

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

RESOLUTION NO. 03028

A. P. # 418-171-001-000

FINDINGS AND DECISION

In the matter of the application of
McWethy Management Partnership (PLN020189)

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 South Forty, Hurricane Point, Big Sur between Highway One mile posts 58 and 59, south of the Hurricane Point Overlook and between State Highway One and the Pacific Ocean, Coastal Zone, came on regularly for hearing before the Planning Commission on May 28, 2003.

WHEREAS: Said proposal includes:

- 1) a Coastal Development Permit for demolition of an existing, approximately 2,225 square foot single family dwelling,
- 2) a Coastal Development Permit for development potentially within the Big Sur critical viewshed and within 100 feet of an environmentally sensitive habitat,
- 3) a Coastal Administrative Permit for construction of an approximately 3,470 square foot single family dwelling; and
- 4) Design Approval

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

FINDINGS OF FACT

1. **FINDING:** The project proposed in this application consists of a Combined Development Permit (PLN020189) for (1) demolition of an existing, approximately 2,225 square foot single family dwelling; (2) a Coastal Development Permit for development potentially within the Big Sur Critical Viewshed; (3) a Coastal Development Permit within 100 feet of an Environmentally Sensitive Habitat; (4) a Coastal Administrative Permit for construction of an approximately 3,470 square foot single family dwelling; and (4) Design Approval. The project is described in condition #1 of Exhibit "D," and as conditioned, conforms to the plans, policies, requirements and standards of the following documents:

- a) The certified Big Sur Coast Land Use Plan
- b) The certified Monterey County Coastal Implementation Plan, Part 1, regulations for "WSC/40" Coastal Zone Districts found in Sections 20.17.030 B.
- c) The Big Sur Coastal Implementation Plan, Section 20.145.020.V.

EVIDENCE: The project, a single family home with septic system, is an allowed use with a Coastal Administrative Permit based on Chapter 20.17 of the Coastal Implementation Plan, development in a Watershed and Scenic Conservation Zoning District. The use is conditional because of the following:

- the proposed lot line adjustment is potentially in the Big Sur Critical Viewshed.
- the development is potentially within 100 feet of an environmentally sensitive habitat based on Section 20.145.040 of the Big Sur Coastal Implementation Plan.

EVIDENCE: Planning and Building Inspection Department staff have reviewed the project as contained in the

application and accompanying materials and have determined that the project is consistent with the above listed plans and is appropriate for residential development in an area designated for Watershed and Scenic Conservation ("WSC/40"), and is in conformity with the following development standards:

Development standards for projects within the Big Sur viewshed:

- Big Sur Coast Land Use Plan: Chapter 3.2, Scenic Resources (with special attention for development of land within the critical viewshed, Section 3.2.3. The project is identified as a replacement of an existing structure within the critical viewshed which is permitted as long as such replacement does not cause the structure to intrude into critical viewshed as stated in Section 3.2.3 A. 7., Critical Viewshed Policies.
- Big Sur Coastal Implementation Plan, Part 3: Section 20.145.030, with special attention to Section 20.145.030. A. 2. f., Development Standards.

Development standards for development adjacent to environmentally sensitive habitats:

- Monterey County General Plan: Chapter I, Goals 7 and 9 with attending Objectives and Policies.
- Big Sur Coast Land Use Plan: Chapter 3.3, Environmentally Sensitive Habitats with special attention to Sections 3.3.2., Policies 1 through 7 and 9; Section 3.3.3., A., Specific Policy for Terrestrial Plants, and Section 3.3.3., B., Policies 1 and 4, Specific Policies for Marine Habitats.
- Big Sur Coastal Implementation Plan, Part 3: Section 20.145.040, A., "Biological Survey Requirement;" Section 20.145.040 B., items 1 through 4, and 9, "General Development Standards;" Section 20.145.040 C. 2, items a through d and g, "Marine Habitats."
- Big Sur Coastal Implementation Plan, Part 6, Appendix 2b, Big Sur Resource Maps.

Development standards for development within 50 feet of the face of a cliff or bluff or within the area of a 20 degree angle above horizontal from the face of a cliff:

- Big Sur Coast Land Use Plan: Chapter 3.7, Key Policy 3.7.1 and General Policies 3.7.2, with special attention to Specific Policy 3.7.3 A., "Geologic Hazards," and 3.7.3 C. "Fire Hazard."
- Big Sur Coastal Implementation Plan, Part 3: Section 20.145.080 A b 2 and A i, "Geologic Report Requirement."

Development standards for development in an area with high archaeological resources:

- Big Sur Coastal Implementation Plan, Part 6, Appendix 2b, "Big Sur Resource Maps."
- Big Sur Coast Land Use Plan: Chapter 3.11, with special attention to General Policies 3.11.2, items 1 through 6.
- Big Sur Coastal Implementation Plan, Part 3: Section 20.145.120, "Archaeological Resources Development Standards," with special attention to Section 20.145.120 B., "Archaeological Survey Report Requirement," and Section 20.145.120 D., "Development Standards."

The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21 and any zoning violation abatement costs have been paid.

EVIDENCE: Necessary public facilities are available to the project site.

- a) Water is to be supplied by the South Forty Water System that is required to comply with the State of California, Department of Health Services for drinking water standards by providing adequate filtration and disinfection.
- b) PG&E service is available to the site from a Highway One utility easement. All public utilities serving the site are required to be placed underground to avoid any adverse visual impact within the Big Sur Critical Viewshed.

EVIDENCE: The parcel is zoned Watershed and Scenic Conservation (“WSC/40”) that allow for single family dwellings with required setbacks, building site coverage and height limits. The Project Review Sheet, Exhibit “A” provides these requirements.

2. **FINDING:** The proposed project is consistent with policies of the Big Sur Coastal Implementation Plan dealing with development adjacent to environmentally sensitive habitats. The Biological Report prepared for the site by consulting biologist, Jeff Norman states no significant negative impact will result from this development, with the recommended conditions. The recommendations contained in the report include the removal of exotic or non-native plants at the site, preventing excavated materials from entering the marine habitat or the adjacent Arroyo Willow Riparian Forest found in two drainages within 150 feet of the site, or impact 3 specimens of Monterey Indian paintbrush. Related conditions have been added that requires the applicant to comply with the construction specifications contained in the Biological Report, condition numbers 3 and 4..

EVIDENCE: The Biological Report dated May 14, 2000, prepared for the site by consulting biologist Jeff Norman pursuant to requirements of the Big Sur Coastal Implementation Plan, Part 3: Section 20.145.040, A., “Biological Survey Requirement;” Section 120.145.040 B., items 1 through 4, and 9, “General Development Standards;” Section 120.145.040 C. 2, items a through d and g, “Marine Habitats.”

EVIDENCE: The project mitigations include a Scenic and Conservation Easement over the entire, newly created parcel exclusive of the immediate building envelope and driveway in order to protect the Coastal Sage Scrub plant community and marine habitat on the parcel, condition number 16.

EVIDENCE: Geotechnical Soils-Foundation Report dated February 2000, prepared by Grice Engineering, Inc., specifies site preparation, surface drainage and erosion control measures to minimize disturbance to off-site marine and plant habitats and any potential for seismic hazards. A related condition has been added that requires the applicant to comply with the mitigations contained in the Geotechnical Report, condition number 3.

EVIDENCE: Coastal Implementation Plan, Part 6, Appendix 2b.

3. **FINDING:** The project, as conditioned, is consistent with applicable plans and policies for development within 50 feet of the face of a cliff or bluff and within the area of a 20 degree angle above horizontal from the face of a cliff as found in the Big Sur Coast Land Use Plan; the Big Sur Coastal Implementation Plan, Part 3 and Part 6, and Title 20, Part 1, Zoning Ordinance.

EVIDENCE: Technical reports have been provided by the following soils, geology and geotechnical consultants to address the potential geologic hazards at the site:

- Gasch & Associates, Geologic Hazard Investigation, January 2000.
- Grice Engineering, Inc., Geotechnical Soils-Foundation Report, February 2000.
- Grice Engineering, Inc., Erosion Control Plan, August 29, 2002.

The reports provide recommended construction specifications that provide additional assurances regarding project safety. The Gasch & Associates report states the site has little potential for liquefaction. Seismic related hazards require following the requirements of the Grice Engineering, Inc. geotechnical report regarding site preparation, foundation specifications and erosion control measures. These reports are found in the project file (PLN020189).

EVIDENCE: The above reports are consistent with policies of the Big Sur Area Land Use Plan dealing with development in hazardous areas. The geologic report prepared for the site by Gasch & Associates is consistent with "Guidelines for Geologic/Seismic Reports" of the California Divisions of Mines and Geology. The report concludes that the proposed project can proceed with conditions.

EVIDENCE: Coastal Implementation Plan, Part 6, Appendix 2b.

4. **FINDING:** The project as proposed is consistent with policies of the Big Sur Area Land Use Plan dealing with visual resources and will have no significant impact on the public viewshed as conditioned.

EVIDENCE: As a project potentially within the Big Sur Critical Viewshed, the proposed project was evaluated in terms of the impact upon the public viewshed. a) The project situated below Highway One will not result in ridgeline development. b) The project takes advantage of a row of existing mature Monterey pines and Cypress around the periphery of the existing building site and a row of shrubbery at the eastern edge that screens the site from the Highway One Critical Viewshed. The policy for replacement of an existing structure in the Big Sur Critical Viewshed can be found in Section 3.2.3 A.7 of the Big Sur Coast Land Use Plan, and the standards for development can be found in the Big Sur Coastal Implementation Plan, Part 3: Section 20.145.030 2. f.

EVIDENCE: During review of the proposed structure, the proposed building location was reoriented in order to minimize glass reflection in the critical viewshed as seen from Highway One. The building foot print was moved toward a more southwesterly direction away from Highway One vantage points.

EVIDENCE: The proposal takes advantage of the existing topography by placing the proposed building behind mature trees and shrubs so as to be screened from Highway One. This visual impact is considered less than significant because the trees shroud the proposed structure from passing cars and the distant view from a Highway One turnout 3 to 4 miles south of the site.

EVIDENCE: The Big Sur Land Use Advisory Committee ("LUAC") voted on October 22, 2002 to approve the project by a vote of 4 to 1 with 2 absent, and with no comments. The LUAC held 3 meetings to resolve the issue of potential glass reflection in the critical viewshed because of the proposed floor to ceiling windows at the southwest elevation of the proposed residence. Conditions have been placed on the building materials such as non-reflective windows and no outdoor lighting (pursuant to Section 20.145.030 A. b) that can be seen from Highway One. The proposed camel-colored Santa Rita stone walls and chimney with Forest Green trim and the grey late roof, all shrouded by the ring of mature trees, will harmonize with the surrounding terrain.

EVIDENCE: The project planner's visit to the site upon the applicant's flagging of the height and breadth of the proposed structure pursuant to Section 20.145.030, B. 6. of the Monterey County Coastal Implementation Plan to verify that the project on the subject parcel conforms to the Big Sur Land Use Plan, Section 3.2.3, development in the Big Sur Critical Viewshed.

EVIDENCE: Special attention was given to the **Big Sur Coastal Implementation Plan, Section 20.145.030 B. 6. e** that requires development be subject to the following development standards:

e. "...scenic easements shall be dedicated over undeveloped portion of lot...."

Given the limited options at the site for protection of the environmentally sensitive habitat and locations outside of the public viewshed, the Combined Development Permit for the project includes placement of a Scenic and Conservation Easement over the entire parcel exclusive of the immediate building envelope and driveway, condition number 16.

5. **FINDING:** Project as sited and proposed does not interfere with any form of historic public use or trust rights as found in Section 20.70.050 B 4 of the Coastal Implementation Plan, Part I, and there

is no access required to accommodate the proposed use as evidenced in proposed plans.

EVIDENCE: The subject property is not described as an area where the Local Coastal Program requires access given the dedicated access sites at Hurricane Point and the major access area at Little Sur, north and south of the subject parcel.

EVIDENCE: The Big Sur Coast Land Use Plan, Table 2, "Site Specific Recommendations for Shoreline Access."

6. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to the use of the property; no violations exist on the property and all zoning abatement costs, if any have been paid.

EVIDENCE: Staff reviewed Monterey County Planning and Building Inspection Department records and verified that no violations exist on subject property.

7. **FINDING:** The site is suitable for the use proposed.

EVIDENCE: Staff conducted on-site visits and finds the site suitable for this use with the construction specifications placed on the project by the consulting biologist, geologist and geotechnical engineer during the short-term period of construction. Long term issues are addressed by landscape conditions requiring the removal of exotic plants and use of native plants immediate to the proposed residence, and placement of a Scenic and Conservation Easement over the entire parcel exclusive of the immediate building envelope and driveway, condition numbers 16 and 19.

EVIDENCE: The project has been reviewed for suitability by the Planning & Building Inspection Department, the California Department of Forestry Big Sur Fire District, the Environmental Health Division, the Public Works Department, the Water Resources Agency, the Big Sur Land Use Advisory Committee, and the California Coastal Commission. Conditions placed on the project by these agencies have been incorporated into the conditions found in Exhibit "D," condition numbers 7 to 12, 17, 18, 20, and 21.

EVIDENCE: The following consultant reports were conducted for the project upon which to evaluate the project to assure that the proposal would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County by investigating soil conditions, geologic hazards, biologic and archaeologic/ cultural findings at the subject site:

- Archaeological Consulting, Preliminary Archaeological Reconnaissance, May 10, 2000.
- Jeff Norman, Biological Report, May 15, 2000.
- Gasch & Associates, Geologic Hazard Investigation, January 2000.
- Grice Engineering, Inc., Geotechnical Soils-Foundation Report, February 2000.
- Grice Engineering, Inc., Erosion Control Plan, August 29, 2002.

The reports indicate that there are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats or similar areas that would indicate the site is not suitable for the use proposed when subject to the proposed construction specifications. Recommended conditions (Exhibit "D") placed on the project require that construction follow the specifications recommended by these consultants, condition numbers 3, 4, 5 and 6.

8. **FINDING:** The project is consistent with Section 20.145.050 of the Coastal Implementation Plan dealing with Water Resources. The proposed project was evaluated in terms of the intensification of use in a Watershed Conservation area. It was determined that there would be no "substantial water use intensification" as the project is a replacement of an existing single family dwelling and would not increase the number of households (Section 20.145.050 B.) nor would the water source be transported from another watershed (Section 20.145.050 A).

EVIDENCE: Water continues to be supplied by the South Forty Water System that is required to comply with the State of California, Department of Health Services for drinking water standards by providing adequate filtration and disinfection.

9. **FINDING:** The project as proposed is consistent with policies of the Big Sur Coast Area Coastal Implementation Plan dealing with development in archaeologically sensitive areas. The preliminary archaeological reconnaissance performed at the construction site states that there are *no* identifiable archaeological resources located on site.

EVIDENCE: Preliminary Archaeological Reconnaissance prepared Archaeological Resources contained in the project file. A mitigation measure has been added to require that work be stopped in the event that any archaeological resources are found on site.

EVIDENCE: A condition requires that a Conservation and Scenic Easement shall be placed over the site to assure that no resource outside of the building envelope and driveway be “materially altered” in order to protect the natural resources at the site.

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

EVIDENCE: The project was reviewed by the Planning & Building Inspection Department, the California Department of Forestry Big Sur Fire District, the Environmental Health Department, the Public Works Department, the Water Resources Agency, the Big Sur Land Use Advisory Committee, and the California Coastal Commission. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood (Exhibit “D”).

EVIDENCE: The project site is found to be in a very high fire hazard area that shall require recorded noticing and compliance with the California Department of Forestry Fire Prevention (“CDF”) conditions of approval for emergency access, an emergency water supply, proper signing for property identification, setbacks from flammable vegetation, indoor sprinkler system, and fire retardant roofing. The location of a water tank and the materials used for road surfacing required by the CDF shall require joint approval of the Planning & Building Inspection Department to be assured consistency with the Local Coastal Plan policies of development within the public viewshed, condition number 8.

EVIDENCE: Necessary public facilities are available and will be provided, particularly when the Fire District conditions of approval for emergency access to the site are implemented (see file no. PLN020189).

11. **FINDING:** There is no substantial evidence in the record as a whole before the Planning Commission that supports a fair argument that the proposed project as designed and conditioned, will have significant adverse effects on the environment.

EVIDENCE: Technical Reports have been prepared (listed under Evidence for Finding 7 above) as part of the environmental determination and recommendations have been incorporated into the project or made conditions of approval, condition numbers 3 to 6, 12, 14, 16, 22, and 23.

EVIDENCE: The Combined Development Permit for the project includes a Scenic and Conservation Easement over the entire, newly created parcel exclusive of the immediate building envelope and driveway given that there is no other feasible site on the two subject parcels that would be better screened visually from Highway One. The Scenic and Conservation Easement shall specify those portions of the property where sensitive habitats exist and are not to be materially

altered except for the removal of invasive, exotic plant species, condition number 16.

EVIDENCE: Section 15302, Class 2 of the California Environmental Quality Act Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.

12. **FINDING:** The project is appealable to the Board of Supervisors and 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. This permit allows the demolition of an existing, approximately 2,225 square foot single family dwelling; and the replacement of an approximately 3,470 square foot single family dwelling potentially within the Big Sur Critical Viewshed and within 100 feet of an Environmentally Sensitive Habitat. The permit requires also approval of the design of the proposed structure. Except for excavation of a 400 square foot area for the proposed garage behind the structure as viewed from Highway One, no grading or tree removal is proposed. The proposed development is found to be 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 Department)**

Prior to the Issuance of Grading and Building Permits:

2. The applicant shall record a notice which states: "A permit (Resolution 03028) was approved by the Planning Commission for Assessor Parcel Number 418-171-001 on May 28, 2003. The permit was granted subject to 23 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 & Building Inspection)**
3. A notice shall be recorded with the Monterey County Recorder which states: "The following reports have been prepared for this parcel:
 - Archaeological Consulting, Preliminary Archaeological Reconnaissance, May 10, 2000;
 - Jeff Norman, Biological Report, May 15, 2000;
 - Gasch & Associates, Geologic Hazard Investigation, January 2000;
 - Grice Engineering, Inc., Geotechnical Soils-Foundation Report, February 2000.
 - Grice Engineering, Inc., Erosion Control Plan, August 29, 2002;
 and are on record in the Monterey County Planning and Building Inspection Department file no. PLN020189. All development shall be in accordance with these reports." **(Planning & Building Inspection)**

4. A note on the construction plans shall state the following: “All site preparation and construction will be consistent with the Biology Report prepared by Jeff Norman for the site to assure no debris or excavation materials enter the marine habitat, the Arroyo Willow Riparian Forest found in two drainages within 150 feet of the site, or impact 3 specimens of Monterey Indian paintbrush existing northwest of the exiting paved access road to the project site. The Monterey Indian paintbrush specimens will be protected by fencing during construction. All excavated material will be disposed of off the project site unless such material can be incorporated into the development project at the immediate construction site. No construction materials or debris shall be allowed to enter the tidal or intertidal zone.” The note and site preparation plans will be reviewed by the Director of Planning, and Building Inspection, the Chief Building Officer, and the Department’s Landscape Consultant for consistency with the intent of the Biology Report. **(Planning & Building Inspection)**
5. The improvement and excavation plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. The Erosion Control Plan shall provide mitigation measures that will allow the approved development to have a zero or negative increase in land disturbance. This program shall be approved by the Director of Planning and Building Inspection. **(Planning & Building Inspection)**
6. All development shall comply with the drainage and erosion control provisions of the Monterey County Coastal Implementation Plan. **(Planning & Building Inspection; Water Resources Agency)**
7. For the purpose of signing and building numbering, California Department of Forestry Fire District shall require the following:
 - a. 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.
 - b. All buildings shall have a permanently posted address, which 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. 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. **(CDF Fire District)**
8. Emergency water standards required by the California Department of Forestry District are as follows:
 - a. Approved fire protection water supply systems must be installed and made serviceable prior to the time of construction.
 - b. A minimum fire protection water supply of 3,000 gallons shall be provided regardless of parcel size. Minimum storage requirements for single family dwellings may be reduced to 2,000 gallons if an approved automatic fire sprinkler is required.
 - c. Fire hydrant: The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet 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 ½ inch National Hose outlet supplied by a minimum 4 inch main and riser. Each hydrant shall be identified with a reflectorized blue marker mounted on a fire retardant post. The post shall be within 3 feet of the hydrant, with a sign no less than 3 feet nor greater than 5 feet above ground, in a horizontal position and visible from the driveway. **(CDF Fire District and Planning & Building Inspection)**
9. The applicant shall submit for the Director of Planning and Building Inspection’s review and approval a detailed landscaping and re-vegetation plan. **The plans shall include the planting of a continuous row of trees at**

the perimeter of the building envelope that will serve to screen the property from the public viewshed in the future when the existing trees die. The plans shall have been reviewed by a certified biologist verified in the form of a letter by said consulting biologist. At minimum, the plan shall specify procedures for erosion control and re-establishment of native plant cover; and proposed landscaping species. Any landscaping plans and irrigation within the building envelope shall be evaluated in terms of erosion control measures and compatibility with the native plant community in the area—the Coastal Sage Scrub.

10. Roof protection: Roof construction shall be ICBO Class A. **(CDF Fire District)**
11. The applicant shall record a deed restriction which states: "The parcel is located in a very high fire hazard area and development may be subject to certain restrictions required as per Section 20.145.080 C.1.a.1 a) of the Coastal Implementation Plan and per the standards for development of residential property." **(Planning & Building Inspection)**
12. A drainage plan shall be prepared by a registered civil engineer or architect addressing on-site impacts. Stormwater runoff from impervious surfaces shall be dispersed at multiple points, away from and below any septic leach field, over the least steep available slopes, with erosion control at outlets. **(Water Resources Agency, S.C.)**
13. The location of all utilities, including the location, type and size of all antennas, satellite dishes, towers, water tank and similar appurtenances shall be approved by the Director of Planning and Building Inspection. All new utility and distribution lines shall be placed underground at locations also approved by the Director of Planning and Building Inspection in consultation with the project biologist. **(Planning & Building Inspection; Public Works)**
14. Native trees, particularly the cluster of Monterey pines and cypress trees located close to the construction site, shall be protected from inadvertent damage from construction equipment by wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees. Said protection shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. **(Planning & Building Inspection)**
15. No exterior lighting shall be allowed as seen from Highway One. No lights shall shine on the water, surrounding habitat, or other public viewing areas. The applicant shall submit 3 copies of a lighting plan which shall indicate the location, type, and wattage of all light fixtures to be assured that lighting will not create a glare that can be seen from Highway One. **(Planning & Building Inspection)**
16. The present owners shall convey to the County a Scenic and Conservation Easement over the parcel exclusive of building envelope and access driveway. The Scenic and Conservation Easement shall specify those portions of the property where the critical viewshed and sensitive habitats exist and are not to be materially altered except for the removal of invasive, exotic plant species. The easement shall include provisions to prevent disturbance of native plants and wildlife; to provide for maintenance needs; and to specify conditions under which non-native plant species may be controlled. The form and content of the easement must be approved and the easement recorded pursuant to Sections 20.145.030 A. 2. g. and 20.145.040 B. 2. of the Big Sur Coastal Implementation Plan, Part 3 and utilize Appendix 10 of the Monterey County Coastal Implementation Plan, Part 6. The easement shall provide an exemption for existing structures, any road improvements and landscaping approved as part of this permit. **(Planning & Building Inspection)**
17. Submit a detailed wastewater disposal system design to the Director of Environmental Health for review and approval meeting the regulations found in Chapter 15.20 of the Monterey County Code, and Prohibitions of the

Basin Plan, RWQCB. Additionally, the plans shall show an engineered design for traffic reinforcement of the primary leachfield located under the driveway. **(Environmental Health Division)**

Prior to Final Building Inspection/Occupancy:

18. Highway 1 Water System #11 shall install a chlorination unit. The unit shall be approved and inspected by the Division of Environmental Health. **(Environmental Health Division)**
19. The applicant shall submit for the Director of Planning and Building Inspection's review and approval a detailed landscaping and re-vegetation plan. The plans shall have been reviewed by a certified biologist verified in the form of a letter by said consulting biologist. At minimum, the plan shall specify procedures for erosion control and re-establishment of native plant cover; and proposed landscaping species. Any landscaping plans and irrigation within the building envelope shall be evaluated in terms of erosion control measures and compatibility with the native plant community in the area—the Coastal Sage Scrub.

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, 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 & Building Inspection)**

20. For emergency access, the California Department of Forestry Fire District requires the following:
 - a. Driveways shall not be less than 12 feet wide unobstructed. Unobstructed vertical clearance shall not be less than 15 feet.
 - b. 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 exceed 800 feet, turnouts shall be provided at no greater than 400 foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum 25 foot taper on each end.
 - c. The surface of the driveways 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.
 - d. The grade for all driveways shall not exceed 15 percent. Where road grades exceed 8 percent, a minimum structural roadway surface thickness of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required.
 - e. 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.
 - f. 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. For all driveway turns, an additional surface of 4 feet shall be added.
 - g. 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 or other acceptable means to immediate access for emergency equipment is required.

(CDF Fire District and Planning & Building Inspection)

21. 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, S.C.)**
22. Prior to final inspection, the geologic consultant shall provide certification that all development has been in accordance with the geologic report. **(Planning & Building Inspection)**
23. If during the course of construction activity on the subject property, cultural, archaeological, historical, 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 & Building Inspection)**

PASSED AND ADOPTED this 28th day of May, 2003 by the following vote:

AYES: Errea, Parsons, Hawkins, Padilla, Brennan, Sanchez, Diehl, Gonzalves, Rochester, Wilmot
 NOES: None
 ABSENT: None

Original Signed By:

JEFF MAIN, 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.