

RESOLUTION NO. 010559

A. P. # 243-301-030-000

In the matter of the application of
Gurries Family Partnership (PLN010559)

FINDINGS AND DECISION

to allow a **Combined Development Permit** in accordance with Title 20 (Zoning) Chapter 21.210 (Combined Development Permits) of the Monterey County Code, consisting of 1) an amendment to a previously approved Coastal Administrative Permit (PLN980521) allowing for the demolition of a previously existing 1,251 sq. ft. legal non-conforming single family dwelling located in the critical viewshed (Big Sur Land Use Plan), which includes modifying conditions #1 & 5 to allow structural additions to be made to the portions of the structure, which is visible from Highway One; 2) a Coastal development Permit allowing the construction of a 2,720 sq. ft. two-story single family dwelling and grading (approximately 191 cu. yds. of cut and fill) in the critical viewshed; and Design Approval allowing minor color changes to exterior of the residence; fronting on and easterly side of Highway One at 35781 State Highway One, Big Sur, in the Rocky Point area of the Big Sur Coast, Coastal Zone, came on regularly for meeting before the Zoning Administrator on July 25, 2002.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

1. FINDING: The subject Combined Development Permit (**Gurries/PLN010559**) consists of: 1) an Amendment to a previously approved Coastal Administrative Permit (PLN980521), which allowed for an addition to an existing 1,528 sq. ft. legal non-conforming single-family dwelling located in the Critical Viewshed (Big Sur Land Use Plan). The Amendment would modify condition 1 to reflect the current proposal described in no. 2 below and condition 5 to allow a structural addition to a portion of the structure, which is visible from Highway One; 2) a Coastal Development Permit for demolition of the existing 1,251 sq. ft. residence and construction of a 2,720 sq. ft. two story single-family dwelling and grading (approximately 191 cu. yds. of cut and fill) located in the Critical Viewshed; and 3) Design Approval for changes to the exterior color of the residence. The project, as described in condition #1 and as conditioned, conforms to the plans, policies, requirements and standards of the Local Coastal Program (LCP). The LCP for this site consists of the Big Sur Land Use Plan, Big Sur Coastal Implementation Plan and the Monterey County Zoning Ordinance Title 20 (Part 1). The property is located on the east side of Highway 1 at 35781 State Highway One, Big Sur in the Kasler Point area of the Coastal Zone. The parcel is zoned "WSC/40 & RDR/40 (CZ)" or Watershed and Scenic Conservation and Rural Density Residential, maximum gross density of 40 acres/unit. The site is physically suitable for the use proposed. 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, can be demonstrated (see Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan).

EVIDENCE: The application and plans submitted for the Coastal Development Permit, Amendment and Design Approval in the project file at the Monterey County Planning and Building Inspection

Department.

EVIDENCE: The site is located within an archaeologically sensitive area. Grading activities are more than 100 cubic yards. A condition will be placed on the permit in the event of cultural resources being found during grading and/or construction.

EVIDENCE: Design Approval Request form with plans recommended for approval by the Big Sur Land Use Advisory Committee by a vote of 6 to 0.

EVIDENCE: There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, the applicable Fire Department, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. 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.

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

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

3. **FINDING:** Condition 3 achieves the purpose-applicability of Section 20.17.030. (B) of the Zoning Ordinance, which states: “That the County of Monterey contains many areas of unusual scenic beauty which are unique in the United States and which, if preserved, will constitute physical, social, spiritual, cultural, recreational, aesthetic, and economic resources of great value to the people of the county and to the public generally”.

EVIDENCE: Condition 8 requires the owners of the parcel to record a deed restriction indicating that "all exterior design changes, including color changes associated with repainting and reroofing, be approved by the *Director of Planning & Building Inspection*. This condition serves to make the present owners of the property aware of the *Director of Planning & Building Inspection's* concerns related to design changes on this critically visually sensitive lot and serves as a notice to any subsequent owners of the property of the aforesaid concerns.

EVIDENCE: This lot is highly visible from Highway One a state designated Scenic Highway. Conditions 3, 8, 9 & 10 will ensure that the present development and any subsequent exterior changes that may affect the visual character of the structure(s) located in a critically visually sensitive area will be given full consideration by the *Director of Planning & Building Inspection*.

4. **FINDING:** The subject property is currently not compliance with all rules and regulations pertaining to zoning uses, and will be restricted to the previously approved square footage, subdivision and any other applicable provisions of the County's zoning ordinance. No other violations exist on the property. Zoning violation abatement cost, if any, have been paid.

EVIDENCE: Staff reviewed Monterey County Planning and Building Inspection Department records and is aware of the violation of conditions of approval for a previously approve Coastal Administrative Permit the project was halted by the issuance of a stop work order by the Planning & Building

Inspection Department on the subject property. Condition 10_ restricts the amount of square footage to what was previously approved under subsequent permits.

- 5. FINDING:** A portion of the proposed development is located in the Big Sur Critical Viewshed. The project is consistent with applicable policies and regulations in the Big Sur Coast Land Use Plan and Coastal Implementation Plan pertaining to development in the Critical Viewshed. Specifically, Policy 3.2.3.A.7 states that "replacement or enlargement of existing structures within the critical viewshed shall be permitted on the original location on the site, provided no other less visible portion of the site is acceptable to property owner and provided the replacement or enlargement does not increase the visibility of the structure."
- EVIDENCE:** Permit conditions require all exterior changes to the structure, which may be proposed in the future, including color changes associated with repainting and reroofing, shall be approved by the Planning Commission. The condition requires recordation of a deed restriction stating this requirement so that the present owner of the property and any subsequent owners are aware of the concerns related to this structure and its location in the Critical Viewshed.
- EVIDENCE:** The proposed structure is located in the same location or footprint of the original structure.
- EVIDENCE:** The previously approved Coastal Administrative Permit (PLN980521) did not require relocation of the existing structure to avoid the Critical Viewshed. The adopted findings for that project state that that project, as conditioned, is consistent with the policies and objectives of the Big Sur Land Use Plan.
- EVIDENCE:** Conditions for this project require landscape screening and scenic easements to preclude further intrusion of the proposed two story single family dwelling into the Critical Viewshed. The applicant is also required to restore previously disturbed areas.
- EVIDENCE:** In addition, there is no other less visible portion of the site acceptable to the property owner.
- 6. FINDING:** The conditions require landscaping to eliminate increased erosion and minimize potential visual impacts. The condition regarding exterior lighting has also been applied to ensure that the character of the neighborhood is preserved, protected and enhanced.
- EVIDENCE:** Section 20.14.070, Subsections C, E and F of the certified Monterey County Coastal Implementation Plan and Policy 26.1.20 of the Monterey County General Plan.
- 7. FINDING:** The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:** Sections 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan.
- 8. FINDING:** The establishment, maintenance, and operation of the proposed development applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
- EVIDENCE:** Preceding findings and supporting evidence.

DECISION

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. The Gurries Combined Development Permit (**Gurries/PLN010559**) consisting of: 1) an Amendment to a previously approved Coastal Administrative Permit (PLN980521), which allowed for an addition to an existing 1,528 sq. ft. legal non-conforming single-family dwelling, garages and porches located in the Critical Viewshed (Big Sur Land Use Plan). The Amendment would modify condition 1 to reflect the current proposal described in no. 2 below and condition 5 to allow a structural addition to a portion of the structure, which is visible from Highway One. 2) A Coastal Development Permit for demolition of the existing 1,251 sq. ft. residence and construction of a 2,720 sq. ft. two story single-family dwelling and grading (approximately 191 cu. yds. of cut and fill) located in the Critical Viewshed, and 3) Design Approval for changes to the exterior color of the residence. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (**Planning and Building Inspection**)

Prior to Commencement of Any Construction Activity

2. Prior to commencement of any construction activity, the applicant shall obtain a Demolition Permit from the Monterey County Planning and Building Inspection Department. (**Planning and Building Inspection**)

Three Months Prior to Final Building Inspection/Occupancy:

3. A "critical viewshed" map, which delineates those portions of the property located within the critical viewshed, shall be submitted and approved by the Director of Planning and Building Inspection Department. A scenic easement shall be granted to the County of Monterey over the areas shown on the map, which are located within the critical viewshed. The form and content of the easement must be approved and the easement recorded pursuant to Section 20.145.030.2 (h) and in accordance with Appendix 3 of the Monterey County Coastal/ Implementation Plan. The easement shall provide exemptions for existing structures, roads and landscaping approved as part of this permit. The easement shall be recorded prior to final building inspection. (**Planning and Building Inspection Department**)
4. The applicant shall record a notice, which states: "A permit (Resolution 010559) was approved by the Zoning Administrator for Assessor's Parcel Number 243-301-030-000 on July 25, 2002. The permit was granted subject to 29 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (**Planning and Building Inspection**)
5. All utility and distribution lines shall be placed underground. (**Planning and Building Inspection**)

6. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit three copies of an exterior lighting plan, which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. **(Planning and Building Inspection)**
7. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
8. The applicant shall record a deed restriction indicating that all exterior changes, including color changes associated with repainting and re-roofing and including exterior lighting changes, be approved by the Planning Commission. The deed restriction shall be subject to the approval of the Director of Planning and Building Inspection prior to recordation. **(Planning and Building Inspection Department)**
9. The site shall be landscaped. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall include vegetation to screen the portions of the structure visible from the Highway in order to minimize visibility of said structure and to allow the continuation of existing views from a legal non conforming structure. The landscaping plan shall include provisions for restoration of previously disturbed areas on site as well as provide proof that any restoration incorporates only native species consistent with the Big Sur Area. The landscape 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, either landscaping shall be installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. **(Planning and Building Inspection)**
10. This permit allows (for the replacement of the previously existing legal non-conforming structure) in accordance with County ordinances and land use regulations subject to the following terms and conditions. The proposed project is limited to a total of 2,564 sq. ft as previously approved under subsequent permits. 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)**
11. The applicant shall submit a plot plan to the Division of Environmental Health showing the location and size of the existing septic system (including the leech field). **(Health Department)**
12. A drainage plan shall be prepared to address onsite impacts. Storm water runoff from impervious surfaces shall be dispersed at multiple points, away from and bellow any septic leach fields, over the least available slopes, with erosion control at outlets. **(Water Resources Agency)**

13. The applicant shall provide to the Water Resources Agency information on the water system that serves the project, including location of all water wells on the property, any well logs available, and the number of current hookups. **(Water Resources Agency)**
14. The applicant shall comply with Ordinance No. 3932 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 re-circulating 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)**
15. The driveway shall not be less than 12 feet wide **(Carmel Fire District)**
16. All driveways exceeding a 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 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. **(Carmel Fire District)**
17. The surface 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. **(Carmel Fire District)**
18. The grade for all roads and driveways shall not exceed 15 percent. Where grades exceed 8 percent, roads and driveways shall be paved. **(Carmel Fire District)**
19. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Carmel Fire District)**
20. 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 buildings. The minimum turning radius for a turnaround shall be 40 feet from the centerline of the road. If a hammerhead/ T is used, the top of the "T" shall be a minimum of 60 feet in length. **(Carmel Fire District)**
21. Each building shall have a unique address. 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. **(Carmel Fire District)**
22. A minimum fire protection water supply of 3,000 gallons shall be provided regardless of parcel size. Minimum storage requirements for single-family dwelling may be reduced to 2,000 gallons if an approved automatic fire sprinkler is installed. **(Carmel Fire District)**

23. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet or further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. **(Carmel Fire District)**
24. The hydrant serving any building shall be not less than 50 feet nor more than 1000 feet by road from the building it is to serve. **(Carmel Fire District)**
25. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. **(Carmel Fire District)**
26. Each hydrant/valve or access to water shall be identified as follows:
- (a) If located along a driveway, a reflectorized blue marker, with a minimum dimension of 3 inches, shall be located on the driveway address sign and mounted on a fire retardant post, or
 - (b) If located along a street or road, a reflectorized blue marker, with a minimum dimension of 3 inches, shall be mounted on a fire retardant post. The signpost shall be within 3 feet of said hydrant/valve, with a sign no less than 3 feet nor greater than 5 feet above ground, in a horizontal position and visible from the driveway. **(Carmel Fire District)**
27. Due to the location of the building and the distance between the building and legal fire department access, the building shall be fully protected with an automatic fire sprinkler 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." **(Carmel Fire District)**

Continuous Permit Conditions:

28. If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection)**
29. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection Department)**

Original Signed By:

LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON

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 PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS AND THE COASTAL COMMISSION.

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 Monterey.

2. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.