

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

RESOLUTION NO. 03072

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

FINDINGS AND DECISION

In the matter of the application of
William B. Burleigh TR (PLN030202)

In an appeal of an Administrative decision to require full restoration of a building site for an approved caretaker's unit in Big Sur prior to deeming complete an application for a permit amendment, located on Coast Ridge Road, Big Sur, easterly of the intersection of Coast Ridge Road and Highway 1, came on regularly for hearing before the Planning Commission on October 29, 2003.

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

FINDINGS OF FACT

1. **FINDING:** The Department of Planning and Building Inspection correctly applied Section 20.90.130 of the Zoning Ordinance by requiring restoration of the building site to its pre-violation state prior to deeming complete the appellant's application for an amendment to PLN010340.

EVIDENCE: On February 28, 2003, Planning and Building Inspection Department staff observed violations of planning permit PLN010340 on the appellant's property. During review of the circumstances that caused the violation to occur and analysis of remedies to clear the violation, staff found that several inconsistencies existed with respect to the approved project, including:

- Location of the redwood tree relative to the building site;
- Location of the building relative to property lines; and
- Placement of the building on slopes in excess of 30%.

Section 20.90.130 of the Zoning Ordinance states in part:

"The Director of Planning and Building Inspection may require restoration of the property to its pre-violation state if in his or her opinion it is necessary to correct the violation."

Given these circumstances and that all construction activities performed until the project was stopped consisted of earthwork and the trenching and installation of steel and forms for the foundation, it was the decision of staff to require restoration of the site. This will clear the violation regarding the unpermitted development performed to build a retaining wall. In addition, it will allow staff to properly analyze the most adequate building site and determine the proper permit amendment(s) necessary to accommodate the appellant's proposal, which will ultimately clear all violations

EVIDENCE: Section 20.90.130 of the Monterey County Zoning Ordinance (Title 20).

EVIDENCE: Application materials on file in the Department of Planning and Building Inspection

(PLN010340, PLN030115, PLN030202); staff report to the Planning Commission for the October 29, 2003 meeting and exhibits thereto; administrative record.

EVIDENCE: On April 8, 2003 the Director of Planning and Building Inspection rendered his opinion that restoration should occur.

2. **FINDING:** Applicant’s grounds of appeal are without merit and the Department’s interpretation is in accordance with the law.

EVIDENCE: Staff report to the Planning Commission for the October 29, 2003 meeting and exhibits thereto; application materials on file in the Department of Planning and Building Inspection (PLN010340, PLN030115, PLN030202); correspondence relating to the application attached as exhibits to the County’s October 29, 2003 staff report and to Applicant’s appeal; administrative record.

3. **FINDING:** **APPEALABILITY** - The decision by the Planning Commission is appealable to the Board of Supervisors.

EVIDENCE: (a) Section 20.88.050.D of the Monterey County Coastal Implementation Plan (Part 1).

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be denied.

PASSED AND ADOPTED this 29th day of October, 2003, by the following vote:

AYES: Errea, Sanchez, Padilla, Brennan, Parsons, Diehl, Salazar, Rochester
NOES: Wilmot
ABSENT: Hawkins

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.