

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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SANTA CRUZ, CA 95060
(831) 427-4863

W7b**RECORD PACKET COPY**

Filed:	12/08/2003
49 th Day:	01/26//2004
Staff:	LO-SC
Staff Report:	12/18/2003
Hearing Date:	01/14/2004

Staff Report: Appeal

Substantial Issue Determination

Application numberA-3-MCO-03-116, Gozzi

Applicant.....Daniele & Anita Gozzi TR

AppellantsCommissioners Woolley and Wan

Project location.....31549 Highway 1, Victorine Ranch area, Big Sur Coast (Monterey County) (APN 243-221-027).

Project descriptionThe three project components are: 1. Construct 864 sq.ft. detached two-car **garage** to serve existing residence (4,669 sq. ft. total including the previously-approved residence with attached garage & this additional garage); 2. After-the-fact approval for unpermitted **retaining wall & grading** (230 cubic yards cut/10 cu.yds. fill/balance unspecified), including grading on slopes over 30%, to accommodate the proposed garage within the Victorine Ranch Road easement; and, 3. **Road construction** to realign Victorine Ranch Road, including grading (767 cu.yds. cut/147 cu.yds. fill/620 cu.yds. export to unspecified location), on slopes over 30%; on applicants' 2-acre parcel.

Local approval.....The Monterey County Planning Commission approved a Combined Development Permit, Resolution 03071 (PLN020150), for the project on Oct. 29, 2003.

File documents.....Monterey County certified Local Coastal Program; Final Local Action Notice 3-MCO-03-426; documents and materials from the local record provided by Monterey County on Nov. 20, 2003; Big Sur Coast Land Use Plan.

Staff recommendation ...**Substantial Issue**

I. Recommended Findings and Declarations for Substantial Issue:

Monterey County approved a Coastal Development Permit for the construction of a detached garage; after-the-fact approval of grading and retaining wall for the garage; and road construction to realign an access road serving public lands, so that the currently-unpermitted development may be retained, as detailed below. Project site is located east of Highway 1, adjacent to the County-owned Victorine Ranch open space lands and the State Coastal



California Coastal Commission
January 14, 2004 Meeting in Laguna Beach

Staff: L. Otter Approved by: *DSL*

Conservancy-owned Craven-Nation property, at the northern end of the Big Sur Coast area (project location and plans attached as Exhibit 1). The project has been appealed to the Coastal Commission on the basis that it is inconsistent with a substantial number of different policies and implementing ordinances of the Monterey County Local Coastal Program (LCP). The particular policies cited in the appeal text are indicated by **boldface** in this report. Aggravating circumstances, noted in the appeal, include unpermitted development—grading and retaining wall—that block access to public lands. The submitted reasons for appeal are attached to this report as Exhibit 2.

Staff recommends that the Commission determine that the appeal raises a **substantial issue** regarding the project's conformance to the Monterey County certified LCP, including the Big Sur Coast Land Use Plan (LUP) and Coastal Implementation Plan (CIP).

Background: The State Coastal Conservancy owns the 100-acre Craven-Nation property on the east side of Highway 1 at the northern end of the Big Sur Coast. This property, originally part of the historic Victorine Ranch, is bordered by Garrapata State Park on the south, County open space lands to the north, and a residentially-subdivided portion of the Victorine Ranch—including applicant's parcel—to the northwest. Because the Craven-Nation property is no longer being planned as a receiver site for transferred development density, it is now being readied for possible resale. Coastal Conservancy staff recognizes that this potential residential property has important scenic, habitat and public access attributes in its own right; they indicate that these public resource values would be protected at such time the property is transferred to another owner.

An easement and access road, known as the Victorine Ranch Road, extends southeasterly from Highway 1 to serve applicants' existing residence (see Exhibit 1c). As it existed before applicants' grading activity, this winding country lane continued to the potential building sites on the vacant Craven-Nation property. It is not open to general public use.

Road access to public lands blocked: The Victorine Ranch Road crosses applicants' parcel before reaching the northwest boundary of the State-owned Craven-Nation property. Applicants' proposed garage site is where vehicles parked after the far end of the common access road was damaged in the 1998 El Niño storm season. Applicant has now performed grading and installed retaining walls in a manner that completely blocks the road. Applicant has secured after-the-fact County approval for this work, as well as a proposed 240 ft.-long realignment of the Victorine Ranch Road. This realignment would circumvent the proposed garage site by cutting a gap through a steep-sided minor ridge, and restore road access to the edge of the County open space and the State-owned lands immediately beyond.

A. Analysis: While the blockage of the Coastal Conservancy's legal access rights is certainly a distressing circumstance, the required coastal permit standard of review for the project is the certified Monterey County Local Coastal Program (LCP), including the Big Sur Coast Land Use Plan (LUP) and implementing ordinances (Coastal Implementation Plan, cited as CIP or IP). In particular, the following LCP conflicts and issues are highlighted as raising a substantial issue:



1. **Scenic resources & landform alteration.** The LCP visual resource protection policies require all new development to adhere to policies for new development both in the critical viewshed and outside of the critical viewshed. The LUP states:

3.2.1 Key Policy: 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 (the critical viewshed), and to condition all new development in areas not visible from Highway 1 or major public viewing areas on the siting and design criteria set forth in Sections 3.2.3, 3.2.4, and 3.2.5 of this plan [selected portions cited below]. This applies to all structures, the construction of public and private roads, utilities, lighting, grading and removal or extraction of natural materials [emphasis added].

Construction of a new road segment in this area is contrary to one of the main tenets of the LUP: to preserve Big Sur's scenic resources, among other means by minimizing the construction of new roads and alteration of natural landforms. New road construction is not listed as a permitted use in the CIP. While it might be argued that this is not a "new road" but only a 240 ft.-long realignment of an existing road, the effects on the natural landform are essentially the same. Therefore, it is appropriate to evaluate the project in terms of the LCP's policies for road construction, including those in the LUP's Scenic Resources chapter as cited in the appeal and repeated below.

Applicants' parcel may be partly in the critical viewshed as seen from Highway 1, although the existing residence appears to be appropriately concealed from view. For additional development on critical viewshed parcels, the LUP requires that proposed projects be modified in order to result in conformance to the Key Policy. For example, Scenic Resources Policy 3.2.3.A.3 states:

Where it is determined that an alternative building site on a parcel would result in conformance to the Key Policy, then the applicant will be required to modify his proposal accordingly. Similarly, changes in the design, height, or bulk of proposed structures will be required where this will result in an approvable project.

The basis for the proposed new road alignment is that the retaining walls and grading for the proposed detached garage will block the original road alignment. Alternative building sites for a detached garage appear feasible on site, but may require a setback variance. Another alternative would be to simply adhere to the originally-approved plans for the residence, which included an attached garage that would not block the road. Analysis of alternative siting and construction impacts of the retaining walls with respect to the critical viewshed is not evident, as it was not permitted development. Therefore, the project is not consistent with LCP Policy 3.2.3.A.



LUP Policy 3.2.4, regarding development on land that is *not* in the critical viewshed, states, in part:

3.2.4.A.1 ...the design and siting of structures...and access thereto, shall not detract from the natural beauty of the undeveloped skylines, ridges,...

3.2.4.A.2...shall not leave excavation scars or slope disturbance. Structures and access roads shall be designed to minimize alterations of the natural landform and to avoid, insofar as feasible, removal of healthy tree cover.

3.2.4.A.3...modifications will be required for siting, structural design, size, shape, ...access, and screening.

3.2.4.A.5 Sites for new structures shall be selected to...minimize the extent of environmental and engineering problems resulting from road construction.

3.2.4.A.6 New roads providing residential, recreational, or agricultural access will be considered only where it has been demonstrated that the use of existing roads is not feasible, or that permission for the use of an existing road is shown in writing to be unobtainable from neighboring property owners.

3.2.4.A.7 New roads shall avoid steep slopes and shall be located along the margins of forested areas along natural land contours, or within existing vegetation. Road shall be aligned to minimize removal of native trees, and constructed to minimum standards consistent with the requirements of fire safety and emergency use. Drainage and erosion control measures must be adequate to prevent erosion. During road construction, side-casting of earth materials shall not be permitted; all materials not used for on-site fill shall be removed from the area.

The County's approval of the proposed detached garage, existing retaining walls, and proposed extension of retaining walls does not adequately evaluate the siting of the project consistent with the above-cited portions of Policy 3.2.4.A. In particular, the proposed garage siting is not consistent with Policy 3.2.4.A.5—which requires that sites for new structures shall be selected to minimize the extent of environmental and engineering problems resulting from road construction. Policy 3.2.4.A.3 requires siting modifications, but this was not done. And, the proposed road realignment is not consistent with Policy 3.2.4.A.7, which requires avoiding steep slopes, nor Policy 3.2.4.A.2, which requires that the alteration of natural landforms be minimized.

Most critically, there *is* a feasible road location—the *existing* (but disrupted) road alignment that provides access to the Craven-Nation property—and therefore the project cannot be found consistent with Policy 3.2.4.A.6. Accordingly, the County's action on the project raises the issue of conformance with the LCP's Scenic Resource protection policies.



2. Environmentally sensitive habitat areas. The proposed new road segment will be graded directly through environmentally sensitive maritime chaparral and native Monterey pine (*Pinus radiata*) habitats. At least two of the pines that occupied the now-graded site proposed for the garage have already been removed (air photos and staff observations 1976-2000). An additional concern is that the location of the proposed garage requires the retention of the existing unpermitted retaining walls, in close proximity to a riparian habitat area. Through encroachment and sedimentation, this may cause disruption and adverse impacts to additional type(s) of sensitive habitat.

LUP Section 3.3 Environmentally Sensitive Habitats describes habitats as areas where plant or animal life or their habitats are rare or particularly valuable due to their special nature or role in an ecosystem, and states:

3.3.1 Key Policy

All practical efforts shall be made to maintain, restore, and if possible, enhance Big Sur's environmentally sensitive habitats. The development of all categories of land use, both public and private, shall be subordinate to the protection of these critical areas.

3.3.2.1 General Policies

Development, including vegetation removal, excavation, grading, filing, and the construction of roads and structures, shall not be permitted in the environmentally sensitive habitat areas if it results in any potential disruption of habitat value. To approve development within any of these habitats the County must find that disruption of a habitat caused by the development is not significant.

The IP requires the completion of a biological survey if development is or may potentially be located within 100 feet of an environmentally sensitive habitat and/or has potential to negatively impact the long-term maintenance of the habitat (LCP IP Section 20.145.040.A.c). A limited biological survey was submitted to the County for this project (see Exhibit 3, attached). However, the survey evaluates the proposed road realignment segment of the project only, and fails to consider the impact on the native pine forest habitat—even though the site plan shows 12"-24" diameter trees right at the edges of the proposed cuts and fills. In other words, the realigned road will run beneath the forest canopy, and will eliminate the existing understory species and growing area that would otherwise be occupied by future generations of pine forest.

Also, the minor ridge that will be cut through is topped by another type of sensitive habitat, coastal maritime chaparral. The biologic report states that two specimens of the native shrub Monterey ceonothus, *Ceonothus cuneatus* var. *rigidus*, were identified within the proposed road route. This species, characteristic of coastal maritime chaparral, is a CNPS-listed "watch list" plant. Specimens of native buckwheat plants, host plant for the Federally-endangered Smith's blue butterfly, appear to be growing in the project area as well; the biologic report does not indicate whether or not the site evaluation considered the potential Smith's blue habitat.



The apparent ecologic dynamic, not mentioned in the biological survey, is that the Monterey pine forest is reoccupying or expanding its range southwards into chaparral and coastal prairie habitats on the marine terraces within the former Victorine Ranch. In any case, almost 200 running ft. of the new road surface (out of the total realignment distance of about 240 ft.), as well as a portion of the graded area behind the unpermitted retaining wall, will eliminate maritime chaparral habitat and potential pine forest regeneration area.

A portion of the proposed project (retaining walls and backfill for the garage) varies between 30 and 50 feet from the intermittent stream running across the southern portion of the parcel area. However, the biological survey for the proposed project does not assess the proposed development's potential impacts with respect to the riparian area of the stream south of the proposed garage and existing retaining walls; nor, does it consider the potential impacts of sedimentation on tide pool habitats within Garrapata State Park and the Monterey Bay National Marine Sanctuary, several hundred yards downstream.

The LCP requires setbacks of 150 feet on each side of all stream banks to protect riparian communities. A reduction in the required setback is allowed if it has been conclusively demonstrated in the biological survey that the reduced setback is sufficient to protect riparian vegetation from the impacts of development (LUP Policy 3.3.3.A.4; IP Section 20.145.040.C.d). No such demonstration has been provided; nor, has the disruption of Monterey pine forest habitat and loss of coastal maritime chaparral habitat been demonstrated as "insignificant."

Therefore, for all these reasons, the County's action on the project raises the issue of conformance with the LCP's Environmentally Sensitive Habitat Area protection policies.

3. Specific standards for road development. The reasons for appeal raise the issue of development on steep slopes, stating that the proposed road realignment on slopes 30% or greater is inconsistent with the LCP resource protection policies. The above-cited requirements from the Scenic Resources and Environmentally Sensitive Habitats chapters of the LUP are restated and elaborated in the Development chapter. The 30% slope criterion, for example, is contained in LUP Section 5.4.3, which in part, states:

- K. *Private Roads Outside the Critical Viewshed*
 - 1. *New private roads may be permitted only where:*
 - a) *The proposed new road is appropriate for the establishment, continuation or expansion of Coastal Act priority use; or*
 - b) *The proposed new road is essential for basic residential access, and no reasonable alternative exists; or*
 - c) *The proposed new road provides a superior alternative to an existing road in carrying out the policies of this Plan.*
 - 2. *New private roads shall meet the following criteria, in addition to meeting all other resource protection policies of this Plan: ...*



- c) *A qualified biologist shall certify that any environmentally sensitive habitats present will not be harmed...*
- d) *New roads across slopes of 30 percent or greater shall not be allowed unless:
 - 1) *No feasible alternative exists;*
 - 2) *The proposed design of the road on balance better achieves the overall resource protection objectives of this Plan.**

Although the existing road alignment provided motor vehicle access to public properties beyond applicants' site, restoration or realignment of the road would be primarily to serve potential residential building sites on the adjacent, vacant Craven-Nation parcels. Residential roads to serve vacant lands are not a Coastal Act priority use. However, *if* the parcels are eventually marketed and developed for residential use, there is no other reasonable alternative access route and therefore the Victorine Ranch Road would appear to qualify as "essential for basic residential access."

The proposed new road segment to accommodate the realignment, however, does *not* represent a "a superior alternative" that "on balance better achieves the overall resource protection objectives of this [Land Use] Plan." The proposed realignment would impact two or more types of environmentally sensitive habitat, as identified above, and would require grading on slopes in excess of 30%. In contrast, restoration of the original road alignment would *avoid* alteration of previously-undisturbed environmentally sensitive habitat, and would *not* require grading on slopes exceeding 30%. A reasonable alternative *is* available: removal of the unpermitted retaining wall and regrading to restore the original roadbed surface.

The LCP does allow the Planning Director to exempt a road from the 30% criterion if no feasible alternative exists or the proposed design of the road better achieves the resource protection policies of the Big Sur Coast LUP. However, in this case the identified basis for the proposed realignment (the applicant's unpermitted retaining walls and grading in anticipation of the proposed garage, all of which block the existing road) does not appear to provide appropriate justification to waive this requirement. Therefore, the proposed new road segment is not consistent with the LUP's standards for private road development in the Big Sur Coast area. A substantial issue of conformance with the LCP's policies for private roads outside the critical viewshed is raised accordingly.

B. Conclusion. The County's permit action states that there are no physical or environmental constraints such as geologic or seismic areas or environmentally sensitive habitats that would indicate the site is not suitable for the proposed use. However, the available evidence, as detailed above, does not appear to support this conclusion. The County applied 16 conditions of approval, but these will not result in the modifications needed to conform with LCP policies. (County Findings and Conditions of Approval, attached as Exhibit 4.) Accordingly, a substantial issue of LCP conformance is raised.



II. Recommended Motion and Resolution

MOTION:

I move that the Commission determine that Appeal No. A-3-MCO-03-116 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.

STAFF RECOMMENDATION:

Staff recommends a **NO** vote. Failure of this motion will result in a *de novo* hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-3-MCO-03-116 presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

III. Appeal Procedures:

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 tide line 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. This project is appealable to the Coastal Commission because it is located within 100 feet of the stream that coincides with the northerly boundary of the State-owned Craven-Nation parcel; and, because it includes development (road construction) that is not a principal permitted use in the certified Monterey County LCP.

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 LCP 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.

Public access findings. Coastal Act Section 30604(c) also requires an additional specific finding

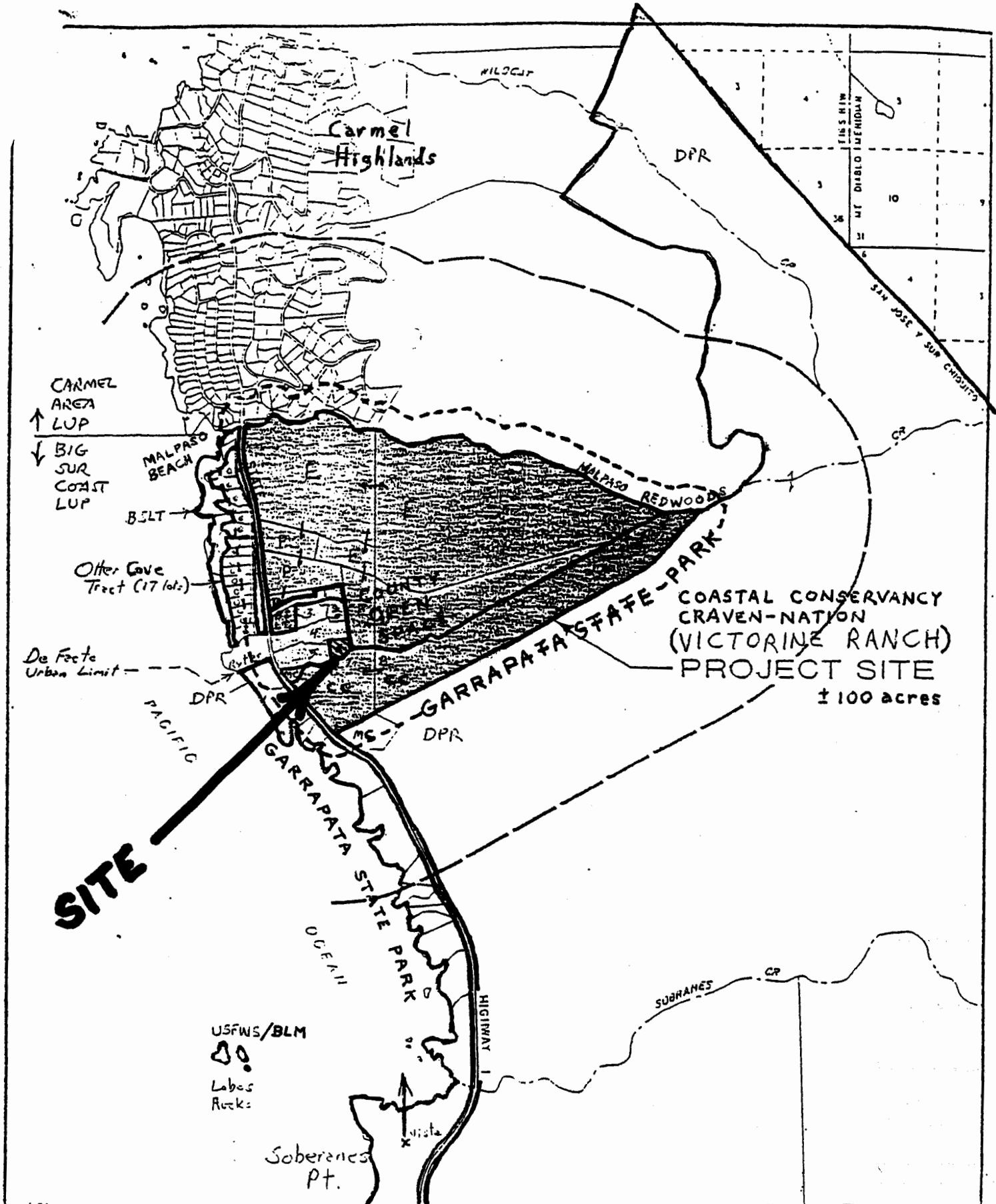


that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone.

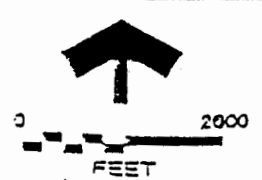
This project is *not* located between the first public road and the sea. Nonetheless, public access is a potential issue, given the project's location between the portion of Garrapata State Park on marine terraces to the south, and the portion of the same State Park in the Malpas Creek redwoods to the north. Also, to the west of project site, the Otter Cove residential subdivision presents an obstacle to continuous coastal trail access along the shoreline, between Malpas Beach and the Garrapata State Park shoreline to the south (see Exhibits 1a & 1b, attached). An alternative alignment on existing public lands and easements east of Highway 1, may be needed. Thus, while a public access finding is not mandatory in this case, it would be appropriate in a *de novo* review of the project.

Persons qualified to testify. The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the *de novo* stage of an appeal.





APPLICANT: VICTORINE RANCH MUTUAL WATER COMPANY
 APN: 243-221-027-000M P.C.# 94185
 300' LIMIT -----
 2,500' LIMIT -----

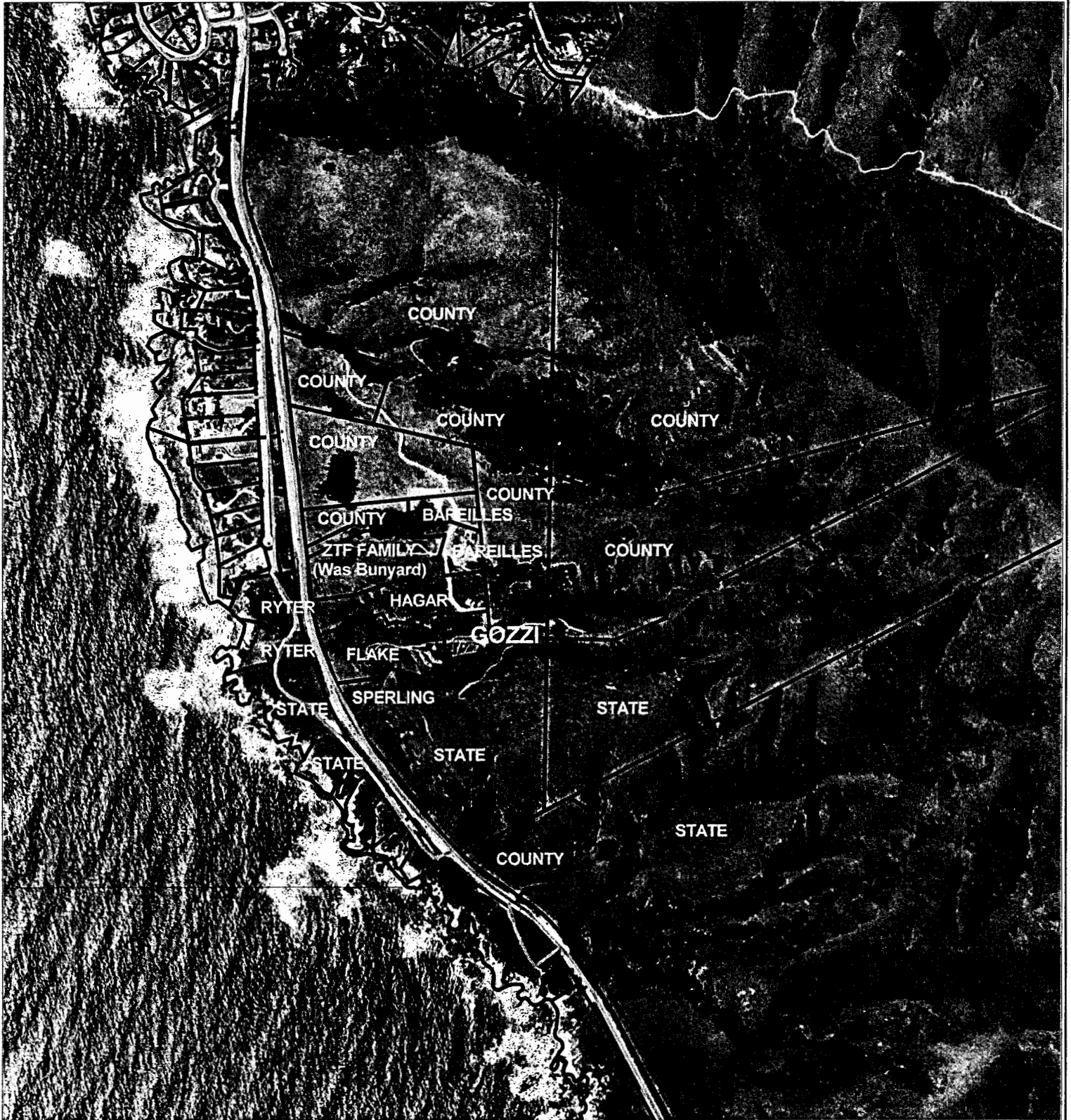


A-3-MCO-03-116 Gozzi

EXHIBIT 1a

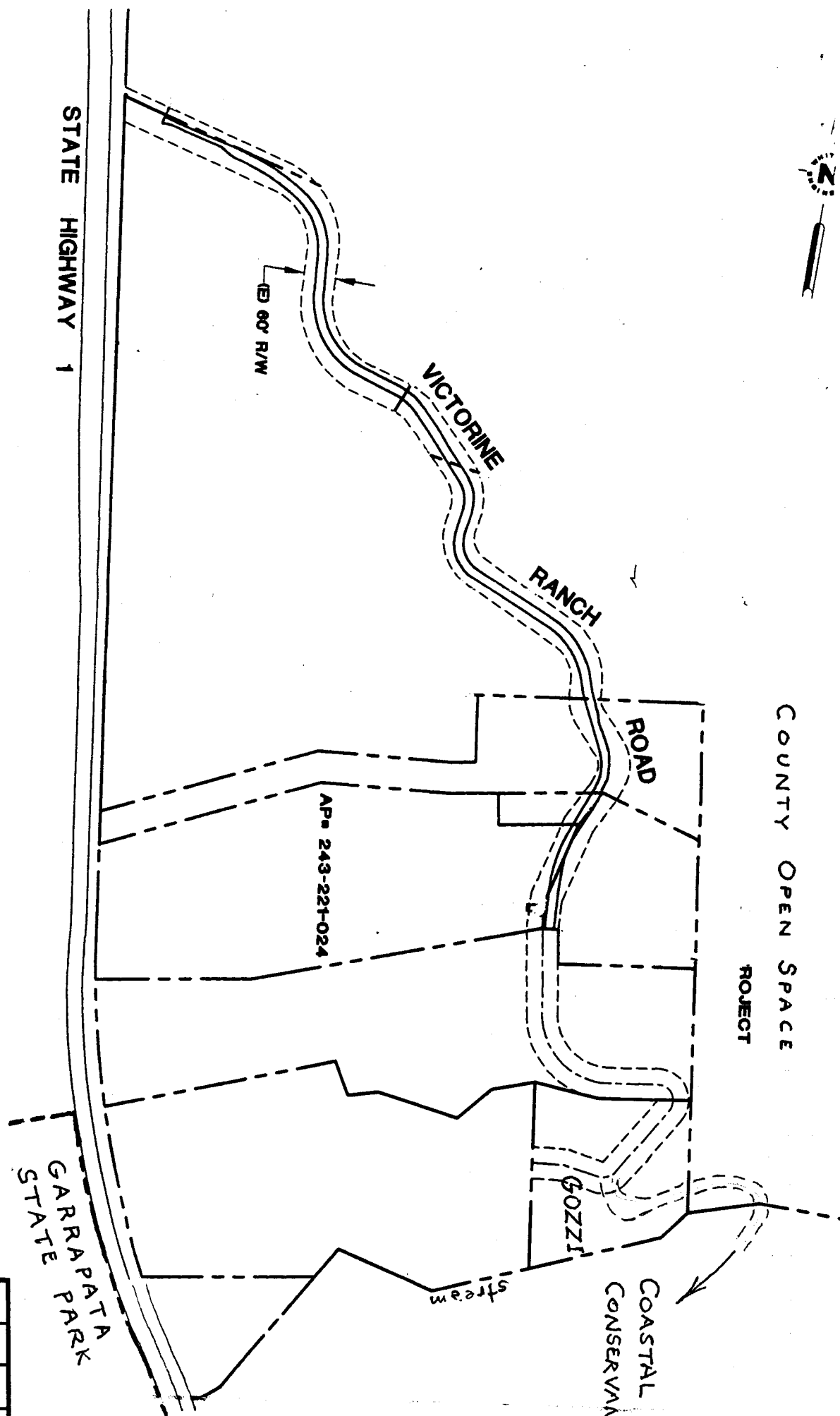
Parcel Ownership

Victorine Ranch and Vicinity





COUNTY OPEN SPACE
PROJECT



STATE HIGHWAY 1

60' R/W

VICTORINE RANCH

ROAD

AP# 243-221-024

GOZZI

stream

COASTAL
CONSERVANCY

GARRA PARK
STATE

ROAD LOCATION

EXHIBIT NO. 1c
APPLICATION NO. A-3-MCO-03-116
GOZZI

N 81° 11' 00" E

60" C.M.P. CULVERT

COUNTY OPEN SPACE

PROPOSED REALIGNMENT

EXISTING 60'-0" ROAD AND UTILITY EASEMENT

EAST LINE OF EASEMENT

S 8° 18' 18" E
213.22'

40' RAD TO PROVIDE A IMPROVED ROAD.

VICTORINE RANCH ROAD

OBLITERATED ROAD SEGMENT

(E) 8.3%

JOIN TO (E) MATCH ADJ

stream

(P) RETAINING WALL HEIGHT VARIES MAX. HEIGHT 6'-0" TWALL=268.0'

PROPOSED GARAGE
(P) GARAGE
SUB=261.80'

INTERLOCKING BRICK PAVEMENT DRIVEWAY

GOZZI RESIDENCE (e)

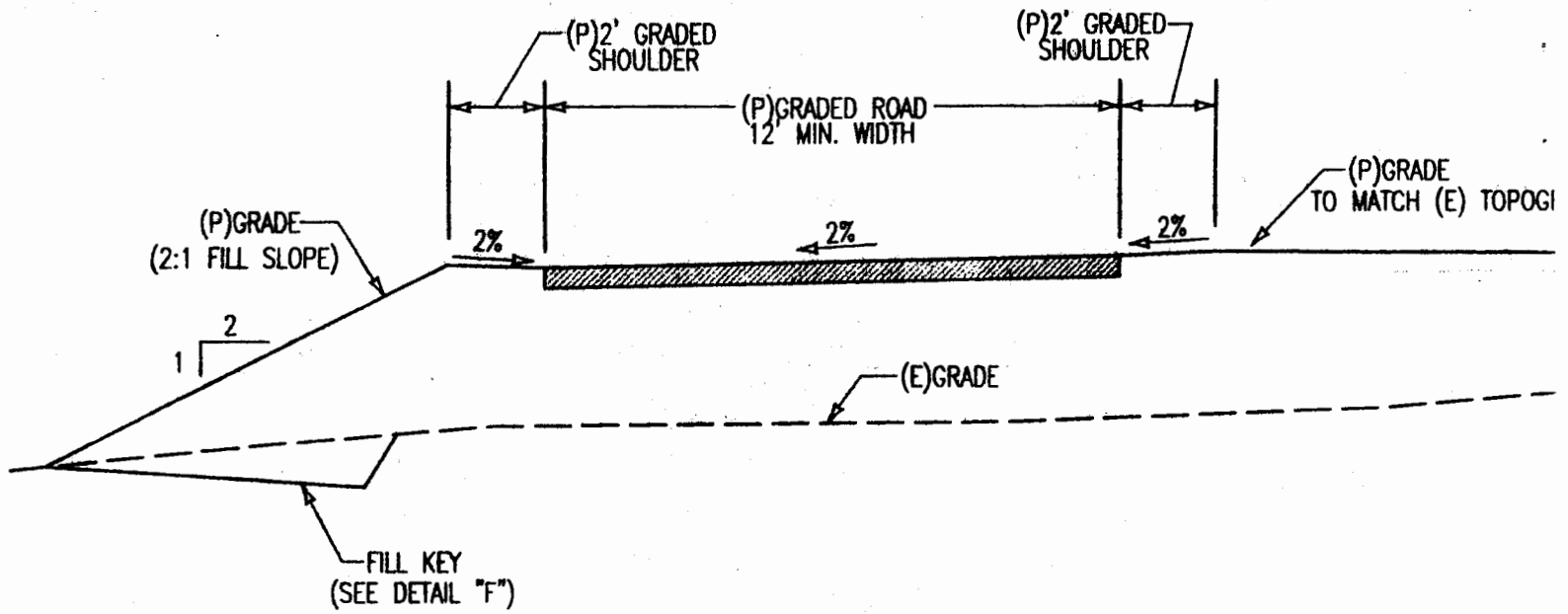
S 37° 09' 52" W
69.55'

stream

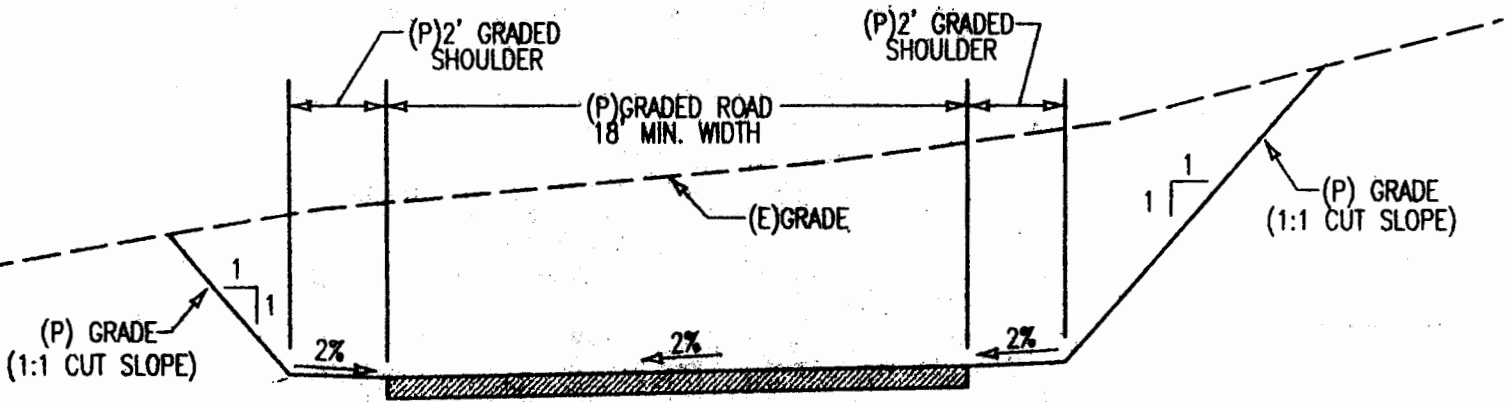
RETAINING WALL

S 66° 55' 32" W
297.59'

EXHIBIT NO. 1d
APPLICATION NO. A-3-MCO-03-116
GOZZI
SITE PLAN

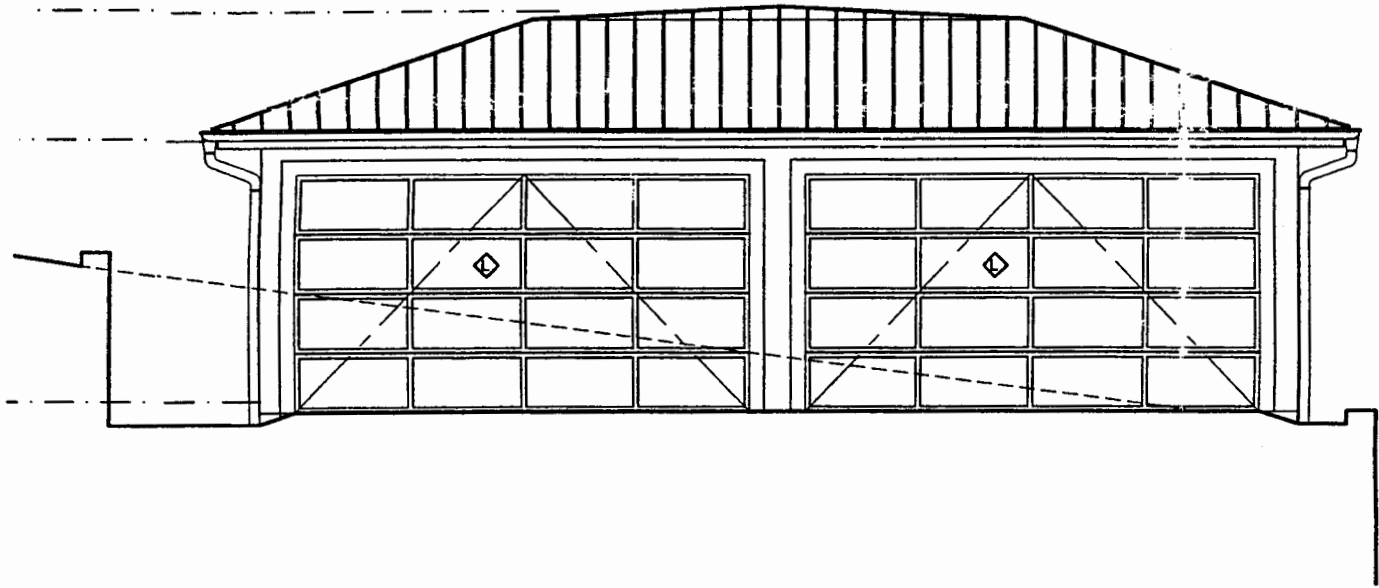


A SECTION THROUGH ROAD (FILL CONDITION)
SCALE: NO SCALE



B SECTION THROUGH ROAD (CUT CONDITION)
SCALE: NO SCALE

EXHIBIT NO.	1e
APPLICATION NO.	A-3-MCO-03-116
GOZZI	
PROPOSED ROAD SECTIONS	



DN

EXHIBIT NO. 1f
APPLICATION NO. A-3-MCO-03-116
GOZZI
PROPOSED GARAGE ELEVATION

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
 SANTA CRUZ, CA 95060
 (831) 427-4863
 HEARING IMPAIRED: (415) 904-5200



**APPEAL FROM COASTAL PERMIT
 DECISION OF LOCAL GOVERNMENT**

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

<u>Commissioner Sara J. Wan</u>	<u>Commissioner John Woolley</u>
<u>California Coastal Commission</u>	<u>California Coastal Commission</u>
<u>45 Fremont Street, Suite 2000</u>	<u>45 Fremont Street, Suite 2000</u>
<u>San Francisco, CA 94105-2219</u>	<u>San Francisco, CA 94105-2219</u>
<u>(415) 904-5200</u>	<u>(415) 904-5200</u>

SECTION II. Decision Being Appealed

1. Name of local/port government:

Monterey County

2. Brief description of development being appealed:

1) Construct 864 square foot detached two-car garage; and 2) Allow unpermitted development performed on slopes of 30 percent or greater, including grading for proposed garage, a retaining wall, and proposed road alignment.

3. Development's location (street address, assessor's parcel number, cross street, etc.):

31549 Highway 1 (near end of Victorine Ranch Road), Big Sur, Monterey County
(APN 243-221-027)

4. Description of decision being appealed:

- a. Approval; no special conditions: _____
 b. Approval with special conditions: XX
 c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-MCO-03-116
 DATE FILED: 12/8/03
 DISTRICT: Central

EXHIBIT NO. <u>2</u>
APPLICATION NO.
<u>A-3-MCO-03-116</u>
<u>GOZZI</u>

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator
- b. City Council/Board of Supervisors
- c. Planning Commission
- d. Other: _____

6. Date of local government's decision: October 29, 2003

7. Local government's file number: Resolution No. 03071 (PLN020150)

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Daniele and Anita Gozzi TR
P.O. Box 223808
Carmel, CA 93922

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Jeff Main, Monterey County Planning & Building Inspection
2620 First Avenue
Marina, CA 93933

(2) _____

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section which continues on the next page.

Basis for Appeal: Monterey County Coastal Development Permit PLN020150 (Gozzi Garage, Retaining Wall, and Road Realignment at 31549 Hwy 1, Big Sur)

Background: The State Coastal Conservancy owns the critically-located 100-acre Craven-Nation property on the east side of Highway 1 at the northern end of the Big Sur Coast. This property, originally part of the historic Victorine Ranch, is bordered by Garrapata State Park on the south, County open space lands to the north, and a residentially-subdivided portion of the Victorine Ranch—including applicant's parcel—to the northwest. The original purpose of the State Coastal Conservancy acquisition was to serve as a possible receiver site for transferred development density. Coastal Conservancy staff recognizes that the property has important scenic, habitat and public access attributes in its own right; they indicate that these public resource values would be protected at such time that the Craven-Nation property is transferred to another owner. An easement and access road extends from Highway 1 to serve the buildable portion of the Craven-Nation property.

Access to public lands blocked: The applicant, Gozzi, owns the parcel immediately adjacent to the northwest boundary of the State-owned Craven-Nation property. This is where vehicles parked after the far end of the common access road was washed out in the 1998 El Nino storm season. Applicant has now performed grading and installed retaining walls in a manner that blocks the access road. Applicant has secured after-the-fact County approval for this work, as well as a proposed realignment of the Craven-Nation access road that would cut a gap through a steep-sided ridge and through an outlying fragment of native Monterey pine forest.

Approval inconsistent with LCP policies. This approval of previously installed unpermitted retaining walls performed on slopes of 30% or greater including grading for the proposed 864 square foot detached two-car garage and proposed road realignment on slopes 30% or greater is inconsistent with resource policies of the Monterey County LCP. The Big Sur Coast LUP portion of the LCP contains many policies that regulate development including road improvements, located both within the critical viewshed and outside of it. A primary concern with this project is preserving the integrity of Big Sur's viewshed and rural character.

The LCP visual resource protection policies requires all new development to adhere to policies for new development both in the critical viewshed and outside of the critical viewshed.

3.2.1 Key Policy

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 (the critical viewshed), and to condition all new development in areas not visible from Highway 1 or major public viewing areas on the siting and design criteria set forth in Sections 3.2.3, 3.2.4, and 3.2.5 of this plan. This applies to all structures, the construction of public and private roads, utilities, lighting, grading and removal or extraction of natural materials [emphasis added].

Construction of a new road in this area is contrary to one of the main tenets of the LUP: to preserve Big Sur's scenic resources, among other means by minimizing the construction of new roads and alteration of natural landforms. The LCP does allow the Planning Director to exempt a road if no feasible alternative exists or the proposed design of the road better achieves the resource protection policies of the Big Sur Coast LUP. However, in this case the identified basis for the proposed realignment (the applicant's unpermitted retaining walls in anticipation of the proposed garage, which will encroach onto the existing road) does not appear to provide appropriate justification to waive this requirement. More specifically, the LUP requires that proposed projects be modified in order to result in conformance to the Key Policy. Scenic Resources Policy 3.2.3A.3 states:

Where it is determined that an alternative building site on a parcel would result in conformance to the Key Policy, then the applicant will be required to modify his proposal accordingly. Similarly, changes in the design, height, or bulk of proposed structures will be required where this will result in an approvable project.

In addition, for projects involving construction of new roads, use of an existing road must be demonstrated as not feasible. Moreover, the LCP requires that new roads avoid steep slopes and follow natural land contours. The basis for the proposed new road alignment is that the proposed detached garage will block the original road alignment. Furthermore, unpermitted retaining walls have been installed in anticipation of the proposed garage. Analysis of siting and construction impacts of the retaining walls is not evident as it was un-permitted development. Therefore, the project is not consistent with LCP Policy 3.2.4.A, regarding land that is not in the critical viewshed. Policy 3.2.4 states, in part:

3.2.4.A.1

...the design and siting of structures...and access thereto, shall not detract from the natural beauty of the undeveloped skylines, ridges,...

3.2.4.A.2

...shall not leave excavation scars or slope disturbance. Structures and access roads shall be designed to minimize alterations of the natural landform and to avoid, insofar as feasible, removal of healthy tree cover.

3.2.4.A.3

...modifications will be required for siting, structural design, size, shape, ...access, and screening.

3.2.4.A.5

Sites for new structures shall be selected to...minimize the extent of environmental and engineering problems resulting from road construction.

3.2.4.A.6

New roads providing residential, recreational, or agricultural access will be considered only where it has been demonstrated that the use of existing roads is not feasible, or that permission for the use of an existing road is shown in writing to be unobtainable from neighboring property owners.

3.2.4.A.7

New roads shall avoid steep slopes and shall be located along the margins of forested areas along natural land contours, or within existing vegetation. Road shall be aligned to minimize removal of native trees, and constructed to minimum standards consistent with the requirements of fire safety and emergency use. Drainage and erosion control measures must be adequate to prevent erosion. During road construction, side-casting of earth materials shall not be permitted; all materials not used for on-site fill shall be removed from the area.

The County's approval of the proposed garage, existing retaining walls, and proposed extension of retaining walls does not adequately evaluate the siting of the project consistent with the above-cited portions of Policy 3.2.4.A. In particular, the proposed project (road realignment) is not consistent with Policy 3.2.4.A.7, which requires avoiding steep slopes, Policy 3.2.4.A.2, which requires that the alteration of natural landforms be minimized, nor Policy 3.2.4.A.5—which requires that sites for new structures shall be selected to avoid the construction of visible access roads and minimize the extent of environmental and engineering problems resulting from road construction. Most critically, there *is* a feasible road location—the *existing* road location within the existing road easement that provides access to the Craven-Nation property—and therefore the project cannot be found consistent with Policy 3.2.4.A.6.

Finally, the proximity of the new road to environmentally sensitive native Monterey pine (*Pinus radiata*) habitat, and the location of the proposed garage including proposed and existing retaining walls within riparian habitat, may cause disruption and adverse impacts to these sensitive habitats. Section 3.3 Environmentally Sensitive Habitats describes habitats as areas where plant or animal life or their habitats are rare or particularly valuable due to their special nature or role in an ecosystem.

3.3.1 Key Policy

All practical efforts shall be made to maintain, restore, and if possible, enhance Big Sur's environmentally sensitive habitats. The development of all categories of land use, both public and private, shall be subordinate to the protection of these critical areas.

3.3.2.1 General Policies

Development, including vegetation removal, excavation, grading, filing, and the construction of roads and structures, shall not be permitted in the environmentally sensitive habitat areas if it results in any potential disruption of habitat value. To approve development within any of these habitats the County must find that disruption of a habitat caused by the development is not significant.

The County's permit action states that there are no physical or environmental constraints such as geologic or seismic areas or environmentally sensitive habitats that would indicate the site is not suitable for the proposed use. However, the biological survey for the proposed project does not assess the proposed development's potential impacts with respect to the riparian area of the stream south of the proposed garage and existing retaining walls; nor, does it address potential impacts of

the realigned road on Monterey pine forest habitat. The IP requires the completion of a biological survey if development is or may potentially be located within 100 feet of an environmentally sensitive habitat and/or has potential to negatively impact the long-term maintenance of the habitat (LCP IP Section 20.145.040.A.c). The portion of the proposed project location (garage and retaining walls) varies between 30 and 50 feet from the stream running across the southern portion of the parcel area. The biological survey evaluates the proposed road realignment segment of the project only, and fails to consider the impact on the native pine forest habitat—even though the site plan shows 12”-24” diameter trees right at the edges of the proposed cuts and fills, and the entire new road surface will be eliminated as potential pine forest habitat.

The LCP requires setbacks of 150 feet on each side of all streambanks to protect riparian communities. A reduction in the required setback is allowed if it has been conclusively demonstrated in the biological survey that the reduced setback is sufficient to protect riparian vegetation from the impacts of development (LUP Policy 3.3.3.A.4; IP Section 20.145.040.C.d). No such demonstration has been provided; nor, has the disruption of Monterey pine forest habitat been demonstrated as “insignificant.” Therefore, the County’s action on the project is not consistent with the LCP habitat protection policies.

Jud Vandevere
Biological Consulting
93 Via Ventura
Monterey, CA 93940

27 Apr 03

Daniele Gozzi
P. O. Box 223808
Carmel Ca 93922

Re: Possible plants and animals of concern on Gozzi property

Dear Mr. Gozzi:

On 26 Apr 03, you and I examined the route for a proposed, very short road, that would when constructed, permit the fire department and the Coastal Conservancy personnel to reach Conservancy property south of your home on either the old Victorine Ranch or Malpaso Properties.

We found two CNPS List 4 Monterey ceanothus, *Ceanothus cuneatus* var. *rigidus*, that will have to be removed. These are the only sensitive plants or animals that will be affected by construction of the road.

Two Monterey ceanothus should be obtained from the Elkhorn Native Plant Nursery, or some other nursery, and planted on your property to mitigate the loss of the two plants. With their replacement, the impact of the road can be considered reduced to an acceptable level.

Sincerely,

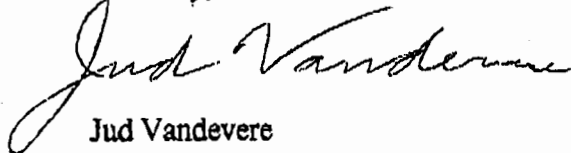

Jud Vandevere

EXHIBIT NO. 3

APPLICATION NO.

A-3-MCO-03-116

Gozzi

RECEIVED

PLANNING COMMISSION

COUNTY OF MONTEREY, STATE OF CALIFORNIA

NOV 20 2003

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

FINAL LOCAL
ACTION NOTICE
REFERENCE # 3-MCO-03-426
APPEAL PERIOD 11/21-12/8/03

RESOLUTION NO. 03071

A. P. # 243-221-027-000

FINDINGS AND DECISION

In the matter of the application of
Daniele and Anita Gozzi TR (PLN020150)

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located at 31549 Highway 1 (Assessor's Parcel Number 243-221-027-000), Big Sur, near the end of Victorine Ranch Road, Big Sur Coast, Big Sur Coast LUP (Coastal Zone), came on regularly for hearing before the Planning Commission on October 29, 2003.

WHEREAS: Said proposal includes:

- 1) Coastal Administrative Permit and Design Approval for an 864 sq. ft. detached two car garage; and
- 2) Coastal Development Permit to allow unpermitted development performed on slopes of 30% or greater, including grading for the proposed detached garage (230 cu. yds. of cut & 10 cu. yds. of fill) and associated retaining wall (to clear violation #CE010476), and additional development on slopes of 30% or greater for a proposed road realignment, including grading (767 cu. yds. of cut, 147 cu. yds. of fill & 620 cu. yds. of export).

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

FINDINGS OF FACT

1. **FINDING: CONSISTENCY** - Combined Development Permit consisting of a Coastal Administrative Permit and Design Approval for an 864 sq. ft. detached two car garage; and a Coastal Development Permit to allow unpermitted development performed on slopes of 30% or greater, including grading (230 cu. yds. of cut & 10 cu. yds. of fill) for the proposed detached garage and associated retaining wall (to clear violation #CE010476), and additional development on slopes of 30% or greater for a proposed road realignment, including grading (475 cu. yds. of cut, 110 cu. yds. of fill & 365 cu. yds. of export). The proposed development, together with the provisions of its design, are consistent with both the *Big Sur Coast Land Use Plan* and the development standards and zoning regulations contained in the certified Coastal Implementation Plan, specifically Chapter 20.145 (*Regulations for Development in the Big Sur Coast Land Use Plan*). The parcel is designated as "WSC/40-D (CZ)" (*Watershed and Scenic Conservation*, 40 acres per unit, Design Control District, Coastal Zone), which allows accessory residential development. The site is physically suited for the use proposed. The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trusts (see 20.70.050.B.4). No public access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

EXHIBIT NO. 4
APPLICATION NO.
A-3-MCO-03-116
GOZZI

EVIDENCE: The application and plans submitted for the Combined Development Permit in the project file at the Monterey County Planning and Building Inspection Department.

EVIDENCE: LAND USE ADVISORY COMMITTEE – Design Approval Request form with plans recommended for approval by the Big Sur Coast Land Use Advisory Committee with a 5 to 0 vote in favor of the project proposal; found in File No. PLN020150/Gozzi.

EVIDENCE: There has been no testimony received from the public either written or oral, during the course of public hearings to indicate that the site is not suitable for the project, although the Coastal Commission has raised concerns regarding the potential visual impacts of the development and the approval of new roads in Big Sur. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, the applicable Fire Department, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

EVIDENCE: The subject property is not adjacent to the sea shore and is not described as an area where the Local Coastal Program requires access, according to Sections 20.70.050.B.4.c.i and ii.

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

EVIDENCE: Application materials including site plans in file no. PLN020150

EVIDENCE: Multiple visits by the project planner to the subject parcel and vicinity of Victorine Ranch.

3. **FINDING: PRIVATE ROAD DEVELOPMENT STANDARDS** – The project proposes the realignment of an approximately 240 foot section of an existing access road that passes through the subject parcel to serve vacant parcels to the south. The original alignment will be blocked by the proposed detached garage so that no additional road will be created. The proposed realigned section of road is consistent with section 20.145.130.D.1 of the *Regulations for Development in the Big Sur Coast Land Use Plan*. In addition, at 12 feet wide, the road improvement will accommodate emergency vehicles pursuant to the requirements of the Fire Code.

EVIDENCE: Pursuant to Finding & Evidence 2, above, the project will not intrude on the Critical Viewshed.

EVIDENCE: Application materials including site plans in file no. PLN020150, as well as a favorable review from the Carmel Highlands FPD.

4. **FINDING: VIOLATION PENDING** – The subject property is currently in violation of Section 20.147.050.A of the *Regulations for Development in the Big Sur Coast Land Use Plan Area* because development was carried out without the benefit of permits. Approval of the current application (file no. PLN020150) clears the code violations.

EVIDENCE: On December 31, 2001, Code Enforcement case #CE010476 opened after Grading Inspector John Knight issued a stop-work order on the subject parcel due to grading performed and a retaining wall installed outside the scope of the approved grading permit (file no. GP000070).

5. **FINDING: HEALTH AND WELFARE** – 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 of the County.

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Health Department, Public Works Department, and the Water Resources 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.

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

EVIDENCE: (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department, and the Carmel Highlands Fire Protection District. Conditions recommended have been incorporated. (**Exhibit "D"**)

(b) According a letter from the project's consulting biologist, Jud Vandever, dated April 27, 2003, no environmentally sensitive species or habitat will be adversely impacted by the development; letter in file no. PLN020150. Although, two Monterey ceanothus, which are on the California Native Plant Society's "List 4" (i.e., "watch list"), will be impacted by the proposed road realignment. These plants can and will be replaced pursuant to Condition 9.

(c) A report, entitled "*Evaluation of Potential Impacts to Monterey Pine Trees,*" dated September 23, 2003, was prepared by Certified Arborist Maureen Hamb. This report notes that the project can be modified to reduce potential impacts to Monterey pines (see Conditions 7, 8 and 10).

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

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

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

7. **FINDING: SLOPE WAIVER** – The request for the proposed development to be located on slopes of 30% or more is consistent with Section 20.145.140.A.4.a of the *Regulations for Development in the Big Sur Coast Land Use Plan Area*, which allows development on slopes of 30% or greater where no alternatives exist that would allow the development to occur on slopes of less than 30%.

EVIDENCE: The topography of the subject parcel is very irregular. The limited areas of the parcel with slopes less than 30% are occupied by an existing single-family dwelling and a separate additional access road that serves parcels to the west of the subject lot.

EVIDENCE: There is no alternative location for a detached garage that would maintain the required 50 foot setback from the existing roadway or the proposed road realignment.

EVIDENCE: There is no alternative road realignment that would allow the development to take place on slopes of less than 30%.

EVIDENCE: Both proposals, as conditioned, better meet the resource protection objectives and policies of the *Big Sur Coast Land Use Plan* and development standards of the *Regulations for Development in the Big Sur Coast Land Use Plan* by avoiding the removal of protected native Monterey pines, which have since grown within the path of the original road alignment.

3. FINDING: CEQA – The approved project will not have a significant adverse impact on the environment.

EVIDENCE: Criteria contained in Article 19, Sections 15300.2 (Exceptions), 15303 (Small Structures), & 15304 (Minor Alterations to Land) of the California Environmental Quality Act Guidelines allow this project to be categorically exempted from environmental review.

EVIDENCE: According a letter from the project's consulting biologist, Jud Vandever, dated April 27, 2003, no environmentally sensitive species or habitat will be adversely impacted by the development; letter in file no. PLN020150. Although two Monterey ceanotha, which are on the California Native Plant Society's "List 4" (i.e., "watch list"), will be impacted by the proposed road realignment. These plants will be replaced pursuant to Condition 9.

EVIDENCE: A report, entitled "*Evaluation of Potential Impacts to Monterey Pine Trees,*" dated September 23, 2003, was prepared by Certified Arborist Maureen Hamb. This report notes that the project can be modified to reduce potential impacts to Monterey pines, (see Conditions 7, 8, and 10).

EVIDENCE: The project's seismic hazard zone is listed as a "Relatively Stable Area" according to the resource maps of the *Big Sur Coast Land Use Plan*.

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

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

EVIDENCE: Sections 20.86.030 and 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. Combined Development Permit consisting of a Coastal Administrative Permit and Design Approval for an 864 sq. ft. detached two car garage; and a Coastal Development Permit to allow unpermitted development performed on slopes of 30% or greater, including grading for the proposed detached garage (230 cu. yds. of cut & 10 cu. yds. of fill) and associated retaining wall (to clear violation #CE010476), and additional development on slopes of 30% or greater for a proposed road realignment (maximum 12 feet wide), including grading (475 cu. yds. of cut, 110 cu. yds. of fill & 365 cu. yds. of export). The project 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 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. This permit shall expire two years from the date of adoption unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan. **(Planning and Building Inspection)**
3. 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)**
4. A Grading Permit shall be required pursuant to the Monterey County Code relative to Grading, Chapter 16.08. **(Planning and Building Inspection)**
5. 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)**

Prior to the Issuance of Grading and Building Permits:

6. The applicant shall record a notice which states: "*A permit (Resolution #03071) was approved by the Planning Commission for Assessor's Parcel Number 243-221-027-000 on October 29, 2003. The permit was granted subject to 16 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)**
7. The grading plans shall be revised to reflect that, 1) grade changes affecting the critical root zone of tree #5 (as indicated in the arborist's report) are eliminated from the project proposal, 2) the realigned road is designed at no more than 12 feet wide and avoids tree #5, and 3) revised grading amounts shall be substantially equal to, or less than, 475 cu. yds. of cut, 110 cu. yds. of fill, with 365 cu. yds. of export. **(Planning and Building Inspection Department)**
8. Protected trees which are located close to the construction site (trees 1 through 6, as listed in the arborist's report) shall be protected from inadvertent damage from construction equipment by fencing off the trees' critical root zones with protective materials pursuant to the arborist's diagram. Fill of any type against the base of the trunks and an increase in soil depth at the feeding zone or drip line of the retained trees shall be avoided. A supplemental irrigation plan, prior to and during the construction process, shall be developed for trees 1 through 6. Said protection shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection Department)**
9. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. **(Carmel Highlands FPD)**

Prior to Final Building/Grading Inspection:

10. The site shall be landscaped. Pursuant to the biologist's report, at least two Monterey ceanotha shall be including in the landscaping plan, along with appropriate revegetation of the cut slopes, in accordance with the erosion control notes on the grading plans. At least three weeks prior to final inspection, three (3) 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 be in sufficient detail to identify the location, species, 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. Within 60 days of final building or grading inspection (which ever is later), 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. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection Department)**
11. The applicant shall comply with Ordinance No. 3932 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. 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 & Planning and Building Inspection)**
12. 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 for the new garage 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)**
13. The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances and be capable of supporting the imposed load of fire apparatus (60,000#). **(Carmel Highlands FPD)**
14. Where gates are to be locked, a Knox Security System shall be installed for immediate access of emergency equipment. **(Carmel Highlands FPD)**

Continuous Permit Conditions:

15. If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until 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)**

- 16. All landscaped areas and/or fences shall be continuously maintained by the property owner and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 29th day of October, 2003 by the following vote:

AYES: Errea, Sanchez, Hawkins, Padilla, Brennan, Parsons, Diehl, Salazar, Rochester, Wilmot
 NOES: None
 ABSENT: None



 JEFF MAIN, SECRETARY

Copy of this decision mailed to applicant on **NOV - 5 2003**

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 **NOV 17 2003**

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

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

NOTES

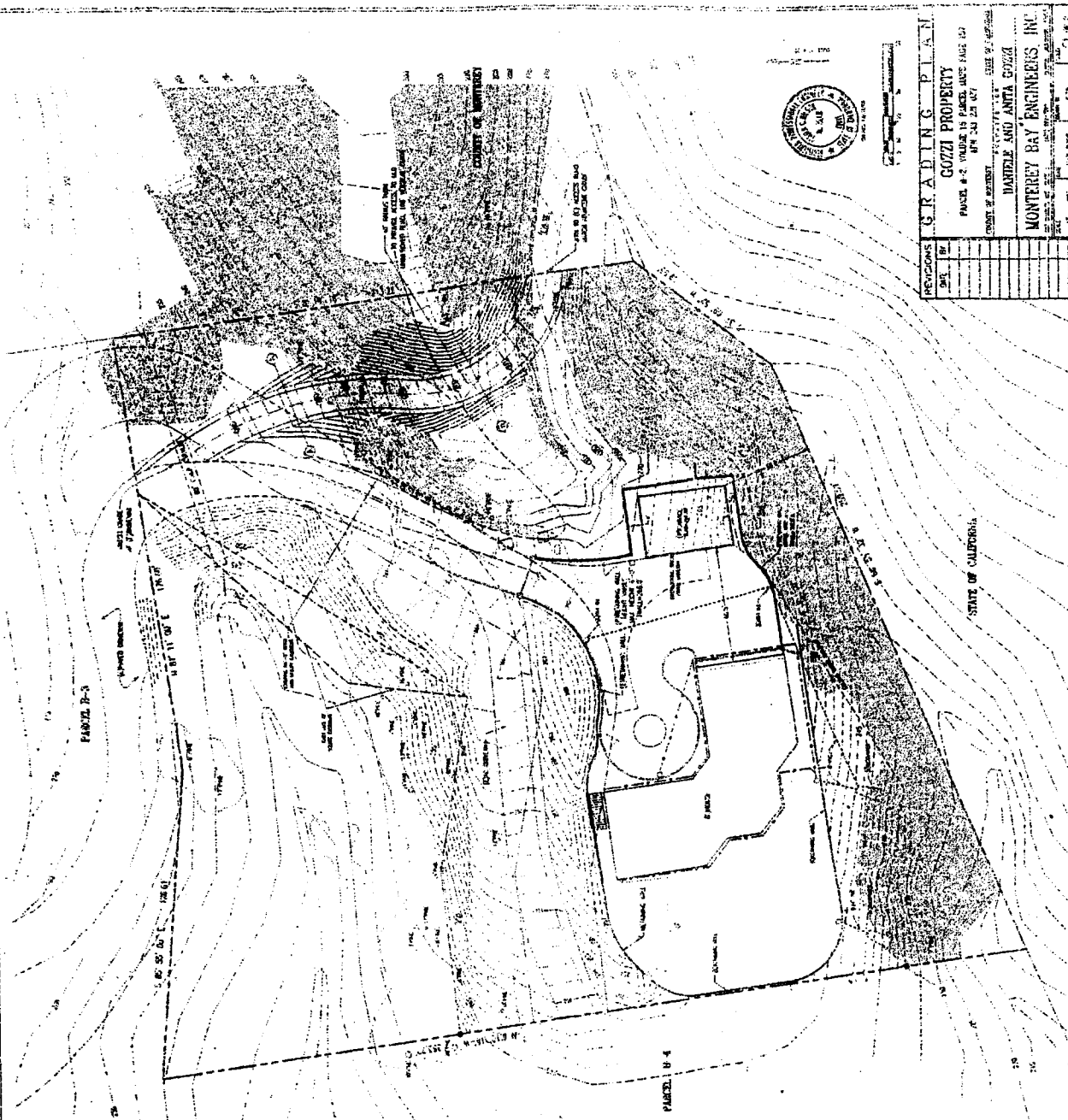
- 1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

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

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

- 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

TOPOGRAPHIC INFORMATION
 The topographic information shown on this plan was obtained from the U.S. Geological Survey, San Francisco, California, and is based on the 7.5 minute topographic map of the area, T. 37 N., R. 12 W., S. 14 E., and is shown for reference only. The topographic information is not to be used for any other purpose without the permission of the U.S. Geological Survey.



GENERAL NOTES
 1. The applicant has provided a copy of the title block and the title block of the plan to the County Clerk, San Francisco, California, for recording.
 2. The applicant has provided a copy of the title block and the title block of the plan to the County Clerk, San Francisco, California, for recording.
 3. The applicant has provided a copy of the title block and the title block of the plan to the County Clerk, San Francisco, California, for recording.

APPLICANT INFORMATION
 Project No. 123-456
 Applicant: [Name]
 Address: [Address]
 City: [City]
 State: [State]
 Zip: [Zip]

LEGEND
 1. Contour Lines
 2. Parcel Boundary
 3. Proposed Structure
 4. Proposed Access Road
 5. Proposed Driveway
 6. Proposed Parking Area
 7. Proposed Utility Lines
 8. Proposed Fencing
 9. Proposed Retaining Wall
 10. Proposed Foundation

NO.	DATE	DESCRIPTION
1	10/15/20	Initial Plan
2	11/05/20	Revised Plan
3	12/01/20	Final Plan

GRADING PLAN
 COZZI PROPERTY
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