

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
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C.7.2.  
2/23/99



# TH5d & 5f

## RECORD PACKET COPY

Staff: R. Hyman  
Staff Report: 2/18/99  
Hearing Open: 2/3/99  
Hearing Date: 3/11/99

### STAFF REPORT: TWO APPEALS SUBSTANTIAL ISSUE DETERMINATIONS AND COASTAL PERMITS

1.

Filed: 1/5/99  
49th day: 2/23/99  
180th day: 7/4/99

LOCAL GOVERNMENT: MONTEREY COUNTY  
LOCAL DECISION: Approved with conditions  
APPEAL NUMBER: **A-3-MCO-99-001**  
APPLICANT: **LISA CALLAHAN**  
APPELLANTS: **Commissioner David Armanasco and  
Commissioner Gary Giacomini**

PROJECT LOCATION: 36650 Highway 1, Big Sur Coast, Monterey County;  
AP# 243-251-18

PROJECT DESCRIPTION: Demolition of existing single family residence and  
construction of a new, two-story single family residence.

FILE DOCUMENTS: County coastal permit file PLN965381; *Big Sur Coast Land  
Use Plan; Monterey County Coastal Implementation Plan  
(Title 20 of County Code)*; Coastal permit P-3-73-67

2.

Filed: 12/22/98  
49th day: 2/9/99  
180th day: 6/20/99

LOCAL GOVERNMENT: MONTEREY COUNTY  
LOCAL DECISION: Approved with conditions  
APPEAL NUMBER: **A-3-MCO-98-109**  
APPLICANTS: **ROBERT and JANET LESLIE**  
APPELLANTS: **Commissioner Dave Potter and  
Commissioner David Armanasco**

PROJECT LOCATION: 36650 Highway 1, Big Sur Coast, Monterey County,  
AP# 243-251-18

PROJECT DESCRIPTION: Allow for the redesign of a previously approved single family dwelling with attached garage, 52 cubic yards of grading, hot tub. Existing residence on site to be demolished.

FILE DOCUMENTS: County coastal permit file PLN980041, *Big Sur Coast Land Use Plan*; *Monterey County Coastal Implementation Plan* (Title 20 of County Code); Coastal permit P-3-73-67

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**NOTE TO COMMISSIONERS:** These two appeals are combined for hearing because both locally issued permits are for a single-family home on the same site on the same parcel. The Callahan permit was approved in May 1997; the Leslie permit, which amends the Callahan Permit was approved by the County in October 1998. Final action notices for both were sent to the Commission in December of 1998.

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#### SUMMARY OF STAFF RECOMMENDATION

These appeals represent two different County-approved house designs on the same site. Staff recommends that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeals have been filed, and that one permit be **denied** and the subsequent permit be **approved**, if conditioned to protect visual resources and environmentally sensitive habitats.

These projects raise a challenging issue. Although their individual impacts are relatively small, the approvals are clearly inconsistent with a threshold policy for protecting public views along the Big Sur Coast. Moreover, the potential cumulative effect of allowing such approvals is substantial. The lot in question is located in plain sight on the coastal terrace between Highway 1 and the sea, in the Critical Viewshed as defined in the Big Sur Coast Land Use Plan (LUP). The lot also falls within the Rocky Point Area residential enclave, where special standards apply to existing vacant lots (which this lot is not).

The proposed **Callahan** project would replace an existing 1,575 square foot house with a larger and more visible 4,082 square foot two story house. The proposed Leslie house, while described as an amendment to the Callahan permit, is a different (replacement) design which if actually built would result in a 4,170 square foot two story house. The Callahan design, compared to the existing residence, would increase visual impacts by encroaching further into the "bluewater" view as seen from Highway 1. That is, the proposed residence, if actually constructed, would have a increased

profile as seen against the sea. It would also introduce a "mission-like" architectural theme not characteristic of the Big Sur Coast.

On the other hand, the **Leslie** design avoids such an uncharacteristic architectural theme. Nonetheless, the Leslie design would still increase the profile of residential structure as seen against the bluewater background — in this case, by also extending the visible face of the structure 50 feet more to the south. Both designs increase structural visibility, and therefore clearly violate certified *Big Sur Coast Land Use Plan* policy 3.2.3.7, which states:

The general policy concerning replacement of structures shall be to encourage resiting or redesign in order to conform to the Key Policy. Replacement or enlargement of existing structures...within the critical viewshed shall be permitted on the original location on the site, provided no other less visible portion of the site is acceptable to the property owner, and **provided the replacement or enlargement does not increase the visibility of the structure...** [emphasis added].

In determining whether such a policy inconsistency gives rise to a "**substantial**" issue, several factors should be taken into consideration:

- The applicable policy is a cornerstone of the *Big Sur Coast Land Use Plan*;
- The Leslie project includes retention of an existing earthen berm and additional landscape screening which in a relatively short time can be expected to conceal much of the new structure; however, such screening will itself encroach on seaward public views. This additional view blockage, along with other developments and landscape plantings in the Rocky Point area, will on a cumulative basis be readily apparent to travelers along Highway One;
- There is no Constitutional "takings" issue involved because a house already exists on the property;
- There are ways to undertake a remodel or reconstruction resulting in a larger house and still meet the policy, through design which does not increase the visibility of the structure as seen from Highway One;
- There are an estimated 80-100 other developed parcels located in Big Sur's Critical Viewshed. The cumulative impact on Big Sur's critical viewshed and hence the enjoyment of millions who drive down Highway One would be substantial if each existing viewshed residence were allowed to expand in the proposed manner.

Thus, staff recommends that there is a substantial issue. Staff furthermore, recommends that a permit be approved for a redesigned house that preserves the integrity of the governing policy and the *Big Sur Coast Land Use Plan*.

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**EXHIBITS**

1. LOCATION MAPS
2. CALLAHAN COUNTY PERMIT FINDINGS AND CONDITIONS WITH SITE PLANS AND ELEVATIONS
3. LESLIE COUNTY PERMIT FINDINGS AND CONDITIONS WITH SITE PLANS AND ELEVATIONS

**I. COMPLETE TEXT OF APPELLANT'S CONTENTIONS****REASONS FOR APPEAL OF CALLAHAN PERMIT**

The County's approval of this permit will allow the demolition of an existing (2,509 sq. ft.) residential structure on the coastal terrace, in public view between Highway 1 and the sea, and replacement with an even larger (4,082 sq. ft.) and more visible residential development. This increased visual impact is inconsistent with the scenic resource protection policies contained in the Big Sur Coast Land Use Plan (LUP) portion of the Monterey County Local Coastal Program. Specifically, by failing to consider reasonable alternatives and mitigation measures (such as substantially reducing the size of the proposed structure), the County's decision is not consistent with LUP Policy 3.2.3A.7(which requires that replacements or enlargements not increase the visibility of the structure); LUP Policy 3.2.4.A.3 (modifications required for design, size, siting, etc., so that new development will be subordinate to and blend with its environment); and LUP Policy 3.2.5.F (which applies additional design standards in the Rocky Point Area).

## REASONS FOR APPEAL OF LESLIE PERMIT

The County's approval of this permit will allow the demolition of an existing (2,509 sq. ft.) residential structure on the coastal terrace, in public view between Highway 1 and the sea, and replacement with an even larger (4,170 sq. ft.) and more visible residential development. This increased visual impact is inconsistent with the scenic resource protection policies contained in the Big Sur Coast Land Use Plan (LUP) portion of the Monterey County Local Coastal Program. Specifically, by failing to consider reasonable alternatives and mitigation measures (such as substantially reducing the size of the proposed structure), the County's decision is not consistent with LUP Policy 3.2.4.A.1 (which requires that all structures be sited and designed so as not to detract from the natural beauty of the shoreline); LUP Policy 3.2.4.A.3 (modifications required for design, size, etc., so that new development will be subordinate to and blend with its environment); and LUP Policy 3.2.5.F (which applies additional standards in the Rocky Point Area, including a requirement to use "berming and other measures designed to minimize views of structures without blocking ocean vistas from Highway 1").

## **II. LOCAL GOVERNMENT ACTION**

The Monterey County Planning Commission approved a coastal permit for the proposed Callahan project with 22 conditions on May 28, 1997 (see Exhibit 2). This permit allowed the demolition of the existing home located at 36650 Highway 1 and the construction of a replacement residence. However, the Coastal Commission did not receive notice of this action at the time. The property was then sold to the Leslies. They subsequently applied for an amendment to the permit approved for the Callahans. The Monterey County Planning Commission approved a coastal permit amendment for the proposed Leslie project with 55 conditions on October 6, 1998 (see Exhibit 3). The Callahan final action was not sent to the Coastal Commission until December 18, 1998 (at the same time the Leslie permit was forwarded to the Commission). The appeal period for both projects therefore was December 21, 1998 – January 5, 1999. Both items were appealed. The appeal hearings on both of these items were opened and continued on February 3, 1999 in order to have time to receive the complete administrative record from the County and to see if the Board of Supervisors was willing to review their Planning Commission's actions.

## **III. STANDARD OF REVIEW FOR APPEALS**

Coastal Act section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance

or zoning district map; and (5) any action on a major public works project or energy facility. These projects are appealable because they are located seaward of Highway One.

The grounds for appeal under section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified local coastal program or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a *de novo* coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under section 30604(b), if the Commission conducts a *de novo* hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter Three of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, which is the case with these projects.

#### IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that **a substantial issue** exists with respect to the grounds on which the appeals were filed pursuant to Coastal Act Section 30603.

**MOTION 1:** Staff recommends a "NO" vote on the following motion:

"I move that the Commission determine that Appeal No. A-3-MCO-98-109 raises **no** substantial issue with respect to the grounds on which the appeal has been filed."

A majority of the Commissioners present is required to pass the motion.

**MOTION 2:** Staff recommends a "NO" vote on the following motion:

"I move that the Commission determine that Appeal No. A-3-MCO-99-01 raises **no** substantial issue with respect to the grounds on which the appeal has been filed."

A majority of the Commissioners present is required to pass the motion.

#### V. STAFF RECOMMENDATIONS ON COASTAL PERMITS

The staff recommends that the Commission, after public hearing, **deny** the Callahan permit and **approve** the Leslie permit with conditions.

**MOTION 1:** Staff recommends a "NO" vote on the following motion:

"I move that the Commission **APPROVE** coastal development permit A-3-MCO-99-01, subject to the conditions below."

**RESOLUTION 1**

The Commission hereby **denies** a permit for the proposed development on the grounds that they would not be in conformity with the provisions of the certified Monterey County Local Coastal Program.

**MOTION 2:** Staff recommends a "YES" vote on the following motion:

"I move that the Commission **APPROVE** coastal development permit A-3-MCO-98-109, subject to the conditions below."

**RESOLUTION 2:**

The Commission hereby **grants** a permit for the proposed development as conditioned below, on the grounds that, as conditioned, it will be in conformity with the certified Monterey County Local Coastal Program, that it is in conformity with the public access and recreation policies of Chapter Three of the Coastal Act, and that there are no additional feasible mitigation measures that would lessen any significant adverse effects on the environment within the meaning of the California Environmental Quality Act (CEQA).

**VI. RECOMMENDED CONDITIONS FOR LESLIE PERMIT A-3-MCO-98-109**

**A. Standard Conditions**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below.

Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.

6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

#### **B. Special Conditions**

1. Revised Final Plans. Prior to Issuance of the Coastal Development Permit, The applicant shall submit a revised set of site, building and landscaping plans for Executive Director review and approval which provides for the following:

(a) Building plans which indicate:

- A single family residence and garage which does not exceed 4,170 square feet of floor area, including decks and hot tub.
- The location, type and size of all antennas, satellite dishes, towers, fences and similar appurtenances .

(b) A site plan which indicates the following:

- Locates all structures and paving away from all dune buckwheat *Eriogonum parvifolium*, or complies with all applicable U.S. Fish & Wildlife Service standards for relocation of such plants;
- Demonstrates that the new residence, including all accessory structures (i.e., garage, decks, hot tub) authorized by this permit will not be more visible or block more views to the sea from Highway One (including pull-outs) than the existing residence on site (which will be demolished prior to the construction of the new home);
- Shows a driveway that is as narrow as possible, avoids paving where practical and is consolidated where possible; however, a 12 ft. width shall be

unobstructed and maintained for fire emergency purposes and a turn-out near the mid-point of the driveway shall be provided.

- All new utility and distribution lines shall be placed underground.

(c) A landscape plan which indicates the following:

- Does not utilize landscaping, berming, or mounding in a manner which would increase the amount of bluewater view blockage as seen from Highway One, including pull-outs; nor does it rely on landscaping, berming or mounding to screen an increased amount of development which would otherwise be seen within the critical viewshed;
- The landscaping plan shall provide for landscaping material that is native to the area and screen the development from Highway 1 without obstructing ocean vistas.
- Existing vegetation providing screening shall be retained, or as appropriate, replaced with species such as Monterey cypress which are native to Monterey County.
- The landscaping that exists or is approved, which provides screening, shall not be removed unless approved by the Commission. If removal or excessive trimming occurs, the owner shall be responsible for replacing the screening vegetation.
- The landscaping plan shall be in sufficient detail to identify the location, specie, and size of the proposed landscaping materials, which shall be installed prior to occupancy and maintained in a litter-free, weed-free, healthy, growing condition thereafter.

(d) The final plans shall show all site improvements, including the driveway, hydrant, and any exterior lighting. The plans shall be accompanied by photographic representations, produced after field staking with story poles, demonstrating that the new residence and all accessory structures together will be no more visible, nor block any more views to the sea from Highway One (including pull-outs) than does the existing to-be-demolished home on the site.

2. **Water Conservation:** The applicant shall comply with Ordinance No. 3539 of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:

- 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.
  - 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.
3. **Stormwater Run-off:** Stormwater runoff from impervious surfaces or construction activities shall not be allowed to flow uncontrolled over the edge of the bluff, but shall be controlled in lined channels, flumes, pipe or other erosion preventing installation, in accordance with the recommendations in the "Geotechnical Soils-foundation and Geologic/Geological Hazards report for single family residence, Rocky Point, Monterey County, California, APN 243-251-018", prepared by Grice Engineering and Geology Inc., Salinas, CA., Harold Grice P.E., Civil & Geotechnical, and Jerrie Gasch, Registered Geologist.
  4. **Exterior Lighting:** Prior to the Issuance of the Coastal Development Permit, the applicant shall submit an exterior lighting plan which shall indicate the location, type and wattage of all light fixtures and include catalogue sheets for each fixture for the review and approval of the Executive Director. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior light sources shall be prohibited if such light source would be directly visible from Highway 1 or other major public viewing area as defined in Section 20.145.020 V of the County Zoning Ordinance. Additionally, no such artificial lighting shall be directed onto environmentally sensitive habitats, including the shoreline and the adjacent sea within the Monterey Bay National Marine Sanctuary.
    - a. **Prior to the Issuance of the Coastal Development Permit,** The applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director which states that exterior light sources shall be prohibited if such light source would be directly visible from Highway One or other major public viewing area and that no lights shall be directed onto the shoreline or the sea. The deed restriction shall include legal descriptions of the applicants parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this permit unless the Executive Director determines that no amendment is required.

5. **Exterior Colors:** Prior to the Issuance of the Coastal Development Permit, the applicant shall submit color samples for the exterior of all buildings and roofs for the review and approval of the Executive Director. Colors submitted shall be in earth tones.
6. **Disposition of Grading Spoils:** If excavated spoils are to be exported from the site to other locations within the Coastal Zone, consent of the Executive Director is required **prior to transport**. No dirt or other excavated material will be placed on the site outside of the immediate building location. Dumping of construction debris, excavated materials or any portion of the structure authorized for demolition, over the coastal bluff is expressly prohibited.
7. **Biological Report:** All development shall be in accordance with the recommendations in the Biological Report, Jud Vandevere and Associates Biological Consultants, dated July 30, 1989 along with any additional recommendations of the U. S. Fish and Wildlife Service.
8. **Conditions Imposed by the Local Government:** This action by the Coastal Commission to approve Coastal Development Permit A-3-MCO-98-109 has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act, thus County conditions numbers 2(b), (c), (d), (e), (f), (g), (h), (i), and 8, 9, 10, 14, 15, 16, 17, 18, 20, 22, 23 and 24 remain in effect.
9. **Future Additions:** Any future additions, including but not limited to decks, antennas, satellite dishes, towers, utility poles or fencing within view of Highway 1 or other public viewpoint shall require a separate permit, or amendment to this permit, unless waived by the Executive Director or preempted by Federal law.

## VII. RECOMMENDED FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

### A. Project Description and Location

The Callahan (A-3-MCO-99-001) and Leslie (A-3-MCO-98-109) appeals are integrally related; they involve the same parcel and the Leslie permit is described as an amendment to the Callahan permit. The subject site is located on the coastal terrace between Highway One and the sea, in the Rocky Point area of the Big Sur coast. The site is about 2.05 acres and contains an existing, permitted house, with a coverage of 1575 square feet. The site is accessed from a driveway off of a common private access road (Seameadow Road), an abandoned segment of the Old Coast Road branching from Highway One.

The existing house was approved under one of the first coastal permits ever issued by the Commission (P-3-73-67, to Joel Morris). A finding stated that the unpaved access road would be constructed below the line of sight from Highway 1. The permit was conditioned for the house to be constructed below the line of sight to the sea from Highway 1. A later staff report indicated that this condition had not been followed. In 1977 a coastal permit for a garage was denied. Since the garage had already been built, it had to be torn down. Today, the existing house and a portion of the driveway remain in view from Highway 1, although partially screened by an installed berm and planted landscaping. At the time of the 1977 action, the Commission was not inclined to approve any visible projects within the Big Sur coast viewshed. Later, some additional viewshed development in this area was sanctioned under the *Big Sur Coast Land Use Plan*, as discussed below.

**Comparison of projects.** Table 1 below compares the current appealed projects to the existing development on the site. The "Morris" column represents the 1973 coastal permit.

The Callahan permit is for demolition of the existing single family residence and construction of a new, two-story single family residence. It includes an attached garage and 4,082 square feet of floor area distributed over 2 stories, plus 46.3 cubic yards of grading.

The Leslie permit is for a new design. According to their representative, the Leslies have purchased the subject property from the Callahans and are desirous of a different house design. Their new design would also be a two-story single family residence with an attached garage, with 4,170 square feet of floor area.

**Table 1. Comparison of Three Permits**

|   | Morris (existing) | Callahan | Leslie |
|---|-------------------|----------|--------|
| Building coverage (sq. ft)              | 1575              | 2,530    | 3,120  |
| Structure Height (ft.)*                 | 16                | 14       | 14     |
| Total building floor area (square feet) | 2150              | 4,082    | 4,170  |

\* Pursuant to Monterey County Ordinance 20.06.630, structure height is measured as the "vertical distance from the average level of the highest and lowest point of the natural grade of that portion of the building site covered by the structure, to the topmost point of the structure . . . ." Thus, a "14ft. structure" may consist partially of two stories as is the case here.

**Adjacent development context.** The Rocky Point enclave consists of 22 residential lots along the shoreline, on the coastal terrace between Highway One and the ocean. Given the topography, most of these lots are in the critical viewshed. Several had houses built on them before the Coastal Act came into effect. In the days of the first Coastal Act (Proposition 20) a few additional, small, relatively unobtrusive homes were

permitted, including the one on the subject site. Following the effective date of the 1976 Coastal Act, the Coastal Commission refrained from approving additional visible homes in this area or elsewhere along the Big Sur Coast in order not to prejudice the development of the Local Coastal Program. With the approval of the *Big Sur Coast Land Use Plan* an exception policy was included to allow development on the remaining *vacant* lots at Rocky Point. The County has since approved at least three permits for relatively large and visible homes (Procarnas, Brown and Stertzner) within the Rocky Point enclave. However, this is the first time that the Commission has considered demolition and replacement on an already *developed* parcel.

## **B. Analysis of Consistency with Local Coastal Program and Coastal Act**

### **1. Appellant's Contentions:**

Appellants Potter and Armanasco contend with regard to the Callahan permit:

The County's approval of this permit will allow the demolition of an existing (2,509 sq. ft.) residential structure on the coastal terrace, in public view between Highway 1 and the sea, and replacement with an even larger (4,082 sq. ft.) and more visible residential development. This increased visual impact is inconsistent with the scenic resource protection policies contained in the Big Sur Coast Land Use Plan (LUP) portion of the Monterey County Local Coastal Program. Specifically, by failing to consider reasonable alternatives and mitigation measures (such as substantially reducing the size of the proposed structure), the County's decision is not consistent with LUP Policy 3.2.3A.7 (which requires that replacements or enlargements not increase the visibility of the structure); LUP Policy 3.2.4.A.3 (modifications required for design, size, siting, etc., so that new development will be subordinate to and blend with its environment); and LUP Policy 3.2.5.F (which applies additional design standards in the Rocky Point Area).

Appellants Giacomini and Armanasco contend with regard to the Leslie permit:

The County's approval of this permit will allow the demolition of an existing (2,509 sq. ft.) residential structure on the coastal terrace, in public view between Highway 1 and the sea, and replacement with an even larger (4,170 sq. ft.) and more visible residential development. This increased visual impact is inconsistent with the scenic resource protection policies contained in the Big Sur Coast Land Use Plan (LUP) portion of the Monterey County Local Coastal Program. Specifically, by failing to consider reasonable alternatives and mitigation measures (such as substantially reducing the size of the proposed structure), the County's decision is not consistent with LUP Policy 3.2.4.A.1 (which requires that all structures be sited and designed so as not to detract from the natural beauty of the shoreline); LUP Policy 3.2.4.A.3 (modifications required for

design, size, etc., so that new development will be subordinate to and blend with its environment); and LUP Policy 3.2.5.F (which applies additional standards in the Rocky Point Area, including a requirement to use "berming and other measures designed to minimize views of structures without blocking ocean vistas from Highway 1").

## 2. Relevant Local Coastal Program Provisions

The local coastal program that governs the subject site includes the *Big Sur Coast Land Use Plan*. The most relevant policy is 3.2.3.7:

The general policy concerning replacement of structures shall be to encourage resiting or redesign in order to conform to the Key Policy. Replacement or enlargement of existing structures...within the critical viewshed shall be permitted on the original location on the site, provided no other less visible portion of the site is acceptable to the property owner, and provided the replacement or enlargement does not increase the visibility of the structure...

Further guidance is provided by policy 3.2.3.A.3:

...changes in the design, height, or bulk of proposed structures will be required where this will result in an approvable project.

The referenced Key Policy is 3.2.1, which states in part:

Recognizing the Big Sur coast's outstanding beauty and its great benefit to the people of the State and Nation, it is the County's objective to preserve these scenic resources in perpetuity and to promote the restoration of the natural beauty of visually degraded areas wherever possible. To this end, it is the County's policy to prohibit all future public or private development visible from Highway 1 and major public viewing areas [i.e., the critical viewshed]...This applies to all structures, the construction of public and private roads, utilities, lighting, grading and removal or extraction of natural materials.

The next *Plan* policy 3.2.2 is the definition of the "critical viewshed" as "everything within sight of Highway 1 and major public viewing areas including turnouts, beaches..." Within the critical viewshed, "ocean views from Highway 1 shall not be obscured by artificial berming/mounding or landscaping" under policy 3.2.3.B and *County Code* Section 20.145.030.A.1.b. Section 20.145.030.A2.d reinforces this:

Landscaping, berming, or mounding shall not be utilized to screen development which would otherwise be within the critical viewshed.

As background, the Commission and County have had a long history in protecting the Big Sur Coast viewshed. The agreed upon method was to limit visibility of man-made structures from Highway One and other public viewing points – i.e., within the “critical viewshed.” For vacant lots in the viewshed, the policy is generally to prohibit development which would be visible in public view. This policy is backed by a transfer of development program which gives two residential credits in exchange for retiring a lot which can not be developed because of its location in the viewshed. It has also been supported through various acquisition efforts, including a County program funded by Proposition 70 to purchase viewshed lots.

When the Local Coastal Program was approved, some carefully crafted exceptions to the critical viewshed building prohibition were included. One exception applies to Rocky Point Area Vacant Parcels. Existing vacant parcels are understood to be those which were not developed prior to 1977 nor subsequently pursuant to an approved coastal development permit. These parcels are allowed to develop under the various LCP standards including the following:

- keeping driveways as narrow as possible, avoiding paving where practical and consolidation of driveways, the use of roof and surface treatments, colors and materials which will visibly blend with the surrounding environment; the use of berming and other measures designed to minimize views of structures without blocking ocean vistas seen from highway 1; prohibiting the dumping of excavated materials over the coastal bluff, and additions, antennae, night flood lighting, or other improvements in view of highway 1 without separate permit consideration; and dedication of scenic easement over undeveloped portion of lot. (3.2.5.F)
- “...the design and siting of structures... shall not detract from the natural beauty of the undeveloped skylines, ridgelines, and the shoreline” (3.2.4.A.1).
- new development should be subordinate and blend with its environment, using materials or colors that will achieve that effect. Where necessary, appropriate modifications will be required for siting, structural design, size, shape, color, textures, building materials, access, and screening. (3.2.4.A.3)

The subject parcel is zoned RDR/40(14')(CZ). The 40 refers to a minimum 40 acre parcel size for new lots (existing lots smaller than the minimum can have one house). The 14' refers to a maximum height limit of 14 feet. This district allows a maximum of 25% structural coverage, which would equate to 22,300 square feet allowed on this site absent any public viewshed limitations.

### **3. Local Government Action:**

#### **a. Callahan:**

Monterey County approved a coastal permit for the proposed Callahan house on May 28, 1997. The County made the following findings (# 3-5) with regard to the crucial issue of visual impact:

- "condition 14 achieves the purpose-applicability of Section 20.44 of the Zoning Ordinance..." [wording similar to Key Policy 3.2.1]
- "this lot is visible from Highway 1. Condition 14 will ensure that the present development and any subsequent exterior changes that may affect the visual character of the structure located in a critically visually sensitive area will be given full consideration by the Planning Commission."
- "the subject parcel is in a Design Control or "D" District. The Planning Commission has suggested that any changes in the plans of the proposed residence deemed necessary to accomplish the purpose of the above Chapter. To this end the applicant has provided the Planning Commission with a Design Approval Request, drawings, and a statement of materials and colors to be used."

These findings are used to justify conditions:

- # 14 requiring the owners to record a deed restriction subjecting future changes to Planning Commission approval,
- # 5 requiring unobtrusive exterior lighting,
- # 11 requiring a deed restriction to maintain screening vegetation ,and
- # 18 requiring a scenic easement.

Other scenic related conditions are # 12 requiring landscape maintenance; # 13 requiring earth tone exterior colors, and # 15 limiting height to 14 feet.

#### **b. Leslie:**

Monterey County approved a coastal permit amendment for the proposed Leslie home on November 18, 1998. The County made the findings with regard to visual impact similar to those it made on the Callahan permit quoted above (see Exhibit 3). However, LUP Policy 3.2.5F (the Rocky Point exception policy for the development of *vacant* lots) is cited to allow the use of berming and other measures.

Almost identical conditions were imposed as on the Callahan project with regard to lighting, deed restrictions, scenic easement, screening vegetation, and landscape maintenance. However, the Leslie lighting condition has more detail, including a prohibition of visibility from Highway 1, and a deed restriction requirement. Another

Leslie condition (#2a) also requires a minimum 12 foot wide driveway, which the Callahan permit did not expressly require.

#### 4. Substantial Issue Analysis and Conclusion

***Inconsistency with applicable policy:*** The project site is located in Big Sur Coast's Critical Viewshed. Both projects will encroach on public views from Highway One to the sea, by increasing the amount of visible structure as compared to the existing residence. Landscape screening is proposed to mask this additional structural impact on public views. However, the LCP does not allow reliance on proposed future landscape screening for purposes of establishing conformance with the critical viewshed policy. Both proposed residences measure 14 ft. in height according to the County's method of measurement. This is slightly lower than the approx. 16 ft. height of the existing residence which will be demolished. Both existing and proposed residences have a finished lower level as well, so the seaward-facing side of each will appear as two stories in height. The above-cited height measurements result from a methodology of measuring height at a mid-point in the structure. Nonetheless, these heights also happen to represent the approximate maximum *vertical* encroachment into public views by the easterly (landward) elevation of each structure.

With respect to *horizontal* and *total* view blockage, the proposed new structures would substantially increase visual impacts. While applicants did not submit a photo-montage representation or comparison of visual impacts, the project site was staked with story poles and photographed. From these photos, Commission staff has concluded that the horizontal impact of building profile resulting from the Leslie project, as seen against the bluewater background, will increase at least two-fold compared to the existing residence. Taking into account the height reduction resulting from demolition of the existing residence, the net total for the new residence will be at least 160% of the view blockage from the existing residence.

While the Leslie design avoids the tile roof and "Romanesque" arches of the Callahan project, it does feature an approx. 50 ft. southward extension to provide a covered passageway to the proposed garage. This extension, for the purpose of providing the amenity of an attached garage and an enclosed garden area, would intrude into the bluewater view presently available through a small depression in the bluff edge as seen from Highway 1.

Neither set of project plans appears to identify the size or location of common residential accessory structures such as antennae, fences, etc., each of which has the potential for adversely impacting public views if not carefully located and designed. In conclusion, both projects as approved by the County would block more of the public view than the existing house and therefore are inconsistent with the Big Sur Coast LUP's Critical Viewshed policies, particularly Sec. 3.2.3.7 with respect to expansions and replacement structures.

**Applicable Criteria for Achieving Policy Conformance:** The cited County findings for the Callahan project do not provide a clear rationale as to how the project complies with the relevant Local Coastal Program provisions. One must look to the accompanying staff report to attempt to understand the County's rationale. That report notes that the project is in the critical viewshed and that policy 3.2.3.7 applies. It further notes that the Callahan project is 1,573 square feet greater in size than the existing house, implying an inconsistency with the policy. It then, however, rationalizes that the increased visibility does not result in a *significant* visual impact (which is not the test of the policy as *any* increased visibility is prohibited). It goes on to use one standard found in the exception policy to minimize visual intrusion (which is not appropriate in this case as that policy applies only to vacant lots). The staff report goes on to say that with additional landscaping the new house would be less visible than the existing house, thus meeting the 3.2.3.7 policy requirement. Omitted from this discussion is the specific prohibition on installing new landscaping as a means of allowing increased development in the Big Sur critical viewshed (Policy 3.2.3.B).

The staff report for the Leslie project also provides more rationale for the County's approval of that project than can be gleaned from the adopted findings. The staff report notes that the project is in the critical viewshed. However, it erroneously relies on the Rocky Point exception policy for vacant lots rather than on policy 3.2.3.7. The staff report also notes that the new design would extend 56 more feet southerly into the viewshed than the approved Callahan design and that the Big Sur Advisory Committee had recommended denial given the garage location's added visibility. Even if policy 3.2.5.F was the correct governing policy, the standards state that berming and other measures shall be used to minimize views of structures without blocking ocean vistas seen from Highway 1 (Code Section 20.145.030.B.6.b). Thus, not only is the County relying on new landscape screening which is prohibited (policy 3.2.3.B and County Code Sections 20.145.030.A.1.b and 20.145.030.A2.d); such new landscaping, even if not prohibited, would clearly violate the policy 3.2.3.7 standard, since it blocks more ocean views. In summary, the County failed to demonstrate how the project complied with the governing policies.

This last point is especially important to dispel any appearance that the subject property is not being treated equitably in comparison with similar parcels. Although the certified local coastal program has a different policy to apply to undeveloped parcels than to developed ones, this review has shown that there is little difference on how they would apply to the subject site. Both the exception policy for vacant parcels and the policy for additions recognize that a project will be visible in the critical viewshed. The latter policy does not require an addition to be invisible, rather it says that it should be no *more* visible.

One difference in the way the policies are written is that the exception policy for vacant lots explicitly allows additional screening. However, it does not allow additional screening if it will block more ocean views, as neither does the addition policy. A reading of all the policies together applicable to additions would seem to allow more

screening if it did not result in any additional view blockage; in fact this would appear desirable (i.e., where a visible house existing in the critical viewshed could be made less visible through screening as part of a permit to allow an addition). The subject site currently has landscaping and berming. If it were vacant then a house would be allowed that would be screened by this current screening. Additional screening would be allowed if it did not block ocean views. If as in this case, the site was not vacant, then an addition would be allowed that would be screened by this current screening. Additional screening would be allowed if it did not block ocean views. Therefore, the results should be similar.

As to other properties in the Rocky Point enclave, both applications are for homes that would be substantially larger than many of the neighboring ones. However, they are in the range of sizes of recently approved homes on vacant lots. As suggested, even following the policy for additions theoretically should allow the subject site to have a home of the size consistent with current trends -- just designed to result in no increased amount of public view blockage.

Even if application of the policy for additions meant that the subject property could not have a house as large as other homes in the area, there would be no legal justification for not following the policy. This is because there is an existing structure on the property, previously permitted by the Regional Coastal Commission. Thus, there is no constitutional entitlement to have a larger structure approved. The policy has been in place for almost 15 years, so that any new owners can easily have been made aware of it. They should also be aware that a previous request to add on a garage was denied. Both the Commission, when it was reviewing coastal applications under the Coastal Act and the County in its local coastal program have to date rejected a maximum size limitation for Rocky Point (or elsewhere in Big Sur) in favor of project review on a case-by-case basis taking individual site characteristics into consideration. Where the visual impacts could be lessened on one site, that has been required, even if the impacts were greater on an adjacent site; in other words the guiding principle with respect to public view protection has been to do the best one can on each individual site.

***Policy inconsistency is substantial:*** The conclusion that the projects do not comply with some policies, that incorrect policies were applied in the latter instance, and that the evidence does not jibe with the findings, does not necessarily always translate into being a substantial issue. However, there clearly is one in this case, given its significance, for the following reasons.

First, the policy being violated is one of the "Critical Viewshed" policies, which in turn is based on the "Key Policy" of the *Big Sur Coast Land Use Plan*. This policy is derived from an important Coastal Act policy, Section 30251, protection of scenic and visual qualities (requiring new development in highly scenic areas to "be subordinate to the character of its setting"). The Big Sur Coast, of course, is one of the most scenic sections of the California coast.

Second, the impact on the viewshed while not as severe as several neighboring houses, will nonetheless adversely affect public views to the sea.

Third, the policy accommodates rebuilding and additions; it merely restricts the design by not allowing an "increase [in] the visibility of the structure." In this case, there are feasible alternatives to increase residential floor area without blocking a greater percentage of public views.

Fourth, there is a potential adverse cumulative impact in the Rocky Point enclave. It is true that there are visible structures in the Rocky Point area and some, including the one on the subject property, block some ocean views, as does some permitted berming and landscaping. However, the limitations in place in the Land Use Plan can and should be followed from this point forward in order to ensure that the visual resource does not further deteriorate. If the policies are not strictly enforced, there would potentially be a continuing escalation of view blockage as each subsequent applicant applied for just a little bigger house in a visually prominent location. The intent of the policies is to minimize visual impacts, to insure that future development in the Rocky Point area will in fact be subordinate to the character of the landscape (rather than coming to resemble a typical suburb). The exception policy is clear in that Rocky Point is not an any-design-goes area. And while previous landscaping, if left unchecked, may continue to block more ocean views, allowing and requiring more view-blocking landscape screening is not the desired intention of the Land Use Plan. The open terrace and ocean views of Rocky Point should not be replaced by an introduced forest. All the lots in this part of the Rocky Point enclave are now developed. Although the County has previously allowed at least one demolition-and-rebuild in this area, the current proposal is the first to be considered by the Commission where the project will tear down and rebuild with a bigger and more visible house. If the policy is not honored, then more such proposals will likely follow and the character of the Rocky Point area will undoubtedly change.

Finally, there are some 80-100 houses elsewhere along the Big Sur coast within the critical viewshed. The majority of these were built before the Coastal Act and can be considered small by today's standards. The Commission notes that while the size of Big Sur homes that were approved in the early 1980's was in the range of 2,000 to 2,500 square feet, the County is now routinely approving houses **double** this size. Thus, there will be pressure to add on to existing structures or tear down and rebuild with bigger homes. Approval of these permits would set an adverse precedent for allowing visible additions to those homes (or tear downs and rebuilds) that individually and cumulatively will adversely affect the treasured Big Sur viewshed.

In conclusion, a substantial issue is raised by each of these appeals. The permits are inconsistent with policies 3.2.3.A.7 and 3.2.1. The latter is the key policy of the *Big Sur Coast Land Use Plan*. Thus, this inconsistency is clearly substantial, especially for the

adverse precedent that it will set and the potential for adverse cumulative impacts on the Big Sur Coast viewshed that will follow.

#### **5. De Novo Coastal Permit Findings for Denial of Callahan**

As noted in the findings for substantial issue the proposed project is inconsistent with *Big Sur Coast Land Use Plan* policy 3.2.3.A.7 and by extension with Key Policy 3.2.1. Therefore, the permit is denied. There is no need to suggest conditions of approval to make it comply with the policy because that possibility is addressed with regard to the subsequent County-issued permit amendment, as discussed below.

#### **6. De Novo Coastal Permit Findings for Conditional Approval of Leslie**

##### **a. Visual Resources**

As noted in the findings for substantial issue, the proposed project as approved by the County is inconsistent with *Big Sur Coast Land Use Plan* policy 3.2.3.A.7 and by extension with Key Policy 3.2.1.

The project, however, could be made consistent with policy 3.2.3.A.7. This simply means that the new design should block no more of the view from Highway One than the existing house, without any additional landscaping or berming that blocks any more ocean views. There is no less visible portion of the site for relocation of the house itself, but additions or rebuilding appear feasible at its current location. However, there is a less visible site for which to locate the new garage. In accordance with the LUP policy direction, this means that the proposed house and garage need to be redesigned. Most likely the redesign would involve placing any additions to the house within the visible silhouette of the existing house, berm and landscaping, and moving the garage so that it does not block more ocean view, but is seen in front of the rest of the mass of the house. This appears feasible without materially changing the size of the house, although an increased amount of grading would likely be necessary.

Accordingly, this permit is conditioned to require submittal of revised plans which demonstrate that the proposed development will not result in any greater structural intrusion into the critical viewshed. Likewise, submittal of landscaping plans which demonstrate no increase in landscape screening which would block ocean views, will be required. The conditions also require that the exterior colors be earthen tone, and that visually intrusive exterior lighting is prohibited. Therefore, as conditioned, the project will conform with the applicable Local Coastal Program (LCP) visual resources protection policies, particularly the Big Sur Coast Land Use Plan's Critical Viewshed policies.

### **b. Environmentally Sensitive Habitat**

**Smiths' Blue Butterfly Habitat:** A Biological Report was prepared for the site by Jud Vandervere and Associates describing the vegetation that exists on the site. A few dune buckwheat plants (*Eriogonum parvifolium*), which are host to the endangered Smith's blue butterfly are located within the garage footprint and are proposed for removal. The biologist is recommending replanting or replacement of these plants. However, dune buckwheat occurrences are considered environmentally sensitive habitat (*County Code* section 20.145.010.EE as habitat to endangered species). *Land Use Plan* policy 3.3.2.1 requires that "to approve development within any of these habitats the County must find that disruption of a habitat caused by development is not significant." And under policy 3.3.2.4, "the removal of indigenous vegetation and land disturbance (grading, excavation, paving, etc.) associated with the development shall be limited to that needed for the structural improvements themselves."

Since pursuant to the above discussion, the structural improvements can and should be redesigned, such redesign should simply avoid the habitat. Additionally, this permit is conditioned to require conformance with the recommendations of the County's biological consultant. Therefore, as conditioned for project redesign (or alternatively for conformance with U.S. Fish and Wildlife Service requirements for plant relocation in event complete avoidance is infeasible), the project will conform with the LCP's environmentally sensitive habitat policies applicable to Smith's blue butterfly habitat.

**Steelhead Habitat:** The proposed project will be supplied by water from the privately-owned Garrapata Water Company. This company takes water from Garrapata Creek. The Creek supports a significant steelhead run, and may also be habitat for the threatened Cojo salmon. Both species are now federally-listed.

The proposed project represents a potential intensification of water use, based on the increased number of bedrooms (one to three). The applicants do not have direct responsibility to address this issue since they have an existing connection and the water company is privately owned. Also, at this time, there is not definitive information as to what is the threshold of how much water is needed in the creek for the steelhead (and possibly Cojo) and whether it is being exceeded. If it is, then it would be the water company's responsibility to take measures to see that water use is commensurately reduced. Nonetheless, as a reasonable precaution to address the issue of cumulative diversion of coastal steelhead streams, consistent with the above-cited LCP policies regarding environmentally sensitive habitats, this permit is conditioned to require installation of low-water use fixtures and xeriscape/natural landscaping techniques.

**Shoreline and Ocean Habitats:** The sea-cliffs which bracket the aptly-named Rocky Point are home to comorants and other sea bird species. The ocean below is richly endowed with kelp beds, productive rockfish habitat, and an abundance of sea otters. It was in this area that the California sea otter population, once thought extinct, was rediscovered following Highway 1's completion. When the California Sea Otter State Fish and Game Refuge was first established, the Rocky Pt. And Bixby Creek areas were placed within the original boundaries. Now, this is one of the most spectacular underwater environments within the Monterey Bay National Marine Sanctuary.

A recent issue has been the proliferation of intrusive commercial and residential outdoor lighting along the Big Sur Coast. Such lighting includes floodlights directed onto both the rocky cliffs and onto the surface of the sea itself. Not only is such lighting visually jarring and out of character with Big Sur's rural character, but it also can have adverse impacts on the environmentally sensitive shoreline and marine habitats identified above. Such artificial lighting can disturb a host of different species and disrupt natural cycles by creating, in effect, "artificial day".

The Big Sur Coast LUP, in Sec. 3.3.2.7, requires that land uses adjacent to environmentally sensitive habitats must "incorporate all site planning and design features needed to prevent significant habitat impacts." And, LUP Sec. 3.3.2.3 requires that protective deed restrictions be recorded where new development is proposed.

A particular concern along these high bluffs is that the temptation to jettison construction or demolition debris, grading spoils, and so on directly over the side is great. Unfortunately, such actions directly impact and pollute the tidepools and ocean environment below. Similar concerns apply with respect to poorly controlled surface runoff from the site.

The proposed residence will likely feature some form of exterior lighting, at least for security purposes. To insure compatibility with the adjacent sea-cliff and marine habitats, this permit is conditioned to prohibit such lighting from being directed onto these environmentally sensitive areas. These restrictions will run with the land, thereby alerting future owners. Therefore, the potential impacts of floodlighting or spotlighting that might otherwise emanate from the permitted residential development will be averted. Likewise, this permit is conditioned to preclude uncontrolled runoff, demolition debris or grading spoils from being dumped on the cliffs and marine environment below this site. Accordingly, compliance with the above-cited LCP policies will be achieved with respect to environmentally sensitive shoreline and marine habitats.

### **c. Public Access**

The site is located between the nearest through public road along the coast and the sea. Coastal Act Section 30604(c) requires an additional specific finding that the

development is in conformity with the public access and recreation policies of Chapter Three of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline.

In this case, all of the bluff-edge parcels on the north flank of Rocky Point are served by a common, privately-maintained lane which provides the link between Highway 1 and each parcel's respective driveway. This lane represents the alignment of the Coast Trail, and later, Coast Road before Highway 1 was completed on its present alignment. This is the Coastal Trail alignment illustrated on the Trails Plan contained in the Big Sur Coast Land Use Plan (LUP).

Prior to certification of the Local Coastal Program in 1987, it had been the practice to obtain public access easements at the time of development approval in order to eventually reestablish a through coastal trail. The applicant for P-3-73-67 (Morris) also owned property across the street and dedicated a public access easement along that side of Highway One. He also offered to dedicate a similar strip on the ocean side (at the subject property), but apparently never did.

The LUP policies call for the dedication of trail easements through private land as a condition of development permits, as needed to implement the Trails Plan. However, because the proposed project is a replacement dwelling and thus has no new impacts on public access, no dedication of public access easement is required by this permit, despite the policy direction to do so under the Local Coastal Program.

#### **d. Other Issues/ Conclusion**

County findings regarding hazardous areas (#3), archaeological resources (#7), and geology (#9) are hereby incorporated by reference and become findings of this coastal permit (see Exhibit 3, attached, for text). Similarly, related County conditions remain in effect pursuant to the County's terms of permit.

As conditioned to coordinate with these County-approved mitigation measures and those additional measures and changes noted above, specifically by adding an additional visual resource protection measure (redesign), and habitat protection measures (no floodlighting of marine environment), the proposed project is consistent with the Monterey County Local Coastal Program and Coastal Act Chapter 3 Access and Recreation policies.

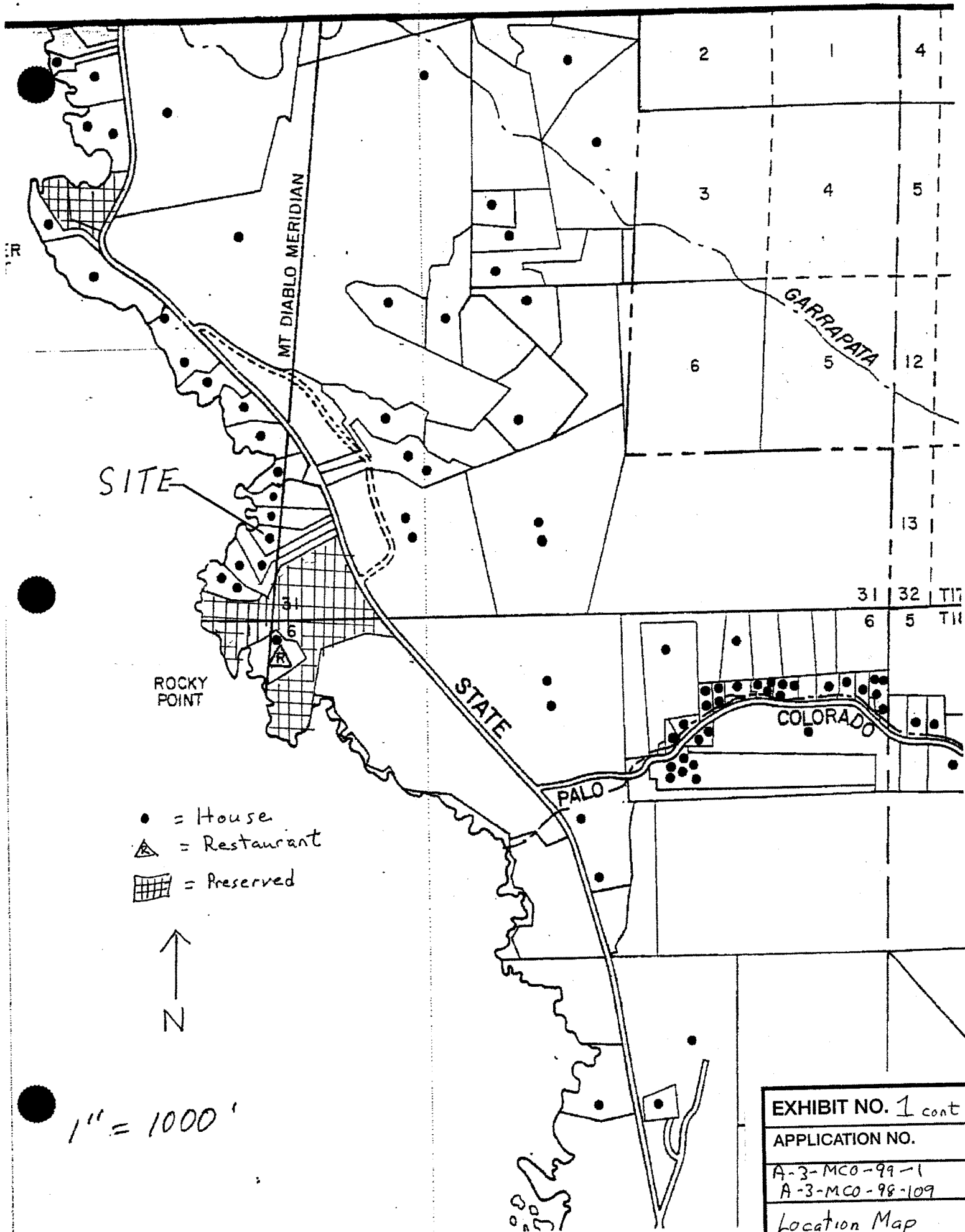
#### **e. California Environmental Quality Act (CEQA)**

The County determined that this permit was exempt from CEQA review. However, this report has identified and discussed certain additional potential adverse impacts (visual and habitat) not fully addressed by the local government. Conditions have been

attached to this permit to address these. Without these conditions, the project would not be the least environmentally damaging feasible project that could occur on the site. There are no additional feasible mitigation measures that would lessen any significant adverse effects on the environment within the meaning of the California Environmental Quality Act (CEQA).

A-3-MCO-98-109 stf rpt





**RECEIVED** PLANNING COMMISSION  
COUNTY OF MONTEREY, STATE OF CALIFORNIA  
**RECEIVED**  
JAN 20 1999

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

FEB 10 1999

RESOLUTION NO. 97034

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

A.P. # 243-251-018

In the matter of the application of  
Lisa Callahan (965381PC)

**FINDINGS AND DECISION**

for a Coastal Development Permit in accordance with Title 20.1 (Monterey County Coastal Implementation Plan Ordinances) Chapter 20.140 (Coastal Development Permits) of the Monterey County Code, to allow a Coastal Development Permit for demolition of existing single family dwelling and construction of a new 4,082 square foot two story single family dwelling; Design Approval, located at 36650 Highway 1, Big Sur, came on regularly for hearing before the Planning Commission on May 28, 1997.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. FINDING: The Coastal Development Permit and Design Approval applications are for the demolition of an existing single family dwelling and the construction of a new single family dwelling with an attached garage and 46.3 cubic yards of grading located west of Highway 1 on Rocky Point, within the Critical Viewshed of Big Sur. The project site is approximately 2.05 acres in size. The proposed development is consistent with the policies and regulations of the Monterey County Local Coastal Program, specifically those policies and regulations contained in the Big Sur Coast Land Use Plan and Part 3 of the Coastal Implementation Plan (Regulations for Development in the Big Sur Coast Land Use Plan) and Title 20 (Zoning) of the Coastal Implementation Plan.

EVIDENCE: Regulations for development in the "RDR/40 (CZ)" (Rural Density Residential, 40 acres/unit) zoning district found in Chapter 20.16; Chapter 20.44 (Design Districts) and Chapter 20.70 (Coastal Development Permits) of the Monterey County Coastal Implementation Plan.

|                     |
|---------------------|
| EXHIBIT NO. 2       |
| APPLICATION NO.     |
| A-3-MCO-99-1        |
| CALLAHAN Co. PERMIT |

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in File 965381.

EVIDENCE: The on-site inspection of the subject parcel by the project planner.

EVIDENCE: Regulations for Development within the Critical Viewshed and Exceptions for Development in the Critical Viewshed found in Section 20.145.030 of the Big Sur Coast Land Use Plan Implementation Plan.

2. FINDING The proposed project will not have a significant environmental impact.

EVIDENCE: Section 15303(a) of the Monterey County CEQA Guidelines categorically exempts single family dwellings. No adverse environmental impacts were identified during review of the proposed project

EVIDENCE: The on-site inspection of the subject parcel and proposed development by the project planner.

3. FINDING: The proposed project is consistent with the policies of the Local Coastal Program dealing with development in hazardous areas. The project site is located in a high fire hazard zone. According to the Monterey County Coastal Implementation Plan, conditions of project approval require that a deed restriction be recorded which states that fire hazards exist on the parcel and that development may be subject to certain restrictions.

EVIDENCE: Appendix 2b, Resource Maps, of the Monterey County Coastal Implementation Plan. Condition No. 16.

4. FINDING: Condition 14 achieves the purpose-applicability of Section 20.44 of the Zoning Ordinance, which states: "that the County of Monterey contains many areas of unusual scenic beauty which are unique in the United States and which, if preserved, will constitute physical, social, spiritual, cultural, recreational, aesthetic, and economic resources of great value to the people of the county and to the public generally."

EVIDENCE: Condition 14 requires the owners of the parcel to record a deed restriction indicating that "all exterior design changes, including color changes associated with repainting and reroofing, be

approved by the Planning Commission." This condition serves to make the present owners of the property aware of the Planning Commission's concerns related to design changes on this critically visually sensitive lot and serves as a notice to any subsequent owners of the property of the aforesaid concerns.

EVIDENCE: This lot is visible from Highway 1. Condition 14 will ensure that the present development and any subsequent exterior changes that may affect the visual character of the structure located in a critically visually sensitive area will be given full consideration by the Planning Commission.

EVIDENCE: Condition 11 requires the owners to record a deed restriction indicating that the screening landscaping located near the single family dwelling shall not be removed or trimmed excessively. This condition serves to make the present owners of the property aware of the Planning Commission's concerns related to the screening of the proposed single family dwelling from Highway 1, and serves as a notice to any subsequent owners of the property of the aforesaid concerns. Condition 18 requires dedication of a scenic easement over those portions of the site that are undeveloped. This condition also ensures that the existing vegetation on the property is retained.

EVIDENCE: Condition 5 ensures that exterior lighting is unobtrusive.

5. FINDING: The subject parcel is in a Design Control or "D" District requiring action by the Planning Commission pursuant to Chapter 20.44 of the Monterey County Coastal Implementation Plan. The Planning Commission has suggested that any changes in the plans of the proposed residence deemed necessary to accomplish the purpose of the above Chapter. To this end, the applicant has provided the Planning Commission with a Design Approval Request, drawings and a statement of materials and colors to be used.

EVIDENCE: Materials found in File 965381.

6. FINDING: The project as proposed is consistent with policies and ordinances of the Big Sur segment of the Local Coastal Program dealing with development in

archaeologically sensitive areas. An archaeological survey has been conducted on the project site by Archaeological Consulting. The report states that there are no identifiable archaeological resources located on site. A condition has been added to require that work be stopped in the event that any archaeological resources are found on site.

EVIDENCE: Archaeological report prepared by Archaeological Consulting contained in the project file. Condition 17 has been added to require that work be stopped in the event that any archaeological resources are found on site.

7. FINDING: The proposed project is consistent with policies of the Big Sur Coast Land Use Plan dealing with development in hazardous areas. The site is located in a hazardous geologic zone and a geologic report has been prepared for the site by Grice Engineering, dated March 1997 consistent with "Guidelines for Geologic/Seismic Reports: of the California Divisions of Mines and Geology. The report concludes that the proposed project can proceed with conditions.

EVIDENCE: Appendix 2b, Resource Maps of the Monterey County Coastal Implementation Plan.

EVIDENCE: Geologic Report prepared for the project by Grice Engineering contained in project file 965381.

EVIDENCE: Condition No. 4 placed on the project.

8. FINDING: The project as conditioned is consistent with Section 20.145.150 (Public Access Development Standards) of the Monterey County Coastal Implementation Plan.

EVIDENCE: Condition number 22 requires the applicant to dedicate an access easement over the existing driveway to Highway a and a 10'-15' strip which parallels Highway 1.

9. FINDING: The site is suitable for the use proposed. Necessary public facilities are available, and the proposed use will not adversely impact traffic conditions in the immediate area.

EVIDENCE: There has been no evidence received, either written or oral, during the course of review to indicate that the site is not suitable for the project.

EVIDENCE: The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department,

the Big Sur Volunteer Fire Department and Health Department. There has been no indication from those agencies that the site is not suitable.

10. FINDING: The conditions of approval are appropriate.  
EVIDENCE: The conditions are based on the recommendations of the local fire district, the Monterey County Water Resources Agency, Monterey County Health Department and Monterey County Department of Public Works. The conditions incorporate recommendations of those various agencies.
11. FINDING: The project, as approved by the Coastal Development Permit is appealable to the Board of Supervisors and to the California Coastal Commission.  
EVIDENCE: Section 20.140.080 of the Monterey County Coastal Implementation Plan.
12. FINDING: That the establishment, maintenance, or operation of the use or building 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.  
EVIDENCE: Findings 1 through 11 above.  
EVIDENCE: There has been no opposition, either written or oral, presented during the course of the public noticing of this project.

#### DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the following conditions:

1. This permit includes a Coastal Development Permit and Design Approval for the demolition of an existing single family dwelling and the construction of a new single family dwelling with an attached garage and 46.3 cubic yards of grading located in the critical viewshed of Big Sur, 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 Planning and Building Inspection. 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. (Planning and Building Inspection)

2. Prior to building, plans will have to be submitted to the Fire Department displaying or describing compliance with Monterey County Ordinance 3600.  
(Fire District)
3. The applicant shall comply with Ordinance No. 3539 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)
4. Stormwater runoff from impervious surfaces or construction activities shall not be allowed to flow uncontrolled over the edge of the bluff, but shall be contained in "lined channels, flumes, pipe, or other erosion preventing installations"; per the recommendations (especially p. 15) "Geotechnical Soils-Foundation and Geology/Geological Hazards Report for Single Family Residence, Rocky Point, Monterey County California A.P.N. 243-251-018-000" by Grice Engineering and Geology Inc., Salinas, CA, Harold Grice P.E., Civil and Geotechnical, and Jerrie Gasch, Geologist.  
(Water Resources Agency)
5. Where applicable, all exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog

sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection)

6. New utility and distribution lines shall be placed underground. (Planning and Building Inspection)
7. The location, type and size of all antennas, satellite dishes, towers, and similar appurtenances be approved by the Director of Planning and Building Inspection. (Planning and Building Inspection)
8. That a Grading Permit shall be required pursuant to the Monterey County Code relative to Grading, Chapter 16.08. (Planning and Building Inspection)
9. That no land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. (Planning and Building Inspection)
10. The native trees which are located close to the construction site will be protected from inadvertent damage from construction equipment by wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees. Said protection shall be demonstrated prior to issuance of building or grading permits subject to the approval of the Director of Planning and Building Inspection. (Planning and Building Inspection)
11. The site shall be landscaped. The landscaping plan shall provide landscaping that will help permanently screen the single family dwelling from Highway 1, especially for northbound traffic. Any additional screening, including berming, shall not block or encroach into any ocean views. Existing vegetation providing screening shall be retained. A deed restriction shall be recorded, prior to building permit issuance, which restricts the removal or excessive trimming of that vegetation. The deed restriction shall state that if excessive trimming occurs, the owner shall be responsible for replacing the screening vegetation within a month of trimming. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for Approval.

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 include native indigenous plant materials and be in sufficient detail to identify the location, specie, and size of the proposed landscaping materials and 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 Planning and Building Inspection Department. (Planning and Building Inspection)

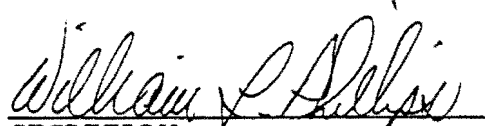
12. That all landscaped areas and/or fences shall be continuously maintained by the applicant. All plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection)
13. The exterior colors and roof shall be earth tone colors. Colors shall be approved by the Director of Planning and Building Inspection prior to building permit issuance. (Planning and Building Inspection)
14. The applicant shall record a deed restriction, prior to building permit issuance, indicating that "all exterior design changes, including color changes associated with repainting and reroofing and including exterior lighting changes, be approved by the Planning Commission." The deed restriction shall be subject to approval of the Director of Planning and Building Inspection prior to recordation. (Planning and Building Inspection)
15. The overall height of the single family dwelling shall not exceed 14' per Monterey County requirements for structure height. (Planning and Building Inspection)
16. The applicant shall record a deed restriction which states: "The parcel is located in high fire hazard area and development may be subject to certain restrictions required as per Section 20.145.080.C of the Coastal Implementation Plan and per the standards for development of residential property." This deed restriction shall be recorded prior to the issuance of building or grading permits. (Planning and Building Inspection)

17. 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 (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection 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. (Planning and Building Inspection)
18. Driveways shall be as narrow as possible. Paving shall be avoided where practical and shall be consolidated where possible. (Planning and Building Inspection)
19. The applicant shall dedicate a scenic easement to the County of Monterey over those portions of Assessors Parcel Number 243-251-018-000 that are undeveloped and are located within the Critical Viewshed pursuant to Section 20.145.030.B.6.e of the Monterey County Coastal Implementation Plan. The easement shall be submitted to and approved by the Planning and Building Inspection Department prior to a final construction inspection. (Planning and Building Inspection)
20. Dumping of excavated materials over the coastal bluff, structural additions, antennae, exterior lighting, or other improvements in view of Highway 1 shall be prohibited without separate permit consideration. (Planning and Building Inspection)
21. The property owner agrees as a condition of the approval of this permit to defend at his sole expense any action brought against the County because of the approval of this permit. The property owner will reimburse the County for any court costs and attorneys' 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 any such action; but such participation shall not relieve applicant of his obligations under this condition. Said indemnification agreement shall be recorded upon demand of County Counsel or prior to the issuance of building permits or use of the property, whichever occurs first. (Planning and Building Inspection)

22. The applicant shall record a notice which states: "A permit (Resolution 97034) was approved by the Planning Commission for Assessor's Parcel Number 243-251-018-000 on May 28, 1997. 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 Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)

PASSED AND ADOPTED this \*28th day of \*May, 1997, by the following vote:

AYES: Calcagno, Diaz-Infante, Errea, Hawkins, Hennessy,  
Hernandez, Lacy, Pitt-Derdivanis, Reaves  
NOES: None  
ABSENT: Crane-Franks

  
SECRETARY

Copy of this decision mailed to applicant on JUL 10 1997

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE JUL 20 1997

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (408) 479-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

NOTES

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

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

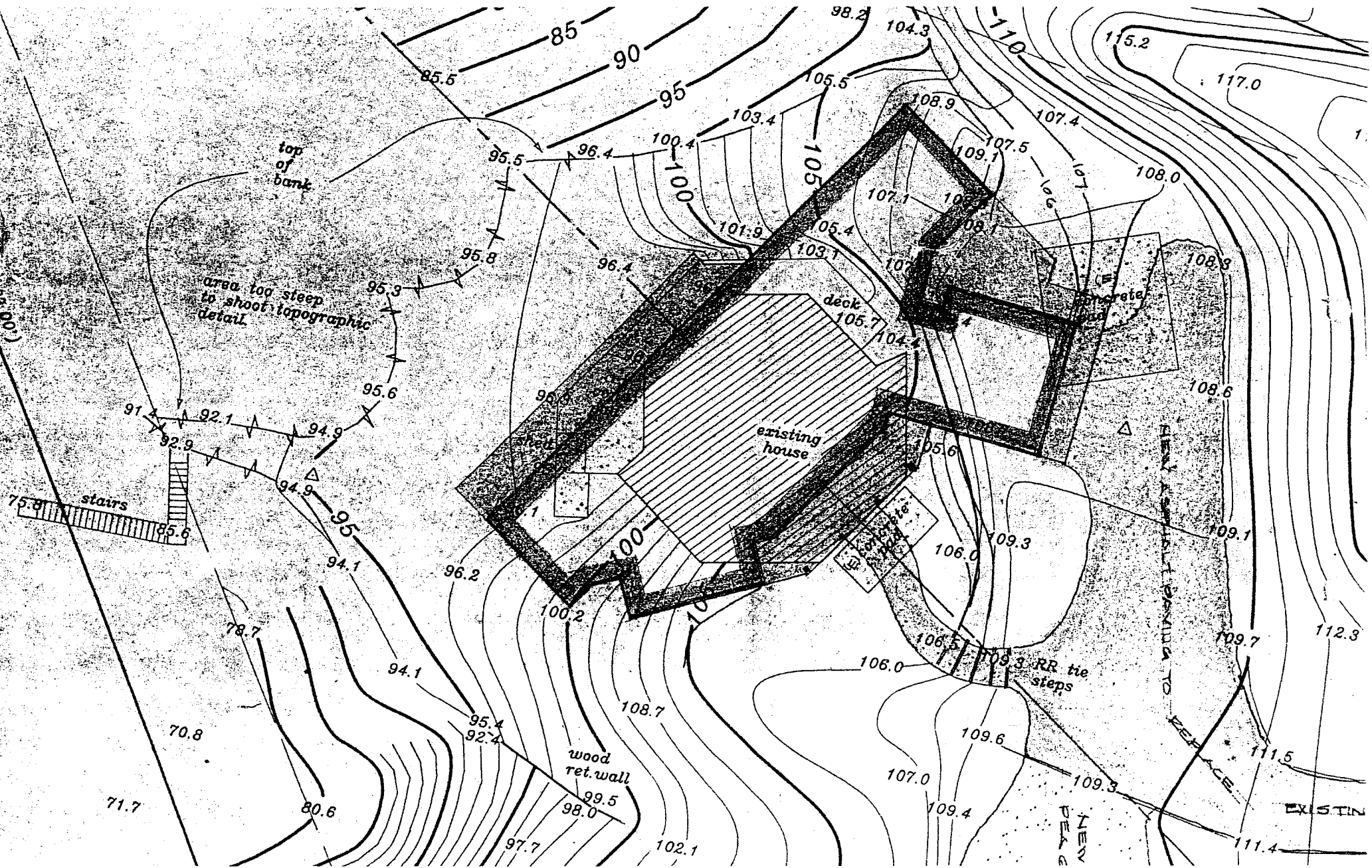
Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Monterey.

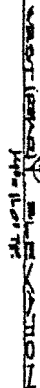
2. The construction or use authorized by this permit must start within two years of the date of approval of this permit unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan.

NC/

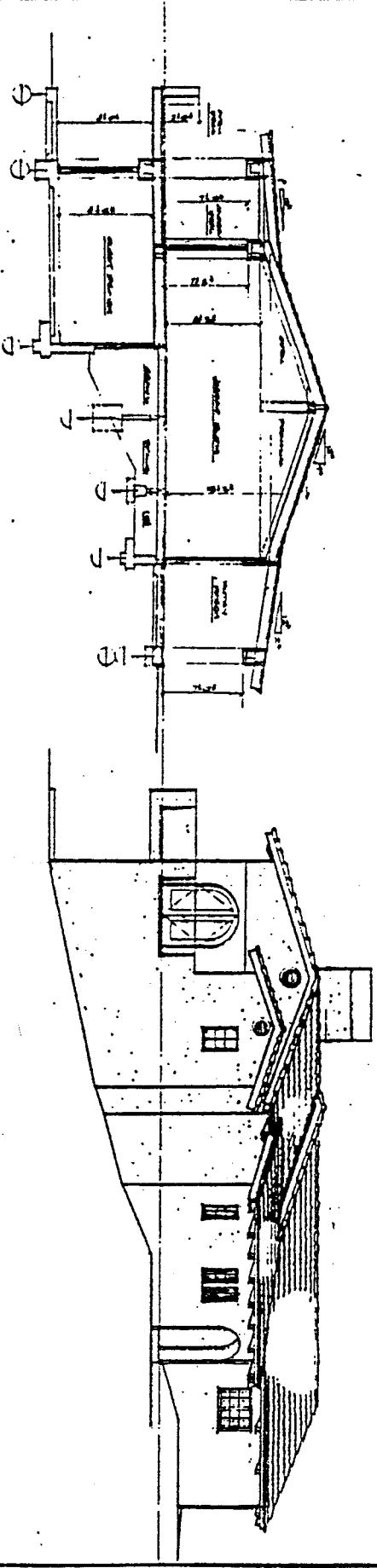
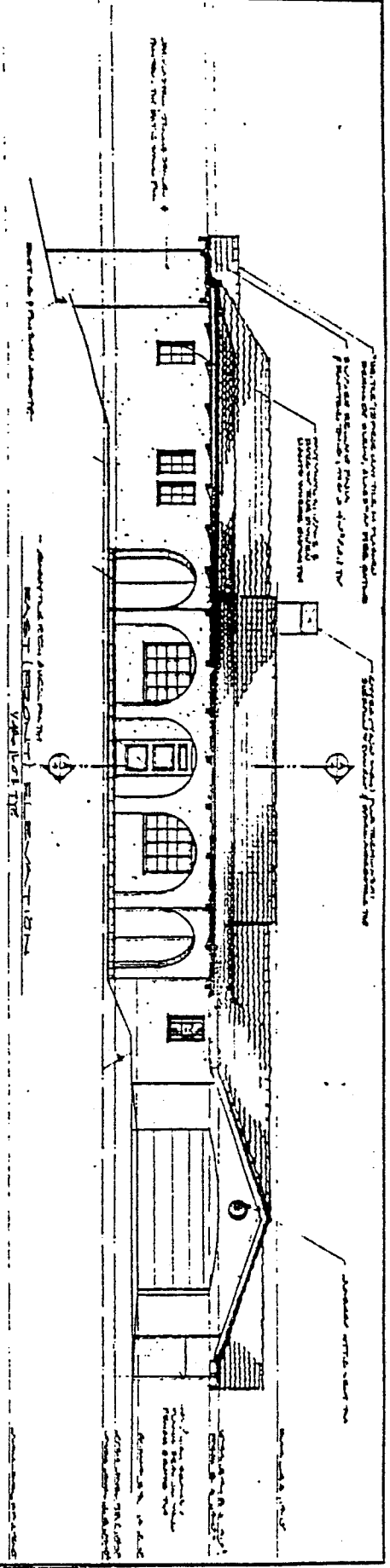
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Rev. 5/9/97





Mostra di disegni, relazioni  
Vaporoli



Side Elevation  
V.A. 10/1/20

Front Elevation  
V.A. 10/1/20

MERRITT Associates  
Architects  
1000 1st Street, N.E.  
Atlanta, Georgia 30309  
Phone: 404-525-1111  
Fax: 404-525-1112

HOUSE PLAN  
1000 1st Street, N.E.  
Atlanta, Georgia 30309  
Phone: 404-525-1111  
Fax: 404-525-1112

PLANNING COMMISSION  
COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION NO. 98073

A.P. # 243-251-018-000

FINDINGS AND DECISION

In the matter of the application of  
**ROBERT & JANET LESLIE (PLN980041)**

for an Amendment and Design Approval of previously approved Coastal Development Permit in accordance with Title 20.1 (Monterey County Coastal Implementation Plan Ordinances) Chapter 20.140 (Coastal Development Permits) of the Monterey County Code, to allow a design modification for a single family dwelling with an attached garage, located westerly of Highway One at 36650 Highway One, Rocky Point Area, Big Sur, Coastal Zone, came on regularly for hearing before the Planning Commission on November 18, 1998.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. **FINDING:** The approval of the Design Approval and amendment to Coastal Development Permit 965381 allows for the redesign of an previously approved single family dwelling located westerly of Highway 1 in the Rocky Point area of Big Sur.

It is proposed to construct a 4,170 square foot, two story single family dwelling with attached garage, 52 cubic yards of grading and hot tub. Although the majority of the proposed structure will be located behind existing vegetation, the proposed breezeway and garage would be visible from a turnout south of the project site and to north bound traffic on Highway One. The applicant is proposing to berm and landscape to minimize visual impacts.

Currently existing on the site is a 2,509 square foot single family dwelling, which will be demolished. Vegetation on the site consists of coast sagebrush, coyote brush, dune buckwheat, coast morning-glory, Monterey Indian paint-brush, beach aster, milk thistle and introduced Hottentot fig and Monterey Cypress. The project site is approximately 2.05 acres in size and zoned RDR/40 (CZ)" (Rural Density Residential, 40 acres/unit).

The project, as described in the application and accompanying materials and as conditioned, together with the provisions of the design is consistent with the policies of the Big Sur Coast Land Use Plan, regulations of Title 20. Zoning

|                   |
|-------------------|
| EXHIBIT NO. 3     |
| APPLICATION NO.   |
| A-3-MCO-98-109    |
| LESLIE Co. PERMIT |

Ordinance, and the development standards of the Monterey County Local Coastal Program.

EVIDENCE: Staff research and field review of this project have determined that this project satisfies regulation of the zoning district which address such topics as setback requirements, height limitations, lot coverage and all other development standards and zoning regulations. The project, as contained in the application and accompanying materials was reviewed for conformity with:

- 1) The certified Big Sur Coast Land Use Plan.
- 2) The regulations for development in the "RDR/40 (CZ)" (Rural Density Residential, 40 acres/unit) zoning district found in Chapter 20.16 of the Title 20 of the Zoning Ordinance.
- 3) Chapter 20.145 of the Monterey County Coastal Implementation Plan "Regulations for Development in the Big Sur Coast Land Use Plan."

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in File 980041.

EVIDENCE: Site visit by the project planner pursuant to Section 20.145.30 of the Monterey County Local Coastal Program.

EVIDENCE: Biological survey prepared by Jud Vandevere, dated July 30, 1998, found in File number 980041.

2. FINDING: The proposed project will not have a significant environmental impact.

EVIDENCE: Section 15303(a) of the Monterey County CEQA Guidelines categorically exempts single family dwellings. No adverse environmental impacts were identified during review of the proposed project

EVIDENCE: The on-site inspection of the subject parcel and proposed development by the project planner.

3. FINDING: The proposed project is consistent with the policies of the Local Coastal Program dealing with development in hazardous areas. The project site is located in a high fire hazard zone. According to the Monterey County Coastal Implementation Plan, conditions of project approval require that a deed restriction be recorded which states that fire hazards exist on the parcel and that development may be subject to certain restrictions.

EVIDENCE: Appendix 2b, Resource Maps, of the Monterey County Coastal Implementation Plan. Condition No. 15.

4. FINDING: Section 20.44 of the Zoning Ordinance, states "that the County of Monterey contains many areas of unusual scenic beauty which are unique in the United States and which, if preserved, will constitute physical, social, spiritual, cultural, recreational, aesthetic, and economic resources of great value to the people of the county and to the public generally."

EVIDENCE: Condition 14 requires the owners of the parcel to record a deed restriction indicating that "all exterior design changes, including color changes associated with repainting and reroofing, be approved by the Planning Commission." This condition serves to make the present owners of the property aware of the Planning Commission's concerns related to design changes on this critically visually

sensitive lot and serves as a notice to any subsequent owners of the property of the aforesaid concerns.

EVIDENCE: This lot is visible from Highway 1. Condition 14 will ensure that the present development and any subsequent exterior changes that may affect the visual character of the structure located in a critically visually sensitive area will be given full consideration by the Planning Commission.

EVIDENCE: Condition 11 will ensure that landscaping screens development from Highway 1 without obstructing ocean views.

EVIDENCE: Condition 5 ensures that exterior lighting will be unobtrusive.

5. FINDING: The subject parcel is in a Design Control or "D" District requiring action by the Planning commission pursuant to Chapter 20.44 of the Monterey County Coastal Implementation Plan. The Big Sur Coast Land Use Advisory Committee recommended denial of the project on the basis that the garage would be located in the viewshed.

EVIDENCE: Materials found in File 980041.

6. FINDING: The proposal is consistent with policies of the Big Sur Coast Land Use Plan and the Coastal Implementation Plan. This site is located in the Rocky Point Area of Big Sur, which allows residential development in the viewshed. Policy 3.2.5.F of the Big Sur Land Use Plan and Section 20.145.030(B)(6) of the Coastal Implementation Plan allows the use of berming and other measures to minimize views of structures without blocking ocean vistas. It is proposed to berm and landscape to minimize visibility of the proposed garage from Highway One. Similar size projects in the vicinity of this proposal, exist or have been approved with berming and landscaping screening the development from Highway One.

EVIDENCE: Materials found in File 980041.

EVIDENCE: Planning Commission file PC92061 and 970024.

EVIDENCE: Policy 3.2.5.F of the Big Sur Land Use Plan and Section 20.145.030(B)(6) of the Coastal Implementation Plan.

7. FINDING: The project as proposed is consistent with policies and ordinances of the Big Sur segment of the Local Coastal Program dealing with development in archaeologically sensitive areas. An archaeological survey has been conducted on the project site by Archaeological Consulting Management. The report states that there are no identifiable archaeological resources located on site. A condition has been added to require that work be stopped in the event that archaeological resources are found on site.

EVIDENCE: Archaeological report prepared by Archaeological Consulting contained in the project file. Condition 16 has been added to stop work in the event that any archaeological resources are found on site.

8. FINDING: The proposed project is consistent with policies of the Local Coastal Program dealing with development adjacent to environmentally sensitive habitats. The Biological Report prepared for the site by Jud Vandever and Associates, Biological Consultants indicates that vegetation on the site consists of coast sagebrush, coyote brush, dune buckwheat, coast morning-glory, Monterey Indian

the satisfaction of the Director of Planning and Building Inspection. 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. (Planning and Building Inspection)

2. Prior to issuance of grading or building permits, plans will have to be submitted to the California Department of Forestry and Fire Protection displaying or describing compliance with Monterey County Ordinance 3600. (California Department of Forestry)

- a. Driveway shall not be less than 12 feet wide unobstructed. 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.
- b. Unobstructed vertical clearance shall not be less than 15 feet for all access roads.
- c. A minimum fire protection water supply of 3,000 gallons shall be provided regardless of parcel size. Minimum storage requirements for single family dwelling may be reduced to 2,000 gallons if an approved automatic fire sprinkler is required.
- d. 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.
- e. The hydrant serving any building shall be not less than 50 feet nor more than 1000 feet by road from the building it is to serve.
- f. 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.
- g. Each hydrant/fire valve or access to water shall be identified as follows:

If located along a driveway, a reflectorized blue marker, with a minimum dimension of 3 inches, shall be located on the driveway address sign and mounted on a fire retardant post, or

If located along a street or road, a reflectorized blue marker, with a minimum dimension of 3 inches, shall be mounted on a fire retardant post. The sign post shall be within 3 feet of said hydrant/fire valve, with a sign no less than 3 feet nor greater than 5 feet above ground, in a horizontal position and visible from the driveway.

- h. The building(s) shall be fully protected with automatic fire sprinkler system(s). The following notation is required on the plans when a building permit is applied for:

***"The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National***

paint-brush, beach aster, milk thistle and introduced Hottentot fig and Monterey Cypress. The biologist stated that Monterey Indian paintbrush and beach aster are located near the proposed garage and a few dune buckwheat, which are host to the Smith Blue butterfly, are located within the garage footprint and will be removed. The biologist is recommending replanting or replacement of these species. To mitigate impacts to sensitive habitat, as a condition of approval, landscaping material shall be required to be species native to the area, sensitive habitat shall be protected with fencing, and an agreement with a qualified biologist shall be required to monitor the replanting or replacement of sensitive habitat.

EVIDENCE: Biological survey prepared for the site by Jud Vandevere and Associates Biological Consultants, dated July 30, 1998, found in File 980041.

EVIDENCE: Conditions

9. FINDING: A geological report was prepared by Grice Engineering and Geology Inc. Said report is on file in the Monterey County Planning and Building Inspection Library (14.09.092) and in File 980041. All development activity on the parcel must be in accordance with the recommendations of this report.

EVIDENCE: Condition 17.

10. FINDING: The establishment, maintenance, or operation of the use or building 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 county residents.

EVIDENCE: Findings 1 through 12 above.

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the California Department of Forestry, Department of the Planning and Building Inspection, Environmental Health Division, Public Works Department and the Water Resource Agency. The respective departments 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 or the County in general.

11. FINDING: The project, as approved by the Coastal Development Permit is appealable to the Board of Supervisors and to the California Coastal Commission.

EVIDENCE: Section 20.86.080 of the Monterey County Coastal Implementation Plan.

### DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the following conditions:

1. The approval of the Design Approval and amendment to Coastal Development Permit 965381 allows for the construction of a 4,170 square foot, two story single family dwelling with attached garage, 52 cubic yards of grading and hot tub. This permit is 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

*Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection."*

- i. In high and very high fire hazard areas, as defined by the California Department of Forestry and Fire Protection (CDF), roof construction shall be a Class A or Class B, with fire resistive materials, or as approved by the Reviewing Authority. This requirement shall apply to all new construction and existing roofs that are repaired or modified so as to affect 50 percent or more of the roof. Vegetation removal will not be allowed as a means of removing high or very high fire hazard area designation from an entire parcel.
3. The applicant shall comply with Ordinance No. 3539 of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:

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.

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)
4. Stormwater runoff from impervious surfaces or construction activities shall not be allowed to flow uncontrolled over the edge of the bluff, but shall be controlled in a lined channels, flumes, pipe or other erosion preventing installation", in accordance with the recommendations in the "Geotechnical Soils-foundation and Geologic/Geological Hazards report for single family residence, Rocky Point, Monterey County, California, APN243-251-018-000", prepared by Grice Engineering and Geology Inc., Salinas, Ca., Harold Grice P.E., Civil & Geotechnical, and Jerrie Gasch, Registered Geologist. (Water Resources Agency)
5. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior light sources shall be prohibited if such light source would be directly visible from Highway 1 or other major public viewing area as defined in Section 20.145.020 V. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection)
  - a. Prior to the issuance grading or building permits, a deed restriction shall be recorded with the Monterey County Recorder's office that states " all exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior light sources shall be prohibited if

such light source would be directly visible from Highway One or other major public viewing area.

6. New utility and distribution lines shall be placed underground. (Planning and Building Inspection)
7. The location, type and size of all antennas, satellite dishes, towers, and similar appurtenances shall be approved by the Director of Planning and Building Inspection. (Planning and Building Inspection)
8. That a Grading Permit shall be required pursuant to the Monterey County Code relative to Grading, Chapter 16.08. (Planning and Building Inspection)
9. That no land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. (Planning and Building Inspection)
10. Prior to issuance of grading or building permits, provide evidence to the Planning and Building Inspection Department that a contract has been executed with a Consulting Biologist to implement a monitoring program. The monitoring program shall be for a minimum of two years and shall incorporate the recommendations of the biological survey, dated July 30, 1998. The plan shall identify sensitive habitat on site, how sensitive habitat shall be protected during construction activities, location of materials to be replanted or replaced. The monitoring program shall be subject to the approval of the Director of Planning and Building Inspection.
  - a. The sensitive habitat that is located close to the construction site shall be protected from inadvertent damage from construction equipment by fencing with protective materials. Said protection shall be demonstrated prior to issuance of building or grading permits subject to the approval of the Director of Planning and Building Inspection. (Planning and Building Inspection)
11. The site shall be landscaped. The landscaping plan shall provide for landscaping material that is native to the area and screen the development from Highway 1 without obstructing ocean vistas. Existing vegetation providing screening shall be retained.
  - a. Prior to the issuance of building permits, a deed restriction shall be recorded with the Monterey County Recorders office that states "All landscaping shall be of native species and shall be approved by Monterey County Planning and Building Inspection Department. Landscaping that exists or is approved, which provides screening, shall not be removed unless approved by the County. If removal or excessive trimming occurs, the owner shall be responsible for replacing the screening vegetation."
  - b. Prior to issuance of building permit, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for Approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape submittal. The landscaping plan shall be in sufficient detail to identify the location, specie, and size of the proposed landscaping materials and 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 Planning and Building Inspection Department. (Planning and Building Inspection)

- c. Prior to issuance of grading or building permits, a deed restriction shall be recorded with the Monterey County Recorder's office that states "The berm as shown on the site plan of permit 980041, shall not be removed without the approval of the Monterey County Planning Commission. The berm with the approved landscaping shall not block ocean views from Highway One."
12. That all landscaped areas and/or fences shall be continuously maintained by the applicant. All plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection)
13. The exterior colors and roof materials shall be earth tone. Colors shall be approved by the Director of Planning and Building Inspection prior to building permit issuance. (Planning and Building Inspection)
14. Prior to the issuance of building or grading permits, the applicant shall record a deed restriction indicating that "all exterior design changes, including color changes associated with repainting and reroofing and including exterior lighting changes, be approved by the Planning Commission." The deed restriction shall be subject to the approval of the Director of Planning and Building Inspection prior to recordation. (Planning and Building Inspection)
15. The applicant shall record a deed restriction which states: "The parcel is located in high fire hazard area and development may be subject to certain restrictions required as per Section 20.145.080.C of the Coastal Implementation Plan and per the standards for development of residential property." This deed restriction shall be recorded prior to the issuance of building or grading permits. (Planning and Building Inspection)
16. 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 (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection 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. (Planning and Building Inspection)
17. A deed restriction shall be recorded with the Monterey County Recorder which states that: "A geological and geotechnical report was prepared for Assessors Parcel Number 243-251-018-000 by Grice Engineering and Geologists Inc.. Said report is on file in the Monterey County Planning and Building Inspection Library. All development activity on the parcel must be in accordance with the recommendations of these reports." (Planning and Building Inspection)

18. All cut and fill slopes exposed during the course of construction shall be covered, seeded or otherwise treated to control erosion, subject to the approval of the Director of Planning and Building Inspection. (Planning and Building Inspection)
19. Prior to the issuance of a building permit the owner shall record a statement which states: "No dirt or other excavated material will be placed outside of the immediate building location. Dumping of excavated materials over the coastal bluff is prohibited." (Planning and Building Inspection)
20. Applicant shall dedicate a scenic easement to the County of Monterey over those portions of Assessors Parcel Number 243-251-018-000 located within the Critical Viewshed which will be undeveloped pursuant to Section 20.145.030(B)(6)(e) of the Monterey County Coastal Implementation Plan. The easement shall be submitted to and approved by the Planning and Building Inspection Department prior to issuance of grading or building permits and recorded prior to a final construction inspection. (Planning and Building Inspection)
21. All development shall be in accordance with the recommendations in the Biological Report, Jud Vandevere and Associates Biological Consultants, dated July 30, 1998. (Planning and Building Inspection)
22. Driveways shall be kept as narrow as possible, shall avoid paving where practical, and shall be consolidated where possible. (Planning and Building Inspection)
23. The property owner agrees as a condition of the approval of this permit to defend at his sole expense any action brought against the County because of the approval of this permit. The property owner will reimburse the County for any court costs and attorneys' 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 any such action; but such participation shall not relieve applicant of his obligations under this condition. Said indemnification agreement shall be recorded upon demand of County Counsel or prior to the issuance of building permits or use of the property, whichever occurs first. (Planning and Building Inspection)
24. The applicant shall record a notice which states: "A permit (Resolution 98073) was approved by the Planning Commission for Assessor's Parcel Number 243-251-018-000 on November 18, 1998. The permit was granted subject to 24 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)

PASSED AND ADOPTED this 18th day of November, 1998, by the following vote:

AYES: Errea, Hawkins, Hennessy, Hernandez, Lacy, Parsons, Pitt-Derdivanis  
NOES: Crane-Franks, Diaz-Infante  
ABSENT: None



William L. Phillips, SECRETARY

Copy of this decision mailed to applicant on **NOV 30 1998**

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **DEC 10 1998**

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (408) 479-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

NOTES

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

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Monterey.

2. The construction or use authorized by this permit must start within two years of the date of approval of this permit unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan.

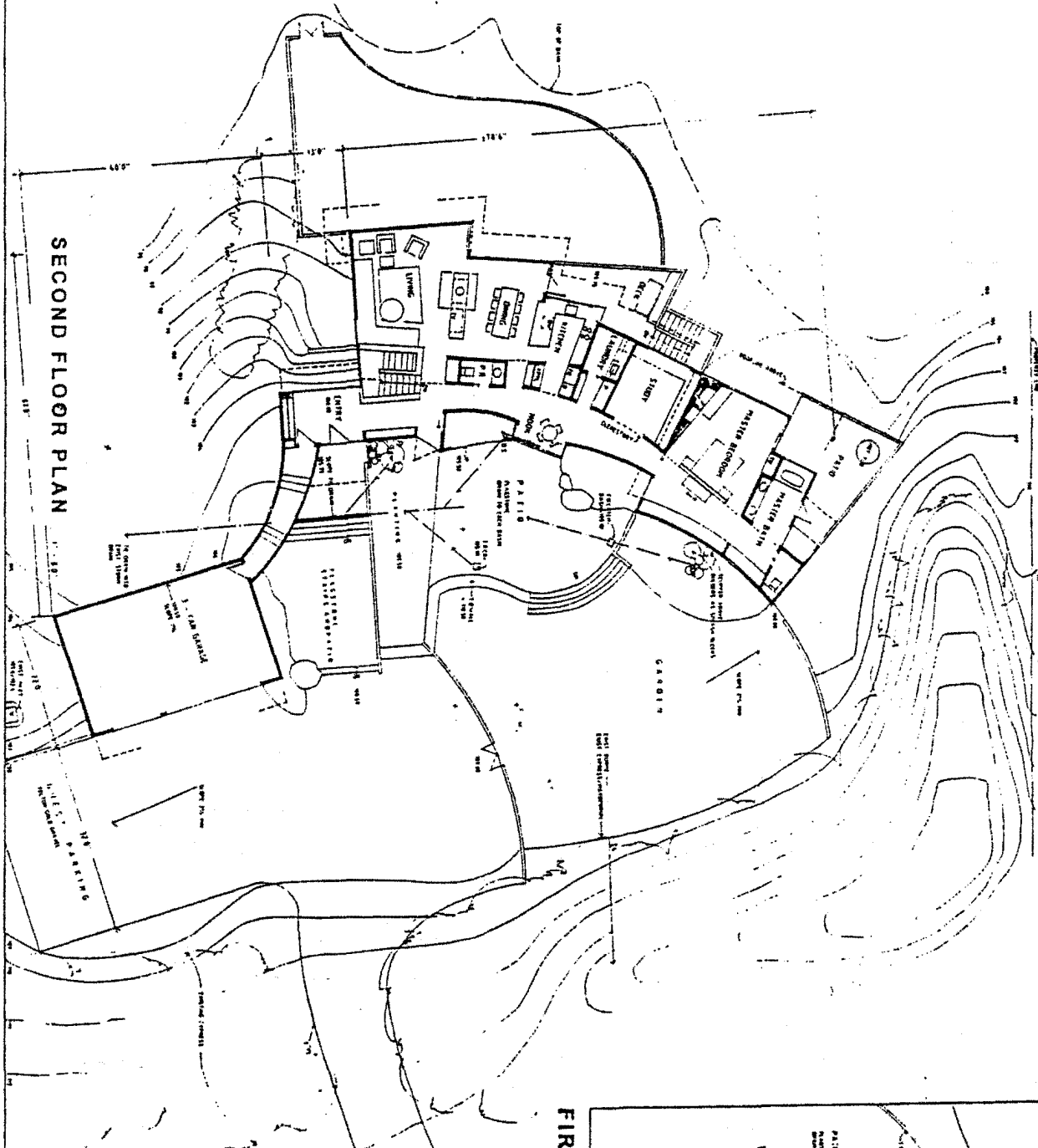
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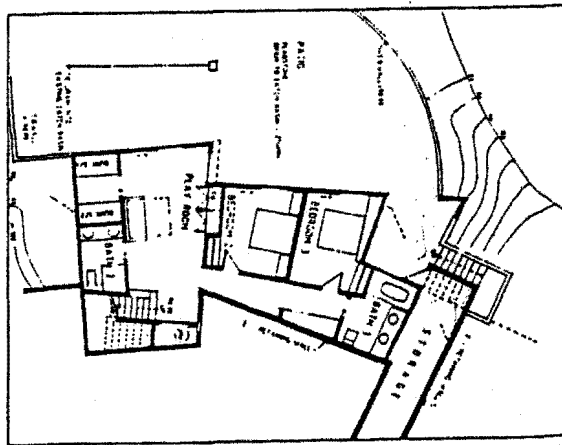
Rev. 5/9/97

Carver + Schickel Architects  
 P.O. BOX 1000, CARROLL, CALIFORNIA 95921  
 PHONE (408) 434-2200 FAX (408) 434-2201

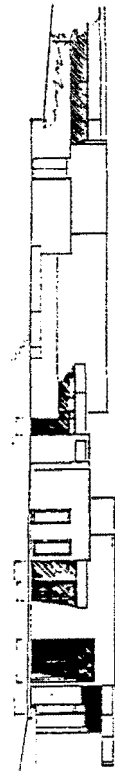
# SECOND FLOOR PLAN



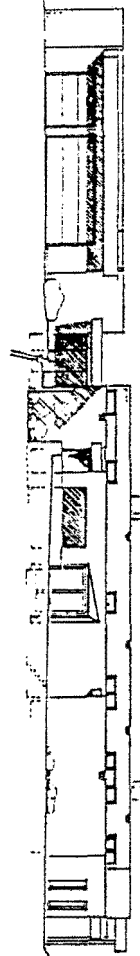
# FIRST FLOOR PLAN



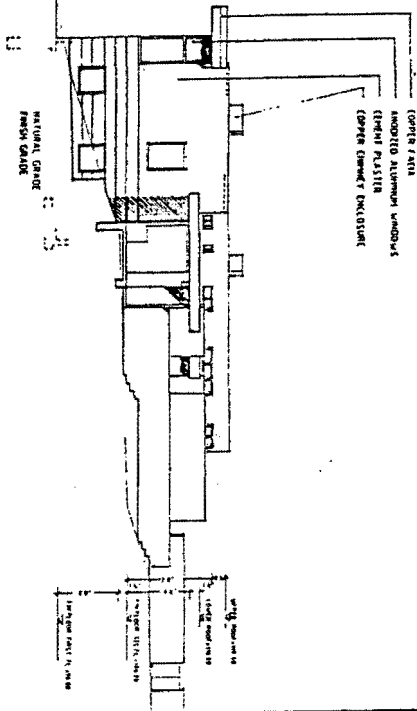
Leslie Residence  
 ROCKY POINT  
 BIG SUR, CALIFORNIA



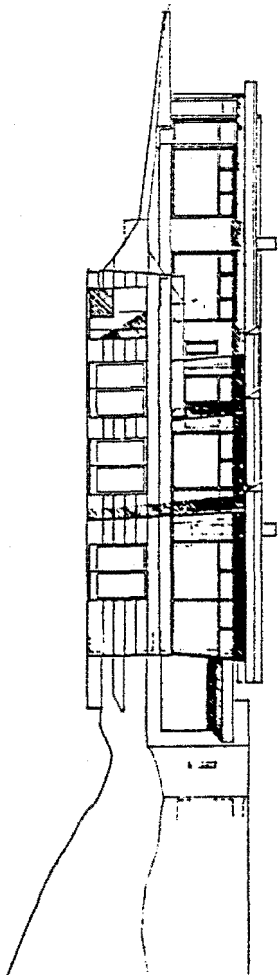
NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

Carver + Schickelans Architects

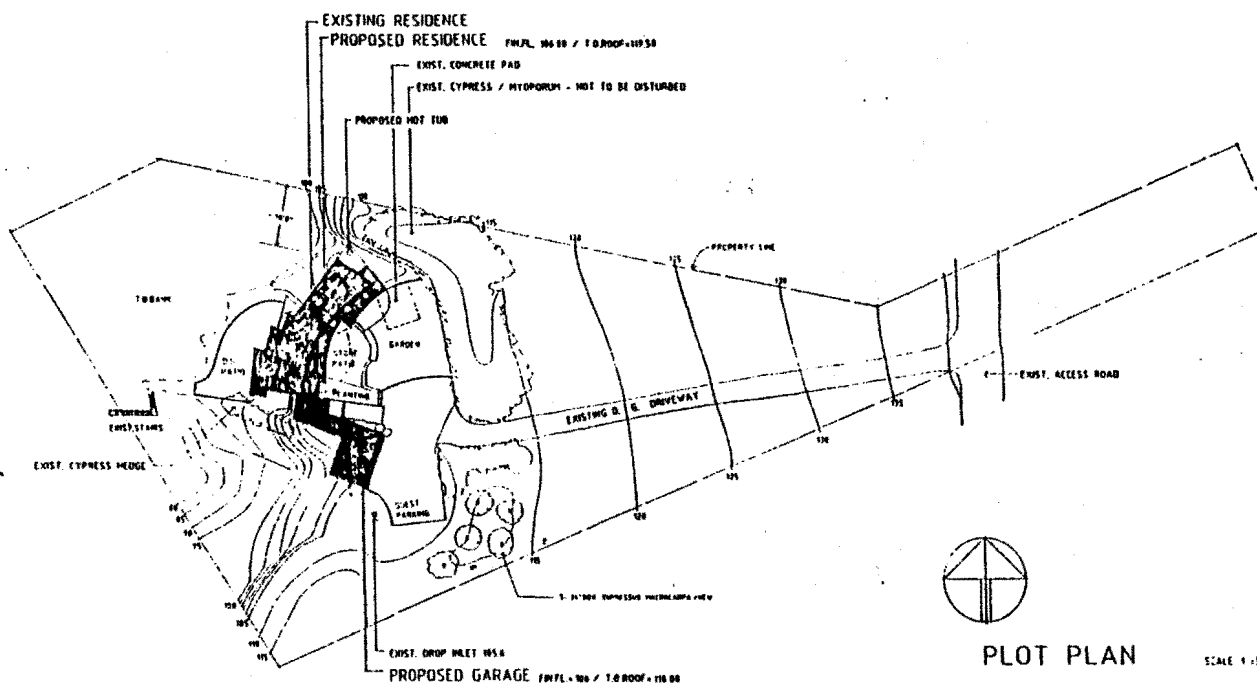
400 JEFFERSON STREET, CLIFTONHILL, OHIO 45015  
PHONE: 513.533.3333 FAX: 513.533.3333

Leslie Residence  
ROCKY POINT  
BIG SUR, CALIFORNIA

[illegible]

VICINITY MAP

700 SCALE



### PLOT PLAN

SCALE 1-500

## STANLEY AND LANDSCAPE HISTORY

- [illegible]

## PROJECT DATA

OWNER: ROBERT W AND JANEY LESIE  
10741 SOUTHERN EAGLE, SUITE C  
SHERWOOD, MINNESOTA 55374

ARCHITECT: CABYER + SCHICKELMEYER ARCHITECTS  
P.O. BOX 2604 EAPRIL CA 93021  
PHONE 408 672 2304 FAX 415 8366

PROJECT ADDRESS: 14650 HWY ONE / ROCKY POINT  
MONTEREY COUNTY

RPM 243 - 251 - 470 - 800

**PARCEL SIZE: 2.05 AC**

EXIST. SQUARE FEET: 2,574.50  
EXIST. BUILDING COVERAGE: 0.46% S.F.  
EXIST. LOT COVERAGE: 2.13%

PROPOSED SQUARE FEET: RESOLVENCE - 7510  
GARAGE - 600  
TOTAL - 8110

PROPOSED BUILDING COVERAGE: 3.126 S.F.  
PROPOSED LOT COVERAGE: 1.6%

SURVEY: JON Q. HAGEMeyer, AUGUST 1998

**Carver + Schickelanz Architects**

[illegible]

**Leslie Residence**  
**ROCKY POINT**  
**BIG SUR, CALIFORNIA**

EXIST. CYPRESS / MYOPORUM

PROPOSED HOT TUB

38'0"

100

105

110

115

T.O.BANK

D.G.  
PATIO

STONE  
PATIO

GARDEN

PLANTING

EXIST STAIRS

HEDGE

80

85

90

95

GUEST  
PARKING

115

120

100

105

110

115

EXIST. DROP INLET 105.6

PROPOSED GARAGE

5-

