

MIKE NOVO  
ZONING ADMINISTRATOR

STATE OF CALIFORNIA  
COUNTY OF MONTEREY

RESOLUTION NO. 040219

A.P. # 419-071-004-000

In the matter of the application of  
**San Francisco Zen Center (PLN040219)**

**FINDINGS & DECISION**

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow the demolition and reconstruction of two cabins (Cabin #14 and Cabin #15) located within the Tassajara Springs Zen Mountain Center, a Monterey County Historic Landmark. The property is located at 47791 Tassajara Road, Carmel Valley, Cachagua area, came on regularly for hearing before the Zoning Administrator on October 14, 2004.

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

**FINDINGS OF FACT**

**1. FINDING: CONSISTENCY** – The San Francisco Zen Center Use Permit (PLN040219), as described in Condition #1, and as conditioned, is consistent with the plans, policies, requirements, and standards of the Monterey County General Plan, Cachagua Area Plan, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for public/quasi-public development.

**EVIDENCE: (a) Plans/Regulations** – The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- 1) Monterey County General Plan
- 2) Cachagua Area Plan
- 3) Title 21 Zoning Ordinance

There would be no conflict or inconsistencies with these policies or regulations. Staff's record of review is provided in project file PLN040219.

**(b) Land Use Designation** – The parcel is zoned Public/Quasi-Public, Historic Resources ("PQP-HR"). The project is in compliance with the Site Development Standards for Public/Quasi-Public Zoning District in accordance with Section 21.40.060 and Regulations for Historic Resources Zoning District in accordance with Section 21.54.080.

**(c) Site Description** – The project site is approximately 160 acres in size and the zoning designation does not require a minimum acreage for parcels in this district. The cabin replacement project is an allowed use in accordance with Section 21.40.040.C (structures accessory to any permitted uses).

**(d) Biological Resources** – A biological assessment was prepared by Rana Creek Habitat Restoration (July 3, 2003) for the project. According to the assessment, there were no rare plants or animals found in the vicinity of the cabins. Further, erosion control precautions such as silt fencing shall be used to minimize any sediment moving into the creek as a result of the project. Conditions of approval will require the implementation of

erosion control, riparian and tree protection measures prior to any demolition or construction work.

**(e) Visual Resources** – The cabins proposed for demolition and replacement (cabins # 14 and 15) are situated within a grouping of 10 redwood cabins (circa 1923) along a footpath. The project planner conducted a site visit on April 23, 2004 to verify that the proposed project will not have a significant adverse effect on the visual character of the area. Conditions of approval will require that the new cabins be reconstructed in such a way as to preserve the form and structure of the originals, including the setting, basic elements of architectural style, size and massing and construction materials such as wooden siding. Where feasible, materials from the original cabins shall be made available for salvage for use in the construction of the new cabins.

**(f) Archaeological Resources** – According to the Monterey County Geographic Information System, the project site is located within a high archaeological risk area. A preliminary cultural resources reconnaissance was prepared by Archaeological Consulting (June 26, 2003) for the project. According to the report, the project area does not contain surface evidence of potentially significant archaeological resources. Nevertheless, an ongoing condition of approval will require that land disturbance be halted in the event that cultural resources are found.

**(g) Seismic Hazards** – The project site lies in an area identified by the Monterey County Geographic Information System as an Undetermined Zone in terms of seismic sensitivity. However, the Inventory and Analysis Section of the Cachagua Area Plan identifies the site as a Seismic Hazard IV Zone (moderate). The project site is about a mile away from a potentially active fault known as Church Creek. The site is also identified as possessing a low risk for liquefaction, a low risk for landslides and a high risk for erosion. Erosion risk is most probably related to areas containing steep slopes, which is outside of the project area. The new cabins will be required to be built in conformance to the Uniform Building Code, which contains regulations to protect structures within active or potentially active seismic areas.

**(h) Flood Hazards** – A flood and erosion assessment was prepared by Soil Surveys, Inc. (June 26, 2003) for the project. According to the assessment, the new cabins at the proposed locations will not significantly reduce the capacity of the existing creek or watercourse or otherwise adversely affect any other properties by increasing stream velocities or depths, or diverting the flow. Additionally, the replacement cabins will be safe from flow-related erosion and will not cause flow-related erosion hazards or otherwise aggravate flow-related erosion hazards. The Water Resources Agency reviewed this assessment along with additional correspondence, which stated that the large buried boulders will help protect the sloping creek bank adjacent to the cabins from major slope erosion.

**(i) Historic Resources** – A revised historical evaluation of cabins # 14 and 15 at the Tassajara Springs Zen Mountain Center was prepared by Archaeological Resource Management (May 28, 2004) for the project. In addition, a letter regarding peer review of the revised historical evaluation was prepared by Kent Seavey (June 16, 2004) and a letter regarding the structural integrity of Cabins # 14 and 15 was prepared by Komendant Engineering, Inc. (June 14, 2004). Based on the above documentation and review by historical experts within the Monterey County Parks Department and the Monterey County Planning and Building Inspection Department, staff concurs with the

findings made in the letters prepared by Kent Seavey and Komendant Engineering, Inc. and conclude that the two cabins proposed for demolition were not constructed during the complex's period of significance (1875-1900), lack historic integrity to be considered for listing as historic resources and lack structural integrity to justify the making of structural repairs. Thus, mitigations will not be required and impacts will be less than significant.

(j) **Site Visit** – The project planner conducted a site visit on April 23, 2004 to verify that the proposed project complies with the Monterey County General Plan and the Cachagua Area Plan. Staff's memo regarding the site visit is in project file PLN040219.

(k) **Land Use Advisory Committee** – The Cachagua Land Use Advisory Committee reviewed and recommended approval (4 - 0 vote) of the Use Permit on April 19, 2004 with no changes.

(l) **Historic Resources Review Board** – The Monterey County Historic Resources Review Board reviewed and recommended approval (4 – 0 vote) of the Use Permit on September 2, 2004 with no changes.

(m) **Application Materials** – The application and plans submitted for the Use Permit in project file PLN040219 at the Monterey County Planning and Building Inspection Department.

(n) **Testimony** – No testimony, either written or oral, was received during the course of the public hearing process to indicate that there is any inconsistency with these plans or policies.

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

**EVIDENCE:** (a) The project has been reviewed for suitability by the Monterey County Planning and Building Inspection Department, Cachagua Fire Protection District, 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. Conditions recommended by these agencies have been incorporated as project conditions.

(b) The project planner conducted a site visit on April 23, 2004 to verify that the site is suitable for this use.

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

3. **FINDING: CEQA (Negative Declaration)** – The project is subject to environmental review pursuant to the requirements of the California Environmental Quality Act (CEQA). On the basis of the whole record before the Zoning Administrator, there is no substantial evidence that the proposed project as designed and conditioned will have a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County.

**EVIDENCE:** (a) The proposed project is not exempt from environmental review due to the potential to cause a substantial adverse change in the significance of a historic resource pursuant to CEQA Guidelines Section 15300.2 (Exceptions).

(b) Potentially adverse environmental effects were identified during staff review of the development application.

(c) The Planning and Building Inspection Department prepared an Initial Study pursuant to CEQA. The Initial Study found that the proposed project would not have a significant effect on the environment. The Initial Study is on file in the office of the

Planning and Building Inspection Department and is hereby incorporated by reference (File No. PLN040219).

(d) Evidence that has been received and considered includes the application, plans, materials, and technical reports, which are listed under Section IX (References) of the Initial Study and contained in project file PLN040219.

(e) The Negative Declaration was circulated for public review from August 13, 2004 to September 12, 2004.

(f) The Monterey County Department of Planning and Building Inspection, (located at 2620 First Avenue, Marina, CA, 93933) is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Negative Declaration is based.

4. **FINDING: FISH AND GAME FEE** – Considering the record as a whole, there is no evidence that the project will have any potential for an adverse effect either individually or cumulatively on wildlife resources as defined under Section 753.5 (d) of the Fish and Game Code.

**EVIDENCE:** The project proposes to remove and replace two existing cabins, which currently overhang the gulch above Tassajara Creek. The area below this gulch contains riparian habitat consisting of native riparian vegetation and woodland. The new cabins will be relocated away from Tassajara Creek and associated riparian habitat. Conditions of approval will require the implementation of erosion control, riparian and tree protection measures prior to any demolition or construction work. Development of the proposed project will not result in changes to the resources listed under Section 753.5. Therefore, payment of the fee is not required.

5. **FINDING: NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and other applicable provisions of Title 21. Zoning violation abatement costs, if any, have been paid.

**EVIDENCE:** Sections 21.40.020 and 21.54.020 of the Monterey County Zoning Ordinance. Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property

6. **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:** Preceding findings and supporting evidence.

7. **FINDING: APPEALABILITY** – The decision on this project is appealable to the Planning Commission.

**EVIDENCE:** Section 21.80.040.B of the Monterey County Zoning Ordinance (Title 21).

## **DECISION**

THEREFORE, it is the decision of said Zoning Administrator that said application for a Use Permit be granted as shown on the attached sketch, and subject to the attached conditions.

**PASSED AND ADOPTED** this 14th day of October 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 SECRETARY TO THE PLANNING COMMISSION 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 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 Salinas.

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