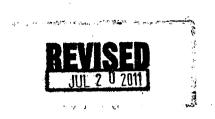
# Before the Zoning Administrator in and for the County of Monterey, State of California

In the matter of the application of: Paul S. Fisher (PLN100628)

# **RESOLUTION NO. 11-028**

Resolution by the Monterey County Zoning Administrator:

- 1) Categorically Exempt PLN100628 per Section 15302 of the CEQA Guidelines, and
- 2) Approving Amendment (PLN100628) previously approved Combined Development Permit (PLN080468), consisting of: 1) a Coastal Administrative Permit to allow the demolition of an existing 1,774 square foot single family dwelling with 442 square feet of attached deck and a 169 square foot studio, and the construction of a 3,545 square foot single family dwelling with 888 square feet of attached deck and 351 square feet of overhangs exceeding 30 inches, a 262 square foot pool equipment room, a swimming pool, hot tub, photovoltaic system, demolition of the existing hot tub, repair of the existing septic system, and grading consisting of approximately 561 cubic yards of cut and 509 cubic yards of fill; 2) a Coastal Administrative Permit for the demolition of an existing 360 square foot guesthouse with 251 square feet of attached deck, and the construction of a 425 square foot guesthouse; 3) a Coastal Development Permit to allow development on slope greater than 30 Design Approval. percent; and 4) amendment includes a 744 square foot addition of a bedroom and gym to the approved single family dwelling; a new 335 square foot single car garage; 482 square foot expansion of the pool equipment room, generator room and inverter room all below ground, for a total increase of 1.546 square feet to the approved project, and revised grading of approximately 1,100 cubic yards cut/400 cubic yards fill. The property is located at 46325 Pfeiffer Ridge Road, Big Sur (Assessor's Parcel Number 419-241-017-000), Coastal zone.
- 3) [PLN100628 Paul S. Fisher, 46325 Pfeiffer Ridge Road, Big Sur, Big Sur Coast Land Use Plan (APN: 419-241-017-000)]



The Amended Combined Development Permit (PLN100628), application (PLN100628) came on for public hearing before the Monterey County Zoning Administrator on June 30, 2011. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

# **FINDINGS**

1. **FINDING**:

**CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

**EVIDENCE**: a)

During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:

- the Monterey County General Plan,
- Big Sur Coast Land Use Plan,
- Big Sur Coastal Implementation Plan,
- Monterey County Zoning Ordinance (Title 20)

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.

- (Assessor's Parcel Number 419-241-017-000), Big Sur Coast Land Use Plan. The parcel is zoned Rural Density Residential, 40 acres per unit, with a Design Control overlay (Coastal Zone), which allows the demolition and construction of residential units with a Coastal Administrative Permit and Design Approval, and requires a Coastal Development Permit for development on slope greater than 30 percent. Therefore, the project is an allowed land use for this site.
- c) <u>Design Approval</u>: The property is within a Design Control District overlay which requires additional design review of proposed structures to assure subordination to and blending with the surrounding environment (Big Sur LUP Policy 3.2.4.A.3). The project design, materials, and colors are consistent and compatible with residences in the area and blend with the natural landscape of the property and surrounding area.

The amended permit is a minor change, the same design and footprint, except for the addition of the 335 square foot garage, as the approved project. Where the garage is proposed the site plan previously included a below grade mechanical room, bedroom, bathroom and den with sod roof. The main floor and detached guesthouse design and footprints are unchanged.

- d) The project planner conducted site inspections on October 29, 2008, and June 23, 2009, to verify that the project on the subject parcel conforms to the plans listed above.
- e) Development on slopes that exceed 30% is prohibited unless there is no feasible alternative that would allow development to occur on slopes of

less than 30%, or the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan than other development alternatives. The project is on the same footprint as the approved (unbuilt) project, except for a portion of the added garage. No additional development is proposed on areas of 30% slope with the amended project. Where the garage is proposed the site plan previously included a below grade mechanical room, bedroom, bathroom and den with sod roof. The 483 square foot expanded pool equipment room is not on areas of 30% slope. The main floor and detached guesthouse design and footprints are unchanged (see Finding No. 7).

- f) Guesthouse: The subject project meets the regulations, standards and circumstances for a guesthouse (size, height, no kitchen, etc). The project includes a Coastal Administrative Permit to allow the construction of a guesthouse, consistent with Section 20.12.040.C, and in accordance with the applicable policies in Section 20.64.020.C. In addition, a standard condition of approval requires the applicant to record a deed restriction regarding the regulations applicable to the use of guesthouses.
- The project was referred to the Big Sur Coast Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because it involves a Design Approval subject to review by the Zoning Administrator. The Big Sur Coast LUAC unanimously recommended approval, with conditions, at a public meeting held on June 23, 2009. The LUAC requested that in rooms visible from Pfeiffer Ridge Road, interior lights shall be no higher than 4 feet from the floor, and shall not include hanging light fixtures or spot lights, that exterior lights be shielded and no higher than 18 inches above ground, and that landscape planting be effectively used to screen the structures. The standard landscape and irrigation plan condition was modified to require to the applicant to use landscaping to screen the structures from the road and neighbor views to the maximum extent feasible. The standard condition requiring an exterior plan was modified to require exterior lights to be shielded and no higher than 18 inches above ground, and to require interior lights no higher than 4 feet from the floor. In addition, in order to reduce light glare at night, interior lighting shall not include hanging light fixtures or spot lights in rooms visible form Pfeiffer Ridge Road.

The amendment was not referred to the LUAC a second time for the Amended project as it is a minor change to the exterior design and the same footprint except for the addition of the 335 square foot garage, as the approved project.

h) 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 PLN100628.

# 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, Cal-Fire Coastal Fire Protection District, Public Works, Environmental Health Bureau, and 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 identified potential impacts to Soil/Slope Stability. A technical report by an outside consultant indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed this report and concurs with its conclusions. The following report has been prepared:
  - Geotechnical Report (LIB090375) prepared by Grice Engineering, Inc, Salinas, California, December 2008.
- c) Staff conducted site inspections on October 29, 2008, and June 23, 2009, to verify that the site is suitable for this use.
- d) 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 PLN100628.

# 3. **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)

- The project was reviewed by RMA Planning Department, Cal-Fire Coastal Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective departments/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.
- b) The project was reviewed by the RMA Planning Department, Public Works Department, Environmental Health Division, Water Resources Agency, and Cal-Fire Coastal. The respective departments/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.
- c) Necessary public facilities are available. The existing development is,

and will continue to be, serviced by an existing water system (Rancho Chaparral Mutual Water System) and septic system. The Environmental Health Division reviewed the project application and did not apply any conditions to project approval.

d) Preceding findings and supporting evidence for PLN100628

# 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.

# **EVIDENCE**: a)

- Staff reviewed Monterey County RMA Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
- b) Staff conducted site inspections on October 29, 2008, and June 23, 2009, to verify that the site is suitable for this use.
- c) Staff reviewed Monterey County RMA Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100628.

# 5. 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 15302, categorically exempts the replacement of existing structures where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.
- b) The applicant proposes to demolish an existing single family dwelling and guesthouse, and construct a new single family dwelling and guesthouse. The new structures will be located on approximately the same site as the existing structures. The structural coverage (residence, guesthouse, and pool equipment room) will increase by approximately 3,474 square feet (from 2,303 to 5,777 square feet), including 351 square feet of roof overhang and a 335 square foot attached garage. The amended Combined Development Permit is a minor change to the approved permit. It is the same design and the same footprint, except for the addition of the 335 square foot garage, as the approved project. Therefore, the proposed development is consistent with Section 15302.
- c) Staff conducted site inspections on October 29, 2008, and June 23, 2009, to verify that the site is suitable for this use.
- d) Exceptions to exemptions listed in Section 15300.2.a-f are inapplicable. The project does not involve: alterations to a designated historical resource, a hazardous waste site, unusual circumstances that would result in a significant effect, development that would result in a cumulatively significant impact, nor development in a particularly

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sensitive environment.

e) See preceding and following findings and supporting evidence.

# 6. **FINDING:**

**PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

# **EVIDENCE**: a)

- In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.
- b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3, Trails Plan, in the Big Sur Coast Land Use Plan).
- c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100628
- e) Staff conducted site inspections on October 29, 2008, and June 23, 2009, to verify that the site is suitable for this use.

# 7. **FINDING:**

**DEVELOPMENT ON SLOPE** – The proposed development better achieves the goals, policies and objectives of the Monterey County General Plan, the Big Sur Coast Land Use Plan, and the Monterey County Zoning Ordinance (Title 20) than other development alternatives.

# EVIDENCE: a)

- In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.
- The project includes application for development on slopes exceeding 30%. Due to the steep topography of the property, the potential building area on slope less than 30 percent is limited. Therefore, the applicant has requested a Coastal Development Permit to allow development on slope greater than 30 percent. The majority of the slope area proposed for development has been disturbed by previous development (structural, retaining wall, or landscaping). The area of the west deck has not been previously disturbed, so the west deck will be cantilevered over the slope in order to minimize disturbance. Overall, the applicant has sited the proposed development in order to minimize development on slope over 30 percent, while also minimizing private viewshed impacts to neighbors. Modifying the project design to avoid 30 percent slope would cause conflicts with policies relating to the protection of private views (LUP Policy 3.2.4.A.2) No additional development is proposed on areas of 30% slope with the amended project. Where the garage is proposed the site plan previously

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- included a below grade mechanical room, bedroom, bathroom and den with sod roof. The 483 square foot expanded pool equipment room is not on areas of 30% slope. The main floor and detached guesthouse design and footprints are unchanged.
- c) The Zoning Administrator shall require such conditions and changes in the development as it may deem necessary to assure compliance with Section 20.64.230 of the Monterey County Code. (Conditions No. 5, 6 and 7).
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100628.
- e) Staff conducted site inspections on October 29, 2008, and June 23, 2009, to verify that the site is suitable for this use.
- f) The subject project minimizes development on slopes exceeding 30% in accordance with the applicable goals and policies of the applicable area plan and zoning codes.
- 8. **FINDING:**

**APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission

**EVIDENCE**: a)

- Board of Supervisors: Section 20.86.030 of the Monterey County Zoning Ordinance allows an appeal to be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
- b) Coastal Commission: Sections 20.86.080.A.1 and A.3 of the Monterey County Zoning Ordinance (Title 20). The project is subject to appeal by/to the California Coastal Commission because it involves a project located between the sea and the first through public road paralleling the sea, and it involves development in the underlying zone as a conditional use.

## DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Zoning Administrator does hereby:

- A. Categorically exempt PLN100628 per Section 15302 of the CEQA Guidelines, and
- B. Approve the Amended Combined Development Permit, in general conformance with the attached sketch (Exhibit 2) and subject to the conditions (Exhibit 1), both exhibits being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 30<sup>th</sup> day of June, 2011.

Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON

JUL 0,8 2011 ...

# THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

JUL 1-8 2011

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, 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 Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

# **Monterey County Planning Department**

# Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN100628

Conditions of Approval and/or Mitigation Monitoring Measures

Responsible Department Compliance or Monitoring Actions to be Performed

#### 1. PD001 - SPECIFIC USES ONLY

Amendment to previously approved Combined Development (PLN080468), consisting of: 1) a Coastal Administrative Permit to allow the demolition of a 1,774 sf single family dwelling with a 442 sf attached deck, a 169 sf studio, and the construction of a 4.289 sf single family dwelling with 646 sf attached deck and 716 sf of overhangs exceeding 30 inches, a 335 sf single car garage, a 398 sf pool equipment room, a 230 sf generator room, a 116 sf inverter room, swimming pool, hot tub. repair of the existing septic system and grading of approximately 1,431 cy (1,059 cy cut and 372 cy fill); 2) a Coastal Administrative Permit for the demolition of a 360 sf guesthouse with 251 sf of attached deck, and the construction of a 409 sf guesthouse; 3) a Coastal Development Permit to allow development on slope greater than 30 percent; and 4) Design Approval. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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 requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)

Planning

The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Exhibit\_\_\_\_

PLN100628

Print Date: 7/20/2011 3:01:57PM

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Compliance or Monitoring Actions to be Performed

Planning

Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

The applicant shall record a Permit Approval Notice. The applicant shall record a notice which states: "A permit (Resolution 11-028) was approved by the Zoning Administrator for Assessor's Parcel Number 419-241-017-000 on June 30, 2011. The permit was granted subject to 22 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)

#### 3. PD004 - INDEMNIFICATION AGREEMENT

The property owner agrees as a condition and in consideration of 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 court to pay as a result of such action. The 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 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)

Planning

Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a 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.

#### 4. PD007- GRADING WINTER RESTRICTION

No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department. (RMA - Planning Department and Building Services Department)

Planning

The Owner/Applicant, on an on-going basis, shall obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.

#### 5. PD009 - GEOTECHNICAL CERTIFICATION

PLN100628

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Compliance or Monitoring Actions to be Performed

Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA - Planning Department and Building Services Department)

Planning

Prior to final inspection, the Owner/Applicant/Geotechnical Consultant shall submit certification by the geotechnical consultant to the RMA-Building Services Department showing project's compliance with the geotechnical report.

#### 6. PD010 - EROSION CONTROL PLAN

The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)

Planning

Prior to the issuance of grading and building permits, the Owner/Applicant shall submit an Erosion Control Plan to the RMA - Planning Department and the RMA - Building Services Department for review and approval.

The Owner/Applicant, on an on-going basis, shall comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.

7. PD012(F) - LANDSCAPE PLAN & MAINTENANCE (SFD ONLY)

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Compliance or Monitoring Actions to be Performed

Planning

- 1. Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Architect shall submit landscape plans and contractor's estimate to the RMA Planning Department for review and approval. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."
- 2. Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall ensure that the landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA Planning Department.
- 3. On an on-going basis, all landscaped areas and fences shall be continuously maintained by the Owner/Applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

Planning

1. Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Exterior lights shall have recessed lighting. Approved lighting plans shall be incorporated into final building plans.

Prior to occupancy and on an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

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The site shall be landscaped. The site shall be landcaped to ensure screening of the structures from the road and neighbor views to the maximum extent feasible Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA - Planning Department)

## 8. 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 intended area is illuminated and off-site glare is fully controlled. Exterior lights shall have recessed lighting elements. Exterior lights shall be shielded and no higher than 18 inches above ground. In rooms visible from Pfeiffer Ridge Road, interior lights shall be no higher than 4 feet from the floor, and shall not include hanging light fixtures or spot lights. Exterior light sources that would be directly visible from critical viewshed viewing areas as defined in Section 20.145.020.V, are prohibited. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate 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 RMA - Planning Department, prior to the issuance of building permits. (RMA - Planning Department)

PLN100628

Compliance or Monitoring Actions to be Performed

# 9. PD019(B) - DEED RESTRICTION-GUESTHOUSE (COASTAL)

The applicant shall record a deed restriction stating the regulations applicable to a Guesthouse (Coastal) as follows:

- \* Only 1 guesthouse shall be allowed per lot.
- \* Detached guesthouses shall be located in close proximity to the principal residence.
- \* Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements.
- \* The guesthouse shall not have cooking or kitchen facilities, including but not limited to microwave ovens, hot plates and toaster ovens.
- \* The guesthouse shall have a maximum of 6 linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of 8 square feet of cabinet space, excluding clothes closets.
- \* The guesthouse shall not exceed 425 square feet of livable floor area.
- \* The guesthouse shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect.
- \* Subsequent subdivisions which divide a main residence from a guesthouse shall be prohibited.
- \* The guesthouse shall be designed in such a manner as to be visually consistent and compatible with the main residence on site and other residences in the area.
- \* The guesthouse height shall not exceed 12 feet nor be more than one story. (RMA Planning Department)

# 10. PD032(A) - PERMIT EXPIRATION

The permit shall be granted for a time period of three years, to expire on June 30, 2014 unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

#### 11. PD035 - UTILITIES UNDERGROUND

All new utility and distribution lines shall be placed underground. (RMA - Planning Department; Public Works)

#### 12. PD047 - DEMOLITION/DECONSTRUCTION (MBUAPCD RULE 439)

Planning

Prior to the issuance of grading or building permits, the Owner/Applicant shall submit a signed and notarized document to the Director of RMA-Planning Department for review and signature by the County.

Prior to occupancy or commencement of use, the Owner/Applicant shall submit proof of recordation of the document to the Director of the RMA-Planning Department.

Planning

Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.

Planning

On an on-going basis, the Owner/Applicant shall install and maintain utility and distribution lines underground.

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Compliance or Monitoring Actions to be Performed

In accordance with Monterey Unified Air Pollution Control District Rule 439, construction plans shall include "Demolition and Deconstruction" notes that incorporate the following work practice standards:

- 1. Sufficiently wet the structure prior to deconstruction or demolition. Continue wetting as necessary during active deconstruction or demolition and the debris reduction process;
- 2. Demolish the structure inward toward the building pad. Lay down roof and walls so that they fall inward and not away from the building;
- 3. Commencement of deconstruction or demolition activities shall be prohibited when the peak wind speed exceeds 15 miles per hour.

All Air District standards shall be enforced by the Air District.

(RMA - Planning Department)

#### 13. PW0044 - CONSTRUCTION MANAGEMENT PLAN

The applicant shall submit a Construction Management Plan (CMP) to the RMA-Planning

Department and the Department of Public Works for review and approval. The CMP shall

include measures to minimize traffic impacts during the construction/grading phase of the project and shall provide the following information: Duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project. (Public Works)

#### 14. 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)

#### 15. 1. FIRE007 - DRIVEWAYS

Planning

Prior to the issuance of a demolition permit, if applicable, the Owner/Applicant/Contractor shall incorporate a "Demolition/Deconstruction" note on the demolition site plan that includes, but is not limited to, the standards set forth in this condition.

During demolition, the Owner/Applicant/Contractor shall obtain any required Air District permits and the Air District shall conduct all deconstruction or demolition activities as required by the Air District.

Pub Works

- 1. Prior to issuance of the grading permit or building permit, owner/applicant/contractor shall prepare a CMP and shall submit the CMP to the RMA-Planning Department and the Department of Public Works for review and approval.
- 2. On-going through construction phases owner/applicant/contractor shall implement the approved measures during the construction/grading phase of the project.

Water

Compliance shall be verified by building inspector at final inspection.

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Compliance or Monitoring Actions to be Performed

Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the T shall be a minimum of 60 feet in length. (Cal-Fire Coastal)

Fire

- 1. Prior to issuance of grading and/or building permit the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
- 2. Prior to final building inspection, applicant or owner shall schedule a fire dept. clearance inspection.

16. 2. 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. (Cal-Fire Coastal)

Fire

- 1. Prior to issuance of grading and/or building permit the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
- 2. Prior to final building inspection applicant or owner shall schedule fire dept. clearance inspection.

17. 3. FIRE011 - ADDRESSES FOR BUILDINGS

Compliance or Monitoring
Actions to be Performed

Fire

- 1. Prior to issuance of grading and/or building permit the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
- 2. Prior to final building inspection the applicant or owner shall schedule fire dept. clearance inspection.

18. 9. FIRE027 - ROOF CONSTRUCTION - (VERY HIGH HAZARD SEVERITY ZONE)

posted prior to requesting final clearance. (Cal-Fire Coastal)

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. (Cal-Fire Coastal)

All buildings shall be issued an address in accordance with Monterev Countv

Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own

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 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

When multiple occupancies exist within a single

19. 5. FIRE015 - FIRE HYDRANTS/FIRE VALVES

permanently posted address.

A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. (Cal-Fire Coastal)

20. 6. FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS)

Fire Prior to issuance of grading and/or building permit the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.

Fire

- 1. Prior to issuance of grading and/or building permit the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
- 2. Prior to final building inspection the applicant or owner shall schedule fire dept. clearance inspection.

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# 21. 7. FIRE022 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM - (HATTHE 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 completed prior to requesting a framing inspection. Due to substandard access, or other mitigating factors, small bathroom(s) and open attached porches, carports, and similar structures shall be protected with fire sprinklers. (Cal-Fire Coastal)

#### 22. 8. FIRE024 - FIRE ALARM SYSTEM - (SINGLE FAMILY DWELLING)

Director of Planning and Building Inspection. (Cal-Fire Coastal)

The residence shall be fully protected with an approved household fire warning system as defined by NFPA Standard 72. Plans and specifications for the household fire warning system shall be submitted by a California licensed C-10 contractor and approved prior to installation. Household fire warning systems installed in lieu of single-station smoke alarms required by the Uniform Building Code shall be required to be placarded as permanent building equipment. (Cal-Fire Coastal)

## Responsible Department

#### Compliance or Monitoring Actions to be Performed

Fire

- 1. Prior to issuance of grading and/or building permit the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
- 2. Prior to final building inspection the applicant or owner shall schedule fire dept. clearance inspection.

Fire

- 1. Prior to issuance of grading and/or building permit the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
- 2. Prior to framing inspection the applicant or owner shall schedule fire dept. rough sprinkler inspection.
- 3. Prior to final building inspection the applicant or owner shall schedule fire dept. final sprinkler inspection.

Fire

- 1. Prior to issuance of grading and/or building permit the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
- 2. Prior to rough sprinkler or framing inspection the applicant or owner shall submit fire alarm plans and obtain approval.
- 3. Prior to final building inspection the applicant or owner shall schedule fire dept. fire alarm system acceptance test.

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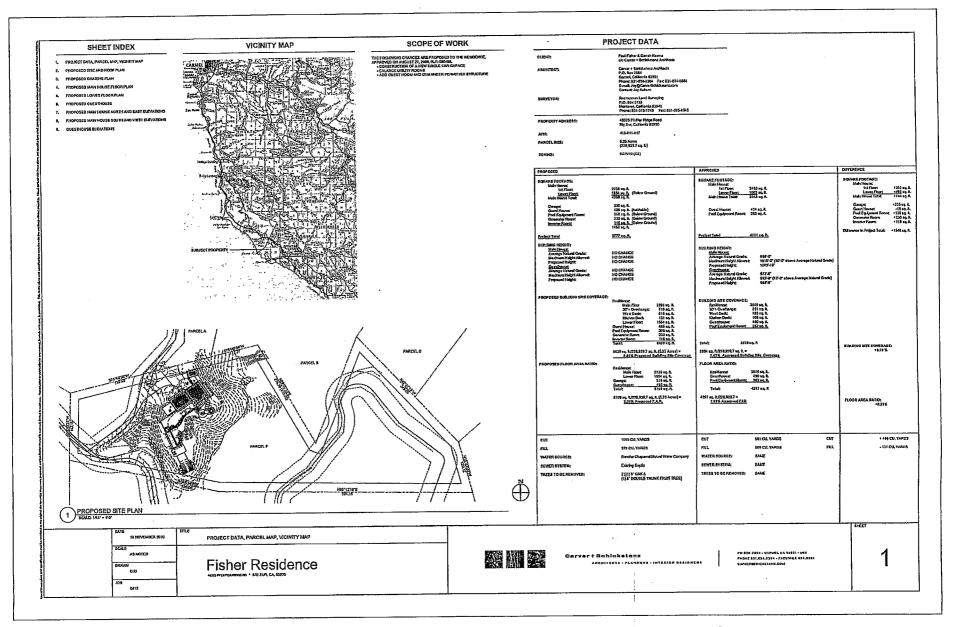


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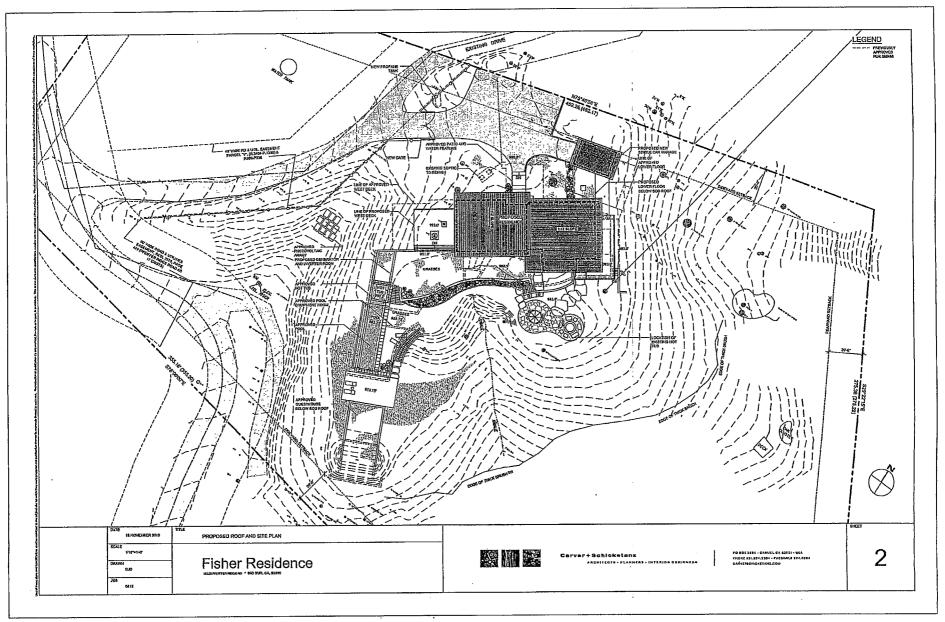
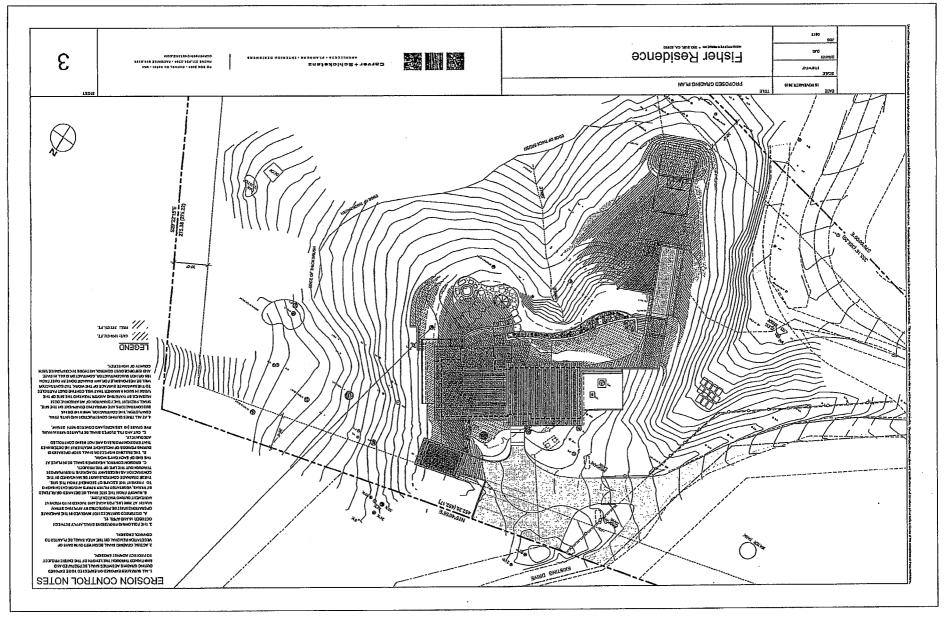


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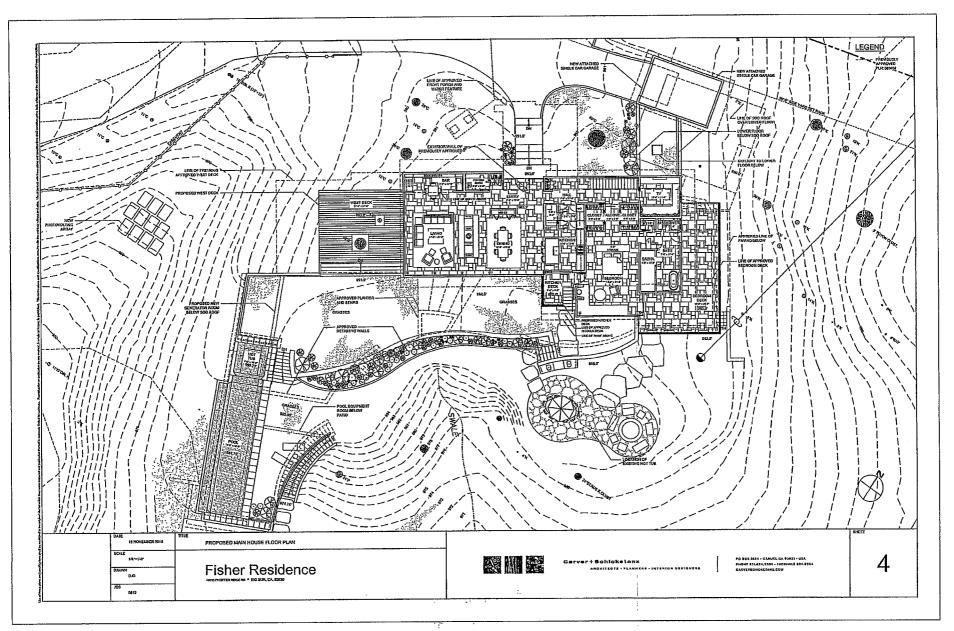


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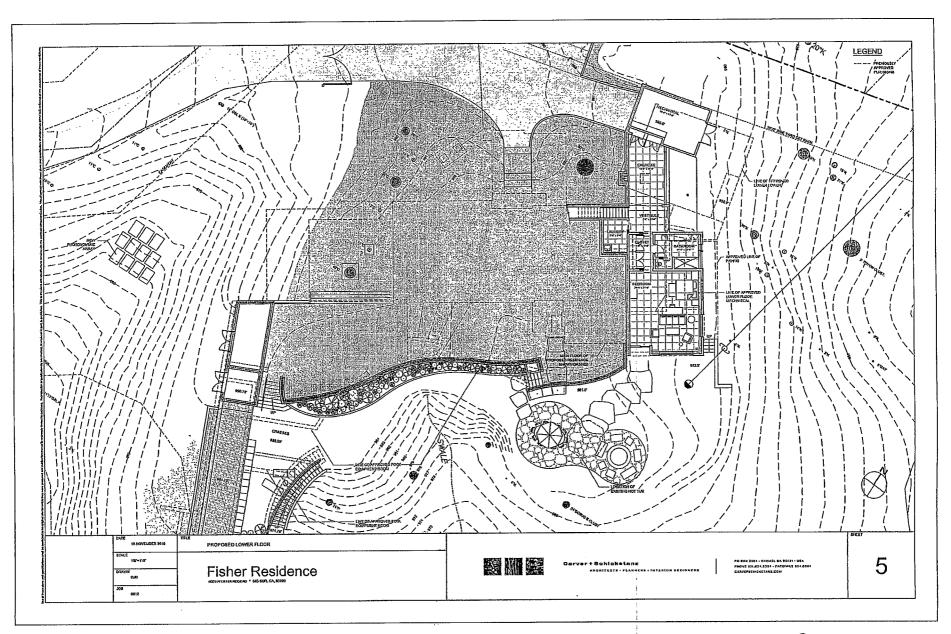


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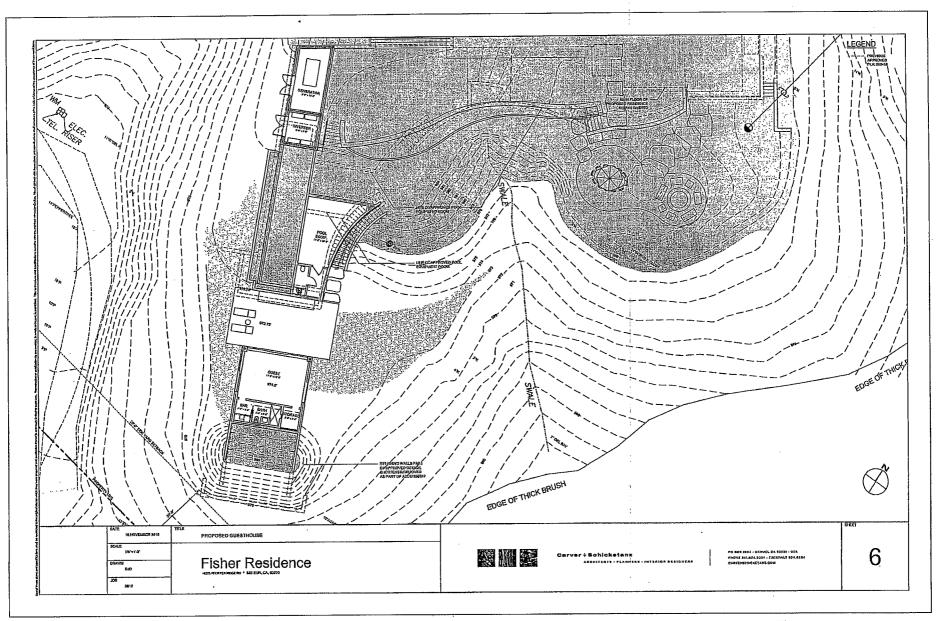


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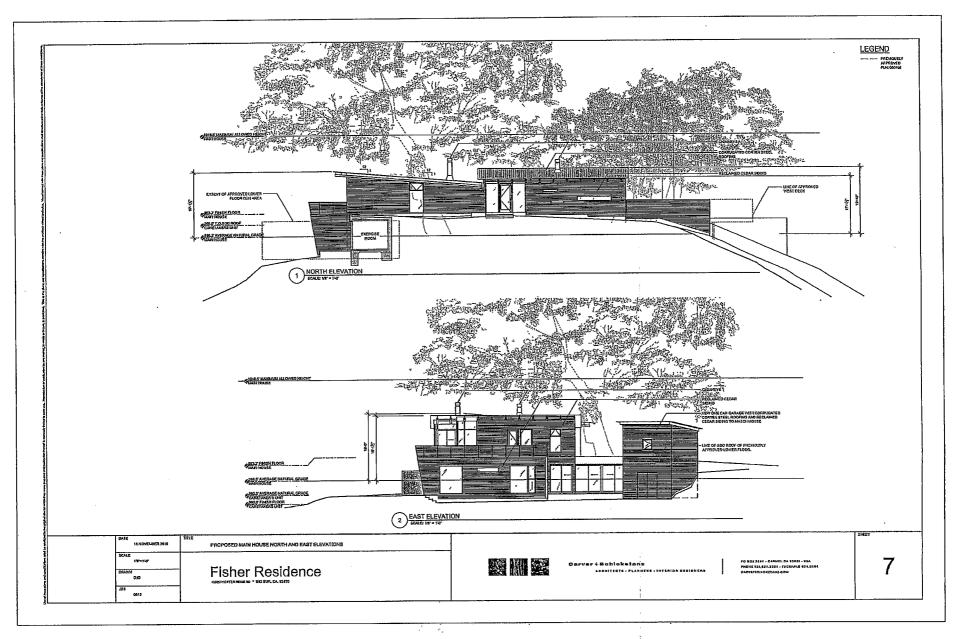


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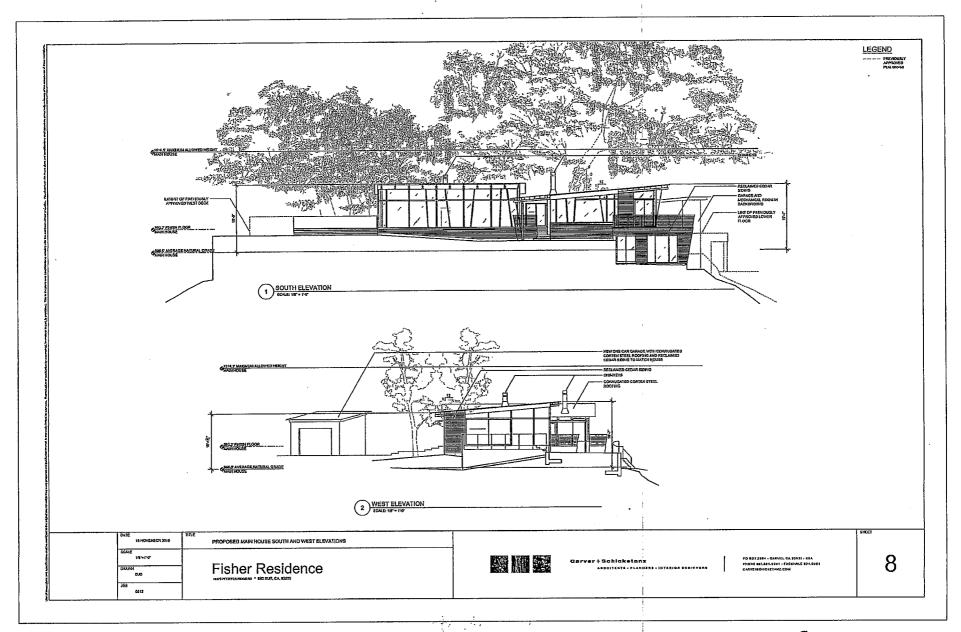


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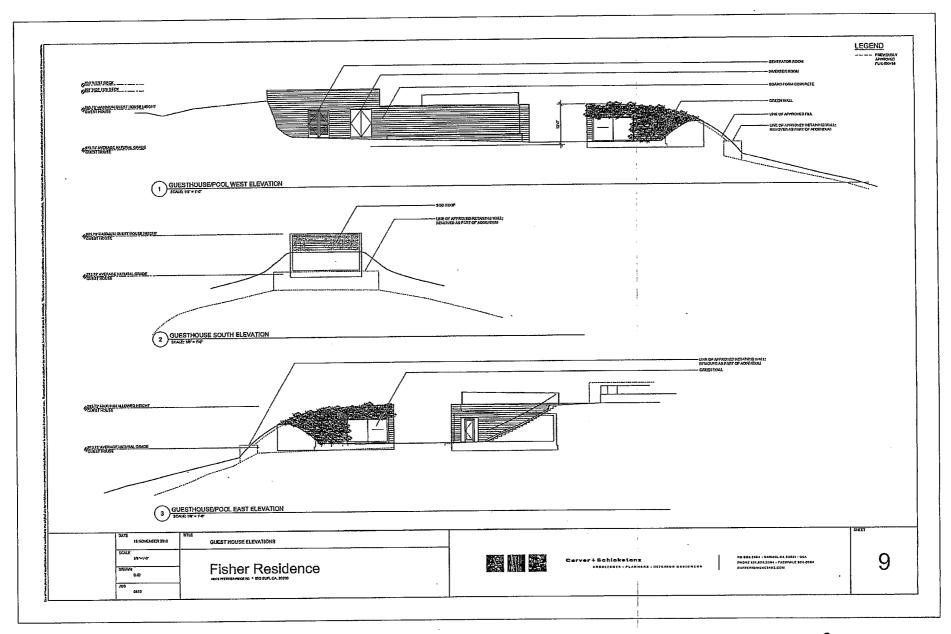


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# PROOF OF SERVICE

I am employed in the County of Monterey, State of California. I am over the age of 18 years and not a party to the within action. My business address is 168 W. Alisal Street, 2<sup>nd</sup> Floor, Salinas, California.

On Wednesday July 20, 2011 I served a true copy of the following document:

• REVISED RESOLUTION NO. – 11-028 PAUL S. FISHER (PLN100628)

on the interested parties to said action by the following means:

[✓]	<b>(BY HAND-DELIVERY)</b> By causing a true copy thereof, enclosed in a sealed enveloped, to be hand-delivered.
0	(BY MAIL) By placing a true copy thereof, enclosed in a sealed envelope, for collection and mailing on that date following ordinary business practices, in the United States Mail at the Resource Management Agency Planning Department, 168 W. Alisal Street, 2 <sup>nd</sup> Floor, Salinas, California, addressed as shown below. I am readily familiar with this business's practice for collection and processing of correspondence for mailing with the United States Postal Service, and in the ordinary course of business, correspondence would be deposited with the United States Postal Service the same day it was placed for collection and processing.
[]	<b>(BY OVERNIGHT DELIVERY)</b> By placing a true copy thereof, enclosed in a sealed envelope, with delivery charges to be billed to the Resource Management Agency, Planning Department, to be delivered by Overnight Delivery.
[]	<b>(BY FACSIMILE TRANSMISSION)</b> By transmitting a true copy thereof by facsimile transmission from facsimile number (831) 757-9516 to the interested parties to said action at the facsimile number(s) shown below.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on <u>Wednesday</u>, <u>July 20</u>, <u>2011</u>, at Salinas, California.

ANESSA A. CALDERON

Place address(es) mailed to here:

AGENT:

**CARVER & SCHICKETANZ ARCHITECTS** 

ATTN: JAY AUBURN

PO BOX 2684 CARMEL CA 93921