

MONTEREY COUNTY PLANNING COMMISSION

Meeting: January 28, 2009 Time: A.M/P.M	Agenda Item No.:
Project Description: Coastal Development Permit to allow a 175 square foot addition with a 120 square foot covered porch to an existing 305 square foot storage shed within the Critical Viewshed as defined by Section 20.145.020.V, Big Sur Coast Land Use Plan; conversion of the existing shed to a ranch office and livestock observation bay; and Design Approval.	
Project Location: 44651 Highway 1 at Mile Post 54.2, Big Sur	APN: 159-011-008-000
Planning File Number: PLN070632	Name: Hill, James, J., Property Owner/ Carver Schicketanz Architects, Agent
Plan Area: Big Sur Coast Land Use Plan	Flagged and staked: Yes
Zoning Designation: ("WSC/40 (CZ)" [Watershed Scenic Conservation, 40 acres per unit (Coastal Zone)])	
CEQA Action: Exempt Per CEQA Section 15301(e)	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission approve the Coastal Development Permit based on the Findings and Evidence (**Exhibit B**) and subject to the recommended Conditions (**Exhibit C**).

PROJECT SUMMARY:

The parcel is located within the critical viewshed as defined by Section 20.145.020.V in the Coastal Implementation Plan. As such, the project includes a Coastal Development Permit to allow development within the Big Sur Critical Viewshed (20.17.030 MCC). The policies of the Big Sur Coast Land Use Plan allow essential agricultural structures required by commercial ranching and agriculture operations that cannot be feasibly located outside the viewshed (Policy 3.2.5.B). Staff conducted a site visit on February 7, 2008 and May 7, 2008 to assess the potential viewshed impacts of the proposed project. There are approximately eight existing agricultural structures within the vicinity of the proposed structure addition. An existing 305 square foot barn will be converted to the ranch office/livestock observation bay. The addition consists of 175 square feet with 120 square foot covered porch.

Based on the site visit, no alternative building site outside of the Critical Viewshed exists on the parcel to which the proposed structure could be relocated (Policy 3.2.3.A.3). The entire commercial ranch area is visible within the Big Sur Critical Viewshed and the existing structures and proposed addition are visible when traveling north on Highway 1. Although in the technical line of site (approximately 900 feet from Highway 1), the existing structures could be considered distant development, if sited and designed so as not to be seen from Highway 1 and other major public viewing areas (Policy 3.2.3.B.1). Visibility will not be increased due to the addition being in the back of the existing structure. Colors and materials to be used will have visual continuity with the existing structures (Policy 3.2.4.A.1). The project, as proposed, shall be subordinate and will blend with the natural and scenic character of the area. No other issues remain.

OTHER AGENCY INVOLVEMENT:

- ✓ California Department of Forestry (Cal Fire Coastal)
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project. Conditions recommended by RMA- Planning Department and Cal Fire Coastal, have been incorporated into the condition compliance reporting plan (**Exhibit C**).

The project was referred to the Big Sur Coast Land Use Advisory Committee (LUAC) for review. The LUAC, at its meeting on August 26, 2008, unanimously recommended approval by a vote of 5-0. They based their recommendation on the agricultural exemption of the Big Sur Land Use Plan policy 3.2.5.B. (**Exhibit D**).

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

Elizabeth A. Gonzales, Planner
(831) 755-5102, gonzalesl@co.monterey.ca.us
December 30, 2008

cc: Front Counter Copy; Coastal Commission; Planning Commission Members (10); County Counsel; California Department of Forestry; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Laura Lawrence, Planning Services Manager; Elizabeth A. Gonzales, Planner; Carol Allen; James J. Hill, Applicant; Carver Schicketanz Architects, Agent; File PLN070632.

Attachments: Exhibit A Project Data Sheet
 Exhibit B Recommended Findings and Evidence
 Exhibit C Recommended Conditions of Approval
 Exhibit D Land Use Advisory Committee Minutes
 Exhibit E Site Plan, Floor Plan and Elevations
 Exhibit F Vicinity Map

This report was reviewed by Laura Lawrence, Planning Services Manager

EXHIBIT B

RECOMMENDED FINDINGS AND EVIDENCE

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, Coastal Implementation Plan (CIP) Part 3, and the Monterey County Zoning Ordinance (Title 20), which designates this area as appropriate for development.

EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. 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 44651 Highway One, Big Sur (Assessor's Parcel Number 159-011-008-000-000), Big Sur Coast Land Use Plan. The parcel is zoned Watershed Scenic Conservation, 40 acres per unit (Coastal Zone) ("WSC/40 (CZ)") which allows essential agricultural structures. Therefore, the property is suitable for the proposed development.

(c) The project planner conducted a site inspection on February 7, 2008 and May 7, 2008 to verify that the project on the subject parcel conforms to the plans listed above.

(d) Visual Resources/Critical Viewshed: The parcel is located within the critical viewshed as defined by Section 20.145.020.V in the Coastal Implementation Plan. As such, the project includes a Coastal Development Permit to allow development within the Big Sur Critical Viewshed (20.17.030 MCC). The policies of the Big Sur Coast Land Use Plan allow essential agricultural structures required by commercial ranching and agriculture operations that cannot be feasibly located outside the viewshed (Policy 3.2.5.B). Staff conducted a site visit on February 7, 2008 and May 7, 2008 to assess the potential viewshed impacts of the proposed project. There are approximately eight existing agricultural structures within the vicinity of the proposed structure addition. An existing 305 square foot barn will be converted to the ranch office/livestock observation bay. The addition consists of 175 square feet with 120 square foot covered porch. Based on the site visit, no alternative building site outside of the Critical Viewshed exists on the parcel to which the proposed structure could be relocated (Policy 3.2.3.A.3). The entire commercial ranch area is visible within the Big Sur Critical Viewshed, and the existing structures and proposed addition are visible when traveling north on Highway 1. Although in the technical line of site (approximately 900 feet from Highway 1), the existing structures could be considered distant development, if sited and designed so as not to be seen from Highway 1 and other major public viewing areas (Policy 3.2.3.B.1). Visibility will not be increased due to the addition being in the back of the existing structure. Colors and materials to be used will have visual continuity with the existing structures (Policy 3.2.4.A.1). The project, as proposed, shall be subordinate and will blend with the natural and scenic character of the area.

- (e) The project was referred to the Big Sur Coast Land Use Advisory Committee (LUAC) for review. The LUAC, at its meeting on August 26, 2008, unanimously recommended approval by a vote of 5-0. They based their recommendation on the agricultural exemption of the Big Sur Land Use Plan policy 3.2.5.B.
- (f) 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 PLN070632.

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, CDF Coastal 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 for the proposed development. Conditions recommended have been incorporated.

(b) Although in a high archaeological zone, the parcel is not located within 750 feet of a known archaeological resource. A technical report by an outside archaeological 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 concurs. The following report has been prepared:

i. “Preliminary Archaeological Reconnaissance” (LIB080446) prepared by Archaeological Consulting, Salinas, CA, dated April 1, 2008.

(c) The proposed project is located within a high geologic hazard zone. However, pursuant to Section 20.145.080.A of the Coastal Implementation Plan Part 2, a geologic report may be exempt if the structure is uninhabited or the proposed is a structural addition which is exempt from environmental review under CEQA.

(d) The parcel is identified on County resource maps as located within a high fire hazard area. Section 20.145.080.C of the Coastal Implementation Plan Part 2 requires the filing of a deed restriction to note that development may be subject to certain restrictions (Condition #5).

(e) Staff conducted site inspections on February 7, 2008 and May 7, 2008 to verify that the site is suitable for this use.

(f) Materials in Project File PLN070632.

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(e), categorically exempts additional to existing structure provided that the addition will not result in an increase of more than 50 percent of the floor area of the structure before the addition.

(b) No adverse environmental effects were identified during staff review of the development application during a site visit on February 7, 2008 and May 7, 2008.

(c) See Findings #1 and #2 and supporting evidence.

4. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable

provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: Staff reviewed Monterey County RMA - Planning Department and Building Services Department 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: See Findings #1, #2 and #3 and supporting evidence.

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 Land Use Plan, and Section 20.145.150 of the Monterey County Zoning Ordinance (Part 3 – Coastal Implementation Plan).

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 2 (Shoreline Access Plan) and Figure 3 (Trails Plan) of the Big Sur Coast Land Use Plan, and does not identify the area of this property for existing or proposed public access.

(c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

(d) Site visit by the project planner on February 7, 2008 and May 7, 2008.

(e) Materials in Project File PLN070632.

7. **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 of the Monterey County Coastal Implementation Plan - Part 1 (Board of Supervisors).

(b) Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan, Part 1 (Coastal Commission). Development permitted as a conditional use may be appealed to the Coastal Commission.

EXHIBIT C
Monterey County Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: Hill, James J III

File No: PLN070632

Approved by: Planning Commission

APNs: 159-011-008-000

Date: January 28, 2009

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

<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>
1.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Coastal Development Permit (PLN070632) allows a 175 square foot addition with a 120 square foot covered porch to an existing 305 square foot storage shed within the Critical Viewshed as defined by Section 20.145.020.V, Big Sur Coast Land Use Plan; conversion of the existing shed to a ranch office and livestock observation bay; and Design Approval. The property is located at 44651 Highway One at Mile Post 54.2, Big Sur, (Assessor's Parcel Number 159-011-008-000), 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 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)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

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2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit was approved by the Planning Commission for Assessor's Parcel Number 159-011-008-000 on January 28, 2009. The permit was granted subject to 8 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.		PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT 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. (RMA - Planning Department)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeologist	Ongoing	
4.		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	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.	

<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>
		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. (RMA – Planning Department)	The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to Occupancy / Ongoing	
5.		PD017 - DEED RESTRICTION – USE Prior to the issuance of a building permit the applicant shall record a deed restriction as a condition of project approval stating “The parcel is located in a high fire hazard area and development may be subject to certain restrictions required as per Section 20.145.080 and per the standards for development of residential property.” (RMA – Planning Department)	Submit signed and notarized document to the Director of RMA – Planning Department for review and signature by the County.	Owner/ Applicant	Prior to the issuance of grading or building permits	
			Proof of recordation of the document shall be submitted to the RMA – Planning Department.	Owner/ Applicant	Prior to occupancy or commencement of use	

ENVIRONMENTAL HEALTH

6.		EHSP001 - Deed Notification: Family Only Water System Exemption (NON STANDARD) The applicant shall submit a completed “Family-Only Water System Exemption” Deed Notification form (available from EHD), signed before a Notary Public and recorded with the County of Monterey Recorder’s Office. (Environmental Health)	<ul style="list-style-type: none"> Obtain form from EHD. Record notarized Family Only Water System Exemption Deed Notification. Submit evidence of recordation to EHD 	Owner	Prior to issuance of building permit.	
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7.		FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS) 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 fire protection or firebreaks approved by the Reviewing Authority may be required to 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. (California Department of Forestry (Coastal))	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
8.		FIRE027 - ROOF CONSTRUCTION - (VERY HIGH HAZARD SEVERITY ZONE) 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. (California Department of Forestry (Coastal))	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

END OF CONDITIONS