

Exhibit A

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DRAFT RESOLUTION

Before the Chief of Planning in and for the County of Monterey, State of California

In the matter of the application of:

RATAUL BALBIR TR (PLN220280)

RESOLUTION NO. ----

Resolution by the Monterey County Chief of
Planning:

- 1) Finding the project Categorical Exempt pursuant to CEQA Guidelines section 15301, Existing Facilities, and no exceptions pursuant to section 15300.2 can be made; and
- 2) Approving a Coastal Administrative Permit and Design Approval to allow the replacement of an existing exterior staircase, construction of an exterior cantilevered staircase attached to existing retaining wall, construction of a 100 square foot non-habitable accessory structure, removal of an existing 7,500 gallon above ground water tank and installation of two 5,000 gallon above ground water tanks.

[PLN220280, Rataul Balbir Tr, 46977 & 46820 Clear Ridge Road, Big Sur, Big Sur Coast Land Use Plan, Coastal Zone (APN: 419-271-008-000 and 419-271-001-000)]

The RATAUL BALBIR TR application (PLN220280) came on for an administrative hearing before the Monterey County Chief of Planning on May 15, 2024. Having considered all the written and documentary evidence, the administrative record, the staff report, and other evidence presented, the Chief of Planning finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 1982 Monterey County General Plan;
 - Big Sur Coast Land Use Plan (Big Sur Coast LUP);
 - Monterey County Coastal Implementation Plan, Part 1, Zoning Ordinance (Title 20); and

- Monterey County Coastal Implementation Plan Part 3, Regulations for Development in the Big Sur Coast Land Use Plan Area (Big Sur Coast CIP).

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) Project Description. The proposed project includes replacement on an existing exterior staircase, construction of an exterior cantilevered staircase attached to an existing retaining wall, removal of an existing water tank, construction of a new pump house (100 SF), placement of two above ground water tanks.
- c) Allowed Use. The property is located at 46977 Clear Ridge Rd, Big Sur (Assessor's Parcel Number 419-271-008-000 and 419-271-001-000), Big Sur Coast Land Use Plan. The parcel is zoned Watershed and Scenic Conservation with a density of 1 unit per 40 acres with a Design Control district overlay in the Coastal Zone, or WSC/40-D(CZ). This zoning allows non-habitable accessory structures pursuant to a Coastal Administrative Permit and water system facilities including wells and storage tanks serving fourteen (14) or fewer service connections, pursuant to a Coastal Administrative Permit (Title 20, Section 20.17.040). Therefore, the project is an allowed land use for this site.
- d) Lot Legality. APN: 419-271-001-000 is shown in its current configuration on the Township and Range map of the Subdivision of Barbara Pfeiffer being a portion of T.19S., R.1E. & T.19S., R.2E. The lot is shown as the portion of land in the north half of the southern half of the southeast quarter of section 26 and the northern half of the southeast quarter of the southwest quarter of section 26. APN: 419-271-008-000 is shown in its current configuration on a record of survey reflecting a lot line adjustment in section 26 of T19S, R1E. Additionally, the County has issued multiple permits, including discretionary planning permits and building permits on both properties over the past 30 years. Pursuant to the Subdivision Map Act section 66499.35(c), both properties are eligible for certificates of compliance. Therefore, the County recognizes both properties as legal lots of record.
- e) Design/Neighborhood and Community Character. The property is subject to the Design Control "D" overlay zoning district regulations contained in Title 20 Chapter 20.44, which requires design review of proposed development to assure protection of the public viewshed and neighborhood character. This project is not located within Big Sur's critical viewshed. Consistent with Big Sur Coast LUP Policy 3.2.4.A.3 the proposed development has been screened from the public viewshed the maximum extent. The removal of the 7,500 gallon water tank will improve the natural, scenic views and the new water tanks will be hidden behind existing oak trees. The cantilevered staircase will be constructed with grey cement, the existing exterior staircase will be replaced with wood steps, the small accessory structure will be comprised of board and batten siding stained to match existing redwood siding of the single family dwelling and aluminum standing seam roofing and the water tanks will be black. These colors and materials are compatible with the existing neighborhood character and consistent with

the applicable policies regarding visual resources and design standards. Consistent with the Big Sur Coast CIP, the proposed structures will not detract from the natural beauty of undeveloped skylines, ridgelines, or the shoreline. The accessory structure and water tanks have been sited to minimize visual impact to public views as well as views and privacy of neighbors. All three structures will be tucked away within an existing oak forest, utilizing existing vegetative screening.

- f) Development Standards. Development standards for the Watershed and Scenic Conservation Residential Zoning District can be found in Title 20, section 20.17.060. The proposed 100 square foot accessory structure and water tanks do count towards lot coverage but because the lot (APN: 419-271-001-000) is over 57 acres, the proposed development is well under the allowed 10% lot coverage. The allowed height for non-habitable accessory structures in the WSC zoning district is 15 feet. The proposed height of the pump house is 8 feet, 11 inches and the height of the water tanks will be approximately 10 feet from the concrete platform which sits roughly 2 feet above the average natural grade. Therefore, all structures meet the height requirements. Due to the project's location on Clear Ridge Road, the property is highly sloped and comes to a ridge close to the road right of way. The only developable area without impacted slopes is right along the road. Therefore, the majority of single family dwelling and accessory structures on this road are located within the front setback. Per Title 20 section 20.62.040.F, the proposed structures are located within the required front setback to provide consistency with the setbacks of other nearby structures. Based on satellite aerial imagery, the homes located at the subject parcel 46977, 47301, and 47011 Clear Ridge Road all have main structures with a similar setback proposed for the pump house and water tanks. As the intent of section 20.62.040.F is to maintain conformity in setbacks, the proposed development has been sited appropriately considering the setbacks of nearby structures. The proposed pump house and water tanks far exceed the side and rear setbacks with over 50 feet in each direction when the requirement is 6 feet for the side and 1 foot for the rear.
- g) Development on Man-made Slopes. The project includes minimal development on man made slopes. The applicants proposed to replace an existing staircase in kind, a part of this staircase is located on a manmade slope from when the staircase was originally installed. Pursuant to Title 20 section 20.64.230.C.2.b, the proposed development is exempt from a Coastal Development Permit and only requires a Coastal Administrative Permit as the soil excavation will be minimal and less than exceed one hundred (100) cubic yards, will not exceed two feet in depth and the excavated slopes is not steeper than the one and one-half horizontal to one vertical. The minimal excavation includes the loose soil that will come up with the existing wooden steps when they are removed, the new steps will not require and additional fill.
- h) Biological Resources. A Biological Assessment (LIB240031) was prepared for the project to evaluate potential impacts to nearby resources (see Finding 3 and supporting evidence). The site survey and data research were negative for environmentally sensitive habitat areas

(ESHA) within 100 feet of the proposed project. The construction of the water tank platforms is located within an existing Shreve oak cluster; however, the biologist determined the potential impacts would be less than significant. The particular installation method and design of the platforms will ensure minimum impacts to the critical root zone of the nearby trees. The design includes integrating an elevated support pad anchored with four helical anchors at the corners of the pad coupled with three diagonal helical anchors (one for each of the three support grade beams). This innovative system reduces potential root impacts to seven total drill points from the helical anchors that minimizes soil disturbance as it eliminates the need for deep trenching typically specified for perimeter foundations. The outer edges of the 12 foot by 20 foot pad are sited approximately 4+ feet from adjacent tree trunks. The biologist recommended additional recommendations to further reduce impacts, these recommendations have been implemented as conditions of approval (Condition Nos. 4-7).

- i) The project planner reviewed satellite aerial imagery of the site to verify that the project on the subject parcel conforms to the plans listed above.
- j) The project was not referred to the Big Sur Area Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, this application did not warrant referral to the LUAC because the project does not include a design approval subject to a public hearing.
- k) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD- Planning for the proposed development found in Project File PLN220280.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: HCD- Planning, Big Sur Volunteer Fire Brigade, HCD- Environmental Services, Environmental Health Bureau, and HCD-Engineering Services. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Staff identified potential impacts to biological resources, soil/slope stability and archaeological resources. The following reports have been prepared:
 - “Phase I Archaeological Assessment for APN: 419-271-001-000” (LIB240028) prepared by Susan Morley, Marina, CA, September 1, 2023.
 - “Phase I Archaeological Assessment for APN: 419-271-008-000” (LIB240029) prepared by Susan Morley, Marina, CA, August 1, 2023.
 - “Geotechnical Investigation” (LIB240030) prepared by Belinda Taluban, Salinas, CA, December 15, 2023.
 - “Geologic Hazards Assessment” (LIB240032) prepared by Craig Harwood, Ben Lomond, CA, December 19, 2023.
 - “Biological Assessment” (LIB240031) prepared by Fred Ballerini, Pacific Grove, CA, December 9, 2023.

The above-mentioned technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.

- c) The archaeological assessments for both properties were negative for significant resources or indicators of such. Due to the minimal ground disturbance and the results of the phase one surveys, additional investigation was not recommended.
- d) The biological assessment identified nearby environmentally sensitive habitat areas but none within 100 feet of the proposed development. The water tank platforms are located within a cluster of Shreve oak but has been designed to have minimal impacts to the critical root zones. Conditions have been implemented (Condition Nos. 4-7) to ensure minimal impacts to the existing trees. The assessment did not identify any potential significant impacts to biological resources. (See Finding 2, evidence “g”).
- e) Staff reviewed satellite aerial imagery to verify that the site is suitable for this use.
- f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County HCD- Planning for the proposed development found in Project File PLN220280.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the use or structure 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 of such proposed use; or be detrimental or injurious to property and improvements in the neighborhood; or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed HCD- Planning, Big Sur Volunteer Fire Brigade, HCD- Environmental Services, Environmental Health Bureau, and Engineering Services. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Potable water is available via the Clear Ridge Water Association. The Environmental Health Bureau (EHB) reviewed the application and confirmed that the subject parcel shows up on Monterey County’s Public Water System List under the “Clear Ridge WA”.
 - c) The property has an existing septic tank and the EHB confirmed the setbacks are met between the proposed development and the existing OWTS location.
 - d) Staff reviewed satellite aerial imagery to verify that the site is suitable for this use.
 - e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County HCD- Planning for the proposed development found in Project File PLN220280.

4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.
- EVIDENCE:**
- a) Staff reviewed Monterey County HCD- Planning and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff reviewed satellite aerial imagery and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to Monterey County HDC-Planning for the proposed development are found in Project File PLN220280.
5. **FINDING:** **CEQA (Exempt)** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.
- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15301 categorically exempts repair, maintenance and minor alterations to existing private structures involving negligible or no expense of the existing use.
 - b) The proposed project qualifies for a Class 1 exemption because it is the construction of a 100 square foot accessory structure, construction of an exterior staircase, replacement of an exterior staircase, removal of an existing 7,500 gallon water tank and installation of two 5,000 gallon water tanks. This small development is consistent with the exemption parameters of CEQA Guidelines Section 15301 and therefore qualifies for a Class 1 exception.
 - c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project:
 - The location of a project site is not considered an environmentally sensitive area, the staircases and accessory structure are located in pre-disturbed areas and the water tank location was reviewed by a certified biologist who did not anticipate any significant environmental impacts due to the proximity to the cluster of Shreve oaks;
 - Successive projects of the same type and in the same place (additions to a single-family dwelling on this lot) would not contribute to a significant cumulative impact. The location of the proposed staircases and pump house are pre-disturbed areas that do not contain any significant resources. The water tanks and platforms have been designed and sited to eliminate significant impacts to nearby forest resources. If the platforms and tanks were replaced in the future, they would not have significant impacts to the resources as long as they maintain the existing design and location;
 - There are no unusual circumstances regarding this project that would cause a significant effect to the environment (see Findings 1 and 2);

- The project site is not visible from any scenic highways, and the proposed development would not result in damages to scenic resources; and
 - The project site is not located on or near any hazardous waste sites listed in Section 65962.5 of the Government Code.
- d) Staff reviewed satellite aerial imagery to verify that the site and proposed project meet the criteria for an exemption.
- e) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN220280.

6. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and not the California Coastal Commission.
- EVIDENCE:** a) Board of Supervisors. Pursuant to Title 20 section 20.86.020, an aggrieved party may appeal a decision of the Chief of Planning to the Board of Supervisors.
- b) California Coastal Commission. Pursuant to Title 20 section 20.86.080, this project is not appealable to the California Coastal Commission (CCC) because it is not located within 300 feet of any beach or mean high tide line, between the first public road and the sea, within 100 feet of a wetland or 300 feet of a coastal bluff, the project does not include an underlying conditional use nor is not considered a major public works project.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Chief of Planning does hereby:

- 1) Find the project Categorically Exempt pursuant to CEQA Guidelines section 15301 and no exceptions pursuant to section 15300.2 can be made; and
- 2) Approve a Coastal Administrative Permit and Design Approval to allow the replacement of an existing exterior staircase, construction of an exterior cantilevered staircase attached to existing retaining wall, construction of a 100 square foot non-habitable accessory structure, removal of an existing 7,500 gallon above ground water tank and installation of two 5,000 gallon above ground water tanks.

PASSED AND ADOPTED this 15th day of May, 2024:

Melanie Beretti, AICP
HCD Acting Chief of Planning

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

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 ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____.

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 Monterey County HCD- Planning and HCD- Building Services Department office in Salinas.

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

Form Rev. 5-14-2014

County of Monterey HCD Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN220280

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: This Coastal Administrative Permit and Design Approval (PLN220280) allows the replacement of an existing exterior staircase, construction of an exterior cantilevered staircase attached to existing retaining wall, construction of a 100 square foot non-habitable accessory structure, removal of an existing 7,500 gallon above ground water tank and installation of two 5,000 gallon above ground water tanks. The property is located at 46977 & 46820 Clear Ridge Road, Big Sur, (Assessor's Parcel Number 419-271-008-000 and 419-271-001-000), Big Sur Coast Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of HCD - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (HCD - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an on-going basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Coastal Administrative Permit and Design Approval (Resolution Number _____) was approved by the Chief of Planning for Assessor's Parcel Number 419-271-008-000 and 419-271-001-000 on May 15, 2024. The permit was granted subject to 7 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

Proof of recordation of this notice shall be furnished to the Director of HCD - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the HCD - Planning.

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County HCD - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register 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 recovery.
(HCD - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.
Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County HCD - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

4. PD011 - TREE AND ROOT PROTECTION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, 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, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of HCD - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection (straw wattles wrapped to a 4-foot height on the Shreve oak trees trunks) to HCD - Planning for review and approval.

During construction, the Owner/Applicant/Arborist shall submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to HCD-Planning after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

5. PD016 - NOTICE OF REPORT

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:
"A Biological Assessment (Library No. LIB240031), was prepared by Fred Ballerini on December 9, 2023 and is on file in Monterey County HCD - Planning. All development shall be in accordance with this report."
(HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, the Owner/Applicant shall submit proof of recordation of this notice to HCD - Planning.

Prior to occupancy, the Owner/Applicant shall submit proof, for review and approval, that all development has been implemented in accordance with the report to the HCD - Planning.

6. PD050 - RAPTOR/MIGRATORY BIRD NESTING

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Any construction activities or tree limb pruning that occurs during the typical bird nesting season (February 22-August 1), the County of Monterey shall require that the project applicant retain a County qualified biologist to perform a nest survey in order to determine if any active raptor or migratory bird nests occur within the project site or within 300 feet of proposed tree removal activity. During the typical nesting season, the survey shall be conducted no more than 30 days prior to ground disturbance or tree removal. If nesting birds are found on the project site, an appropriate buffer plan shall be established by the project biologist. (HCD - Planning)

Compliance or Monitoring Action to be Performed: No more than 30 days prior to construction activities or tree limb pruning, the Owner/Applicant/Tree Removal Contractor shall submit to HCD -Planning a nest survey prepared by a County qualified biologist to determine if any active raptor or migratory bird nests occur within the project site or immediate vicinity.

7. PW0044 - CONSTRUCTION MANAGEMENT PLAN

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall submit a Construction Management Plan (CMP) to HCD-Planning and HCD Engineering Services for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project.

CMP shall include, at a minimum, location of construction staging, parking and stockpiles. Approved measures included in the CMP shall be implemented by the applicant during the construction /grading phase of the project.

Compliance or Monitoring Action to be Performed: 1. Prior to issuance of the Grading Permit or Building Permit , Owner/Applicant/Contractor shall prepare a CMP and shall submit the CMP to the HCD-Planning for review and approval.

2. On-going through construction phase Owner/Applicant/Contractor shall implement the approved measures during the construction/grading phase of the project.

