

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

In the matter of the application of:

**SEAL HOUSE LLC (PLN030379-AMD1)**

**RESOLUTION NO. 24-005**

Resolution by the County of Monterey HCD Chief of Planning:

- 1) Finding the project Categorical Exempt pursuant to CEQA Guidelines section 15302 and no exceptions to section 15300.2 apply; and
- 2) Approving a Minor and Trivial Amendment to a previously approved Combined Development Permit (PLN030379) that allowed the subdivision of a 49 acre property into two parcels containing 40 acres and 9 acres; construction of a 2,729 square foot single family dwelling with a 300 square foot garage, and associated site improvements including perimeter fence, septic system, removal of two protected trees; development within the Critical Viewshed, within 100 feet of Environmentally Sensitive and on slopes in excess of 30 percent; and transfer of a development credit. This Amendment would clear Code Enforcement violation (22CE00104) to allow construction of a replacement 5-foot-tall open-style redwood fence and reduce the height of the entrance gate to 6 feet within the Critical Viewshed.

[SEAL HOUSE LLC, 56700 Highway 1, Big Sur, Big Sur Coast Land Use Plan, APN: 421-011-034-000].

**The SEAL HOUSE LLC application (PLN030379-AMD1) came before the Monterey County HCD Chief of Planning on February 7, 2024. Having considered all the written and documentary evidence, the administrative record, and the staff report, the HCD Chief of Planning finds and decides as follows:**

**FINDINGS**

1. **FINDING:** **PROCESS REQUIREMENTS** – The County has received and processed an amendment to previously approved Combined Development Permit (HCD Planning File No. PLN030379; Planning Commission Resolution No. 13-004).

- EVIDENCE:**
- a) On October 19, 2023, an application for a Minor and Trivial Amendment (PLN030379-AMD1) was submitted to HCD-Planning staff.
  - b) On January 30, 2013, the Monterey County Planning Commission approved PLN030379 for a Combined Development Permit consisting of: 1) a Coastal Development Permit to allow the designation of the existing 49 acre parcel as a receiver site for a transfer of development credit from a donor site established under PC94155; 2) a Coastal Development Permit to allow a minor subdivision of the 49 acre receiver site into two lots consisting of 40.0 acres (Parcel 1) and 9 acres (Parcel 2); 3) a Coastal Development Permit to allow development within the Big Sur Critical Viewshed; 4) a Coastal Development Permit to allow development on slope exceeding 30 percent; 5) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; 6) a Coastal Development Permit to allow the removal of two eucalyptus trees (approximately 9 inches and 12 inches DBH); and 7) a Coastal Administrative Permit and Design Approval to allow the construction on the receiver site of an approximately 2,729 square foot single family dwelling with a detached 300 square foot two-car garage. Associated site improvements included a driveway and parking area, approximately 500 linear feet of concrete retaining wall, septic system, water supply, grading (approximately 1,100 cubic yards of cut and 1,100 cubic yards of fill), and an open wire fence less than 6 feet tall along the front property line. Approval of this permit included 40 conditions of approval.
  - c) All previously approved 40 conditions of approval are in a “Met” or “On-going” status. No Conditions of Approval from PLN030379 are being carried forward to this Amendment (PLN030379-AMD1) due to the minor project scope of this project. See Finding No. 2, evidence “h”.
  - d) The findings and evidence from PLN030379 (Resolution No. 13-004) have carried forward to this permit, PLN03037-AMD1, by reference. PLN030379 remains as the operative permit. This Amendment only alters the fencing along the front property line.
  - e) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed amendment are found in project file PLN030379 and PLN030379-AMD1.

**2. 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:
    - 1982 Monterey County General Plan;
    - Big Sur Coast Land Use Plan;
    - Monterey County Coastal Implementation Plan – Part 3; and
    - Monterey County Zoning Ordinance - Coastal (Title 20).

No conflicts were found to exist and no communications indicating inconsistencies with applicable text, policies, and regulations of

Monterey County Code were received during the course of review of the project.

- b) Project. A portion of the previously approved open wire ranch style fence was demolished and replaced with an unpermitted 7-foot-tall solid redwood fence and a redwood gate with 7-foot-tall stone columns. The Project includes demolition of the unpermitted solid redwood fence and construction of a replacement 5-foot-tall semi-open redwood fence. The entry gate and adjacent stone columns would be reduced to a height of 6 feet. The replacement fence and as-built gate would span approximately 125 feet along the front property line. The remainder of the property line (approximately 1,170 linear feet) would be maintained with the previously approved open wire ranch fencing.
- c) Allowed Use. The property is located at 56700 Highway 1, Big Sur, Assessor's Parcel Number [APN]: 421-011-034-000, Big Sur Coast Land Use Plan. The parcel zoned Watershed and Scenic Conservation, 40 acres per unit, Design Control overlay, within the Coastal Zone or "WSC/40-D(CZ)", which allows for construction of accessory structures to any permitted use, subject to the granting of a Coastal Administrative Permit in each case. The proposed project includes demolition of an existing un-permitted fence and construction of a replacement fence and entry gate. The previously approved Combined Development Permit (PLN030379, Resolution No. 13-004) allowed construction of a single-family dwelling and other site improvements include an entrance gate and perimeter fencing. Therefore, the project includes allowed uses accessory to the permitted residential use. All other project components of the previously approved Combined Development Permit (PLN030379) remain the same (see Finding No. 1, Evidence "b").
- d) Lot Legality. The subject property (APN: 421-011-034-000), 9 acres in size, is identified as Parcel B on a Parcel Map dated September 22, 2016, for the subdivision of Parcel 2, Volume 15 of Parcel Maps, as approved under PLN030379. Recordation of this Parcel Map satisfied Condition No. 25 of Resolution No. 13-004.
- e) Critical Viewshed/Design. Approval of PLN030379, Planning Commission Resolution No. 13-004, included a Coastal Development Permit to allow development within Critical Viewshed. The project assures the protection of the public viewshed, is consistent with the surrounding rural character, and assures public access and visual integrity. See Finding No. 6 and supporting evidence.
- f) Development Standards. The development standards for the WSC zoning district are identified in Title Section 20.17.060. As proposed, the project is designed below the allowable height for accessory structures (15 feet). The proposed fence and entry gate are located along the front property line. However, because the proposed development does not exceed 6 feet in height, it is not considered a structure and thus is not subject to setback requirements for accessory structures. This Amendment does not alter the site coverage approved with PLN030379. Therefore, as proposed, and conditioned, the project conforms with the applicable development standards of the zoning district.

- g) Cultural Resources. According to Monterey County Geographical Information System (GIS), the property is located in an area of high archaeological sensitivity but not within 750 feet of a known archaeological resource. An archaeological report (LIB040143) (see Finding 3, Evidence “b”) was prepared in July 2003 for the previously approved project (PLN030379) and concluded that there is no surface evidence of potentially significant archaeological resources. The proposed development is located within previously disturbed portions of the property. Minimal ground disturbance is required for the fence posts. The potential for inadvertent impacts on cultural resources is limited and will be controlled by application of the County’s standard project condition (Condition No. 3) which requires the contractor to stop work if previously unidentified resources are discovered during construction. Thus, as proposed, designed, and conditioned, the proposed project minimizes and avoids potential impacts to archaeological resources.
- h) Environmentally Sensitive Habitat Area. Approval of PLN030379, Planning Commission Resolution No. 13-004, included a Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat Area (ESHA) and found that the project (PLN030379) minimizes impact on environmentally sensitive habitat areas in accordance with the applicable goals and policies of the Big Sur Coast Land Use Plan and Title 20. PLN030379 was conditioned and mitigated to minimize potential impacts to Monarch butterflies, Smith's blue butterfly, marine habitat, Sitka willow riparian forest habitat, and the dusky-footed woodrat. Previously approved Condition Nos. 28 and 29 (Mitigation Measure Nos. 1 and 2) were applied to address potential impacts on Monarch butterflies. The project is located east of the main residence and directly adjacent to the eucalyptus grove that line this portion of Highway 1. The prepared 2014 pre-construction Monarch butterfly survey found no evidence of monarch butterflies or overwintering habitat adjacent to the eucalyptus grove near the main residence. Thus, the proposed replacement fence will have a less than significant potential impact on Monarch butterflies and Condition Nos. 28 and 29 are not carried forward to this Amendment. Further, the proposed project will have no impact on marine life or habitat and is not in proximity to the identified Sitka riparian habitat where dusky-footed woodrat nests were previously identified. Consequently, previously approved Condition Nos. 30 and 33 through 37 (Mitigation Measure Nos. 3 and 6 through 10) are not applied to this Amendment. Seacliff buckwheat, the host plant for Smith’s blue butterflies, was previously identified southeast of the main residence, on the easterly side of Highway 1. Previously approved Conditions Nos. 31 and 32 (Mitigation Measure Nos. 4 and 5) required that dust control measures be implemented to prevent dust from drifting across Highway 1 and coating the Seacliff buckwheat plants, and prohibited construction parking along the eastern shoulder of Highway 1 from June 15<sup>th</sup> to August 15<sup>th</sup>. The proposed replacement fence requires minimal ground disturbance for installation of the fence posts and all construction is anticipated to be completed prior to June 2024. All construction related

parking will occur either along the private driveway or on the western shoulder of Highway 1. Therefore, previously approved Condition Nos. 31 and 32 are not carried forward to this project. As designed and sited, the Project will have insignificant impacts on ESHA, will not disrupt habitat value, and will ensure long-term habitat maintenance in accordance with Policies 3.3.2.1 and 3.3.2.7 of the Big Sur Coast LUP.

- i) Conservation and Scenic Easement. Condition No. 13 of PLN030379, Planning Commission Resolution No. 13-004, required recordation of a Conservation and Scenic Easement (Document No. 2017008143), management of existing vegetative screening, and installation of a natural berm along the front property line (adjacent to Highway 1) to help screen the residence. The Conservation and Scenic Easement boundaries are conveyed over the majority of the subject property but exclude a portion of the property adjacent to Highway 1 that includes the main residence, driveway, on-site wastewater treatment system and other site improvements. The proposed replacement fence is not located within the Conservation and Scenic Easement boundaries. However, the Conservation and Scenic Easement required that the “Vegetative Screening Easement Maintenance Area” be established along the subject property’s front property line and was intended to ensure that the existing eucalyptus grove is preserved and managed in perpetuity. The proposed replacement fence is in the Vegetative Screening Easement Maintenance Area, which allows for limited structural development including existing or subsequently permitted driveways, fences, gates, walls, and erosion control measures. The proposed replacement fence and alteration to the existing gate are consistent with the restrictions and limitations of the Conservation and Scenic Easement.
- j) Land Use Advisory Committee (LUAC) Review. Based on the Board of Supervisors Guidelines, the project was not referred to the Carmel Valley LUAC for review because the project does not involve the granting of a Design Approval at a public hearing, the preparation of an Initial Study or Environmental Impact Report, or a lot line adjustment.
- k) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning are found in Project File PLN030379 and PLN030379-AMD1.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, CalFire (Big Sur), and the Environmental Health Bureau. County staff reviewed the application materials and plans to verify that the project on the subject site conforms to the applicable plans and regulations, and there has been no indication from these departments/agencies that the site is not suitable for the development. Conditions recommended have been incorporated.
  - b) The following technical reports were previously prepared for this property and PLN030379:

- Preliminary Archaeological Reconnaissance (LIB040143) prepared by Archaeological Consulting, Salinas, CA, on July 7, 2003;
- Biological Assessment (LIB040142) prepared by Nicole Nedeff, Consulting Ecologist, Carmel Valley, California, June 2, 2003;
- Geotechnical Soils Foundation & Geoseismic Report (LIB040144) prepared by Grice Engineering and Geology, Inc., Salinas, California, April 5, 2003;
- Geological Hazards Investigation (LIB040145) prepared by Gasch & Associates, Inc., Rancho Cordova, California, June 24, 2004.
- Biological Letter (LIB 130008) prepared by Fred Ballerini Biological and Horticultural Services, Pacific Grove, California, January 9, 2013.

Upon independent review, staff concurs with the conclusions of the report. There are no physical or environmental constraints that render the site unsuitable for the proposed project.

- c) Staff conducted a site inspection via Google Earth Imagery on January 25, 2024 to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning are found in Project File PLN030379 and PLN030379-AMD1.

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

- EVIDENCE:**
- a) The project was reviewed by HCD-Planning, HCD-Developmental Services, HCD-Environmental Services, CalFire (Big Sur), and the Environmental Health Bureau. 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) Necessary facilities are provided. An existing on-site wastewater treatment system and private well will continue to provide sewage treatment and potable water to the existing residence. This Amendment would not alter these facilities. The Environmental Health Bureau has reviewed the project and made no comments.
  - c) Staff conducted a site inspection via Google Earth Imagery on January 25, 2024 to verify that the site is suitable for this use.
  - d) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning are found in Project File PLN030379 and PLN030379-AMD1.

**5. FINDING: VIOLATIONS** – Approval of this Minor and Trivial Amendment will bring the subject property into compliance with all rules and regulations

pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance.

- EVIDENCE:**
- a) Staff reviewed Monterey County HCD-Planning and HCD-Building Services records and is aware of one violation existing on the subject property (22CE00104). Corrective actions provided in the notice of violation included obtaining necessary permits from Monterey County – Housing and Community Development (HCD) for the unpermitted development.
  - b) The Project includes demolition of the unpermitted solid redwood fence and construction of a replacement 5-foot-tall semi-open redwood fence. The entry gate and adjacent stone columns would be reduced to a height of 6 feet. The remainder of the property line (approximately 1,214 linear feet) would be maintained with the previously approved open-wire ranch fencing.
  - c) This Minor and Trivial Amendment will fully abate the code violation (22CE00104). No permits from HCD-Building Services are required due to the height of the fence and gate columns being at or below 6 feet.
  - d) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning are found in Project File PLN030379 and PLN03079-AMD1.

**6. FINDING: BIG SUR CRITICAL VIEWSHED** – The project, as proposed and conditioned, is compatible with the existing scenic and visual resources of Big Sur and is consistent with the applicable scenic and visual resource protection policies set forth in the Big Sur Coast Land Use Plan, the Monterey County Coastal Implementation Plan, Part 3 (CIP), and Monterey County Code.

- EVIDENCE:**
- a) Visual Sensitivity Determination. Key Policy 3.2.1 of the Big Sur Coast LUP prohibits development visible from the “Critical Viewshed”, which is defined in Section 3.2.2.1 as: “everything within sight of Highway 1 and major public viewing areas including turnouts, beaches and the following specific locations Soberanes Point, Garrapata Beach, Abalone Cove Vista Point, Bixby Creek Turnout, Hurricane Point Overlook, upper Sycamore Canyon Road (Highway 1 to Pais Road), Pfeiffer Beach/Cooper Beach, and specific views from Old Coast Road as defined by Policy 3.8.4.4.” However, Big Sur Coast LUP Policy 3.2.5.C(2) and CIP section 20.145.030.B(2) provide an exception to the Critical Viewshed requirements for private highway improvements including private driveway entrances, gates, and roadside fences, provided such improvements are complementary to the rural setting and character of Big Sur and include natural materials. The Project includes construction of a replacement roadside fence and alterations to an entrance gate and is therefore subject to Critical Viewshed policy exceptions.
  - b) Design Standards. Pursuant to Title 20 section 20.44.010, the purpose of the Design Control or “D” district is to regulate the location, size, configuration, materials, and colors of structures where design review is appropriate to assure protection of the public viewshed and/or neighborhood character. As detailed in the preceding evidence, all driveway entrances, gates, and roadside fences shall be complementary

to the rural setting and character of Big Sur and include natural materials. As proposed the replacement fence and entrance gate will be constructed with natural materials that are compatible and complementary to Big Sur's rural setting and character. Although fences are allowed at the height of 6 feet per the County's Zoning Ordinance, the replacement fence will only be 5 feet tall to reduce visibility and be subordinate to the surrounding, often grand, visual setting and environment. The lower 2 feet of the fence will be solid vertical redwood boards while the top 3 feet will be open redwood lattice with 18 10-inch square openings allowing for visual passthrough to the distant Pacific Ocean (see Finding No. 7 and supporting evidence). This replacement fence and gate will be approximately 125 linear feet and adjacent to the main residence. The remainder of the front property line will contain rustic open-wire ranch fencing.

- c) No exterior lighting is proposed with this Amendment.
- d) Staff conducted a site inspection via Google Earth Imagery on January 25, 2024 to verify that the site is suitable for this use.

**7. FINDING: PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

**EVIDENCE:** a) Figure 2 – Shoreline Access Plan, Central Section, of the Big Sur Coast LUP indicates that the subject property is in an area where public access is required (Priority 2 area). As detailed in the proceeding Finding and supporting evidence, Big Sur Coast LUP Chapter 3.2 and CIP section 20.145.030.B.3.b allow for private highway improvements like fences. Big Sur Coast LUP Policy 6.1.5.F.1 states “Future land use planning shall be compatible to provide visual access. To this end, all new structures and ancillary facilities should be located outside of the public viewshed as defined in Chapter 3.” Public Access policies (Chapter 6.1 of the Big Sur Coast LUP), specifically visual access policies, need to be taken into consideration when reviewing the proposed fence design. Visual Access is access for scenic viewing of the shoreline and/or ocean from either a vista point or public road or trail. Section 20.145.150 of the Big Sur Coast CIP (Public Access Development Standards) states “[T]he protection of visual access should be emphasized ...[and] Visual access shall be maintained by directing all future development out of the viewshed.” The proposed replacement fence was designed to allow for continued visual access. Based on Google Earth imagery and due to the topography of the property, ocean views from Highway 1 are visible either entirely or filtered through existing vegetation along the property's eastern property line. As detailed in Finding No. 2, evidence “i”, approval of PLN030379 required recordation of a Conservation and Scenic Easement (Document No. 2017008143), maintenance of vegetative screening, and installation of a berm along a portion of the front property line (adjacent to Highway 1) to help screen the residence. The Conservation and Scenic Easement contemplated replacement fences and gates. A site visit by HCD-Building Services (Code

Compliance Division) on March 27, 2022, confirmed that the existing berm is approximately 2 feet in height and consequently blocks ocean views. The proposed replacement fence will be installed along the length of the existing berm and will not further limit visual access because the 2-foot-high solid portions of the fence are comparable with the height of the berm. The redwood lattice portion of the fence (upper 3 feet) will continue to allow for filtered visual access of ocean views from Highway 1. Additionally, the solid redwood gate and stone columns do not block ocean views due to intervening vegetation, which is required to be maintained per the Vegetation Screening Easement.

- b) Figure 3 – Trails Plan, North Section, of the Big Sur Coast LUP indicates that the subject property neither contains an inland trail corridor, a through coastal access corridor, public trail, private trail, access to Ventana Wilderness nor is identified as an area for future public acquisition or a proposed trail.
- c) Although the subject property is shown in an area where the applicable Local Coastal Program requires public access (Figure 2), no evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property. Additionally, the proposed development allows for visual access and will not affect the processes of the shoreline. Consequently, no access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.146.130 of the Monterey County Coastal Implementation Plan can be demonstrated.
- d) Staff conducted a site inspection via Google Earth Imagery on January 25, 2024. No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- e) The application, plans, and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in project file PLN030379 and PLN030379-AMD1.

- 8. 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 15302 categorically exempts replacement structures where the new structures will be located on the same site and have substantially the same purpose and capacity as the structure replaced.
  - b) The project includes construction of a replacement fence. The replacement fence will be located in the same area as the existing unpermitted fence and serve the same purpose. Therefore, the project is consistent with the categorical exemption requirements of CEQA guidelines section 15302.
  - c) No adverse environmental effects were identified during staff review of the development application or during a site visit on July 17, 2023.
  - d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve alterations to a designated historical resource, a hazardous waste site, nor development that would result in a cumulatively significant impact. Although the project is visible from Highway 1 and constitutes development within the Critical

Viewshed, as demonstrated in Finding Nos. 6 and 7 and supporting evidence, the development is rural in design, compatible with the surrounding environment, and will not have an adverse impact on public or visual access. There are no unusual circumstances associated with undertaking the project that would create the reasonable possibility that the project would have a significant effect on the environment.

- e) The application, plans, and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in project file PLN030379 and PLN030379-AMD1.

**9. FINDING:** **APPEALABILITY** – The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.

- EVIDENCE:**
- a) Board of Supervisors. Pursuant to Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20), an appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
  - b) California Coastal Commission. Pursuant to Section 20.86.080.A of the Monterey County Zoning Ordinance (Title 20), the project is subject to appeal by/to the California Coastal Commission because it involves development between the first public road and the sea.

## DECISION

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

- 1) Find the project Categorically Exempt pursuant to CEQA Guidelines section 15302 and no exceptions to section 15300.2 apply; and
- 2) Approve a Minor and Trivial Amendment to a previously approved Combined Development Permit (PLN030379) that allowed the subdivision of a 49 acre property into two parcels containing 40 acres and 9 acres; construction of a 2,729 square foot single family dwelling with a 300 square foot garage, and associated site improvements including perimeter fence, septic system, removal of two protected trees; development within the Critical Viewshed, within 100 feet of Environmentally Sensitive and on slopes in excess of 30 percent; and transfer of a development credit. This Amendment would clear Code Enforcement violation (22CE00104) to allow construction of a replacement 5-foot-tall open-style redwood fence and reduce the height of the entrance gate to 6 feet within the Critical Viewshed.

All of which are in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 7<sup>th</sup> day of February, 2024.

DocuSigned by:  
  
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Melanie Beretti, AICP  
Acting Chief of Planning

COPY OF THIS DECISION MAILED TO APPLICANT ON **FEBRUARY 8, 2024**.

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 TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **FEBRUARY 20, 2024**.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, 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 construction permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no construction 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 offices in Salinas.

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

# County of Monterey HCD Planning

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

PLN030379-AMD1

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Minor and Trivial Amendment to a previously approved Combined Development Permit (PLN030379) that allowed subdivision of a 49 acre property into two parcels containing 40 acres and 9 acres, construction of a 2,729 square foot single family dwelling with a 300 square foot garage, and associated site improvements including perimeter fence, septic system, removal of two protected trees, development within the Critical Viewshed, within 100 feet of Environmentally Sensitive and on slopes in excess of 30 percent, and transfer of a development credit. This Amendment would clear Code Enforcement violation (22CE00104) to allow construction of a replacement 5-foot-tall open-style redwood fence with a 6-foot-tall entrance gate within the Critical Viewshed. 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 ongoing 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 Minor and Trivial Amendment (Resolution Number 24-005) was approved by HCD-Chief of Planning for Assessor's Parcel Number 421-011-034-000 on February 7, 2024. The permit was granted subject to 3 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.

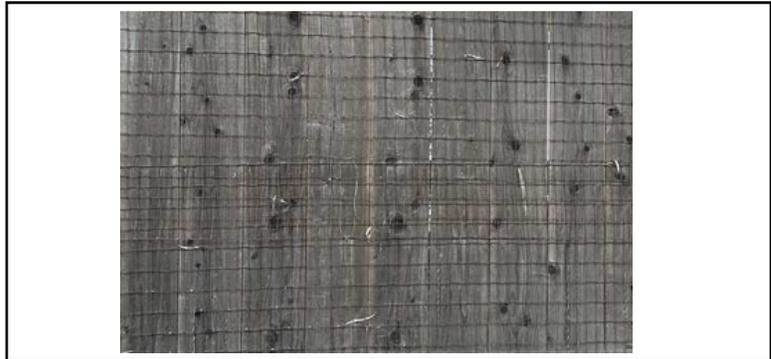


COLOR SAMPLES FOR PROJECT FILE NO. \_\_\_\_\_



Materials: \_\_\_\_\_ Colors: \_\_\_\_\_

Description: \_\_\_\_\_



Materials: \_\_\_\_\_ Colors: \_\_\_\_\_

Description: \_\_\_\_\_



Materials: \_\_\_\_\_ Colors: \_\_\_\_\_

Description: \_\_\_\_\_