

FINDINGS & DECISION

In the matter of the application of

Eduardo & Carolyn Eizner (PLN030127)

for an Amendment to a previously approved Coastal Administrative Permit in accordance with Chapter 20.76 (Coastal Administrative Permits) of Title 20, Monterey County Code (Zoning), to delete the previously approved two-story single family residence from the plans, to convert the existing 910 sq. ft. artist studio (Yurt) into a single family residence, construct a 1,725 sq. ft. one-story additions and a 525 sq. ft. deck to the artist studio, and relocate and attach the previously approved 240 sq. ft. carport to the artist studio, located at 46205 Clear Ridge Road, Big Sur, Big Sur Coast area, Coastal Zone, came on regularly for hearing before the Zoning Administrator on October 30, 2003.

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

- 1. FINDING: CONSISTENCY, SITE SUITABILITY, AND PUBLIC ACCESS** – The Eizner Permit Amendment (PLN030127), as described in Condition #1, and as conditioned, is consistent with the plans, policies, requirements, and standards of the Local Coastal Program (LCP). The LCP for this site consists of the Big Sur Coast Land Use Plan, Big Sur Coastal Implementation Plan (Part 3), Part 6 of the Coastal Implementation Plan, and Part 1 of the Coastal Implementation Plan (Title 20 Zoning Ordinance). The property is located at 46205 Clear Ridge Road, Big Sur, Coastal Zone. The parcel is zoned “WSC/40-D (CZ)” (Watershed and Scenic Conservation, 40 acres per unit, Design Control, in the Coastal Zone). 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 the 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 impacts 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 application and plans submitted for the Permit Amendment in project file PLN030127 at the Monterey County Planning and Building Inspection Department.
- (b) The applicant provided the Monterey County Planning and Building Inspection Department with an amended Design Approval Request, drawings, and a statement of materials and colors to be used.
- (c) The proposed Permit Amendment and the changes to the project are described in Condition 1. On August 13, 1998, the Zoning Administrator adopted Resolution No. 970383 approving the original project. The original project was much larger in terms of the number and size of the structures. In addition, the development was sited in several locations across the parcel. The only structure constructed pursuant to Resolution No. 970383 was the artist studio (yurt). In contrast, the proposed project is much smaller and would consolidate all of the structures on one area of the parcel. Approval of this project would supercede Resolution No.

970383 since that project would no longer apply. Applicable conditions from the adopted Resolution are included in this project.

(d) The Geotechnical Report prepared by Grice Engineering, Inc., dated January 21, 1998, concludes that the site is suitable for the project, provided that the recommendations are incorporated in the project design.

(e) The Archeological Report prepared by Archaeological Consulting, dated November 14, 1997, concludes that there is no surface evidence of potentially significant archeological resources on the site.

(f) Hutchinson's larkspur, an endangered plant species, is present on the subject property along the cut bank on the south side of Clear Ridge Road. The Biological Assessment prepared by Jeff Norman, dated June 25, 2003, concludes that the proposed development is sufficiently setback from the larkspur plants (approximately 250 feet) and will have no impact.

(g) The project planner conducted a site visit on August 01, 2003, to verify that the proposed project complies with the LCP. The project will not have a significant adverse effect on the public viewshed and will not intrude on the critical viewshed.

(h) The Big Sur Land Use Advisory Committee reviewed and recommended approval (5 - 0 vote) of the Permit Amendment on August 26, 2003.

(i) The project and site have been reviewed by the Monterey County Planning and Building Inspection Department, Coastal Commission, Department of Forestry and Fire Protection, Monterey County Water Resources Agency, Monterey County Public Works Department, Monterey County Parks Department, and Monterey County Health Department. There has been no indication from these 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.

(j) The subject property is not described as an area where the Local Coastal Program requires access and is not indicated as part of any designated trails or shoreline access. No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

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

EVIDENCE: (a) Sections 15303(a) and (e) of the CEQA Guidelines categorically exempt the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.

3. **FINDING:** **NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and other applicable provisions of Title 20. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: (a) Sections 20.16.020 and 20.44.020 of Title 20 Zoning Ordinance (Part 1 of the Monterey County Coastal Implementation Plan). Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.

4. **FINDING:** **HEALTH AND SAFETY** – 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: (a) Preceding findings and supporting evidence.

5. **FINDING: APPEALABILITY** – The decision on this project is appealable to the Board of Supervisors and the Coastal Commission.

EVIDENCE: (a) Sections 20.86.030 and 20.86.080 of Title 20 Zoning Ordinance (Part 1 of the Monterey County Coastal Implementation Plan).

DECISION

THEREFORE, it is the decision of said Zoning Administrator that said application for a Coastal Administrative Permit be granted as shown on the attached sketch, subject to the following conditions:

1. The Eisner Permit Amendment (PLN030127) amends a previously approved Coastal Administrative Permit and Design Approval (Resolution No. 970383) consisting of the following: 1) delete the previously approved two-story single family residence from the plans; 2) convert the existing 810 sq. ft. artist studio (yurt) into a single family residence; 3) construct a 1,725 sq. ft. one-story addition and a 525 sq. ft. deck to the artist studio; and 4) relocate and attach the previously approved 240 sq. ft. carport to the artist studio. The property is located at 46205 Clear Ridge Road (Assessor's Parcel Number 419-221-006-000), Big Sur Coast area, Coastal Zone. 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 the Issuance of Grading and Building Permits:

2. The applicant shall record a notice which states: "A permit (Resolution No. 030127) was approved by the Zoning Administrator for Assessor's Parcel Number 419-221-006-000 on October 30, 2003. The permit was granted subject to 13 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. Native 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 or grading permits. **(Planning and Building Inspection)**
5. Hutchinson's larkspur shall be protected during construction. Care must be taken that equipment operators are aware of the plant's location at the south edge of existing Clear Ridge Road. No equipment shall be operated within 20 feet of these plants. The plants shall be staked throughout construction. No excavated material shall be stored within 20 feet of these plants, or be allowed to cascade into, or otherwise deposited in this zone. Said protection shall be demonstrated prior to issuance of building or grading permits. **(Planning and Building Inspection)**
6. Prior to issuance of any grading or building permits, the applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Stormwater 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. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. **(Water Resources Agency)**

Prior to Final Building Inspection/Occupancy:

7. Any existing landscaping, Coast range grassland and Coastal terrace prairie that are disturbed by construction shall be re-landscaped and/or restored with indigenous drought-resistant non-invasive species and subject to the approval of the Director of Planning and Building Inspection. At least three weeks prior to occupancy, three copies of a landscaping/restoration 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/restoration plan shall incorporate the recommendations contained in the Biological Assessment prepared by Jeff Norman (June 25, 2003). This includes the removal of exotic plants such as Scotch and French Bloom, Eucalyptus, Kikiyu grass, Vinca, Pampas grass, Gorse and other non-native invasive species (including Monterey pine and various species of thistle) providing such removal does not increase potential erosion problems. In addition, any native landscaping planted within or surrounding the original location of the single family residence and carport (pursuant to the approved landscaping plan for Resolution No. 970383) shall be relocated in order to provide for screening of the new structures/additions as well as to return the habitat within that original location back to its former condition.* The landscaping/restoration plan shall be in sufficient detail to identify the location, specie, 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)**
8. All fire department notes are on the plans and shall be included on the building permit plans. **(Department of Forestry and Fire Protection)**

9. Fire sprinkler systems are required in completed new residence, including attached carport. **(Department of Forestry and Fire Protection)**
10. 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:

11. If cultural, archeological, 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 archeologist. The Monterey County Planning and Building Inspection Department and a qualified archeologist (i.e., an archeologist registered with the Society of Professional Archeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archeologist 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)**
12. All landscaped areas and/or fences shall be continuously maintained by the property owner and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**
13. 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)**

PASSED AND ADOPTED this 30th day of October 2003.

Original Signed By:

MIKE NOVO
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO 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 Planning Commission 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 two years after the above date of granting thereof unless construction or use is started within this period.