

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

RESOLUTION NO. 04030

A. P. # 419-201-022-000

In the matter of the application of  
**Big Sur Health Center (PLN030277)**

**FINDINGS & DECISION**

to allow a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of a Coastal Administrative Permit and Design Approval to allow a new 2,100 square foot manufactured module to replace an existing unit; a Coastal Development Permit to allow development within the Highway 1 critical viewshed; a Coastal Development Permit to allow the removal of 14 trees (including three trees between 12" and 23" in diameter and one 27" landmark oak); and a General Development Plan that includes a community health clinic, outdoor religious services, a caretaker plus private camping, group activities and a waiver of the caretaker parking requirement. The property is located at 46896 Highway 1, Big Sur, fronting on and west of Highway 1, southerly of the intersection of Highway 1 and Juan Higuera Creek, Coastal Zone, came on regularly for hearing before the Planning Commission on June 30, 2004.

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

**1. FINDING: CONSISTENCY:** The Project, as conditioned is consistent with applicable plans and policies, the Big Sur Coast Land Use Plan, Coastal Implementation Plan (Part 3), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20) which designates this area as appropriate for public/quasi-public uses.

**EVIDENCE:** (a) Plan Conformance. PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the Big Sur Coast Land Use Plan, Coastal Implementation Plan (Part 3), and Part 6 of the Coastal Implementation Plan. PBI staff has reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 20) and have determined that the project is consistent with the Big Sur Coast Land Use Plan, which designate this area as appropriate for rural community center development and public/quasi-public uses. Staff notes are provided in Project File PLN030277.

(b) Site Visit. Project planner conducted an on-site inspection on July 1, 2003 and March 3, 2004 to verify that the project in the subject location conforms to the plans listed above.

(c) Land Use. The project for a community health center, religious activities, camping and group activities is a conditional use as a public/quasi-public use, in accordance with Section 20.22.060.O and 20.22.060.S (CIP).

(d) Zoning Consistency. The project is located within a Visitor Serving Commercial District, Coastal Zone ("VSC (CZ)"). The project is in compliance with Site Development Standards for a Visitor Serving Commercial District in accordance with Section 20.22.070 (CIP).

- (e) Big Sur River Waterway. The subject property is located within the Big Sur River Waterway Management Plan area, whose objective is to maintain and enhance the river and watershed. Uses on this property include community facilities and low-intensity recreational and private uses. Development does not occur within the riparian corridor or floodplain. It does not increase water use or impact water quality. The project is consistent with the Big Sur River Waterway Plan.
- (f) General Development Plan. A General Development Plan is required because the property is larger than one acre and contains more than one use and is located in a Visitor Serving Commercial District (§20.22.030 CIP). See Finding #6.
- (g) Forest Resources. The project includes removal of 14 native trees protected under the Big Sur Coast Land Use Plan, consisting of one (1) Santa Lucia fir tree, eight (8) California bay trees, and five (5) coast live oak trees. It includes four (4) trees greater than 12 inches in diameter, including one (1) 27-inch landmark coast live oak, that are. See Finding #7.
- (h) Scenic Resources & Critical Viewshed. The project is located in an area exempted from the critical viewshed and includes replacement of an existing structure. See Finding #8.
- (i) Parking. The property contains a mix of residential, public, and private uses with varying parking requirements. The project includes modification to the parking standards for a waiver of the covered caretaker parking requirement. See Finding #9.
- (j) Land Use Advisory Committee (LUAC): The project was reviewed by the Big Sur Coast LUAC on March 9, 2004. The LUAC recommended approval of the project by a vote of 4-0. The recommendation included a suggestion for an arborist to assess the trees on the property for sudden oak death and consider removing infected trees. A Forest Management Plan was prepared by Glenn Flamik, dated April 22, 2004, which evaluated tree removal for the development. It identified two oak trees with symptoms of sudden oak death (SOD) and recommended their removal. Evaluation of the entire property for SOD was not conducted. Controlling the spread of sudden oak death is an ongoing county and state-wide effort, but is not a specific issue that is required to be addressed as part of this application.
- (k) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN030277.

**2. FINDING: SITE SUITABILITY:** The site is suitable for the use proposed.

- EVIDENCE:**
- (a) The project has been reviewed for suitability by Planning and Building Inspection Department, Public Works Department, Water Resources Agency, Environmental Health Division, California Department of Forestry. Conditions recommended have been incorporated.
  - (b) Technical reports by outside geology and biology consultants indicate that there are no physical or environmental constraints such as environmentally sensitive habitats or similar areas that would indicate the site are not suitable for the use proposed:
    - (1) Letter regarding Geology in vicinity of the Big Sur Health Center by Karl Vonder Linden, (August 26, 2003);
    - (2) Geologic Report prepared by Karl Vonder Linder (June 22, 1993) for a neighboring parcel (APN 419-201-007-000);

(3) Biological Report prepared by Jeff Norman, (January 13, 1994) for the subject property for project file number ZA94003.

Agency staff concurs and finds that the reports are applicable and that conditions have not changed substantially from the time the reports were prepared. Reports are in Project File PLN030277.

- (c) A potentially active fault is located in the vicinity of the subject property. According geologic information provided by Karl Vonder Linden dated August 26, 2003 states that the conclusions of a Geologic Report by the same author dated June 22, 1993 for a neighboring parcel (APN 419-201-007-000) are applicable to the subject property. The author also places the San Gregorio-Hosgri Fault well to the north of the subject property and finds that no special geologic measures are necessary.
- (d) Biological information identifies no special status or sensitive species on the property.
- (e) The parcel is partially located within the 100-year floodplain of the Big Sur River according to the FEMA Flood Maps. The Monterey County Water Resources Agency has verified that the proposed structure meets the 200 foot setback requirement. A floodplain notice is already recorded for the property.
- (f) Staff conducted an on-site visit on July 1, 2003 and March 3, 2004 to verify that the site is suitable for this use.
- (g) Necessary public facilities are available and will be provided.

**3. FINDING: CEQA (Exempt):** The project is exempt from environmental review.

- EVIDENCE:**
- (a) CEQA Guidelines categorically exempt existing facilities (§15301, Class 1) and the replacement of existing structures where the new structure will be located in the same site and have substantially the same purpose and capacity (§15302, Class 2).
  - (b) The project includes the existing uses and facilities and the replacement of an existing and permitted 2,000 square foot structure used as a community health clinic. Existing activities on the property include religious services, private camping, and social activities.
  - (c) No intensification or new uses are proposed.
  - (d) Estimated grading is less than 100 cubic yards.
  - (e) A potentially active fault is located in the vicinity of the subject property. According geologic information provided by Karl Vonder Linden dated August 26, 2003 states that the conclusions of a Geologic Report by the same author dated June 22, 1993 for a neighboring parcel (APN 419-201-007-000) are applicable to the subject property. The author also places the San Gregorio-Hosgri Fault well to the north of the subject property and finds that no special geologic measures are necessary.
  - (f) Archaeological Resource Maps for the Big Sur Coast Land Use Plan place the property in a moderate archaeological sensitive zone for which no archaeological report is required unless known resources exist in the area. No known cultural resources have been discovered in the vicinity of the property.
  - (g) A biology report prepared by Jeff Norman dated January 13, 1994 for the caretaker unit identified no sensitive species on the property and conditions on the property have not changed since the report was prepared. The assessment of the property

and conclusions of the report are still valid as confirmed in discussions with the biologist on June 21, 2004.

(h) The Big Sur Coast Land Use Plan establishes that a threshold of a minimum 150-foot setback from a streambank in order to ensure that the development has a less than significant impact. The proposed structure maintains a setback of approximately 240 feet from the bank of the Big Sur River.

(i) A Forest Management Plan prepared by Glenn Flamik dated April 22, 2004 evaluated proposed tree removal included two oak trees with symptoms of Sudden Oak Death and determined that the tree removal would not have a substantial impact.

(j) Evidence that has been received and considered includes:

- The application and materials.
- Letter regarding Geology in vicinity of the Big Sur Health Center by Karl Vonder Linden, (August 26, 2003) and Geologic Report prepared by Karl Vonder Linder (June 22, 1993) for a neighboring parcel (APN 419-201-007-000).
- Biological Report prepared by Jeff Norman, (January 13, 1994) for project file number ZA94003.
- Forest Management Plan prepared by Glenn Flamik (April 22, 2004).
- Staff site visit on July 1, 2003 and March 3, 2004.
- Staff reports that reflect the County's independent judgment

(k) These reports are on file in the offices of PBI (File Reference No. PLN030277) and are incorporated by reference herein.

- 4. FINDING: NO VIOLATIONS:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property, and all zoning violation abatement cost, if any, have been paid.

**EVIDENCE:** (a) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject property.

- 5. FINDING: PUBLIC ACCESS:** The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

**EVIDENCE:** (a) The project is located within the state Highway 1 right-of-way, which is the primary means of public access to the Big Sur Coast area.

(b) The project as designed and conditioned does not impede public access or interfere with visual access of the ocean. It improves access by increasing highway reliability and safety.

(c) Staff site visit on July 1, 2003 and March 3, 2004.

- 6. FINDING: GENERAL DEVELOPMENT PLAN:** This project is in conformance with the General Development Plan consisting of the existing and proposed uses and activities proposed for the subject property. New, additional, or expanded development or intensified uses

not in conformance with the General Development Plan is subject to additional permits. The General Development Plan is compatible with the setting and does not adversely impact the property.

**EVIDENCE:** (a) This General Development Plan consists of the existing uses and facilities on the property, including replacement of the existing health center building and associated improvements. The replacement structure contains three exam rooms, which is the same capacity as the existing building. No additional employees or events are proposed or anticipated. Additional usage, intensification, or development requiring an amendment to this GDP is subject to additional permits and is specified as a condition of approval (Condition #11).

(b) Uses and facilities permitted under this GDP are limited to:

- Structures
    - Existing Restroom Facility (272 square feet)
    - Existing Caretakers Unit (392 square feet)
    - Proposed Health Clinic and Deck (2,100 square feet w/ three exam rooms)
    - Existing Outdoor Chapel (podium & 12 ten-foot long benches)
  - Activities & Operations
    - Caretaker: 1 caretaker year-round
    - Religious Services: 2 to 50 people first Sunday during winter months and every Sunday from springtime
    - Private Camping: 8 to 50 people on weekends
    - Weddings: 6-8 per year 150 guests and 59 vehicles maximum, typically on Saturdays
    - Annual Health Fair: 250 visitors over a 4-hour period during the Fall, 59 vehicles maximum
    - Health Clinic: 2,500 patients per year M-F, 10am to 5pm
    - Employees: 2 physicians, 1 physician assistant, 1 registered nurse, and 1 receptionist
    - Parking: 59 total spaces (12 spaces including two (2) handicapped spaces by the health center and an additional 47 overflow spaces)
- (c) Staff site visits on July 1, 2003 and March 3, 2004.
- (d) Project application, plans and materials contained in file number PLN030277.

**7. FINDING: TREE REMOVAL:** The subject project minimizes tree removal in accordance with the applicable goals and policies of the Big Sur Coast Land Use Plan and Coastal Implementation Plan (Part 3).

**EVIDENCE:** (a) The 14 native trees proposed for removal include one (1) Santa Lucia fir tree, eight (8) California bay trees, and five (5) coast live oak trees and are evaluated in the Forest Management Plan prepared by Glenn Flamik, dated April 22, 2004. Four (4) of the trees to be removed are greater than 12 inches in diameter and one (1) of these trees is a 27-inch landmark oak. Native trees are protected under the Big Sur Coast Land Use Plan and removal is limited to the minimum amount necessary for development or to maintain the overall health of the forest (§20.145.060.D CIP). Two of the coast live oak trees, including the landmark tree, will be removed because they are impacted by the project and also show symptoms of Sudden Oak Death (SOD), according to the Forest Management Plan prepared by Glenn Flamik. The remaining trees are located in the

project area and will be removed because they are impacted by the proposed grading and improvements.

(b) The project proposes to remove the landmark 27-inch oak and another 23-inch, which according to the Forest Management Plan display symptoms of Sudden Oak Death (SOD). In particular, the forester reports indications of internal decay on the 27-inch landmark oak. Although this landmark tree could potentially be retained, the forester recommends removal, stating that “there is almost no possibility of this tree recovering from the factors leading to the internal decay” and that “the degradation of this tree to a point of main stem failure can be extremely rapid.” As such, the report concludes that the tree poses a hazard to other trees and the health center because of potential SOD and the likely damage caused by failure of the tree. SOD is a considerable problem in the Big Sur area and efforts to control and contain the disease are ongoing. §20.145.060.D.1 (CIP) prohibits the removal of landmark trees except under special circumstances. Removal of diseased trees which threaten to spread the disease is allowed, pursuant to §20.145.060.A.2. Conditions of approval include recommendations from the Forest Management Plan for proper disposal of infected trees (Condition #6). Removal of these two infected trees, including the landmark oak, is consistent with Forest Resource policies.

(c) However, recent research indicates a potential new measure against Sudden Oak Death to help prevent the disease and to retain infected trees involves treating trees with calcium carbonate. Because removal of the landmark tree is not necessary for the development and generally prohibited, a condition has been incorporated requiring the applicant to pursue and implement this treatment measure if it is determined feasible (Condition #5). In the event it is infeasible or proves to be ineffective, removal of the infected landmark tree is allowed.

(d) The remaining 12 trees are located around the existing building and parking area and are impacted by the proposed grading and improvements. Although the new health center is proposed in the same location as the existing one, improvements are required. They include minor grading (approximately 75 cubic yards), drainage improvements, and adjustment of the parking area. These improvements along with activities to remove and install both the old and new modular units require the tree removal. Two (2) of these trees are greater than 12 inches in diameter and are located in the area of the entrance and wheelchair ramp for the new center. Relocating the structure to avoid them would result in impacts to other nearby trees. A condition has been incorporated for measures to be implemented during construction to avoid additional impacts and includes fencing off the construction area and tree and root protection measures (Condition #7). Tree removal has been minimized.

(e) The tree removal potentially increases visibility of the proposed structure because several of the trees are located in front of health center. However, existing trees and vegetation located closer to the highway largely screen the property from Highway One. Replacement trees will be planted in this area and no long-term impacts will occur.

(f) LUP policies require the replacement of the four (4) native trees 12 inches or greater in diameter (§20.145.060.D.6 CIP). Although the property is already well-forested, the Forest Management Plan identifies an area between the highway and parking area where six (6) redwoods from locally grown stock or on-site cuttings could be planted as replacement for the four (4) trees. Redwoods are recommended because

they are resistant to SOD and are consistent with other redwoods located in the replanting area between the highway and the access driveway. This replacement has been incorporated as a condition (Condition #8).

(g) A condition has been added for the applicant to record a notice of the Forest Management Plan and that any tree removal is in accordance with the approved plan consistent with §20.145.060.D.7 (CIP) (Condition #3).

(h) Forest Management Plan prepared by Glenn Flamik dated April 22, 2004. Report is in Project File PLN030277.

(i) Staff site visits on July 1, 2003 and March 3, 2004.

**8. FINDING: VISUAL RESOURCES:** The subject project is consistent with Visual Resource Policies of the Big Sur Coast Land Use Plan.

**EVIDENCE:** (a) Policy 3.2.1 of the Big Sur Coast Land Use Plan (LUP) prohibits development within the “critical viewshed,” which is defined as areas visible from Highway 1 with some exceptions. The intent of the policy is to preserve the scenic quality and character of the Big Sur Coast. However, development is allowed within designated Rural Service Centers subject to careful design and siting controls (3.2.5.A LUP). Specific provisions for Rural Community Centers in the Big Sur Valley (5.4.3.L.4 LUP) require development to minimize visibility and be compatible with rustic design. The design and siting of the proposed development minimizes visibility from the highway and is consistent with visual resource policies based on the following:

- The replacement structure is located within the same footprint as the existing structure and is comparable in size and coverage. The new structure increases the footprint of the health center by approximately 100 square feet. The property is also constrained because its fronts along the Big Sur River. Relocating the structure farther from the highway would potentially place it within the floodplain, as well as require additional access, tree removal, and site preparation.

- The current structure has a flat roof and is approximately 12 feet high. The proposed structure has a gabled roof and is approximately 16 feet tall at the ridge. Although the new structure has a higher roofline than the existing unit, the proposed roof will be a dark brown/black color and blend in better with the forested property compared to the existing roof, which is a lighter color. In addition, the plastic sheeting over the breezeway of the existing structure creates glare and reflection that is visible and will be eliminated.

(b) The proposed tree removal does not increase visibility of the proposed structure. Existing trees and vegetation located closer to the highway screen the property from Highway One.

(c) A condition has been incorporated requiring exterior lighting to be the minimal amount necessary and to minimize off-site glare (Condition #4).

(d) Application and materials in Project File PLN030277.

(e) Staff site visits on July 1, 2003 and March 3, 2004.

**9. FINDING: PARKING:** The subject project is in conformance with parking standards as described in Section 20.58 of the Monterey County Coastal Implementation Plan, Part 1, Title 20 (Zoning Ordinance).

**EVIDENCE:** (a) The project includes a mix of residential, public, and private uses described in the General Development Plan in Finding #6. Existing parking consists of 12 spaces in front of the health center, including 2 designated handicapped spaces. The proposed project adjusts the location of this parking, but retains the same number of spaces. An additional 47 spaces are available in “overflow” areas along the driveway and in a clearing, as designated on the parking plan submitted by the applicant. The designated parking in front of the health center accommodates daily parking needs including the caretaker and attendance for weekend services. The “overflow” parking areas are not signed or marked and are generally only necessary for special events. Total parking capacity is 59 spaces. Sufficient parking capacity exists for the property and uses as detailed on the parking plan submitted by the applicant based on the following:

- Weekday use includes the health clinic and caretaker. Weekend uses include the outdoor chapel, occasional events such as weddings or camping activities, and the caretaker. Health clinic parking is not required on the weekends and does not conflict with other uses. The hours of operation are substantially different which allows the mixed uses to share parking consistent with §20.58.050.L (CIP).
- Parking for camping activities and special events varies, but according to the applicant parking for these events is limited to 50 vehicles and is coordinated by the caretaker or another responsible person. The applicant has stated that users are advised about the parking limitation and that there has never been an event with more than 50 vehicles. A condition has been incorporated limiting parking for events to the available 59 spaces (Condition #12).
- If event parking exceeds the parking capacity, the owner is required to provide other means of accommodating parking such as off-site parking, vanpools and shuttles, subject to approval by the Director of Planning and Building Inspection. Expanded activities or intensified uses are subject to additional permits and measures (Condition #11).

(b) Caretaker Parking Waiver. The project also requests a waiver from the caretaker’s unit parking requirement for one covered space. Section 20.58.050.C (CIP) allows modifications to the parking standard when “due to the unusual characteristics of a use or its immediate vicinity, do not necessitate the number of parking spaces, type of design, or improvements required.” The caretaker unit is the only residential use on the property and sufficient parking already exists to accommodate the uses, including the caretaker. The parking is screened from Highway One and is not visible because of existing trees and vegetation. In addition, vehicles are often parked in the open on this property because of the health clinic during the weekday and camping groups and other events during the weekends. The adjacent property is a private campground (Big Sur Campgrounds) where car camping also occurs so that outdoor parking on the subject property is not unusual or inconsistent with other properties in the vicinity. Adequate parking exists and use of uncovered parking for the caretaker would be consistent and compatible with the site and setting.

(c) Application, plans, and materials in Project File PLN030277.

(d) Staff site visits on July 1, 2003 and March 3, 2004.

**10. FINDING: HEALTH AND SAFETY:** The establishment, maintenance or operation of the 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:** (a) The project was reviewed by Planning and Building Inspection Department, Public Works Department, Water Resources Agency, Environmental Health Division, California Department of Forestry. The respective departments and agencies recommend 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. Recommended conditions have been incorporated.

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

**EVIDENCE:** (a) Sections 20.86.030.A of the Monterey County Coastal Implementation Plan, Part 1 (Board of Supervisors).

(b) Section 20.86.080.A.2 of the Monterey County Coastal Implementation Plan, Part 1 (Coastal Commission). Development located within 100 feet of any wetland, estuary, or stream is appealable to the Coastal Commission. The property is located within 100 feet of the Big Sur River.

## **DECISION**

It is the decision of the Planning Commission that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the attached conditions.

**PASSED AND ADOPTED** this 30th day of June, 2004, by the following vote:

**AYES:** Errea, Padilla, Vandevere, Parsons, Diehl, Salazar, Hawkins

**NOES:** None

**ABSENT:** Sanchez, Rochester, Wilmot

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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 90<sup>th</sup> 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. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.