

MIKE NOVO  
ZONING ADMINISTRATOR

STATE OF CALIFORNIA  
COUNTY OF MONTEREY

RESOLUTION NO. 040665

A.P. # 419-251-012-000

**FINDINGS & DECISION**

In the matter of the application of

**Alexander & Sybilla Balkanski (PLN040665)**

for a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of Title 20, Monterey County Code (Zoning), to allow a Coastal Administrative Permit and Design Approval for first- and second-story additions to a single-family dwelling totaling 775 sq. ft., a detached 575 sq. ft. underground wine cellar, a 120 sq. ft. mechanical room, a 375 sq. ft. pool and spa with a retaining wall and deck, including 300 cu. yds. of grading; a Coastal Development Permit for native tree removal (6 redwoods, 1 oak); and a Coastal Development Permit for development within 750 feet of a known archaeological resource. The property is located at 9525 Pias Ranch Road, Big Sur, south of Sycamore Canyon Road, Coastal Zone, came on regularly for hearing before the Zoning Administrator on February 10, 2005.

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

**1. FINDING: CONSISTENCY, SITE SUITABILITY, AND PUBLIC ACCESS**

- The Combined Development Permit (PLN040665), as described in Condition 1, and as further 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*, the *Regulations for Development in the Big Sur Coast Land Use Plan* (Coastal Implementation Plan, Part 3), Part 6 of the Coastal Implementation Plan (Appendices), and Part 1 of the Coastal Implementation Plan (Title 20 - Zoning Ordinance).
- The property is located at 9525 Pias Ranch Road, Big Sur (Assessor's Parcel Number 419-251-012-000), south of Sycamore Canyon Road, Big Sur Coast LUP, Coastal Zone. The parcel is zoned "WSC/40-D (CZ)" (Watershed and Scenic Conservation, 40 acres per unit, Design Control District, 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).
- Adequate sewage disposal and water supply facilities exist or are readily available to the site, as approved by the Division of Environmental Health.

**EVIDENCE:** (a) The application and plans submitted for the Coastal Administrative Permit in project file PLN040665 at the Monterey County Planning and Building Inspection Department.

(b) The project was not reviewed by the Big Sur Land Use Advisory Committee pursuant to interim procedures adopted by the Board of Supervisors.

(c) The project planner reviewed the application materials against the County Code to verify that the proposed project complies with policies of the LCP. The proposed project, as designed, will not have a significant adverse effect on the Critical Viewshed of Big Sur because it is not visible from Highway 1 or other designated locations. The project is shielded from the view of neighbors to the north by an existing stand of redwood trees.

(d) The project and site have been reviewed by the Monterey County Planning and Building Inspection Department, California Department of Forestry and Fire Protection, Monterey County Water Resources Agency, Monterey County Public Works Department, and the 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 environmentally sensitive habitats or similar areas that would indicate the site is not suitable for the use proposed.

(e) According to the resource maps of the Monterey County Local Coastal Program (LCP), the area of the subject parcel was excluded from the 1975 seismic-hazards study prepared by Burkland & Associates. Nevertheless, according to the PBID geographic information system (GIS), it is not located within 1/8 of a mile of any known seismic fault. The San Gregorio and Sierra Hill faults, which are potentially active, lie more than a mile to the northeast of the subject parcel. The site is identified by the PBID GIS as having a high risk of landslides, and a high risk of erosion, but a low risk of liquefaction.

(f) No new 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.

2. **FINDING: TREE REMOVAL** – A Coastal Development Permit is required for the removal of trees and major vegetation. The project proposes the removal of one coast live oak (9" DBH) and five redwoods (6, 11, 9, 10, & 10" DBH), as well as one dead redwood (7" DBH). The trees proposed for removal are limited to that which is necessary for the proposed development and are within or immediately adjacent to the construction footprint. No trees will be removed outside of the area to be developed and their removal will not result in the exposure of structures to the Critical Viewshed. None of the trees proposed for removal are within a riparian corridor. No replanting of trees is required since those to be removed are less than 12" DBH.

**EVIDENCE:** (a) Section 20.145.060 (Forest Resources Development Standards) of the *Regulations for Development in the Big Sur Coast Land Use Plan*.

(b) The application and plans submitted for the Coastal Administrative Permit in project file PLN040665 at the Monterey County Planning and Building Inspection Department, including a Forest Management Plan prepared by Webster & Associates Professional Foresters, August 2004.

3. **FINDING: ARCHAEOLOGICAL RESOURCES** – A Coastal Development Permit is required for development within 750 feet of a known archaeological resource. A registered archaeological site is located within 150 feet of the proposed development. The project is designed and located to avoid impacts to the archaeological resources onsite by maintaining the project within the area previously disturbed for the development of the existing house onsite. The archaeological report prepared for the project recommends that an archaeological monitor be present onsite during earth-moving activities, which is hereby required as a condition of approval (Condition 10). Condition 11 requires work to be stopped if archaeological resources are found onsite. The applicant shall also request a rezoning of the parcel to add “HR” (Historical or Archaeological Resources) zoning district to the existing zoning of the parcel, pursuant to Condition 8; and the archaeological site shall be placed in an easement, pursuant to Condition 9.
- EVIDENCE:** (a) Section 20.145.130 (Archaeological Resources Development Standards) of the *Regulations for Development in the Big Sur Coast Land Use Plan*.  
(b) The application and plans submitted for the Coastal Administrative Permit in project file PLN040665 at the Monterey County Planning and Building Inspection Department, including an archaeological report prepared by Archaeological Resource Management, September 20, 2004.
4. **FINDING: CEQA** – The proposed project will not have a significant environmental impact.
- EVIDENCE:** Sections 15300.2 (Exceptions), 15303 (New Construction or Conversion of Small Structures), and 15304 (Minor Alterations to Land) of the CEQA Guidelines categorically exempt the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the project application.
5. **FINDING: NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of Title 20. Zoning violation abatement costs, if any, have been paid.
- EVIDENCE:** Section 20.14.020 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 development, 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 Board of Supervisors and the California Coastal Commission.
- EVIDENCE:** Sections 20.86.030 and 20.86.080 of the Monterey County Zoning Ordinance.

## DECISION

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

**PASSED AND ADOPTED** this 10<sup>th</sup> day of February, 2005.

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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 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 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.

<b>Monterey County Planning and Building Inspection Condition Compliance Matrix</b>	<b>Project Name:</b> <u>Balkanski</u>	
	<b>File No:</b> <u>PLN040665</u>	<b>APN:</b> <u>419-251-012-000</u>
	<b>Approval by:</b> <u>Zoning Administrator</u>	<b>Date:</b> <u>February 10, 2005</u>

<i>Permit Cond. No.</i>	<i>Impact Addressed, and Responsible Land Use Department</i>	<i>Compliance Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
<b>PLANNING &amp; BUILDING INSPECTION DEPARTMENT - CONDITIONS OF APPROVAL</b>					
1.	The subject permit approval allows a Combined Development Permit (PLN040665/Balkanski) consisting of a Coastal Administrative Permit and Design Approval for first and second-story additions to a single-family dwelling totaling 775 sq. ft., a detached 575 sq. ft. underground wine cellar, a 120 sq. ft. mechanical room, a 375 sq. ft. pool and spa with a retaining wall and deck, including 300 cu. yds. of grading; and a Coastal Development Permit for native tree removal (6 redwoods, 1 oak). The property is located at 9525 Pias Ranch Road, Big Sur (Assessor's Parcel Number 419-251-012-000), south of Sycamore Canyon Road, Big Sur Coast LUP, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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. <b>(Planning and Building Inspection)</b>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other- wise stated	

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2.	This permit shall expire two years from the date of adoption unless extended by the Director of Planning and Building Inspection pursuant to Section 20.82.110 of the Coastal Implementation Plan. <b>(Planning and Building Inspection)</b>	None		Feb. 10, 2007	
3.	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. <b>(Planning and Building Inspection)</b>	None	Owner/ Applicant	October 15 <sup>th</sup> to April 15 <sup>th</sup>	
4.	The applicant shall record a notice, which states: “A permit (Resolution 040665) was approved by the Zoning Administrator for Assessor's Parcel Number 419-251-012-000 on February 10, 2005. The permit was granted subject to 16 conditions of approval that 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. <b>(Planning and Building Inspection)</b>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of grading and building permits.	
5.	All exterior lighting shall be unobtrusive, compatible with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. <u>Exterior light sources that would be directly visible from critical viewshed viewing areas, as defined in Section 20.145.020, are prohibited.</u> The applicant shall submit three (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. <b>(Planning and Building Inspection Department)</b>	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.	Owner/ Applicant	Prior to Issuance of Grading and/or Building Permits	

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6.	Prior to the issuance of a building permit the applicant shall record a deed restriction which states: <i>“The parcel is located in a high fire hazard area and development may be subject to certain restrictions required as per Section 20.145.080.C of the Regulations for Development in the Big Sur Coast Land Use Plan and per the standards for development of residential property.”</i> <b>(Planning and Building Inspection)</b>	Submittal of approved and Recorded Deed Restriction to PBI.	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	
7.	Prior to the issuance of a building permit the applicant shall record a deed notice that states: <i>“A Forest Management Plan has been prepared for this parcel by Webster &amp; Associates Professional Foresters, dated August 2004, and is on file in the Monterey County Planning Department Library. All tree removal on the parcel must be in accordance with this Forest Management Plan, as approved by the Director of Planning and Building Inspection.”</i>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	
8.	The applicant shall request a rezoning of Assessor’s Parcel Number 419-251-012-000 to add an “HR” (Historical or Archaeological Resources) zoning district to the existing zoning of the parcel, as required by Section 20.145.120.D.2.b of the <i>Regulations for Development in the Big Sur Coast Land Use Plan</i> . <b>(Planning and Building Inspection Department)</b>	Submit request for rezoning in writing to the Planning and Building Inspection Department.	Owner/ Applicant	Prior to issuance of grading and building permits.	

<i>Permit Cond. No.</i>	<i>Impact Addressed, and Responsible Land Use Department</i>	<i>Compliance Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
9.	A Scenic and Conservation Easement shall be conveyed to the County over those portions of the property where known archaeological sites exist, where slopes exceed 30%, and where environmentally-sensitive habitats exist. A biological survey prepared by a qualified biologist and subject to approval by the Director of PBI shall be required to substantiate and verify the required extent of the easement area. A proposed easement deed shall be submitted to, and approved by, the Director of Planning and Building Inspection prior to issuance of grading and building permits. Prior to being accepted by the County, the proposed easement area shall be reviewed and verified as adequate to protect the resource by an archaeologist who has been selected from the County's list or archaeological consultants. The easements shall be conveyed to the County, upon approval by the Board of Supervisors, prior to final building inspection. <b>(Planning and Building Inspection)</b>	A) Submit adequate easement deed to PBI for review and approval by the Director of Planning and Building Inspection.  B) Conveyance to the County upon approval by the Board of Supervisors.	A) Owner/ Applicant/ Archaeologist/ Surveyor/ Biologist  B) Owner/ Applicant	A) Prior to Issuance of Grading & Building Permits. B) Prior to Final Building Inspection	
10.	A Registered Professional Archaeologist, or qualified archaeological monitor, supervised by a Registered Professional Archaeologist, shall be present during pre-construction and construction activities that involve earth disturbance, to include excavation for the pool, foundations, footings, utilities, etc. <b>(Planning and Building Inspection Department)</b>	The applicant shall submit a contract with a qualified archaeological monitor (i.e., a Registered Professional Archaeologist) to the Planning & Building Inspection Department, subject to approval by its Director. The contract shall contain professionally acceptable archaeological standards for investigation	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	



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		as established by the Society of Professional Archaeologists, or other recognized professional standard; the source of the standards employed shall be referenced, outlined, and included in the contract. A copy of the archaeologist's professional credentials shall be referenced by and attached to the contract.			
11.	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 a qualified professional archaeologist can evaluate it. 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. <b>(Planning and Building Inspection)</b>	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection Department and a qualified archaeologist immediately if cultural, archaeological, historical, or paleontological resources are uncovered. 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.	Owner/ Applicant/ Archaeolo- gist	Ongoing	

<b>Permit Cond. No.</b>	<b>Impact Addressed, and Responsible Land Use Department</b>	<b>Compliance Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</b>	<b>Responsible Party for Compliance</b>	<b>Timing</b>	<b>Verification of Compliance (name/date)</b>
12.	Grading and Building plans submitted for ministerial permits for this project shall be wet-seal stamped, signed, and dated by the project's consulting geotechnical engineer to certify that the project has been designed in full compliance with all recommendations contained in the geotechnical report prepared for the project. <b>(Planning and Building Inspection)</b>	Planning & Building Inspection staff shall verify that all grading and building plans submitted for ministerial permits are wet-seal stamped, signed, and dated by the project's consulting geotechnical engineer.	Owner/ Applicant/ Geotechnica l Consultant	Prior to Issuance of Grading and Building Permits	
13.	Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. <b>(Planning and Building Inspection)</b>	Submit certification by the geotechnical consultant to PBI showing project's compliance with the geological report.	Owner/ Applicant/ Geotechnica l Consultant	Prior to Final Building Inspection	
<b>DIVISION OF ENVIRONMENTAL HEALTH - CONDITION OF APPROVAL</b>					
14.	Provide to the Division of Environmental Health for review and approval, two (2) copies of an updated site plan showing specific location of the septic tank and leach field. Applicant must meet all setback requirements of the MCC Septic Ordinance 15.20. <b>(Environmental Health Division)</b>	Submit (2) copies of an updated site plan showing specific location of the septic tank and leach field.	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	
<b>WATER RESOURCES AGENCY - CONDITION OF APPROVAL</b>					

<b>Permit Cond. No.</b>	<b>Impact Addressed, and Responsible Land Use Department</b>	<b>Compliance Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</b>	<b>Responsible Party for Compliance</b>	<b>Timing</b>	<b>Verification of Compliance (name/date)</b>
15.	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. <b>(Water Resources Agency)</b>	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior final inspec- tion/ occu- pancy	
<b>CALIFORNIA DEPT. OF FORESTRY &amp; FIRE PROTECTION - CONDITION OF APPROVAL</b>					
16.	The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. <b>(California Dept. of Forestry &amp; Fire Protection)</b>	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Owner/ Applicant	Prior to issuance of grading and building permits	
		Applicant shall schedule fire dept. rough sprinkler inspection	Owner/ Applicant	Prior to framing inspec- tion	
		Applicant shall schedule fire dept. final sprinkler inspection	Owner/ Applicant	Prior final inspec- tion	

