

RESOLUTION NO. 030032

A.P. # 131-051-001-000

**FINDINGS & DECISION**

In the matter of the application of  
**State of California (PLN030032)**

for a Coastal Administrative Permit in accordance with Chapter 20.76 (Coastal Administrative Permits) of Title 20, Monterey County Code (Zoning), to construct a new 3,607 square foot one-story research and education center and a 30,000-gallon water tank at the Elkhorn Slough National Estuarine Research Reserve. This new facility accommodates existing operations and includes four structures consisting of: 1) a 1,375 square foot conference room and office structure; 2) a 1,375 square foot research lab, mudroom and restrooms; 3) a 567 square foot classroom; and 4) a 290 square foot studio apartment for visiting researchers. The project includes fencing, parking area, and space for maintenance yard and future expansion area. Existing facilities at the reserve consist of a visitor center, administration center, maintenance yard, trailers and an outdoor amphitheater came on regularly for hearing before the Zoning Administrator on June 10, 2004.

Said Zoning Administrator, 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 North County Land Use Plan, Coastal Implementation Plan (Part 2), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20).  
**EVIDENCE:** (a) Plan Conformance. PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the North County Land Use Plan, Coastal Implementation Plan (Part 2), and the Monterey County Zoning Ordinance (Title 20). The project is consistent with these policies and standards as they apply to research and educational facilities and ridgeline development. Staff notes are provided in Project File PLN030032.  
(b) Site Visit. Project planner conducted an on-site inspection on April 29, 2004 and May 5, 2004 to verify that the project on the subject parcel conforms to the plans listed above.  
(c) Land Use. The project proposes a new 3,607 square foot one-story research and education center and a 30,000-gallon water tank at the Elkhorn Slough National Estuarine Research Reserve. This new facility accommodates existing operations and includes 1,375 square feet of conference rooms and offices, a 1,375 square foot research laboratory, mudroom and restrooms, a 590 square foot classroom, and a 290 square foot studio apartment for visiting researchers. The project includes fencing, parking modifications, and an area for the maintenance yard and future expansion area for the facility. Research dependent educational and scientific research facilities and uses are allowed uses in accordance with §20.36.040.A.  
(d) Zoning Consistency. The parcel is zoned Resource Conservation, Coastal Zone ("RC (CZ))." The project is in compliance with Site Development Standards for a Resource Conservation District in accordance with §20.36.060.

(e) Studio Apartment. The project includes a 290 square foot studio apartment. Residential uses are not permitted in a resource conservation-zoning district, but the temporary quarters are necessary to accommodate visiting researchers for short stays and are not intended as a permanent residence. This use is consistent with the research and educational nature of the reserve and zoning district. A condition has been incorporated requiring a deed notice to be recorded stating that this apartment will be used as temporary quarters only (Condition #3).

(f) Parking. The project includes an ADA-compliant, 12-space, gravel parking lot adjacent to the proposed facility. Current needs are served by the existing paved parking lot, which has approximately 31 car spaces and 5 bus spaces, and a grassy area to its east for overflow parking. The project retains both parking areas. The driveway to the new parking area is currently used to access the parking overflow area. The project does not propose to increase the number of employees or events. Parking for the Mother's Day event consists of 150 to 200 cars at any given time for the one-day event. Parking is coordinated and by utilizing both the overflow parking area as well as the driveway area the vehicles can be accommodated. Parking capacity is adequate for the proposed project and general needs.

(g) Visual Resources. See Finding #6.

(h) Ridgeline Development. The project does not constitute ridgeline development. See Finding #7.

(i) No Intensification of Use. See Finding #8.

(j) Land Use Advisory Committee (LUAC). The North County Land Use Advisory Committee reviewed the project and recommended approval by a vote of 4-0. The LUAC suggested that the water tank be placed on or above the ground to ensure adequate water flow in the event of an emergency or power outage. The applicant has agreed to this. In general, the LUAC expressed support for the project's need, purpose, and design. LUAC meeting minutes dated May 3, 2004.

(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 PLN030032.

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

**EVIDENCE:** (a) Planning and Building Inspection Department, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and North County Fire Protection District have reviewed the project for suitability. Conditions recommended have been incorporated.

(b) Technical reports by biology, archaeological, geological or geotechnical consultants indicate that there are no physical or environmental constraints such as environmentally sensitive habitats or similar areas that would indicate the site is not suitable for the use proposed. Agency staff concurs. Reports are in Project File PLN030032.

(c) Biological survey and notes by Andrea Woolfolk, Stewardship Coordinator at ESNERR, May 14, 2003.

(d) The project is located in a high archaeological sensitivity zone according to County resource maps. A cultural resources report prepared by John Michael King, dated 1982, identified no cultural or archaeological resources in the project area. A standard condition has been incorporated requiring that work be halted if any archaeological resources are uncovered.

(e) “Geotechnical Investigation” prepared by Kleinfelder, Inc., dated December 16, 2003. “Geologic and Seismic Hazards Assessment” prepared by Kleinfelder, Inc., dated December 5, 2003.

(f) Staff conducted an on-site visit on April 29, 2004 and May 5, 2004 to verify that the site is suitable for this use.

(g) Necessary public facilities are available and will be provided.

**3. FINDING: CEQA (Mitigated Negative Declaration):** Pursuant to Section 15096 (Process for a Responsible Agency) of the CEQA guidelines, the County, as a Responsible Agency, has followed the process set forth in this section and as such has considered the Mitigated Negative Declaration prepared and adopted by the California Department of Fish & Game as Lead Agency. The County finds that there is no substantial evidence, based on the whole record, that supports a fair argument that the project, as designed, conditioned and mitigated, will have a significant environmental impact. This determination reflects the independent judgment and analysis of the County.

**EVIDENCE:** (a) The California Department of Fish and Game (DFG), as Lead Agency, prepared an Initial Study (Mitigated Negative Declaration) pursuant to California Environmental Quality Act (CEQA) and its Guidelines. The Initial Study provides substantial evidence that the project, with the addition of Mitigation Measures, would not have significant environmental impacts.

(b) The Mitigated Negative Declaration was circulated for public review from August 25, 2003 to September 23, 2003 and subsequently adopted by DFG on October 1, 2003. The Initial Study was submitted to Monterey County for review as a responsible agency. Comments on the Initial Study submitted by Monterey County were responded to and include:

- Aesthetics: Comments concerned project siting potential ridgeline development, landscaping, light & glare and are addressed in the visual discussion (Finding #6). Visual impacts have all been reduced to a less than significant level.

- Air Quality: Comments concerning monitoring and timing of the air quality mitigation measures and has been addressed by the mitigation monitoring and reporting program prepared by DFG.

- Biological Resources: Comments concerned possible nesting birds in the project area and tree protection measures. The project site consists of non-native grasses. A biological survey conducted by Andrea Woolfolk on May 14, 2003 identified in the project area only two types of native forbs, two sky lupine plants and some miner’s lettuce. The survey also noted four native coyote brush and 10 coast live oak saplings, planted by staff and volunteers, near the project site. Oak trees border the field to the south. No oaks will be impacted by the project and trees in the project vicinity will be protected with temporary fencing. According to the biological report, no nests were found during the survey or have been reported by researchers. No sensitive or special status species are located in the project area. Disturbed areas will be seeded with native plants as part of the erosion control measures. No sensitive biological resources are impacted by the project

- Hydrology & Water Quality: Comments concerned intensification of water and septic use and erosion control details. The proposed project does not intensify use or increase the number of employees or events and has been demonstrated to the satisfaction of staff. The 30,000-gallon water tank is necessary to meet fire requirements. No expansion of the septic system is proposed, although additional information was provided

to the Division of Environmental Health to demonstrate an adequate alternative site in the case the existing system should fail. An erosion control plan has been incorporated as part of the project.

- Transportation: Comments concerned impacts to parking capacity. The project includes an ADA-compliant, 12-space, gravel parking lot adjacent to the proposed facility. Current needs are served by the existing paved parking lot, which has approximately 31 car spaces and 5 bus spaces, and a grassy area to its east for overflow parking. The project retains both parking areas. The driveway to the new parking area is currently used to access the parking overflow area. The number of employees and events will not be increased. Proposed parking is adequate to serve current demand and general needs.

(c) The Initial Study noted several potentially significant effects, but identified measures that would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur. The Initial Study is on file in the office of PB&I and is hereby incorporated by reference (PLN030032). All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval.

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

- the application
- “Geotechnical Investigation” prepared by Kleinfelder, Inc., dated December 16, 2003. “Geologic and Seismic Hazards Assessment” prepared by Kleinfelder, Inc., dated December 5, 2003. Biological survey and notes by Andrea Woolfolk, Stewardship Coordinator at ESNERR, May 14, 2003. A cultural resources report prepared by John Michael King, dated 1982. These reports are on file in the offices of PBI (File Reference PLN030032) and are incorporated by reference herein.

(e) The Initial Study addresses the following areas and includes mitigation measures and associated Mitigation Monitoring and Reporting Program for:

- Air Quality: Localized, short-term air quality impacts are expected to occur due to grading associated with the driveway and construction in general. Because the project is located in the North Central Coast Air Basin which is currently designated “nonattainment” for state and PM<sub>10</sub> ozone standards, short-term increases in emissions could contribute to existing non-attainment conditions. The nearest single-family dwelling is approximately 600 feet away and construction activities could expose sensitive receptors to pollutants. A less-than-significant impact will result with the implementation of the Air Quality Mitigation Measure of the Initial Study, which includes controlling fugitive dust and proper use and maintenance of equipment.
- Cultural Resources: Although no cultural resources have been identified in the project area, the site is located in an area of high archeological sensitivity, according to the resource maps of the Coastal Implementation Plan for the North County Land Use Plan. Mitigation to reduce the potential impact to a less than significant level includes stopping work in the event any cultural resources or human remains are uncovered until they can be properly assessed
- Geology & Soils: The project includes grading that could potentially increase soil erosion. A mitigation measure requires preparation of an erosion control plan using Best Management Practices to minimize erosion and reduce the potential impact to a less than significant level. An erosion control plan has been submitted as part of the project application.

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. 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 existing on subject property.  
(b) Staff conducted an on-site visit on April 29, 2004 and May 5, 2004 to verify that the site is suitable for this use.
5. **FINDING: PUBLIC ACCESS:** The subject 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 §20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.
- EVIDENCE:** (a) The subject property is currently under public ownership and is open to the public. Public access is already provided and the proposed project does not interfere with any public access.  
(b) Staff site visit on April 29, 2004 and May 5, 2004.
6. **FINDING: VISUAL RESOURCES:** The subject project is consistent with North County Land Use Plan policies protecting visual and scenic resources, as described in §20.144.030 of the Monterey County Coastal Implementation Plan.
- EVIDENCE:** (a) The project is located in a visually sensitive area of North Monterey County and is subject to visual resource regulations in accordance with §20.144.030 of the Monterey County Coastal Implementation Plan.  
(b) Siting. Siting is required to maximize the screening of structures from public view, minimize obstruction of views of the shoreline and minimize visibility (§20.144.030.B.2a). The facility is located in the developed area near the reserve entrance to keep development clustered. Several locations were considered in this area, including sites adjacent to the maintenance yard and near the administrative building. However, these other locations would require substantial grading and tree removal because of the slopes and existing vegetation. CIP §20.144.030.B.4 requires siting development to minimize grading and tree removal. Other sites would leave the development more visible from Elkhorn Slough and public trails and also begin to intrude on views of the slough and on native habitat. The proposed location requires minimal grading (approximately 10 cubic yards) and no tree removal. It is located in a field made up of non-native grasses and is not visible from the Slough or public trails. It is visible from the parking lot and is also visible from Elkhorn Road, approximately 250 feet away. However, views of the facility from the Elkhorn Road are brief. The road forms a bend in that location to direct the line of sight away from the building. In addition, the road is well screened with trees and vegetation, but opens up briefly for several hundred feet near the reserve entrance. Proposed landscaping helps to further screen the structures from the road. The project is sited in front of the existing maintenance yard trailers so it does not interrupt existing views towards Moss Landing to the west. The water tank is located approximately 140 feet from the edge of Elkhorn Road, but the site is not visible to passing cars. It could be visible to a pedestrian on the road, but pedestrians are not common in this area. Existing vegetation and topography largely screens the site and

additional landscaping will further screen the water tank. The project meets the siting objectives of minimizing visibility and preserving public views.

(c) Design & Colors. The design and color of structures is required to use natural materials, earth-tone colors and blend in with the rural setting (§20.144.030.B.2b). The project matches the existing administrative building and visitor's center with asphalt shingles and a board and batten exterior appearance. The rural barn-like design also matches appearance and general size of the existing structures. The clerestory not only functions as an architectural feature to suggest a barn, but is also intended to help with natural ventilation for a more energy efficient design. The applicant proposes to paint the structures gray to match the existing buildings. This color is consistent with the other structures and is a neutral and non-descript color that does not clash with the natural colors of the vegetation or sky. The additional length of fence should match the existing green chain link fence. A condition has been incorporated requiring the applicant to color the structures, water tank, and fence colors that would blend in with the setting and still be compatible with existing structures (Condition #4). The project as designed and conditioned is consistent with this requirement for appropriate design and colors.

(d) Landscaping & Lighting. Landscaping is required to use native plants and to screen development where necessary while exterior lighting is required to be unobtrusive (§20.144.030.B.2c). The applicant has submitted preliminary landscape plans to help screen the new facility and parking area. It uses native, drought-tolerant vegetation. Native trees from 15-gallon size cans provide for sizeable trees. Lighting for the project entails 3 pole-mounted pathway and parking lot lights and wall-mounted security lighting. Lighting will be consistent with existing on-site lighting and will be shielded and focused downward. Conditions have been incorporated requiring proof of compliance with the project specifications (Condition #6 & 7). The project as designed and conditioned is consistent with landscaping and lighting requirements.

(e) Bulk, Size, Height. Structures should be modified to protect and minimize visibility (§20.144.030.B.2d). The size and design of the structures are consistent with existing buildings and structural height is minimal. The facility is oriented so that the narrow side faces the road and is broken up into smaller structures rather than one larger building. The buildings roofs are approximately 16 feet at the ridge, although a clerestory, which runs along length of the roofs, adds another 4 feet. The clerestory is narrow and does not add substantial mass. It is intended to suggest a barn, consistent with the rural setting and also allows for natural ventilation to enhance energy efficiency, consistent with policy 13.4.3 of the Monterey County General Plan. The project minimizes its visibility.

(f) Application plans and materials contained in project file number PLN030032.

(g) Staff site visits on April 29, 2004 and May 5, 2004.

7. **FINDING – RIDGELINE DEVELOPMENT:** The subject project does not constitute ridgeline development, as detailed in §20.66.010 and §20.144.030.B.6 of the Monterey County Coastal Implementation Plan (CIP).

**EVIDENCE:** (a) The project is located on a level section of an east-west tending ridge that looks out towards Elkhorn Slough to the west. CIP §20.144.030.B.6 prohibits ridgeline development, defined as “development on the crest of a hill which has the potential to create a silhouette or other substantially adverse impact when viewed from a public viewing area.” For this project, the public viewing area includes Elkhorn Road, Elkhorn Slough and all of Elkhorn Slough Reserve. The project is not visible for from Elkhorn

Slough and is not visible from the reserve, except from the entrance/parking lot and visitor center area. The project is briefly visible from Elkhorn Road at the entrance to the reserve. From this location, the project does create a silhouette against the sky based on the staking and flagging and photo simulations submitted by the applicant. The entire property is within the public viewshed and there are no locations that would avoid a silhouette. Other potential locations would require additional grading and tree removal.

(b) The project creates a silhouette that is minor and unavoidable. The development silhouettes against the sky when viewed from the road or entrance driveway, but it is a minimal amount because there is a line of trees in the background. It also screens the existing maintenance yard and some telephone poles. Landscaping will largely screen the structure. Structural height consistent with existing buildings and is minimal. The one-story structures are approximately 16 feet at the ridge, although a clerestory, which runs along length of the roofs, adds another 4 feet. The clerestory is narrow and does not add substantial mass. It is intended to suggest a barn, consistent with the rural setting and also allows for natural ventilation to enhance energy efficiency, consistent with policy 13.4.3 of the Monterey County General Plan. The project does not create a substantial adverse impact from a public viewing area.

(c) The development is not located on the crest of a hill. The geologic feature is technically a plateau, but is a flat, wide plateau that contains the whole developed entrance area. The development is located on the same horizon plane as the viewpoints and views do not face up towards the sky as they would for development on a hill.

(d) Application plans and materials contained in project file number PLN030032.

(e) Staff site visits on April 29, 2004 and May 5, 2004

**8. FINDING: NO INTENSIFICATION OF USE:** The subject project does not increase the number of employees or events and does not intensify use of the property.

**EVIDENCE:** (a) The project consists of a 3,607 square foot facility for research and educational functions, which are currently accommodated in various trailers and rooms located in the maintenance yard area. The existing trailers will be converted to storage. A 30,000-gallon water tank will be installed to meet Fire requirements. Existing activities on the reserve include habitat restoration and management, research projects, volunteer programs, and educational programs for the general public and school groups. Employees are made up of the Department of Fish and Game (4 full-time/3 part-time), Elkhorn Slough Reserve (6 full-time/3 part-time) and Elkhorn Slough Foundation (8 full-time/3 part-time). Visitors include the general public (approximately 40,000 annually), schools and youth groups (approximately 10,000 annually), and researchers (approximately 65). Annual events held on the reserve include Mother's Day (500 people), Estuaries' Day (50 people) and a Volunteer Appreciation Party (150 people). No additional employees or events are proposed or anticipated.

(b) The Division of Environmental Health reviewed the project for its potential to intensify water use and increase demand on the septic system and determined that the project did not include intensification.

(c) Although local building permits are not required for this state facility, permits from the Planning Division and Environmental Health Division are required for new or replacement water and septic systems, new structures and expansions. In those events, an increase in usage would be evaluated. Overall usage of the reserve by visitors and schoolchildren could also increase naturally over time. Intensified use of the property potentially requires additional analysis and permits and could also impact parking

capacity. A condition has been incorporated requiring the applicant to submit information and plans for review by the Director of Planning and Building in the event that new structures, additions, expansion, or other improvements are proposed. They would require evaluation of potential intensification and are subject to any required permits (Condition #8).

(d) Although there are no current expansion plans and the facility is designed to accommodate existing uses, the area between the maintenance yard and the new facility is intended to provide space for future expansion of the facility if needed. Under proposed plans, this area will be used to expand the maintenance yard to accommodate better equipment storage and improve the work area and for the new parking lot. The yard is constrained on three sides by oak trees to the south, the parking lot to the north and existing structures to the west. In addition, beyond the existing structures on the western side is a grassy field used by visitors and containing a trailhead that leads to the slough. Developing in this direction would begin to encroach on native habitat and on the educational and research activities. The area to the east of the yard is a level field made up of non-native grasses and the expanded maintenance yard will be screened behind the proposed structures and landscaping. Expansion could occur here without any new impacts or issues, but could result in potential intensification. This area is identified as a location for potential future expansion, but is subject to additional required permits. §20.70.120.B.6 (Title 20) requires a coastal development permit for “any improvement to a structure which increases the intensity of use of the structure or changes the nature of the use.” A condition has been incorporated requiring future expansion to occur in this direction unless it is shown to be unfeasible or an alternative would otherwise better meet the goals and policies of the Land Use Plan, subject to permits (Condition #9).

(e) Project application and plans contained in file number PLN030032.

**9. 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) Planning and Building Inspection Department, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and North County Fire Protection District reviewed the project. 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 application and accompanying materials and conditions.

(b) A location for a secondary leach field and septic system was identified and submitted to the Environmental Health Division to address their concern in the event that the existing system ever fails. This secondary system is not included in this proposal or expected to be necessary, but was requested to show that the capacity exists if required.

(c) The project is for a state-run facility on state-owned property and is not required to obtain local building or grading permits. The applicant has agreed to provide building plans to local agencies for review in order to ensure compliance with local regulations and permit conditions. A condition has been incorporated clarifying this (Condition #5).



- 10. FINDING: APPEALABILITY:** The project is appealable to the Board of Supervisors. The project is not appealable to the California Coastal Commission.
- EVIDENCE:** (a) §20.86.030.A of the Monterey County Coastal Implementation Plan (Part 1).  
(b) The project is not located between the first public road and sea and is not located within 100 feet of a wetland, estuary, or stream. The project does not include development that would be a conditional use and does not constitute a major public works project, §20.86.080.A of the Monterey County Coastal Implementation Plan (Part 1).

### **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 attached conditions.

**PASSED AND ADOPTED** this 10th day of June 2004.

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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 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 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.