

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> November 12, 2008. Time: 9:00 A.M.	<b>Agenda Item No.: 1</b>
<b>Project Description:</b> PLN080338 to amend a previously approved Combined Development Permit. (PLN020150). The proposed amendment consists of the construction of a new 408 square foot guesthouse and a 456 square foot storage area over an existing previously permitted 864 square foot garage.	
<b>Project Location:</b> 31549 Highway 1 Big Sur, near the end of Victorine Ranch Road.	<b>APN:</b> 243-221-027-000
<b>Planning File Number:</b> PLN080338	<b>Name:</b> Daniele & Anita Gozzi, Property Owner/Agent Jennifer Hilliard.
<b>Plan Area:</b> Carmel Land Use Plan	<b>Flagged and staked:</b> Yes
<b>Zoning Designation:</b> : WSC/40-D (CZ) [Watershed and Scenic Conservation, 40 acres per unit with a Design Control Overlay (Coastal Zone)]	
<b>CEQA Action:</b> Exempt, pursuant to Sections 15301 Class 1 (e) of the CEQA Guidelines	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

Staff recommends that the Planning Commission approve the proposed Amendment to PLN020150 as described in PLN080338 based on Findings and Evidence in **Exhibit B** and subject to proposed conditions in **Exhibit C**.

### PROJECT SUMMARY:

The proposed amendment has been brought before the Planning Commission to consider amending a previously approved Coastal Development Permit (PLN020150). The proposed amendment consists of a Coastal Development Permit to allow the construction of a guesthouse above an existing garage. Staff finds the proposed addition to be architecturally consistent and compatible with the main residence. However, amendments to permits approved by the Planning Commission not in keeping with the original action of the Planning Commission must return to the original hearing body for consideration, per Section 20.70.105 B.

On October 29, 2003 the Planning Commission approved a Combined Development Permit for Daniele & Anita Gozzi consisting of a Coastal Administrative Permit and Design Approval for an 864 sq. ft. detached two car garage and a Coastal Development Permit to allow unpermitted development performed on slopes of 30% or greater. The permit was also clear a grading violation (CE010476). The grading violation was cleared on the Gozzi property on February 17, 2004. Subsequent to that action, the property owner was issued a building permit to construct the approved 864 square foot two car detached garage and retaining walls for an existing single family dwelling. The property owner began construction on the approved garage in July of 2007 and consequently completed a significant portion of the structure before deciding to revise the design of the partially completed garage and add a guesthouse with storage area above it. As a result, the property owner submitted an application to amend PLN020150 under PLN080338. If approved, the amendment would allow the construction of a new 408 square foot guesthouse and a 456 square foot storage area over an existing previously permitted 864 square foot garage.

Staff determined that the previously approved permit PLN020150 complied with all existing conditions of approval with the exception of clearing the building permit for the construction of the previously approved garage (BP071642). For that reason, all existing conditions will be carried forward into this amendment (PLN080338) for condition compliance. Additionally, a Coastal Development Permit is required to allow a guesthouse to be placed over a garage to provide for architectural consistency and compatibility with the main residence.

The project was found to be exempt under Section 15301 Class 1 (e) which exempts “additions to existing structures provided the addition will not result in an increase of more than 50% of the floor area of the structures before the addition.” Staff reviewed the previously approved permit PLN020150 and found this amendment to be consistent with the previously approved project and finds the proposed amendment would not create any new impacts that would require further review under CEQA.

**OTHER AGENCY INVOLVEMENT:**

- ✓ Carmel Highlands Fire Protection District
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project. Environmental Health Division, Carmel Highlands Fire Protection District, and the Water Resources Agency, along with outstanding conditions carried over from previous approved PLN020150. The following conditioned have been added by the RMA-Planning Department, and incorporated into the condition compliance reporting plan (**Exhibit C**).

Note: The decision on this project is appealable to the Board of Supervisors and the Coastal Commission.

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October 11, 2008

cc: Front Counter Copy; Planning Commission Members (10); County Counsel; Carmel Highlands Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Laura Lawrence, Planning Services Manager; Ramon A. Montano, Planner; Carol Allen; Daniele Gozzi, Applicant; Jennifer Hilliard, Agent; File PLN080338.

Attachments: Exhibit A Project Data Sheet  
Exhibit B Recommended Findings and Evidence  
Exhibit C Recommended Conditions of Approval and Mitigation Monitoring and Reporting Program  
Exhibit D Vicinity Map  
Exhibit E Site Plan, Floor Plan, and Elevations

This report was reviewed by Laura Lawrence, Planning Services Manager.

## **EXHIBIT A**

**EXHIBIT B**  
**RECOMMENDED FINDINGS AND EVIDENCE**  
**Gozzi/PLN080338**

**1. FINDING: CONSISTENCY** – The project as described in Condition No.1 and as conditioned, policies, requirements, and standards of the Monterey County General Plan, certified Monterey County Local Coastal Program (LCP). The LCP for this site consists of the Big Sur Coast Land Use Plan, Coastal Implementation Plan (Part 3), and the Coastal Implementation Plan Appendices (Part 6); Monterey County Coastal Implementation Plan (Part 1) or Zoning Ordinance (Title 20), which designates this guesthouse above the garage as a compatible use with the principle uses allowed.

- 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 to indicate that there is any inconsistency with the text, policies, and regulation in these documents.
  - (b) The property is located at 31549 Highway 1, Big Sur (Assessor's Parcel Number 243-221-027-000), near the end of Victorine Ranch Road, Big Sur area, Coastal Zone. The parcel is zoned Watershed and Scenic Conservation, 40 acres per unit, in the Coastal Zone (“WSC/40-D (CZ)”). The proposed development consists of an Amendment to a previously approved Combined Development Permit (PLN020150) to allow the construction of a new 408 square foot guesthouse and a 456 square foot storage area over an existing previously permitted 864 square foot garage. The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 20, and is therefore suitable for the proposed development.
  - (c) The project planner conducted a site inspection in October of 2008 to verify that the project on the subject parcel conforms to the plans listed above.
  - (d) The project is consistent with the following development standards as required by Section 20.17.060& 20.64.020 of the Monterey County Zoning Ordinance (Title 20) for those areas designated Watershed and Scenic Conservation and regulations for guesthouses:
    - Height Allowed height measured from the average natural grade for a main structure is 24 feet. The proposed addition to the existing garage will not exceed a height of 23.5 feet. Staff finds the proposed addition to be architecturally consistent and compatible with the main residence.
    - Setbacks The proposed guesthouse will reside upon an existing garage. The structure is currently conforming there the project meets the setback criteria under the WSC development standards.
    - Development Density The project will not affect the density development standards.
    - Building Site Coverage There are no floor area ratio standards in the WSC zoning District site development standards; therefore the proposed guesthouse will not affect the existing site coverage’s on the property.
  - (e) The project was not referred to the Big Sur Land Use Advisory Committee for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this is a Coastal Development Permit and Design Approval with no unusual circumstances.
  - (f) 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 PLN080338.

**2. FINDING: NOT WITHIN CRITICAL VIEWSHED OR RIDGELINE**– The topography and tree cover along Highway 1 in the area of Victorine Ranch is such that the subject parcel lies entirely outside of the Critical Viewshed of Big Sur. Therefore, the proposed project will not impact the Critical Viewshed of Big Sur, consistent with Key Policy 3.2.1 of the *Big Sur Coast Land Use Plan*.

**EVIDENCE:** (a) The existing garage is currently sited 261.80 feet above sea level on the subject property. The proposed structure when completed is 23.5 feet in height which places the ridge of the proposed guesthouse addition at a height of 283.5 feet above sea level. The surrounding ridge is at an elevation of 290 feet above sea level which places the ridge of the proposed structure 4.5 feet below the surrounding mountain ridges. Therefore the proposed structure additions do not constitute ridgeline development.

(b) Site visit conducted in October 2008 by the project planner to the subject parcel and vicinity of Victorine Ranch. Staff determined that the proposed guesthouse addition was not visible from Highway One or major public viewing areas as defined in 3.2.2, under scenic resource policies in the *Big Sur Coast Land Use Plan*.

(c) Application materials including site plans in file no. PLN020150 and PLN080338.

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

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

(b) The project approved under PLN020150 completed a biological survey on April 27, 2003, Jud Vandevere determined that “no environmentally sensitive species or habitat will be adversely impacted by the development.” Because the proposed development under the amendment PLN080338 will not create any site disturbance and the area where the garage is currently completely paved, the addition of a guesthouse will not create any new impacts that would require further review under CEQA.

(c) No trees or vegetation of any kind will be removed for the purpose of constructing the proposed guesthouse.

(d) The project’s seismic hazard zone is listed as a “Relatively Stable Area” according to the resource maps of the *Big Sur Coast Land Use Plan*.

(e) The project as proposed is consistent with policies of the *Big Sur Coast Land Use Plan* dealing with development in areas of high archaeological sensitivity. An archaeological report, dated June 1981, had previously been prepared for the subject parcel by Archaeological Consulting. No evidence of potentially significant archaeological resources was identified. No known positive archaeological sites are located within 750 feet of the project site.

(f) Necessary public facilities are available and have been provided.

(g) Application materials including site plans in file number PLN020150 and PLN080338.

**4. FINDING: CEQA** – The approved project will not have a significant adverse impact on the environment and no unusual circumstances were found to exist.

**EVIDENCE:** (a) Criteria contained in Article 19, Section 15301 Class 1 (e) of the California Environmental Quality Act Guidelines allow this project to be categorically exempted from environmental review. Class 1 (e) allows “additions to existing

structures provided the addition will not result in an increase of more than 50% of the floor area of the structures before the addition.”

- (b) The project approved under PLN020150 completed a biological survey on April 27, 2003, Jud Vandevere determined that “no environmentally sensitive species or habitat will be adversely impacted by the development.” Because the proposed development under the amendment PLN080338 will not create any site disturbance and the area where the garage is currently completely paved, the addition of a guesthouse will not create any new impacts that would require further review under CEQA.
- (c) No trees or vegetation of any kind will be removed for the purpose of constructing the proposed guesthouse.
- (d) The project’s seismic hazard zone is listed as a “Relatively Stable Area” according to the resource maps of the *Big Sur Coast Land Use Plan*.
- (e) The project as proposed is consistent with policies of the *Big Sur Coast Land Use Plan* dealing with development in areas of high archaeological sensitivity. An archaeological report, dated June 1981, had previously been prepared for the subject parcel by Archaeological Consulting. No evidence of potentially significant archaeological resources was identified. No known positive archaeological sites are located within 750 feet of the project site.
- (f) No adverse environmental effects have been identified during staff review of the development application and during a site visit conducted in October of 2008.

**5. FINDING: NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and other applicable provisions of the County’s zoning ordinance (Title 20). Zoning violation abatement costs, if any, have been paid.

**EVIDENCE:** Staff verification of the Monterey County RMA - Planning Department and Building Services Department records indicate that no violations exist on subject property.

**6. FINDING: PUBLIC ACCESS** – The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4.). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c. of the Monterey County Coastal Implementation Plan, can be demonstrated.

- EVIDENCE:**
- (a) The subject property is not described as an area where the Local Coastal Program requires access.
  - (b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 3, the Shoreline Access/Trails Map, of the Big Sur 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) Staff site visit in October 2008.

**7. FINDING: HEALTH AND SAFETY** – The establishment, maintenance, and operation of the proposed development applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

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

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

**EVIDENCE:** (a) Section 20.86.030. A of the Monterey County Zoning Ordinance Title 20 (Board of Supervisors)

(b) Section 20.86.080 of the Monterey County Zoning Ordinances Title 20 (Coastal Commission)





Permit Cond. Number	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 action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
2.		<p><b>PD002 - NOTICE-PERMIT APPROVAL</b></p> <p>The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Planning Commission for Assessor's Parcel Number 243-221-027-000 on November 12, 2008. The permit was granted subject to 9 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. <b>(RMA - Planning Department)</b></p>	<p>Proof of recordation of this notice shall be furnished to the RMA - Planning Department.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of grading and building permits or commencement of use.</p>	
3.		<p><b>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</b></p> <p>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></p>	<p>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.</p>	<p>Owner/ Applicant/ Archaeologist</p>	<p>Ongoing</p>	

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4.		<p><b>PD004 - INDEMNIFICATION AGREEMENT</b></p> <p>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 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. <b>(RMA - Planning Department)</b></p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	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 and as applicable	

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5.		<p><b>PD009 - GEOTECHNICAL CERTIFICATION</b></p> <p>Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. <b>(RMA – Planning Department and Building Services Department)</b></p>	<p>Submit certification by the geotechnical consultant to the RMA – Building Services Department showing project’s compliance with the geotechnical report.</p>	<p>Owner/ Applicant/ Geotechnical Consultant</p>	<p>Prior to final inspection</p>	
6.		<p><b>PD014(C) – LIGHTING – EXTERIOR LIGHTING PLAN (BIG SUR)</b></p> <p>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 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 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></p>	<p>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.</p> <p>The lighting shall be installed and maintained in accordance with the approved plan.</p>	<p>Owner/ Applicant</p> <p>Owner/ Applicant</p>	<p>Prior to the issuance of building permits.</p> <p>Prior to Occupancy / Ongoing</p>	

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7.		<p><b>PD019(B) – DEED RESTRICTION – GUESTHOUSE (COASTAL)</b></p> <p>The applicant shall record a deed restriction stating the regulations applicable to a Guesthouse as follows:</p> <ul style="list-style-type: none"> <li>• Only one guesthouse shall be allowed per lot.</li> <li>• Detached guesthouses shall be located in close proximity to the principal residence.</li> <li>• Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements.</li> <li>• The guesthouse shall not have cooking or kitchen facilities, including but not limited to microwave ovens, hot plates and toaster ovens</li> <li>• The guesthouse shall have a maximum of six (6) linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of eight (8) square feet of cabinet space, excluding clothes closets</li> <li>• The guesthouse shall not exceed 425 square feet of livable floor area</li> <li>• The guesthouse shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect</li> <li>• Subsequent subdivisions which divide a main residence from a guesthouse shall be prohibited.</li> <li>• 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.</li> <li>• The guesthouse height shall not exceed 12 feet nor be more than one story.</li> </ul> <p><b>(RMA – Planning Department)</b></p>	<p>Submit signed and notarized document to the Director of RMA – Planning Department for review and signature by the County.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of grading or building permits</p>	
			<p>Proof of recordation of the document shall be submitted to the RMA – Planning Department.</p>	<p>Owner/ Applicant</p>	<p>Prior to occupancy or commencement of use</p>	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
8.		<b>PDSP001 – CARRY FORWARD CONDITIONS</b> Conditions 1 through 16 shall be carried forward into PLN080338 for compliance. Prior to the issuance of building permits for the guesthouse , the property owner shall confirm that all conditions of approval for PLN020150 have been cleared. <b>(RMA – Planning Department and Building Services Department)</b>	Prior to the issuance of building permits for the guesthouse , the property owner shall confirm that all conditions of approval for PLN020150 have been cleared.	Owner/ Applicant	Prior to issuance of building permits for the guesthouse	
9.		<b>PD041 – HEIGHT VERIFICATION</b> The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. <b>(RMA – Planning Department and Building Services Department)</b>	1) The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection  2) The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.	Owner/ Applicant  Owner/ Applicant/ Engineer	Prior to the issuance of grading or building permits  Prior to the final inspection	

GOZZI PLN080338

## **EXHIBIT D**













## **EXHIBIT E**