FINDING:** The proposed guesthouse use complies with all applicable requirements of Section 20.64.03 of Title 20.
EVIDENCE: Plans and materials contained in File No. PLN010281.
7. **FINDING:** Adequate sewage disposal and water supply facilities exist or are readily available to the site, as approved by the Director of Environmental Health.
EVIDENCE: Plans and materials contained in File No. PLN010281.
8. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to the use of the property, that no violations exist on the property and that all zoning abatement costs, if any have been paid.
EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department Records indicated that no violations exist on the subject property.
9. **FINDING:** The proposed project will not have a significant environmental impact.
EVIDENCE: Section 15303 of the California Environmental Quality Act (CEQA) Guidelines: New Construction, categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.
EVIDENCE: The applicant commissioned registered forester, Paul Dubsky to prepare a Forest Management Plan in keeping with the requirements and standards of the Big Sur Coast Land Use Plan. That plan included a replanting plan to compensate for the removal of protected trees. Conditions of approval have been attached to the project that require implementation of the forester's replanting plan.
EVIDENCE: The applicant commissioned the Elkhorn Native Plant Nursery to prepare an "Assessment of Potential Impacts on Sensitive Biological Features on the Latta Property." Dated December 4, 2001. This report states that "numerous special status plants and animals are found in the coast live oak and mixed evergreen forest of the Big Sur Area. All potential sensitive species are listed in Table 3. The survey to be conducted in the spring and early summer of 2002 for this report's addendum will target these species."
EVIDENCE: For the purposes of determining potential impacts to special status species that may be present, the applicant commissioned the Elkhorn Native Plant Nursery to conduct a spring biological survey and to prepare an addendum to the "Assessment of potential Impacts on Sensitive Biological Features on the Latta Property." Dated May 15, 2002. This report states that "No sensitive plant or animal species were noted on the project site during the April 26, 2002" (site visit). "There will be no impact to sensitive species or habitats from the construction and use of the proposed project." "No additional mitigation is recommended." "This project will cause no impact to sensitive species or habitats."
EVIDENCE: The applicant commissioned John Kingsley to prepare a Geologic Hazard Assessment, dated May 1993. The report acknowledges that the nearest trace of the Sur Fault Zone ranges between 700 and 800 feet northeast of the Latta parcel. The report concludes that the liquefaction potential is low to non-existent on the site due to lack of geologically young loose sediments, and that "there are no discernable geologic hazards which effect (sic) the building site."

10. **FINDING:** The establishment, maintenance, or operation of the project (inclusive of the new residence, garage/shop building and caretaker's unit) 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 or to the general welfare of the County.
- EVIDENCE:** The project as described in the application and accompanying materials contained in the application file was reviewed by the Department of Planning and Building Inspection, the Division of Environmental Health, the California Department of Forestry, Public Works Department, Water Resources Agency, and the Big Sur Land Use Advisory Committee. The preceding agencies have recommended conditions where appropriate to ensure 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. No correspondence in opposition to this project has been received by the planning staff.
11. **FINDING:** The Combined Development Permit, as approved by the Planning Commission, is appealable to the Board of Supervisors and the Coastal Commission.
- EVIDENCE:** Sections 20.86.070 and 20.86.70 of the Monterey County Coastal Implementation Plan (Part 1).

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the following conditions:

1. The subject Combined Development Permit for: **Hal Latta and Sharen Carey. (PLN010281)** consists of a Coastal Administrative Permit for construction of a 2,280 sq. ft. single family dwelling with a detached 848 sq. ft. garage; a Coastal Development Permit to allow for an 848 sq. ft. Caretaker's Unit with an attached 240 sq. ft. garage and separate driveway; a Coastal Development Permit request to remove 10 protected Oak trees; grading (532 cu. yds. cut, 532 cu. yds. fill); and Design Approval. 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. 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)**

Prior to the Issuance of Grading and Building Permits:

3. The applicant shall record a notice which states: "A permit (Resolution 02046) was approved by the Planning Commission for Assessor's Parcel Number 419-201-018 on July 31, 2002. The permit was granted subject to 15 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County 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)**

4. Prior to issuance of a building permit, the applicant shall submit for review and approval of the Director of Planning and Building Inspection, and subsequently record, a deed restriction stating, "Fire hazards exist on the parcel and that development may be subject to certain restrictions, required as per Section 20.145.130. " **(Planning and Building Inspection)**
5. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 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)**
6. A drainage plan shall be prepared by a registered civil engineer or architect to address on-site impacts. Stormwater runoff from impervious surfaces shall be dispersed at multiple points, away from and below any septic leach fields, over the least available slopes, with erosion control at outlets. **(Water Resources Agency)**
7. Prior to the issuance of building permits, the applicant shall obtain an amended water system permit for the Highway 1 Water System #10 from the Division of Environmental Health. Contact Roger Van Horn at 755 4553 for assistance in this matter. **(Environmental Health Department)**
8. Prior to issuance of a building permit for the caretaker unit, the applicant shall submit for review and approval of the Director of Planning and Building Inspection, and subsequently record, a deed restriction stating the regulations for caretaker units, as follows:
 - a) Only one caretaker unit per lot shall be allowed.
 - b) The caretaker shall be employed principally on the lot for purposes of care and protection of persons, plants, animals, equipment, or other facilities on-site or on contiguous lots under the same ownership.
 - c) The minimum lot size for establishment of a caretaker unit in areas not served by public sewers shall be two acres.
 - d) Caretaker units shall not be subject to density requirements of the zoning district in which the lot is located.
 - e) The maximum floor area for the caretaker unit is 850 square feet.
 - f) A minimum of one covered off-street parking space shall be provided for the caretaker unit.
 - g) The caretaker unit shall not be separately rented, let, or leased to other than the caretaker whether compensation be direct or indirect.
 - h) Subsequent subdivisions which divide a main residence from a caretaker unit shall not be permitted except where lots created meet minimum lot size and density requirements of the existing zoning.
 - i) Caretaker units are not permitted on any lot less than ten acres where a senior citizen unit exists. **(Planning and Building Inspection Department)**
9. A notice shall be recorded with the Monterey County Recorder which states: "A Forest Management Plan has been prepared for this parcel by Paul A. Dubsky, Forestry and Biological Consultant, received by the County, December 6, 2001 and is on record in the Monterey County Planning and Building Inspection Department, Library No. LIB020069. All tree removal on the parcel must be in accordance with the Forest Management Plan, as approved by the Director of Planning and Building Inspection." This notice shall be recorded prior to issuance of building or grading permits. **(Planning and Building Inspection Department)**

Prior to Final Building Inspection/Occupancy:

10. 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)**
11. Prior to final building inspection or issuance of occupancy for any of the structures permitted with this approval, the applicant shall have implemented and completed the replacement of oak trees and other trees proposed in the Replanting Plan prepared by Paul A. Dubsky to assure consistency with the provisions of the Big Sur Coast Land Use Plan. **(Planning and Building Inspection)**.
12. The applicant shall satisfy all conditions and requirements of the California Department of Forestry, prior to final inspection or occupancy of the residence, garage or caretaker's unit. **(Fire)**
13. 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. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, specie, 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)**

Continuous Permit Conditions:

14. 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)**
15. 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 31st day of July, 2002 by the following vote:

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

Original Signed By:

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.