

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

RESOLUTION NO. 02055

A.P. # 419-321-008-000

In the matter of the application of
William B. Burleigh (PLN010340)

FINDINGS AND DECISION

for a Coastal Development Permit in accordance with Title 20.1 (Monterey County Coastal Implementation Plan Ordinances) Chapter 20.140 (Coastal Development Permits) of the Monterey County Code, to allow for the construction of a 504 sq. ft. Caretaker's Unit with an 881 sq. ft. deck; and Design Approval; located at Coast Ridge Road, Big Sur, easterly of the intersection of Coast Ridge Road and Highway 1, Coastal Zone, came on regularly for hearing before the Planning Commission on September 11, 2002.

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

FINDINGS OF FACT

1. FINDING: The project proposed in this application (PLN010340), as described in condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the Monterey County Big Sur Coast Land Use Plan, Monterey County Coastal Implementation Plan (Part 3), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20), which together comprise the Local Coastal Program for the project site. The property is located at Coast Ridge Road, Big Sur (Assessor's Parcel Number 419-321-008-000), easterly of the intersection of Coast Ridge Road and Highway 1. The parcel is are zoned WSC/40-D (CZ) or Watershed and Scenic Conservation Residential, Coastal Zone, 40 acres per unit Design Control District. The subject property is in compliance with all rules and regulations pertaining to zoning uses, and any other applicable provisions of Title 20, and any zoning violation abatement costs have been paid.

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) The certified Big Sur Coast Land Use Plan
- b) The certified Monterey County Coastal Implementation Plan regulations for the "WSC (CZ)" Districts in the Coastal Zone, and
- c) Chapter 20.145, Monterey County Coastal Implementation Plan regulations for development in the Big Sur Coast Land Use Plan.
- d) Chapter 20.64.030, Monterey County Coastal Implementation Plan regulations for caretakers units.

EVIDENCE: The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, and California Department of Forestry and Fire Protection (Carmel). There has been no indication from these agencies that the site is not suitable for the proposed development. Where applicable, each agency has recommended conditions of approval.

EVIDENCE: County planners conducted a site visit on April 25, 2002 and verified that the proposed project complies with the Monterey County Coastal Implementation Plan (Part 3).

EVIDENCE: Results from a preliminary cultural resources reconnaissance prepared by Archaeological Consulting, dated December 27, 1990 indicated that there is no evidence of potentially significant prehistoric or historic cultural resources present on the project site.

EVIDENCE: A biological report prepared by Jeff Norman, Consulting Biologist, dated January 24, 1991.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.

2. **FINDING:** The project is in conformance with public access requirements of the Coastal Act and the Big Sur Coast Land Use Plan Section 20.145.150. The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

EVIDENCE: The property is located east of Highway 1 and is not identified in the Big Sur Coast Land Use Plan Shoreline Access Plan as a Public Access location. The property does not front the shoreline and is not located in an area where public access exists and does not constitute an access way over which the public may have prescriptive rights.

3. **FINDING:** The proposed caretaker unit is consistent with Coastal Implementation Plan section 20.145.140.B.4.b which establishes regulations for caretaker units in the Big Sur Coast and LUP policy 5.4.3.I.2.c regarding the number of allowable caretaker units in the Big Sur Coast planning area.

EVIDENCE: The proposed caretaker unit is needed in order to provide security and maintenance to the existing home and property. The owner is periodically absent from the residence and in the past there have been acts of theft and vandalism on the property. In addition, the existing home is used and permitted as a short-term rental and maintenance to the residence is required following rental periods, although the purpose of the caretaker unit is to serve the main residence whether the main residence is rented or not.

EVIDENCE: The proposed caretaker unit is 504 square feet; CIP regulations allow detached caretaker units of up to 850 square feet. The parcel does not already contain a caretaker unit and is 10 acres in size, which exceeds the minimum 2 acres required for the establishment of caretaker units.

EVIDENCE: Consistent with CIP sections 20.145.140.B.4.b.7-9, condition # 3 requires that prior to the issuance of building permits, the applicant record a deed restriction regarding the rental status of the caretaker unit and the prohibition of dividing the caretaker unit from the main residence.

EVIDENCE: The Big Sur Coast Land Use Plan allows a total of 50 caretakers units after certification of the plan. According with County records, since certification of the BSCLUP, a total of 21 caretaker units have been approved in Big Sur.

4. **FINDING:** The project is in conformance with development standards requirements for environmentally sensitive areas contained in the Big Sur Coast Land Use Plan policy 3.3.2.3 and Coastal Implementation Plan section 20.145.040.B.2, which require conservation easements over environmentally sensitive habitat areas.

EVIDENCE: The biological report prepared for the project by consulting biologist Jeff Norman dated January 24, 1991 and contained in the project file describes that the subject parcel contains the environmentally sensitive habitat "Coastal Range Grassland".

EVIDENCE: Condition of approval #9 requires the recording of a scenic and conservation easement over environmentally sensitive habitat areas of the parcel as mapped by the project biologist.

5. **FINDING:** Existing Use Permits ZA-5565 and ZA-5724 allow the property owner to use the existing residence as a short-term overnight rental unit and nothing in this approval shall be interpreted to expand, enlarge, increase, extend or intensify that use or the scope of those permits.

EVIDENCE: Use permits for William Burleigh (ZA-5565) and Thomas Hawley (ZA-5724) on file at the Monterey County Planning and Building Inspection Department.

EVIDENCE: Express conditions of this approval preclude any rental, lease, or let of the proposed caretaker unit. (See conditions 3 and 4).

6. **FINDING:** The proposed project will not have a significant environmental impact.

EVIDENCE: Section 15303 (a) of the CEQA Guidelines categorically exempts the proposed development from environmental review (Class 3). No potential adverse environmental impacts were identified during staff review of the development application.

EVIDENCE: Findings and Evidence 1, 2, 3, and 4.

7. **FINDING:** The establishment of the caretaker unit will not, under the circumstances of the particular application, 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 material was reviewed by the Department of Planning and Building Inspection, the appropriate Fire Department, Public Works Department, Environmental Health Division, and the Water Resources Agency. The respective departments and Agency 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.

8. **FINDING:** The project is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan, Part 1 (Title 20).

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 Coastal Development Permit and Design Approval allow for construction of a 504 square-foot caretaker unit with an 881 square-foot deck. The project is located at Coast Ridge Road, Big Sur (Assessor's Parcel Number 419-321-008-000), easterly of the intersection of Coast Ridge Road and Highway 1. 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)**

Prior to issuance of Building and/or Grading Permits:

2. The applicant shall record a notice that states: "A permit (Resolution 02055) was approved by the Planning Commission for Assessor's Parcel Number 419-321-008-000 on September 11, 2002. The permit was granted subject to 18 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)**

3. Prior to issuance of building and/or grading permits, the applicant shall record a notice stating, "The caretaker's unit must comply with all the applicable requirements of section 20.64.030 of Title 20 (Zoning Ordinance), and section 20.145.140.B.4.b of the certified Monterey County Coastal Implementation Plan, Part 3 - Regulations for Development in the Big Sur Coast Land Use Plan as follows:
 1. Only 1 caretaker unit shall be allowed per parcel or per existing main residence.
 2. The caretaker's quarters shall be a permanent residence, secondary and accessory to the main residence, to be inhabited by a person employed exclusively on the parcel for purposes of security or to provide continuous care for persons, plants, animals, equipment, or other conditions specific to the site.
 3. The minimum lot size for establishment of a caretaker unit in areas not served by public sewers shall be two acres.
 4. Caretaker units shall not be subject to density requirements of the zoning district in which the lot is located.
 5. The maximum floor area for a caretaker unit 850 square feet
 6. A minimum of 1 covered off-street parking space shall be provided for the caretaker unit.
 7. The caretaker unit shall not be rented, leased or otherwise let.
 8. Subsequent subdivisions which would divide a main residence from a caretaker unit shall not be permitted." **(Planning and Building Inspection)**
4. Prior to issuance of a building permit, applicant shall submit for review and approval of the Director of Planning and Building Inspection, and subsequently record, a deed restriction stating, "The caretaker's unit may not be rented, leased, or let nor subsequently divided from the main residence." **(Planning and Building Inspection)**
5. The applicant shall apply protective measures approved by the Director of Planning and Building Inspection Department to protect the redwood tree immediately east of the project site from construction activity. **(Planning and Building Inspection)**
6. No excavated material shall be deposited under the driplines of any tree or shrub on the property. **(Planning and Building Inspection)**
7. 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)**
8. Prior to issuance of any grading or building permits, a drainage plan shall be prepared by a registered civil engineer or architect to address on-site and off-site impacts, and necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency, S.C.)**
9. Prior to issuance of a building permit, the applicant shall provide to the Director of Environmental Health written certification, and any necessary certification from State agencies that Ventana Big Sur Inn Water System can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards. **(Environmental Health)**

Prior to Final Building Inspection/Occupancy:

10. Based on information contained in the biological report, the applicant shall record a scenic and conservation easement that includes mapped Environmentally Sensitive Habitat Areas as approved by the Director of Planning and Building Inspection Department and the project biologist. **(Planning and Building Inspection)**
11. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, 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)**
12. 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)**
13. All buildings shall have a permanently posted address. The address issued to this building shall be posted in accordance with the Uniform Fire Code and Monterey County Ordinance 3600. **(Fire District)**

Continuous Permit Conditions:

- 14. **Prior to any work being done on the fire sprinkler system,** a California licensed C-16 contractor shall submit fire sprinkler system plans and specifications to the fire department for review and approval. **(CDF, Carmel)**
- 15. 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)**
- 16. 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)**
- 17. The applicant shall remove and control non-native invasive plants and weeds in the project area. **(Planning and Building Inspection)**
- 18. 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)**

PASSED AND ADOPTED this 11th day of September, 2002, by the following vote:

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

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.