JEFF MAIN ZONING ADMINISTRATOR COUNTY OF MONTEREY STATE OF CALIFORNIA

RESOLUTION NO. 070582

A. P. # 243-331-001-000

In the matter of the application of Larry S. & Barbara O. Smith (PLN070582)

FINDINGS AND DECISION

for a **Combined Development Permit** in accordance with Title 20 (Zoning) Chapter 20.76 (Combined Development Permits) of the Monterey County Code, consisting of: 1) a Coastal Administrative Permit for a 3,440 square foot interior remodel to an existing two-story single family dwelling, including the construction of a 210 square foot pool enclosure addition, new doors and windows, the removal of an existing 300 square foot deck and the construction of a new 200 square foot deck, stairs, two skylights, and entry trellis; 2) a Coastal Development Permit to allow development within a 750 foot cultural resources buffer zone; 3) a Coastal Development Permit to allow development within 50 feet of a coastal bluff; and 4) Design Approval. The property is located at 30500 Aurora Del Mar, Carmel, Otter Cove, Big Sur Land Use Plan Area, Coastal Zone, and came on regularly for meeting before the Zoning Administrator on February 28, 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, Big Sur Coast Land Use Plan (LUP), Monterey County Zoning Ordinance (Title 20) Part 1, and Monterey County Zoning Ordinance (Title 20) Part 3 (Coastal Implementation Plan for the Big Sur Coast), which designates this area as appropriate for rural residential development.

EVIDENCE:

- (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. As proposed and conditioned, 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 30500 Aurora Del Mar (Assessor's Parcel Number 243-331-001-000), Otter Cove, Big Sur Coast Land Use Plan, Coastal Zone. The parcel is zoned Rural Density Residential, 1 unit per 40 acres, with a Design Control District Overlay ("RDR/40-D"), which allows the construction (and/or remodeling) of single family residences as a principal use allowed with the approval of discretionary permits. The project, as proposed, is consistent with the applicable zoning policies.
- (c) The project planners conducted site inspections on September 7, 2007, and February 12, 2008, to verify that the project on the subject parcel conforms to the plans listed above.

- (d) Public Access. See Finding #6.
- (e) <u>Big Sur Coast Land Use Advisory Committee (LUAC)</u>: The project was not referred to the Big Sur Coast 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 does not include development on slopes greater than 30%, the project does not require the issuance of a Variance, and implementation of the project will not negatively impact a designated scenic area. Furthermore, the project is exempt from CEQA review per Section 15301 of the CEQA Guidelines.
- (f) Tree Removal: The project includes the proposed removal of five planted palm trees in order to accommodate the pool enclosure addition. The removal of non-native or planted trees, which does not result in exposure of the structure in the Critical Viewshed is consistent with Big Sur Coast LUP Policy 5.4.2.13.a., which allows removal without a Coastal Development Permit. Furthermore, the removal of non-native trees is encouraged per LUP Policy 3.5.2.3. In addition, none of the trees proposed for removal could be considered "landmark" trees per LUP Policy 3.5.2.4.
- (g) Visual Resources: Staff conducted site visits on September 7, 2007, and February 12, 2008, to assess the potential viewshed impacts of the project and ensure consistency with applicable LUP policies. Although the parcel is located just off Highway One, the home and proposed modifications/addition are not visible from the Highway One Critical Viewshed, nor public viewing areas. The existing structure is sited on the parcel to take full advantage of topographical screening, and existing landscaping further screens the structure from view. Also, there is no anticipated change in the view and/or privacy of neighbors, per LUP Policy 3.2.4.A.2. Table 2 (Site Specific Recommendations for Shoreline Access) of the Coastal Implementation Plan for the Big Sur Coast discourages informal access to the Otter Cove area. The Trails Plan (LUP Figure 3) identifies this area for limited access only, and LUP Policy 3.2.3.B.1 does not include areas visible from hiking trails within the Critical Viewshed. The design of the proposed remodel will use colors that match the existing earth tones, and will blend with the surrounding environment. The use of non-reflective, anti-glare materials for the pool enclosure and all new windows shall be required (Condition # 5) to ensure conformance with LUP Policies 3.2.4.A.2 and A.3. The project, as proposed and conditioned, is consistent with the applicable policies of the LUP.
- (h) Coastal Bluff: The project includes a Coastal Development Permit for development within 50 feet of a coastal bluff. This type of development is sensitive due to the potential for environmental impacts caused by the project. Per the proposed project plans, and staff visits conducted on September 7, 2007, and February 12, 2008, all project work is proposed to occur within the existing developed and landscaped footprint. Therefore, the potential for inadvertent impacts

- is limited and can be controlled by the use of standard project conditions.
- (i) <u>Cultural Resources</u>: The project includes a Coastal Development Permit to allow development within a 750 foot cultural resources buffer zone. County records identify the project site is within an area of high sensitivity for prehistoric cultural resources; however, a preliminary archaeological report was not required for this project per Section 20.145.120.B.5.c of the Coastal Implementation Plan for the Big Sur Coast, which allows this requirement to be waived if there is no planned grading or site disturbance. Because the project, as proposed, is entirely within the parcel's previously developed area, no report was required.
- (j) 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 PLN070582.

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, Carmel Highlands Fire Protection District, Public Works, Environmental Health Division, and the Water Resources Agency. 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 site inspections on September 7, 2007, and February 12, 2008, to verify that the site is suitable for this use.
- (c) Materials in Project File PLN070582.

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 15301(a), Class 1 categorically exempts the minor alteration of existing private structures involving negligible expansion of use beyond that existing at the time of the lead agency's determination.
- (b) No adverse environmental effects were identified during staff review of the project application and during site visits on September 7, 2007, and February 12, 2008.
- (c) The application, project plans, and related support materials submitted by the applicant to the Monterey County RMA Planning Department for the proposed development, found in Project File PLN070582.
- (d) See Finding #1.

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:

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.
- (b) The application, project plans, and related support materials submitted by the applicant to the Monterey County RMA Planning Department for the proposed development, found in Project File PLN070582.
- 6. FINDING:

PUBLIC ACCESS – The project is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (Monterey County Zoning Ordinance, Section 20.70.050.B.4). The proposed project is in conformity with the public access policies of Chapter 6 of the Big Sur Coast LUP, and Section 20.145.150 of the Monterey County Zoning Ordinance (Part 5 – Coastal Implementation Plan).

EVIDENCE:

- (a) Table 2 (Site Specific Recommendations for Shoreline Access) of the Coastal Implementation Plan discourages informal access to the Otter Cove residential area. Figure 2 (Shoreline Access Plan) of the LUP lists the Otter Cove residential area for only Priority 3 access, which would require the potential mitigation of safety hazards or resource conflicts. Figure 3 (Trails Plan) of the LUP identifies the Otter Cove residential area as limited access only.
- (b) Materials in Project File PLN070582.
- (c) Site visits by the project planner on September 7, 2007, and February 12, 2008.
- 7. FINDING:

APPEALABILITY - The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE:

- (a) Board of Supervisors: Section 20.86.020 of the Monterey County Zoning Ordinance.
- (b) California Coastal Commission: Section 20.86.080.A.1, A.2, and A.3 of the Monterey County Zoning Ordinance.

DECISION

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the attached conditions.

PASSED AND ADOPTED this 28th day of February, 2008.

JEFF MAIN, ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON

MAR - 5 2008

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

MAR 1 5 2008

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the 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 2 years after the above date of granting thereof unless construction or use is started within this period.

Monterey County Resource Management Agency Planning Department

Condition Compliance and/or Mitigation Monitoring Reporting Plan

Project Name: Smith

File No: PLN070582

APN: 243-331-001-000

Approved by: Zoning Administrator Date: February 28, 2008

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

	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed Where applicable, a certified professional is required for	Responsible Party for Compliance	Timing.	Verification of Compliance (name/date)
1.		PD001 - SPECIFIC USES ONLY This Combined Development Permit (PLN070582) allows a 3,440 square foot interior and exterior remodel to an existing two-story single family dwelling, including the construction of a 210 square foot pool enclosure addition, new doors and windows, the removal of an existing 300 square foot deck and the construction of a new 200 square foot deck, stairs, two skylights, and an entry trellis; development within a 750 foot cultural resources buffer zone; development within 50 feet of a coastal bluff; and the removal of five planted palm trees. The property is located at 30500 Aurora Del Mar, Otter Cove (Assessor's Parcel Number 243-331-001-000), Big Sur Coast Land Use Plan. 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	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated.	
		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				

Permit: Cond.	Mitig	Conditions of Approval and/or Mitigation Measures 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 Compliance	Timing	Verification of Compliance (name/date)
		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 requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)		·		
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution PLN070582) was approved by the Zoning Administrator for Assessor's Parcel Number 243- 331-001-000 on February 28, 2008. The permit was granted subject to ten (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 the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.		PD004 - INDEMNIFICATION AGREEMENT 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 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	Submit signed and notarized Indemnification Agreement to the Director of RMA — Planning Department for review and signature by the County. Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA — Planning Department.	Owner/ Applicant	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	

Permit Mitig Cond. Number Number	Conditions of Approval and/or Mitigation Measures 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 Compliance	Timing	Verification of Compliance (name/date)
	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)			and as applicable	
4.	PD014(C) – LIGHTING – EXTERIOR LIGHTING PLAN (BIG SUR) All exterior lighting shall be unobtrusive, down-lit, compatible with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior lights shall have recessed lighting elements. Exterior light sources that	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 applicant shall submit three (3) copies of an exterior	The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to occupancy / Ongoing	

Permit Cond Number	Mitig: Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Gompliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for 13 Compliance	Timing	Verification of Gompliance (name/date)
5.		PDSP001- MATERIALS (NON-STANDARD) The pool enclosure and all new windows shall be constructed or laminated utilizing anti-glare, non-reflective materials to aid in reducing the visibility of the structure and to maintain consistency with viewshed policies. (RMA – Planning Department)	Provide written material to the Planning Department for review and approval verifying the anti-glare and non-reflective quality of the materials utilized in constructing the glass enclosure.	Owner / Applicant	Prior to the issuance of grading or building permits.	
6.		FIRE008 - GATES All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (Carmel Highlands Fire Protection District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. Applicant shall schedule fire dept. clearance inspection.	Owner / Applicant Owner / Applicant	Prior to issuance of grading and/or building permit. Prior to final building inspection.	
7.		FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

Permit Cond: Number	Mitig Conditions of Approval and/or/Mitigation Measures and Number 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 Compliance	Fiming.	Verification of Compliance (name/date)
	and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Carmel Highlands Fire Protection District)	Applicant shall schedule fire dept. clearance inspection.	Applicant or owner	Prior to final building inspection.	
8.	FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD) Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Owner / Applicant	Prior to issuance of grading and/or building permit.	
	provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Carmel Highlands Fire Protection District)	Applicant shall schedule fire dept. clearance inspection.	Owner / Applicant	Prior to final building inspection.	
9.	FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) 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	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

Permit Mitig: Gond: Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a centified professional is required for action to be accepted.	Responsible Party for Compliance	= Timing	Verification of Compliance (name/date)
State of the state	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. (Carmel Highlands Fire Protection District)	Applicant shall schedule fire dept. rough sprinkler inspection.	Applicant or owner	Prior to framing inspection.	
		Applicant shall schedule fire dept. final sprinkler inspection.	Applicant or owner	Prior to final building inspection.	
		Applicant shall schedule fire dept. clearance inspection.	Applicant or Owner	Prior to final building inspection.	
10.	WR40 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to: a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system. b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/ occupancy	

END OF CONDITIONS









