

JEFF MAIN  
ZONING ADMINISTRATOR

STATE OF CALIFORNIA  
COUNTY OF MONTEREY

RESOLUTION NO. 060476

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

In the matter of the application of  
**San Francisco Zen Center (PLN060476)**

**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 construction of a one-story, approximately 3,090 square foot yoga/workshop building and the removal of one 12-inch diameter oak tree. The public/quasi-public use is within the property owned by the San Francisco Zen Center at Tassajara, designated as a historic resource in the California Inventory of Historical Resources. The property is located at 47791 Tassajara Road, Carmel Valley, Cachagua Area Plan, and came on regularly for hearing before the Zoning Administrator on March 27, 2008.

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

**FINDINGS OF FACT**

**1. FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, the Cachagua Area Plan, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for public/quasi public use.

**EVIDENCE:** (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of the application. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

(b) The property is located at 47791 Tassajara Road, Carmel Valley (Assessor's Parcel Number 419-071-004-000), Cachagua Area Plan. 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 yoga/workshop project is an allowed use in accordance with Section 21.40.040.C (structures accessory to any permitted uses).

(c) 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.

(d) The project planner conducted a site inspection on February 26, 2008 to verify the project plans and that the proposed project complies with the Monterey County General Plan and the Cachagua Area Plan.

(e) The Monterey County Historic Resources Review Board reviewed and recommended approval (4 – 0 vote) of the Use Permit on February 1, 2007 with no changes. According to HRRB's review of the project, the yurt to

be removed was not constructed during the complex's period of significance (1875-1900), and it lacks historic integrity to be considered for listing as a historic resource. Further, the proposed new structure and use would be consistent with Section 21.54 (Regulations for Historic Resources Districts) since it would neither adversely effect nor be incompatible with the use and exterior of existing designated historical resources, improvements, buildings and natural features of the site.

- (f) The project was not referred to the Cachagua Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the project is exempt from CEQA per Section 15303.
- (g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA – Planning Department for the proposed development found in Project File PLN060476.

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

**EVIDENCE:** (a) The project has been reviewed for site suitability by the following departments and agencies: RMA – Planning Department, Cachagua Fire Protection District, Water Resources Agency, Public Works Department, Parks Department, and Environmental Health Division. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

(b) Staff conducted a site visit on February 26, 2008 to verify that the site is suitable for this use.

(c) Materials in Project File PLN060476.

**3. FINDING: CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

**EVIDENCE:** (a) California Environmental Quality Act (CEQA) Guidelines Section 15303, categorically exempts the construction of limited numbers of new, small facilities.

(b) No adverse environmental effects were identified during staff review of the development application during a site visit on February 26, 2008.

(c) See preceding and following findings and supporting evidence.

**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 costs, if any, have been paid.

**EVIDENCE:** (a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.

**5. 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) Preceding findings and supporting evidence.

- 6. FINDING: TREE REMOVAL** – The project includes a Tree Removal Permit for the removal of one Oak tree in accordance with the applicable policies of the Cachagua Area Plan and the Monterey County Zoning Ordinance (Title 21). The Required Findings in order to grant the permit for tree removal have been met.

**EVIDENCE:** (a) Cachagua Area Plan Policy 8.2.2 states that the removal of native trees shall be discouraged and shall be allowed only with administration permit approval for removal of 4 or less trees with a trunk diameter in excess of 6 inches, measured two feet above ground level, on any given parcel in any twelve month period.

(b) Measures for tree protection during construction have been incorporated as conditions and include tree protection zones, trunk protection, hand excavation and bridging roots.

(c) The proposed structure has been sited to minimize the removal of native trees as much as possible.

(d) The removal will not involve a risk of adverse environmental impacts.

- 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 the 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 27th day of March, 2008.

  
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JEFF MAIN, ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **APR - 8 2008**

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 **APR 18 2008**

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 RMA - Planning Department and RMA - Building Services Department offices in Salinas.

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

**Resource Management Agency - Planning Department**  
**Condition Compliance & Mitigation Monitoring and**  
**Reporting Plan**

**Project Name:** San Francisco Zen Center  
**File No:** PLN060476  
**Approval by:** Zoning Administrator

**APN:** 419-071-004-000  
**Date:** March 27, 2008

*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Cond. Number	Mitig. Number	Impact Addressed, and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Clearing Condition	Timing	Verifi- cation of comp- liance
1		<p><b>PD001 - SPECIFIC USES ONLY</b></p> <p>The San Francisco Zen Center Use Permit (PLN060476) allows for the construction of a one-story, approximately 3,090 square foot yoga/workshop building and the removal of one 12-inch diameter oak tree. The public/quasi-public use is within the property owned by the San Francisco Zen Center at Tassajara, designated as a historic resource in the California Inventory of Historical Resources. The property is located at 47791 Tassajara Road, Carmel Valley (Assessor's Parcel Number 419-071-004-000), Cachagua area. 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 the RMA - Planning Department. 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

		requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. <b>(RMA – Planning Department)</b>				
2		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A Use Permit (Resolution No. 060476) was approved by the Zoning Administrator for Assessor's Parcel Number 419-071-004-000 on March 27, 2008. The permit was granted subject to 10 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of RMA - Planning Department prior to issuance of grading and building permits or commencement of the use. <b>(RMA - Planning Department)</b>	Proof of recordation of this notice shall be furnished to the RMA – Planning Department.	Owner/ Applicant	Prior to issuance of grading and building permits or start of use	
3		<b>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</b> 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 RMA - Planning 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>(RMA - Planning Department)</b>	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning 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/ Archaeologist	Ongoing	
4		<b>PD004 - INDEMNIFICATION AGREEMENT</b> The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the	Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.	Owner/ Applicant	Upon demand of County Counsel or concurrent with the	

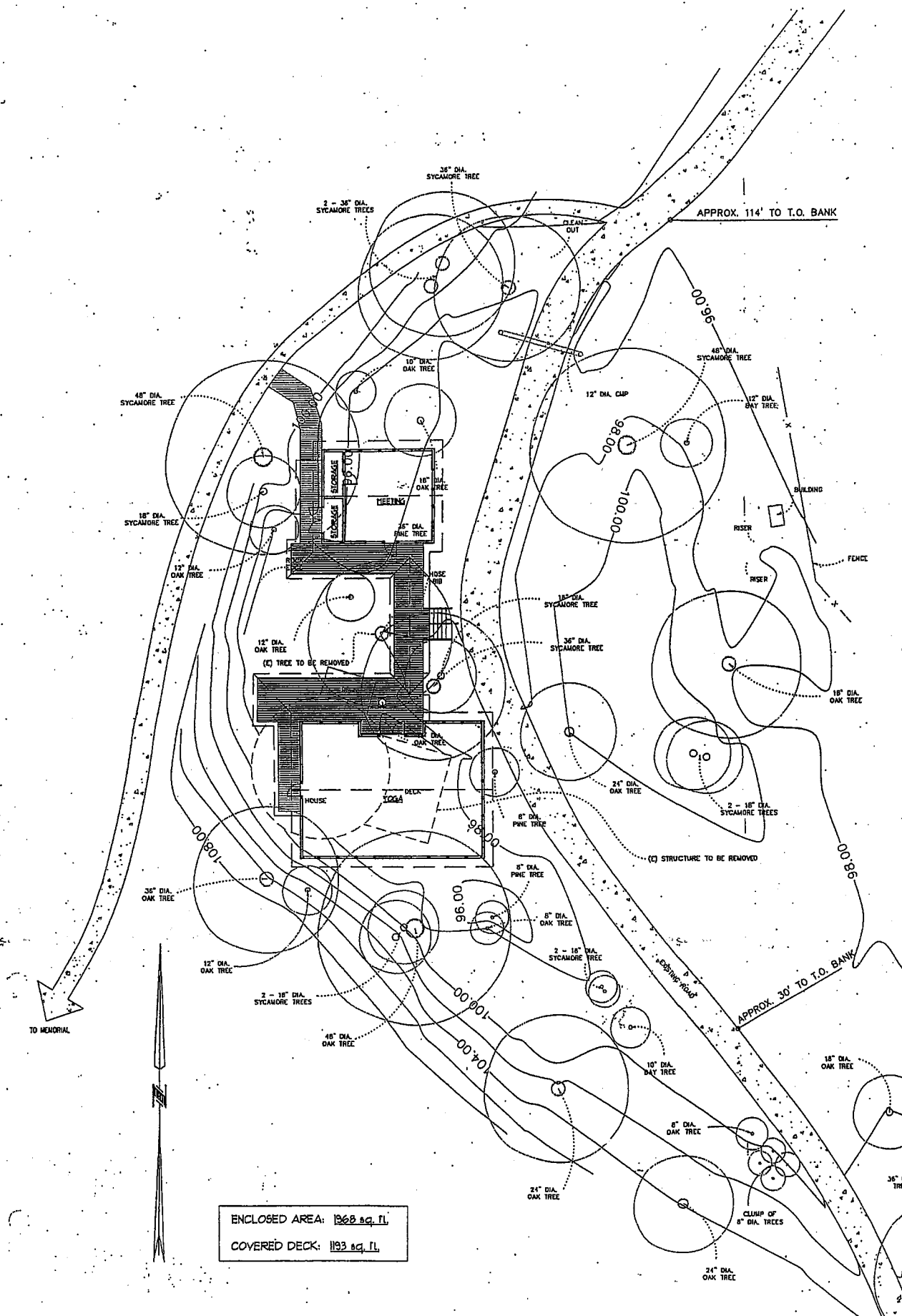
		County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)	Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.		issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable	
5		<b>PD011 – TREE AND ROOT PROTECTION</b> Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, 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, approved by a certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of the RMA – Director of Planning. If there is any potential for damage, all work must stop in the area and a	Submit evidence of tree protection to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of grading and/or building permits	
			Submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.	Owner/ Applicant/ Arborist	During Construction	

		report, with mitigation measures, shall be submitted by a certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. <b>(RMA - Planning Department)</b>	Submit photos of the trees on the property to the RMA – Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.	Owner/ Applicant	Prior to final inspection	
6		<b>PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN</b> All exterior lighting shall be unobtrusive, down-lit, 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 lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. <b>(RMA – Planning Department)</b>	Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.	Owner/ Applicant	Prior to the issuance of building permits.	
			The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to Occupancy / Ongoing	
7		<b>PW0006-CARMEL VALLEY</b> The Applicant shall pay the Carmel Valley Master Plan Area Traffic Mitigation fee pursuant to the Board of Supervisors Resolution NO. 95-140, adopted September 12, 1995 (Fees are updated annually based on CCI). <b>(Public Works)</b>	Submit applicable fee to Public Works.	Owner/ Applicant	Prior to issuance of building permits	
8		<b>WR0002- STORMWATER CONTROL</b> 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 all outlets. Drainage improvements shall be constructed in	Drainage plan shall be submitted to the Water Resources Agency for review/approval.	Owner/ Applicant	Prior to issuance of any grading or building permits	



		accordance with plans approved by the Water Resources Agency. <b>(Water Resources Agency)</b>				
9		<b>WR0040 - WATER CONSERVATION MEASURES</b> 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: <ul style="list-style-type: none"> <li>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.</li> <li>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></li> </ul>	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	
10		<b>FIRE027 - ROOF CONSTRUCTION - (VERY HIGH HAZARD SEVERITY ZONE)</b> All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. <b>(Cachagua Fire Protection District)</b>	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Owner/ Applicant	Prior to issuance of building permit	

END OF CONDITIONS



# SITE PLAN

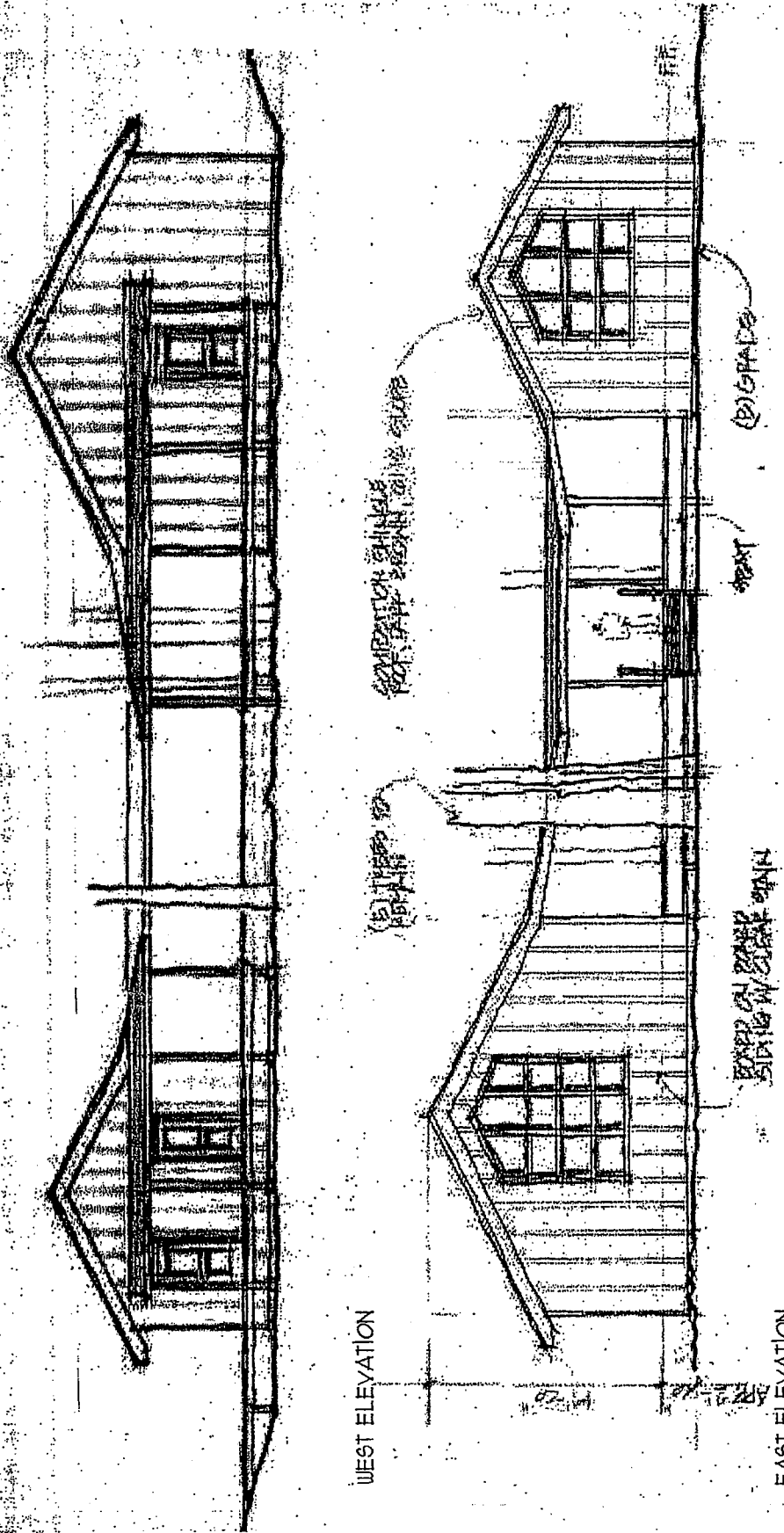
Sheet 2



JACOBSON SILVERSTEIN WINSLOW/  
DEGENHARDT ARCHITECTS

3106 SHATTUCK AVENUE, BERKELEY, CALIFORNIA 94705  
(510) 848-8861 FAX (510) 848-5212

Project: TASSAJARA YOGA-MEETING ROOM  
Date: 3/22/07  
Scale: 1" = 20'-0"



WEST ELEVATION

EAST ELEVATION


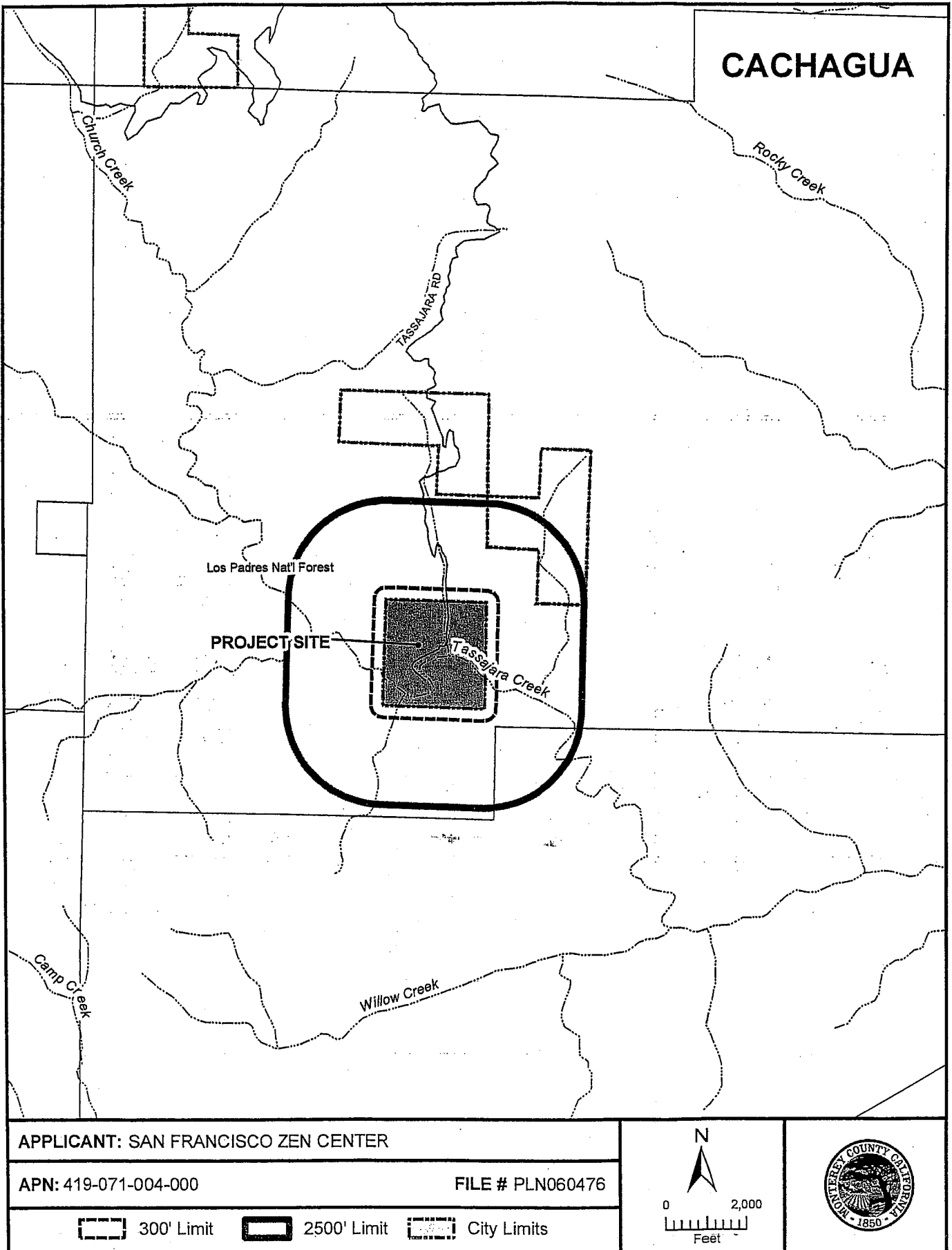
FLOOR PLAN		Sheet 5	
<div></div> <div>JACOBSON SILVERSTEIN WINSLOW/ DEZENHARDT ARCHITECTS 3106 SHATTUCK AVENUE, BERKELEY, CALIFORNIA 94705 (510) 848-8861, FAX (510) 848-5212</div>		Project: TASSAJARA YOGA-MEETING ROOM Date: 3/22/01 Scale: 1/8" = 1'-0"	

Exhibit F



PLANNER: LUTES