

LYNNE MOUNDAY
MONTEREY
ZONING ADMINISTRATOR

COUNTY OF
STATE OF CALIFORNIA

RESOLUTION NO. 020354

A. P. # 420-171-013-000

In the matter of the application of
Dan & Ellen Weiner TRS (PLN020354)

FINDINGS AND 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 for the demolition of an existing 1,900 sq. ft. residence and the construction of a new two-story 2,200 sq. ft. single family dwelling with a 144 sq. ft. attached carport; a 5,000 gallon water tank; Grading (280 cu. yds. of cut and 20 cu. yds. of fill); a Coastal Development Permit for removal of a 15" California Bay Laurel; a Coastal Development Permit for a waiver of the policy prohibiting development on slopes in excess of 30%; and Design Review. The property is located at Lot 17, Coastlands, Big Sur area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on April 24, 2003.

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

1. **FINDING:** The project, as conditioned, is consistent with the applicable plans and policies of the Big Sur Land Use Plan and Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20) which designates this area as appropriate for residential development.
EVIDENCE:
 - (a) PBI staff have reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 20). Staff notes are provided in project file PLN020354.
 - (b) Project planner conducted an on-site inspection on August 27, 2002 and December 10, 2002 to determine visibility from Highway 1 and to verify that the project conforms to policies and regulations in the plans listed above. The proposed project is not visible from Highway 1.
 - (c) The single family home is an allowed use in accordance with Section 20.16 of the Monterey County Zoning Ordinance.
 - (d) The parcel is zoned Rural Density Residential, Coastal Zone ("RDR/40 (CZ))." The project is in compliance with Site Development Standards for a Rural Density Residential District pursuant to Section 20.16 of the Monterey County Zoning Ordinance.
 - (e) The Big Sur Land Use Advisory Committee recommended approval of the project by a vote of 6 to 0 January 14, 2003.
 - (f) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development in project file PLN020354.

- 2. FINDING:** 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. Zoning violation abatement costs, if any, have been paid.
- EVIDENCE:** Staff reviewed Monterey County Planning and Building Inspection Department records and has determined that no violations exist on subject property.
- 3. FINDING:** The site is suitable for the use proposed.
- EVIDENCE:** (a) The site has been reviewed for suitability by Planning and Building Inspection, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and CDF Fire Division. Conditions recommended by those agencies have been incorporated.
- (b) Staff conducted an on-site visit on August 27, 2003 and December 10, 2003 to verify that the site is suitable for this use.
- (c) Necessary public facilities are available and will be provided.
- (d) A Determination of Initial Study is in project file PLN020354 concluded that the project will not have any impacts.
- (e) A Geotechnical report and verification letter have been prepared by consulting geotechnical engineers and geologists with recommended conditions and modifications to provide additional assurances for project safety. "Geotechnical Investigation for Mr. and Mrs. Croninger" prepared by Grice Engineering and Geology, Inc, Salinas, CA, dated March 26, 2001 and the letter from Grice Engineering and Geology, Inc. to Mr. and Mrs. Weiner, dated November 4, 2002. The report and letter are in project file PLN020354.
- (f) A Geological report has been prepared by consulting geologists with recommended conditions and modifications that provide additional assurances for project safety. "Geophysical and Geological Evaluation at the Coastlands Road Site" by Gasch and Associates, Inc., Rancho Cordova, CA, dated March, 2001. The report is in project file PLN020354.
- 4. FINDING:** The project is exempt from environmental review.
- EVIDENCE:** (a) CEQA Guidelines Section 15303(A) categorically exempts the construction of a single family dwelling in a residential area.
- (b) No potential adverse environmental effects were identified during staff review of the development application or during the site visits on August 27, 2002 and December 10, 2002.
- (c) A Determination of Initial Study is in project file PLN020354 concluded that the project will not have any impacts.
- (d) Preceding Findings and Evidence.
- 5. FINDING:** 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 subject property is not described as an area where the Local Coastal Program requires access.
- (b) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- (c) Staff site visits on August 27, 2002 and December 10, 2002.

6. **FINDING:** The recommended conditions regarding landscaping have been applied to eliminate increased erosion. The recommended condition regarding lighting has 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 adopted and certified Monterey Coastal Implementation Plan and Policy 26.1.20 of the Monterey County General Plan.

7. **FINDING:** The project as proposed is consistent with policies of the Big Sur Land Use Plan and Title 20 (Zoning Ordinance) dealing with development in archaeologically sensitive areas.

EVIDENCE: (a) A condition has been added to require that work be stopped in the event that any archaeological resources are found on site.

(b) Archaeological report prepared by Archaeological Consulting dated October 22, 2003 contained in the project file. The report states that there are no identifiable archaeological resources located on site. A condition has been added to require that work stop in the event that any archaeological resources are found on site during construction.

8. **FINDING:** The proposed development on slopes 30 percent or more better achieves the goals, policies and objectives of the Monterey County Local Coastal Program

EVIDENCE: (a) The least possible land disturbance is proposed since the majority of the parcel has slopes greater than 30%. The entire development site consists of disturbed cut and fill as a result of previous construction activity. The actual slope underlying the proposed development ranges from 0% - 50%. Approximately ½ of the development would be on slopes between 30% and 50%. Approximately ½ of the proposed development is located within the footprint of the existing residence. Grading is minimal (280 cubic yards of cut and 20 cubic yards of fill).

(b) The proposed residence will be located so that the house does not protrude into the setback on the north side of the property.

(c) The portion of the proposed residence on slopes 30% or more is the minimum amount necessary.

(d) The geotechnical report states that the soils located on the steep slopes are suitable for the proposed development. Since access to the northerly portion of the site was restricted, the geotechnical consultant requests access after demolition so that additional recommendations may be incorporated in the project design, if required. A permit condition has been added to reflect this recommendation.

(e) Materials in file and applicant's request for a waiver of the policy prohibiting development on slopes greater than 30%.

- (f) A driveway exists to provide access to the residence. By using the existing driveway, additional development on slopes greater than 30% is not necessary.
- (g) Preceding findings and evidence.

9. FINDING: The proposed project is consistent with policies of the Big Sur Area Land Use Plan dealing with Forest Resource Development Standards. A memo entitled "Forester's Assessment and Recommendation on Proposed Construction" by Stephen R. Staub on January 29, 2003. It is on file at the Monterey County Planning & Building Inspection Department. The Forester states that the removal of the tree would improve the overall health of forest resources by removing a tree infected with Sudden Oak Death (SOD). The Forester's recommendations are incorporated as conditions of approval.

EVIDENCE: (a) According to the memo, the removal of the double trunk Bay tree would not impact forest resources and constitutes the minimum amount required in order to construct the single family residence.

(b) The application and plans submitted as well as correspondence, in project file PLN020354 at the Monterey County Planning and Building Inspection Department.

10. FINDING: 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, Public Works Department, Water Resources Agency, Parks Department, Environmental Health Division, and Fire Division. The respective departments and 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. The applicant has agreed to these conditions as evidenced by the testimony during the public hearing on April 24, 2003.

(b) Preceding Findings and Evidence.

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

EVIDENCE: Sections 20.86.080.A.1 and 20.86.070 of the Monterey County Coastal Implementation Plan (Part 1).

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 Weiner Combined Development Permit (PLN020354) consists of a Coastal Administrative Permit for the demolition of an existing two-story 1,900 sq. ft. residence and the construction of a new two-story 2,200 sq. ft. single family dwelling with a 144 sq. ft. attached carport; and a 5,000 gallon water tank; grading (280 cubic

yards of cut and 20 cubic yards of fill); a Coastal Development Permit for removal of a double trunk California Bay Laurel; a Coastal Development Permit for a waiver of the policy prohibiting development on slopes in excess of 30%; and Design Approval. The property is located at Lot 17, Coastlands (Assessor's Parcel Number 420-171-013-000), Big Sur Area, Coastal Zone. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use 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 the Issuance of Grading and Building Permits:

2. The applicant shall record a notice which states: "A permit (Resolution #020354) was approved by the Zoning Administrator for Assessor's Parcel Number 420-171-013-000 on April 24, 2003. The permit was granted subject to 30 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)**
3. 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 3 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)**
4. All cut and/or fill slopes exposed during the course of construction shall be covered, seeded with native grasses or otherwise treated to control erosion subject to the approval of the Director of Planning and Building Inspection. Erosion control notes shall be included on the building and grading plans to ensure compliance with the requirements. **(Planning and Building Inspection)**
5. All tree removal on the parcel must be in accordance with the "Forester's Assessment and Recommendation on Proposed Construction" by Stephen R. Staub on January 29, 2003. Native trees which are 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. Prior to issuance of building permits, the applicant shall schedule a site inspection with County staff or provide other documentation to verify said protection, which shall be subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

6. Prior to issuance of a permit (after demolition of the existing residence) the applicant shall provide evidence to the Director of Planning and Building Inspection that all building and grading plans have been reviewed by a qualified geotechnical consultant and that plans are consistent with the Geotechnical Investigation prepared by Grice Engineering and Geology Inc., dated March 26, 2001 and updated in November of 2002. Additional requirements may apply since access to the northern portion of the site was originally restricted. **(Planning and Building Inspection)**
7. The water tank shall be painted an earth tone color to blend into the area. The color of the water tank is subject to the approval of the Director of Planning and Building Inspection prior to the issuance of building permits. **(Planning and Building Inspection)**
8. Posted addresses 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 which the address is located. **(CDF Fire)**
9. A drainage plan shall be prepared by a registered civil engineer or architect to address on-site impacts. Storm water runoff from impervious surfaces shall be dispersed at multiple points, away from and below any septic leach fields, over the least steep available slopes, with erosion control at outlets. **(Water Resources Agency)**
10. Prior to issuance of building permits submit a plan to the Division of Environmental Health for review and approval from a registered civil engineer for the traffic reinforcement of the existing leach-field located under the proposed driveway. **(Environmental Health Division)**

Prior to Final Building Inspection/Occupancy:

11. Proof that a recorded right-of-way easement to allow access to the proposed parking area for the residence shall be provided to the Director of Planning and Building Inspection. Said driveway easement shall be located in the same location as the existing driveway. **(Planning and Building Inspection)**
12. Areas disturbed by construction shall be landscaped. No flammable vegetation is allowed. 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. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. **(Planning and Building Inspection Department)**
13. Prior to final inspection, the geologic consultant shall provide certification that all development is in accordance with the geologic report. **(Planning and Building Inspection)**

14. A scenic easement shall be conveyed to the County over those portions of the property where the slope exceeds 30 percent and are undeveloped. Scenic easement deed and map to be submitted to and approved by the Director of Planning and Building Inspection prior final occupancy. **(Planning and Building Inspection)**
15. The driveway 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. **(CDF Fire)**
16. Driveways shall not be less than 12 feet wide unobstructed. Unobstructed vertical clearance shall not be less than 15 feet. **(CDF Fire)**
17. The grade for all driveways shall not exceed 15 percent. Where road grades exceed 8 percent, a minimum structural roadway surface thickness of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. **(CDF Fire)**
18. Turnarounds shall be required on driveways 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. **(CDF Fire)**
19. 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 obstruction traffic on that road. Where gates are to be locked, the installation of a key box or other acceptable means to immediate access for emergency equipment is required. **(CDF Fire)**
20. All building shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own address. **(CDF Fire)**
21. 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. Address signs shall be non-combustible. **(CDF Fire)**
22. The project is served by the Coastlands Water System. All existing fire protection water appurtenances shall be retained. **(CDF Fire)**
23. Automatic Fire Sprinklers. Because of the sub-standard access and excessive slope, this 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. Installations, approval and maintenance shall be in compliance with NFPA 13D-1999. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough inspections must be completed prior to requesting a framing inspections." **(CDF Fire)**

24. Roof construction shall be ICBO Class A. **(CDF Fire)**
25. Smoke detectors and/or smoke alarms to be installed in accordance with the Uniform Building Code. Where a fire detection system is installed, plans and supporting documentation to be submitted for review and approval. **(CDF Fire)**
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)**

Continuous Permit Conditions:

27. 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)**
28. If, during the course of construction activity on the subject property, cultural, archaeological, historical, paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection)**
29. All landscaped areas and replanted trees 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)**
30. Because of extra hazardous conditions (slopes in excess of 30%), remove flammable vegetation from within 100 feet of structures. **(CDF Fire)**

PASSED AND ADOPTED this 24th day of April, 2003.

Original Signed By:

LYNNE MOUNDAY
ZONING ADMINISTRATOR

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