

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

RESOLUTION NO. 03073

A.P. # 243-251-012-000M

In the matter of the application of
DECISION

FINDINGS AND

Sheldon J. Laube and Nancy L. Engel (PLN010105)

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 36240 Hwy 1, Big Sur, Kasler Point, one-half mile south of Garrapata Creek, Coastal Zone, came on regularly for hearing before the Planning Commission on October 29, 2003.

WHEREAS: Said proposal includes:

- 1) Coastal Development Permit to allow an approximately 8,270 sq. ft. single family dwelling with an approximately 1,824 square foot subterranean garage with mechanical room;
- 2) Coastal Development Permit for development within 100 feet of an environmentally sensitive habitat;
- 3) Coastal Development Permit for approximately 1,750 cubic yards of cut and 736 cubic yards of fill that involves cutting into slopes over 30 percent; and
- 4) Coastal Development Permit for a Lot Line Adjustment that will consolidate two lots

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 (PLN010105) for a lot line adjustment, development of an 8,270 square foot single family dwelling with an approximately 1,824 square foot subterranean garage, development within an environmentally sensitive habitat, and grading of approximately 1,750 cubic yards of cut and 736 cubic yards of fill, as described in condition #1 and as conditioned, conforms with 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 the "RDR/40 (14)" and "WSC/40" Coastal Zone Districts in the Coastal Zone, and
 - c) the Monterey County Coastal Implementation Plan, regulations for development in the Big Sur Coast Land Use Plan. (Chapter 20, Section 20.16.050 QQ and Section 20.17.050 JJ)
 - d) the Subdivision Ordinance (Title 19) and
 - e) the Monterey County Zoning Ordinance (Title 20), with regards to lot line adjustments.

EVIDENCE: The project, a single family home with septic system, is an allowed use with a Coastal Administrative Permit based on Chapter 20.16 of the Coastal Implementation Plan, development in Rural Density Residential Zoning District. Actual development will be solely on the parcel zoned Rural Density Residential (APN 243-251-012) that is designated in the Big Sur Coast Land Use Plan as a "Rocky Point Parcel" exempt from the "Critical Viewshed" policies. The use is conditional because of the following:

- the proposed excavation of slopes exceeding 30% based on Section 20.64.230 E. 2 of Title 20, is justified in order to minimize views of the proposed building from the public viewshed as viewed from Highway One.

- the proposed lot line adjustment to combine 2 parcels based on Section 20.16.050 QQ of Title 20 in order to eliminate any further building sites on the properties that would be in the critical viewshed.
- The development is within a 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 Rural Density Residential (RDR/40-14) and Watershed 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 in distinguishing between policies for development of land within the critical viewshed, Section 3.2.3, versus development of land not in the critical viewshed, Section 3.2.4. The project is identified as a “Rocky Point Area Vacant Parcel” with description found in Section 3.2.5, F. “Exception to the Key Policy.”)
- Big Sur Coastal Implementation Plan, Part 3: Section 20.145.030, with special attention to Section 20.145.030. B. 6., “Rocky Point Area Parcels.

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.”

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

- a) Water is to be supplied by the Garrapata Water Company, Inc. that is required to comply with the State of California, Department of Health Services for drinking water standards by providing adequate filtration and disinfection. The Company is on notice to explore costs and options to improve the system.
- 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 parcels are zoned Rural Density Residential (“RDR/40 (14)”) and Watershed and Scenic Conservation (“WSC/40”) that allow for single family dwellings with required setbacks, building site coverage and height limits. Special height limits of 14 feet are placed on dwellings located within the Rocky Point Vacant Parcels area. The Project Review Sheet, Attachment A indicates the building to be 14 feet from the *average natural grade* in relation to the elevations of the original westward sloping hill that has already been partially cut for a building pad at the proposed building site.

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 mitigation measures. The mitigation measures contained in the report include replacing an estimated 120 specimens of seacliff buckwheat at a 3:1 ratio at selected sites presently overrun with exotics, and the removal of those exotic plants (Hottentot fig and Cape ivy). Related conditions/mitigations have been added which includes requiring the applicant to comply with the mitigations contained in the Biological Report.

EVIDENCE: The Biological Report dated March 19, 1999, 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.” Jeff Norman conducted an updated Smith’s blue butterfly survey between the dates of June 25 and August 25, 2003--generally considered the butterfly’s flight season—in order to meet State Department of Fish and Game protocol for determining the existence of a potential Environmentally Sensitive Habitat.

EVIDENCE: The Biological Report dated September 1, 2003 following Department Fish and Game protocol for the Smith’s blue butterfly and seacliff buckwheat survey.

EVIDENCE: The Biological Report dated September 21, 2003 reporting on the suitability of Monarch butterfly overwintering habitat, Laube-Engel property.

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 native coastal bluff scrub plant community and habitats for the Smith’s blue butterfly and Monarch butterflies. The areas under easement shall be granted to an appropriate public agency or conservation foundation to prevent disturbance of the native plant community.

EVIDENCE: Geotechnical reports (Odello, 11/21/99, revised 12/20/02) specify that stormwater runoff and subsurface seepage be diverted toward drainage inlets with grease traps easily accessible and maintainable, and directed toward an existing storm drain outlet at a historic discharge point so as to minimize disturbance to nearshore marine habitat for sea otters that feed on invertebrates in the area.

EVIDENCE: A mitigation to protect the nearshore marine environment is the placement of septic leach fields 40 feet up-slope that will receive effluent pumped up from septic holding tanks at the project site.

EVIDENCE: The project is similar in character with other residential development along the rocky coast line in the area except for being at a lower elevation and more abutting with the shoreline and marine habitats. Mitigations to reduce the significance of adverse environmental impacts on said habitats are as follows:

- only between the months of April and November (inclusive) shall excavation, blasting, and operation of heavy equipment associated with this project be allowed to avoid disturbance of sea otter pupping activity.
- the plan to stabilize the slopes, especially at the currently eroded area northwest of the building envelope, shall be subject to an ongoing monitoring program every 4 months for 3 years to be sure that measures are taken to prevent construction debris and erosion material from entering the subtidal and intertidal marine habitats.
- Erosion resistant vegetation placed on fill slopes and drainage improvements, including the intercepted surface runoff and subsurface seepage from slopes above the proposed residence, shall be constructed so as not to allow storm water run-off and erosion to adversely impact biological habitats, and especially the subtidal and intertidal marine habitat below the construction site.
- No part of the construction will be less than 15 feet from the bank edge of the shoreline at the site pursuant to the recommendation of the geotechnical engineer (Odello, 12/20/02)

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:

- Reynolds & Associates, Soil and Foundation Engineers, Surface & Subsurface Soil Conditions, 6/3/78
- Karl Vonder Linden, Engineering Geology and Mining Engineering, Geologic Report, 12/17/99, revised 1/3/03
- Vicki C. Odello, C.E., Geotechnical Report, 11/21/99, revised 12/20/02, and response to Purcell, Rhoades & Associates peer review, 2003.
- Haro, Kasunich & Associates Project Review and Site Inspection for the Proposed Onsite Drainage Improvements, dated December 27, 2002.

The reports provide recommended conditions and mitigation measures that provide additional assurances regarding project safety. The Karl Vonder Linden report states the building site location is not in a geologic "high risk" area apart from the natural wave action, rain and surface runoff. The Vicki Odello report provides geotechnical specifications for foundation stability and stormwater runoff. These reports are found in the project file (PLN010105) and as attachments to the Initial Study prepared for the project.

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 Karl Vonder Linden 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: Existing drainage patterns have the potential to be significantly altered. Although the Geotechnical Report provides specifications for a drainage plan to avoid erosion and siltation problems, the County's Water Resources Agency is requiring assurance that a drainage plan be prepared by a registered civil engineer or architect addressing on-site and off-site impacts, to include dispersal of impervious surface stormwater runoff onto a non-erodible surface below the bluff. The Agency shall require necessary improvements be constructed in accordance with

approved plans. This condition of project approval must be submitted to the Agency before issuance of any grading or building permits.

EVIDENCE: Geotechnical reports (Odello, 11/21/99, revised 12/20/02; Haro, Kasunich & Associates, Inc., 12/27/2002) specify that stormwater runoff and subsurface seepage be diverted and toward drainage inlets with grease traps easily accessible and maintainable, and directed toward an existing storm drain outlet at a historic discharge point so as to minimize disturbance to nearshore marine habitat for sea otters that feed on invertebrates in the area. The Planning & Building Inspection Department is recommending that a biologist review the final drainage plan to assure that drainage does not impact the sensitive marine habitat below the construction area, and therefore further requires a certified biologist to approve and monitor the drainage plan's impact on said habitat. The contracted biologist shall be a part of a team that reviews the drainage plan along with the engineer and contractor before issuance of any grading and building permits.

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

4. **FINDING:** The request for the proposed development to cut into 30 percent slopes is consistent with Section 20.64.230 E. 1 of Part 1 of the Coastal Implementation Plan since no other alternative exists which would allow development to occur on slopes of less than 30 percent.

EVIDENCE: The cut better achieves the public viewshed policies and objectives of the Big Sur Area Land Use Plan Chapter 3.2, Scenic Resources, Section 3.2.4. The project is located on a site identified as a "Rocky Point Area Vacant Parcel" with description found in Section 3.2.5, F. "Exception to the Key Policy."

EVIDENCE: The grading cut better achieves the public viewshed standards of the Big Sur Coastal Implementation Plan, Part 3, Section 20.145.030, with special attention to Section 20.145.030. B. 6. 2 b.: "Buildings shall be located so as to minimize their visual impact upon public views as well as views and privacy of neighbors..." The scarring of the hillside left by a previously abandoned project is unfortunate, but is not visible from Highway One vantage points. None of the proposed building will be placed *on* 30% slopes. The development on 30% slopes refers to the excavation *into* an already cut granite faced bluff in order to minimize the impact on the public viewshed and the privacy of the nearest neighbor. Therefore, the proposed project is taking advantage of the existing cut at the site to better fit the proposed structure into the hillside to minimize impacts to the public and private views.

EVIDENCE: The applicant has moved the proposed residence southerly and into existing 30% slopes on the western slope of the hill in order to

- a. enlarge the existing building pad at the northern portion of the building, thereby keeping the building back at a minimum of 15 feet from the southern bank of the shoreline as recommended by the geotechnical engineer (Odello, 12/20/02).
- b. remove the north elevation of the building from silhouetting against the ocean from a northern turnout off Highway One.

5. **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 Rocky Point vacant parcel, the proposed project was evaluated in terms of the impact upon the public viewshed. a) The project will not result in ridgeline development. b) The project is in the non-critical viewshed as defined in the Big Sur Coast Land Use Plan, Chapter 3.2, Scenic Resources for parcels in a "Rocky Point Area Vacant Parcel" with description found in Section 3.2.5, F. "Exception to the Key Policy." Also, the development standards for Rocky Point Area Parcels can be found in the Big Sur Coastal Implementation Plan, Part 3:

Section 20.145.030, with special attention to Section 20.145.030. B. 6.

EVIDENCE: During review of the proposed structure, the proposed building location was revised in order to relocate the structure outside of the critical viewshed as seen from a Highway One turnout north of the site where it would have silhouetted against the ocean. The building foot print was moved southerly, off Assessor Parcel 243-251-013 zoned “*Watershed and Scenic Conservation*,” to Assessor Parcel 243-251-012 zoned “*Rural Density Residential*” in order to move the structure to the northernmost Rocky Point residential parcel.

EVIDENCE: Staff evaluated the project based especially on Section 3.2.4 of the Big Sur Coast Land Use Plan and Section 20.145.030. B. 6 of the Big Sur Coastal Implementation Plan, Part 3. Even though a Rocky Point parcel is excepted from critical viewshed policies, Section 20.145.030 B.6. f. requires that the development be subject to the following development standards:

“...development shall be modified as necessary for design, bulk, color, size, setbacks, materials, location, height, siting, or other methods in order to reduce the visual impact of the development. As well, regulations of the zoning district in which the parcel is located may be modified as necessary in order to reduce visual impacts of development...”

EVIDENCE: The proposal takes advantage of the existing topography to site the building envelope behind a hill so as to be screened from Highway One and the Abalone Cove vista point that overlooks the subject properties. The existing driveway, surfaced with crushed granite, will be seen from Highway One and the vista point. A corner of the proposed residence will be visible from two locations: (1) at the driveway entrance to the site and (2) at a turnout about a quarter to a half mile south of the project as seen from State designated Scenic Highway One. This visual impact is considered less than significant because the views are less than a second from passing cars, and barely visible with the naked eye at the second turnout, evidenced by the project planner’s visit to the site upon the applicant’s flagging of the height and breadth of the proposed structure.

EVIDENCE: The structure is completely out of view from the adjacent Abalone Cove vista point of Highway One that is considered the most critical public vantage point of the project.

EVIDENCE: The Big Sur Land Use Advisory Committee (“LUAC”) voted on May 27th to approve the project by a vote of 5 - 0 and 1 abstention with the recommended conditions that there be no outside flood lights and that the invasive ice plant be removed and the native plants restored to the site. Upon review of revised plans that relocated the structure, the Big Sur LUAC recommended approval by a vote of 5-0 with 2 absent with the recommendations that the building wall should be of stone where visible from Highway One. Mitigations have been placed on the building materials such as non-reflective windows, no outdoor lighting (pursuant to Section 20.145.030 A. b), and walls at the south elevation be a stone façade to harmonize with the adjacent rocky outcrops.

EVIDENCE: Project planner conducted an on-site inspection on three occasions 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 critical viewshed as well as Section 3.2.4, development excepted from critical viewshed standards for development. The project is not located within the 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 a lot line adjustment to consolidate the two parcels and place a Scenic and Conservation Easement over the entire, newly created parcel exclusive of the immediate building envelope and driveway.

6. **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 nearby and the existing vista point overlooking the site on Highway One. The Big Sur Coast Land Use Plan (Table 2, "Site Specific Recommendations for Shoreline Access," item 3) references the dedicated lateral access at nearby Abalone Cove Overlook, but cautions that access to sensitive marine habitat should be limited. Because the Highway One Vista Point is about 70 feet or more above the rocky shoreline, overlooking the environmentally sensitive intertidal and subtidal shore line of Kasler Point and Oyster Cove, public access to the shore line is not practical and should be avoided. The vista point overlooking the site provides adequate public *visual access* to the subject property, Kasler Point, the inlet directly below, and the distant Pacific Ocean.

EVIDENCE: As required for a formerly approved California Coastal Commission permit A 174-77, the Conservation and Scenic Easement boundary shall be adjusted to include as much of the archaeological site as possible. Such easement is needed to prevent disturbance of native plants and wildlife; to exclude damage by livestock; to provide for maintenance needs; and to specify conditions under which non-native plant species may be controlled, public access allowed, unsafe activity prevented, and entry for archaeological and other scientific research purposed secured.

The California Coastal Commission permit A 174-77 recognized that because of dangerous cliffs and fragile resources, unrestricted public access on easement would be contrary to public safety and resource protection needs. However, the applicant is encouraged to pursue a public agency prepared to assume liability for public access and to provide for management and supervision to the degree necessary to avoid damage to natural resources, to maintain privacy of permitted residence, and to prevent trespass on balance of parcel.

7. **FINDING:** Staff conducted an independent review of the project prior to receiving a copy of a previously approved 1977 California Coastal Commission ("CCC") permit (Permit A 174-77) for the same subject. CCC staff considers the Laube/Engel proposal an amendment to the original CCC approved permit under their purview because physical development under the previous permit occurred, although eventually abandoned. Nonetheless, CCC staff requires the County to determine what appropriate local discretionary approvals are needed.

EVIDENCE: Staff finds the County review of the parcel consistent with the CCC review in terms of the same general site layout (building location, driveway, sewage disposal) and conveyances (Scenic Conservation Easement and consolidation of the two parcels). Only at issue are the new design, size, and site location proposed within the originally approved building envelope.

EVIDENCE: The CCC permit requires consolidation of the two parcels into one which would reduce the number of remaining vacant parcels in the Rocky Point area, thereby easing cumulative problems of finding options to place structures outside of the public viewshed.

EVIDENCE: The CCC permit requires a Conservation and Scenic Easement be placed around the building envelope, exclusive of the driveway, to protect the natural resources on site (see evidence

provided under Finding 1 above). The CCC recommended that the easement be granted to an appropriate public agency or conservation foundation, and shall include, among other things, provisions to prevent disturbance of native plants and wildlife, to specify conditions under which non-native species may be controlled, and to allow entry for archaeological and other scientific research purposes.

EVIDENCE: The CCC permit recognizes that the recreational use of Kasler Point must be constrained to preserve fragile vegetation and archaeological resources, and to protect the public from dangerous cliffs. The Abalone Cove overlook area does provide the public with dramatic viewing areas that will not be blocked by the proposed residence.

8. **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.

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

EVIDENCE: Staff conducted three on-site visits and finds the site suitable for this use as long as mitigations are placed on the project and the development is monitored over a three year period to ensure that development does not have a significant impact on the sensitive environmental habitats found at the site.

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, the State Department of Fish and Game, and the California Coastal Commission. Conditions placed on the project by these agencies have been incorporated into the conditions found in Exhibit "D"

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 archaeological/ cultural findings at the subject site:

- Reynolds & Associates, Soil and Foundation Engineers, Surface & Subsurface Soil Conditions, 6/3/78
- Jeff Norman, Biologist Report/Revegetation Plan, 3/19/99, with response to peer review 9/16/02, and an updated protocol survey of the Smith's blue butterfly and seacliff buckwheat, 9/1/03, plus a response to peer review of the Suitability of Monarch butterfly overwintering habitat, 9/21/03.
- Karl Vonder Linden, Engineering Geology and Mining Engineering, Geologic Report, 12/17/99, revised 1/3/03
- Vicki C. Odello, C.E., Geotechnical Report, 11/21/99, revised 12/20/02, and response to Purcell, Rhoades & Associates peer review, 2003.
- Haro, Kasunich & Associates Project Review and Site Inspection for the Proposed Onsite Drainage Improvements, dated December 27, 2002.
- Archaeological Resource Service; Archaeological Reconnaissance of Donald Sorensen property, Big Sur, 2/8/77]

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 mitigation measures. County staff concurs with the consultants that the environmental constraints can be mitigated to protect the rare and endangered flora and fauna on the site and the adjacent subtidal and intertidal marine habitats. Recommended conditions placed on the project by these consultants have been incorporated into the conditions found in Exhibit "D" for this project.

10. **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 consolidation of the parcels 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 is to be supplied by the Garrapata Water Company, Inc. that is required to comply with the State of California, Department of Health Services for drinking water standards by providing adequate filtration and disinfection. The Company is on notice to explore costs and options to improve the system. Environmental Health Division staff states in an e-mail dated 9/26/03 of their intention not to hold up the project because of the current disagreement about the water quality.
- EVIDENCE:** The Combined Development Permit includes a lot line adjustment to merge 2 existing parcels, thereby eliminating the potential for a second residence on the subject properties.
11. **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 report states that there are identifiable archaeological resources located on site.
- EVIDENCE:** Archaeological report prepared by Archaeological Resource Service 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 that includes the cultural resource found at the site. The easement is to be granted to an appropriate public agency or conservation foundation, and shall include, among other things, to allow entry for archaeological and other scientific research purposes
12. **FINDING:** The proposed lot line adjustment will not create any new parcels, but will consolidate two legal lots into one parcel that remains non-conforming as to size in an area designated for 40 acre minimum density.
- EVIDENCE:** The site plans showing two separate legal lots of record (Assessor Parcel Numbers 243-251-012-000 and 243-251-013-000)
- EVIDENCE:** 1964 Assessor's Records.
- EVIDENCE:** The proposal by the applicant, as represented by their agent, to include a lot line adjustment as part of a Combined Development Permit that will serve to consolidate the two lots in order to provide a building site that is outside the public viewshed and reduces the impact on sensitive environmental habitats.
13. **FINDING:** The parcels resulting from the lot line adjustment conform to the County Zoning and Building Ordinances for parcels identified as "Rocky Point Vacant Parcels."

EVIDENCE: The proposed lot line adjustment will result in a 4 acre parcel that does not conform with the designated minimum 40 acre density for parcels within the "RDR/40-(14)" Zoning District. Nonetheless, the consolidation of the parcels better meets the goals, policies and objectives of the Monterey County General Plan, the Big Sur Area Land Use Plan, and the Big Sur Coastal Implementation Plan by consolidating the two legal lots of record in order to prevent further development in an area with limited options for further development outside the critical viewshed and in a highly sensitive biological habitat and archaeological resource area.

EVIDENCE: The proposed lot line adjustment will better meet the following 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 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."
- Big Sur Coastal Implementation Plan, Part 6, Appendix 2b, Big Sur Resource Maps.

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."

EVIDENCE: The application and plans for a lot line adjustment found in Lot Line Adjustment File No. PLN010105.

14. **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, the State Department of Fish and Game, 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.

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.

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. PLN010105).

15. **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, conditioned and mitigated, will have significant adverse effects on the environment. The mitigated negative declaration reflects the independent judgment of the Monterey County Planning and Building Department.

EVIDENCE: The Monterey County Planning and Building Inspection Department prepared an Initial Study pursuant to CEQA. The Initial Study identified several potentially significant effects, but the applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur. The project file is in the office of the Planning & Building Inspection Department (file no. PLN010105). All project mitigations required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval.

EVIDENCE: The mitigation measures recommended to mitigate potentially significant impacts to the aesthetic, biological, and cultural resources on the site require a team or collaborative approach to the project represented by the geotechnical engineer, contractor, biologist and archaeologist. Contracts between the applicant and each of the respective consultants require consultation with the other consultants such that they coordinate individual actions so that no conflicts arise to reduce the mitigation value of consultant measures related to each other.

EVIDENCE: A Mitigation Monitoring and Reporting Plan has been prepared in accordance with Monterey County regulations that are designed to ensure compliance during project implementation, and the applicant shall enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan" prior to issuance of any grading or building permits.

EVIDENCE: Technical Reports have been prepared (listed under Evidence for Finding 9 above) as part of the environmental determination and recommendations have been incorporated into the project or made conditions of approval.

EVIDENCE: Given that the proposed development includes two separate parcels (Assessor Parcel Numbers 243-251-012-000 and 243-251-013-000), the Combined Development Permit for the project includes a lot line adjustment to consolidate the two parcels and place a Scenic and Conservation Easement over the entire, newly created parcel exclusive of the immediate building envelope 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. Although included in the Scenic and Conservation Easement, archaeological sites are not to be identified in said easement though included in the area not to be materially altered. Consistent with the original California Coastal Commission permit approval for the same site, such easement shall be granted to an appropriate public agency or conservation foundation, and shall include provisions to prevent disturbance of native plants and wildlife; to exclude damage by livestock; to provide for maintenance needs; and to specify conditions under which non-native plant species may be controlled, public access allowed, unsafe activity prevented, and entry for archaeological and other scientific research purposed secured.

16. **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) and Section 19.01.050 of the Monterey County Coastal Zone Subdivision Ordinance (Title 19).

DECISION

It is the decision of the Planning Commission of the County of Monterey that the Mitigated Negative Declaration and Program for Monitoring and/or Reporting on Conditions of Approval be adopted and said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. This permit allows the construction of an approximately 8,270 sq. ft, 2-story, single family dwelling with an approximately 1,824 sq. ft. subterranean garage and mechanical room, resulting in an approximately 4,900 sq ft. construction "foot print," a proposed driveway turnaround and an existing approximately 400 foot access road. The permit also allows approximately 2,500 cu. yards of cut and fill (1,750 cubic yards of cut and 736 cubic yards of fill) that involves cutting into slopes over 30 percent within a specified area paralleling the eastern edge of the residence, and retaining walls at the cut. Further, the permit includes a lot line adjustment that will serve to consolidate two lots, Assessor Parcel Numbers 243-251-012-000 and 243-251-013-000, at the subject site.

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 03073) was approved by the Planning Commission for Assessor's Parcel Numbers 243-251-012-000 and 243-251-013-000 on April 30, 2003. The permit was granted subject to 26 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:
 - Reynolds & Associates, Soil and Foundation Engineers, Surface & Subsurface Soil Conditions, 6/3/78
 - Jeff Norman, Biologist Report/Revegetation Plan, 3/19/99, with response to peer review 9/16/02.
 - Karl Vonder Linden, Engineering Geology and Mining Engineering, Geologic Report, 12/17/99, revised 1/3/03
 - Vicki C. Odello, C.E., Geotechnical Report, 11/21/99, revised 12/20/02
 - Archaeological Resource Service; Archaeological Reconnaissance of Donald Sorensen property, Big Sur, 2/8/77]

and are on record in the Monterey County Planning and Building Inspection Department file no. PLN010105. All development shall be in accordance with these reports." **(Planning & Building Inspection)**

4. A Grading Permit shall be required pursuant to the Monterey County Code relative to Grading, Chapter 16.08. Said permit shall be reviewed by the Director of Planning and Building Inspection in addition to the Department's Building Official for consistency with the mitigation measures required for development adjacent to an environmentally sensitive habitat. **(Planning & Building Inspection)**
5. 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)**
6. 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. **(CDF Fire District and Planning & Building Inspection)**
7. California Department of Forestry Fire District requires fuel modification standards as follows: 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. Where a 30 foot minimum setback cannot be reached, alternate fuel modification standards may be imposed by the local fire jurisdiction to provide the same practical effect. **(CDF Fire District)**
8. For fire protection equipment, the residence shall be fully protected with an automatic fire protection system. The following notation is required on the plans when a building permit is applied for:

“The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with NFPA 13-D (1998). Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection.” (CDF Fire District)

9. Roof protection in a very high fire hazard area as defined by the California Department of Forestry and Fire Protection (CDF), roof construction shall be Class A, or as approved by the Reviewing Authority. This requirement shall apply to all new construction and existing roofs that are repaired or modified so as to affect 50% or more of the roof. Vegetation removal shall not be allowed as a means of removing the very high fire hazard area designation from an entire parcel. **(CDF Fire District)**
10. 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)**
11. A drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts, to include dispersal of impervious surface stormwater runoff onto a non-erodible surface below the bluff. Necessary improvements shall be constructed in accordance with approved plans. A certified biologist shall review the final drainage plan to assure that drainage does not impact the sensitive marine habitat below the construction area. **(Water Resources Agency)**
12. 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 and archaeologist. **(Planning & Building Inspection; Public Works)**
13. Pursuant to the State Public Resources Code, State Fish and Game Code, and California Code of Regulations, 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 on or before the filing of the Notice of Determination within five (5) days of project approval. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the issuance of building and/or grading permits, whichever occurs first. The project shall not be operative, vested or final until the filing fees are paid. **(Planning & Building Inspection)**
14. Native trees, particularly the cluster of Monterey 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. The applicant shall enter into an agreement with the County to implement the Mitigation Monitoring and/or Reporting Plan adopted for this project. **(Planning & Building Inspection)**

16. No exterior lighting shall be allowed as seen from Highway One. No flood lights or any sort of exterior lights shall be placed at the northern, western, and southern elevations of the building. 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. **(Mitigation Measure 1: Planning & Building Inspection)**
17. The present owners shall convey to the County a Scenic and Conservation Easement over the parcel created by combining two parcels, Assessor Parcel Numbers 243-251-012-000 and 243-251-013-000, exclusive of building envelope. 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. Although included in the Scenic and Conservation Easement, archaeological sites are not to be identified in said easement though included in the area not to be materially altered. The easement boundary shall be adjusted to include as much of the archaeological site as possible, and to exclude the proposed driveway. The easement shall include provisions to prevent disturbance of native plants and wildlife; to exclude damage by livestock; to provide for maintenance needs; and to specify conditions under which non-native plant species may be controlled, public access allowed, unsafe activity prevented, and entry for archaeological and other scientific research purposes secured. **(Mitigation Measure 2: Planning & Building Inspection)**
18. In order to mitigate potential adverse impacts to sensitive plants and habitats by the proposed project, the applicant shall contract the services of a qualified biologist to fully implement the Biological Report/Revegetation Plan prepared by Jeff Norman, November 30, 1999, with his updated survey dated December 15, 2001. Said contract shall specify the implementation methods, performance criteria, monitoring and reporting as described in the Biological Report/Revegetation Plan. The contract shall require the biologist to consult regularly with the geotechnical engineer, archaeologist and contractor to coordinate individual actions so that no conflicts arise to reduce the mitigation value of consultant measures related to each other. **(Mitigation Measure 3: Planning & Building Inspection)**
19. In order to protect the Southern Sea Otter and Black Swift and the invertebrates they feed upon within the subtidal habitat, no construction debris shall be allowed to enter the marine habitat, and no erosion shall be allowed to occur as a consequence of the proposed project in order to protect the subtidal and intertidal habitats of invertebrates upon which the Southern Sea Otter feed. The currently eroded area northwest of the building envelope, identified by the consulting biologist, shall be stabilized, the method to be determined by a certified geotechnical engineer and approved by the Director of Planning & Building Inspection. An erosion control plan shall be submitted, reviewed by a certified biologist together with the engineer and contractor, to assure that no debris enter the marine habitat. Any landscaping occurring at this eroded area shall include adequate erosion-control measures and selection of non-invasive plant species. **(Mitigation Measure 4: Planning & Building Inspection)**
20. In order to assure that grading activities do not impact cultural or archaeological resources, the applicant shall contract with a Registered Professional Archaeologist to monitor all earth disturbance work within 10 meters (3 feet) adjacent to identified cultural and/or archaeological resources on the project site. The contract shall specify implementation of the Archaeologist Reconnaissance of Donald Sorensen Property, Big Sur prepared by Archaeological Resource Service, February 8, 1977. In addition, the contract will require the contracted archaeologist to be involved in regular consultation with the contracted geotechnical engineer, biologist and contractor during construction to assure protection of biological and archaeological resources at the site. **(Mitigation Measure 6: Planning & Building Inspection)**
21. In order to assure that excavation, grading and construction activities are consistent with the Geotechnical

Report prepared by Vicki C. Odello, the applicant shall contract the services of a qualified geotechnical engineer to fully implement the Geotechnical Report prepared by Vicki C. Odello, C.E., November 21, 1999. In addition to implementation of geotechnical construction specifications described in said Geotechnical Report, the contract will include regular consultation with the consulting biologist, archaeologist and contractor during construction to assure protection of biological and archaeological resources at the site. (**Mitigation Measure 7: Planning & Building Inspection**)

22. The applicant shall submit for the Director of Planning and Building Inspection's review and approval a detailed grading, 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 Bluff Scrub and Northern Coastal Scrub. No interference with public views through the planting of trees shall be allowed.

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. (**Mitigation Measure 5: Planning & Building Inspection**)

23. The existing septic tank must be destroyed and relocated as approved by the Division of Environmental Health. (**Environmental Health Division**)
24. Prior to the issuance of a building permit, provide plans showing the location of the dwelling, proposed septic tank location and leach field to the Director of Environmental Health for review and approval. (**Environmental Health Division**)

Prior to Final Building Inspection/Occupancy:

25. For emergency access, the California Department of Forestry Fire District (Monterey—San Benito Ranger Unit, Battalion 1) requires the following:
 - a. 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.

- b. The grade for all roads, streets, private lanes and 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.
- c. 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.
- d. 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.
- e. Driveways shall not be less than 12 feet wide unobstructed. 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.
- f. 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 Reviewing Authority having jurisdiction may require installation of a key box or other acceptable means to immediate access for emergency equipment.
- g. Unobstructed vertical clearance shall not be less than 15 feet for all access roads and driveways. **(CDF Fire District and Planning & Building Inspection)**

26. 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)**

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

AYES: Errea, Sanchez, Padilla, Brennan, Parsons, Diehl, Salazar, Rochester, Wilmot
 NOES: None
 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.

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.