

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> September 29, 2011 Time: 1:50 P.M	<b>Agenda Item No.:</b> 3
<b>Project Description:</b> Coastal Administrative Permit and Design Approval to allow the construction of a 2,331 square foot two-story single family dwelling with a 354 square foot one-car garage and approximately 160 cubic yards of grading (150 cubic yards cut/10 cubic yards fill). Colors and materials consist of natural stained wood siding, wood shingled roof with a skylight, wood-framed doors and windows (off-white color), stone-clad chimney, copper gutters, and blue stone pavers.	
<b>Project Location:</b> 24479 San Juan Road, Carmel	<b>APN:</b> 009-012-013-000
<b>Planning File Number:</b> PLN100636	<b>Owner:</b> Chopin Enterprises, L.P. <b>Agent:</b> Erik Dyar
<b>Planning Area:</b> Carmel Area Land Use Plan	<b>Flagged and staked:</b> Yes
<b>Zoning Designation:</b> "MDR/2-D (CZ)" [(Medium Density Residential, 2 Units per Acre with a Design Control overlay, (Coastal Zone)]	
<b>CEQA Action:</b> Categorically Exempt per Section 15303 (a)	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt a resolution (**Exhibit B**) to:

- 1) Find the project Categorically exempt; and
- 2) Approve PLN100636, based on the findings and evidence and subject to the conditions of approval (**Exhibit B**);

### PROJECT OVERVIEW:

The applicant requests the necessary entitlements to build a new 2,331 square foot two-story single family dwelling with a 354 square foot attached one-car garage on a vacant lot in an established residential neighborhood in the Carmel Woods area of Carmel. The project site is a 6,144 square foot rectangular shaped parcel that slopes gently (less than 10 percent slope) up from San Juan Road. Water for the project will be supplied by an on-site well, which was previously permitted by the RMA-Planning Department under PLN080017 (conversion of an approved test well to a domestic production well). The project has been referred to the Zoning Administrator because two members of the public have requested a public hearing.

The site is constrained by the small size of the lot, existing trees and Health Department regulations that require a 25 foot setback between a domestic well and sewer laterals (including interior waste lines) and a 50 foot setback between a domestic well and sewer main lines. The lot is approximately 60 feet wide and between 96 feet and 109 feet deep. In order to meet the required setbacks between the well and existing sewer lines, the well was constructed slightly northwest of the center of the lot, approximately 45 feet from the front property line. The required front setback for a main structure in the Medium Density Residential Zoning District is 20 feet. Since all interior waste lines must be at least 25 feet from the well, there is not enough room to build a residence that would conform to the setback requirements in front of the well. The proposed residence has been sited on the rear half of the lot and has been designed to be in compliance with the setbacks required by the zoning district as well as the required setback between interior waste lines and the domestic well.

As originally submitted, the proposed residence included a 1,322 square foot second floor that extended across the width of the lot at the rear setback line (10 feet from rear property line). The height was proposed to be 23 feet 10- inches from average natural grade (107 feet-2 inches), with

the highest point of the roof at an elevation of 131 feet. The rear elevation included four large windows, totaling approximately 170 square feet, across the second story east elevation that faces the neighboring back yard to the rear. The neighbor to the north expressed concern that the proposed second story would block the sun from her back yard. The neighbor to the east expressed concerns about the height, bulk and mass of the proposed residence, as well as about the impact of the second story windows looking down into their property. Staff had concerns about the mass and bulk of the residence and recommended that the design be modified.

In response to the concerns raised by staff and the neighbors, the applicant re-designed the residence, eliminating the second story element on the north 2/3 of the residence, moving the garage forward and reducing the height by 1 ½ feet. The second story was reduced by more than half, to 619 square feet. The height of the residence is now proposed at 23 feet from average natural grade (106 feet-6 inches<sup>1</sup>) with the highest point of the roof at an elevation of 129 feet-6 inches. This redesign satisfactorily addressed staff's design issues, as the new design incorporates one-story elements and varies the ridgelines to break up the mass of the structure. The elimination of the second story element on the north side of the property will allow more sun to reach the back yard of the property to the north and also eliminates all but one approximately 22.5 square foot second story window on the east elevation.

The Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) unanimously recommended approval of the redesigned project at a public hearing on June 20, 2011, commenting that: "The architect has made a genuine effort to reduce impacts on neighbors to right, left and rear of proposed home by redesigning entire project"; "Materials of exterior stone and stained wood siding are appropriate for this location. Colors are also good"; and "Size of residence is moderate and footprint is located at rear of parcel to reduce visual impacts from street."

The neighboring property owners to the east and southeast have requested the public hearing, citing privacy concerns related to the second story window on the east (rear) elevation. The project is in conformance with the required 10 foot rear setback and at 23 feet tall, the second story is 7 feet shorter than the maximum allowed height. The rear of the proposed residence will be approximately 45 feet from the residences on the neighboring properties to the east and southeast.

With the bulk of the proposed residence located on the rear of the parcel, the project is consistent with Carmel Area Land Use Plan (LUP) Policy 4, which directs that "the portion of a parcel least visible from public viewpoints and corridors shall be considered the most appropriate site for the location of new structures." Additionally, views of the project from the public road will be screened by existing oak trees.

Staff recommends approval of the project as proposed.

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<sup>1</sup> Average natural grade is calculated by taking the average of the high and low points covered by the structure. In this case, the re-designed residence extends down the slope to a lower elevation, thereby reducing the average natural grade.

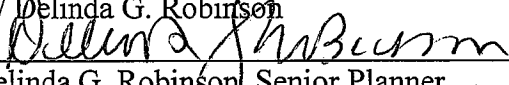
**OTHER AGENCY INVOLVEMENT:** The following agencies and departments reviewed this project:

- √ RMA - Public Works Department
- √ Environmental Health Bureau
- √ Water Resources Agency
- √ Cypress Fire Protection District
- California Coastal Commission

Agencies that submitted comments are noted with a check mark (“√”). Conditions recommended by RMA-Public Works Department, Water Resources Agency and Cypress Fire Protection District have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit B**).

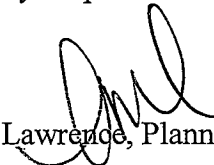
The project was referred to the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the project includes a Design Approval that will be heard at a public hearing. The LUAC heard the project at a public meeting on June 20, 2011 and recommended approval of the project by a vote of 5-0.

Note: The decision on this project is appealable to the Board of Supervisors but not the California Coastal Commission.

/S/ ~~Delinda G. Robinson~~  
  
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 Delinda G. Robinson, Senior Planner  
 (831) 755-5198, [robinsond@co.monterey.ca.us](mailto:robinsond@co.monterey.ca.us)  
 September 16, 2011

cc: Front Counter Copy; Zoning Administrator; Cypress Fire Protection District; Public Works Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Laura Lawrence, Planning Services Manager; Delinda Robinson, Project Planner; Carol Allen, Senior Secretary; Chopin Enterprises, L.P., Owner; Erik Dyar, Agent; The Open Monterey Project; LandWatch; Planning File PLN100636

- Attachments:
- |           |   |
|-----------|---|
| Exhibit A | Project Data Sheet                      |
| Exhibit B | Draft Resolution, including:            |
|           | • Conditions of Approval                |
|           | • Site Plan, Floor Plan and Elevations, |
| Exhibit C | Advisory Committee Minutes (LUAC)       |
| Exhibit D | Project Correspondence                  |
| Exhibit E | Vicinity Map                            |

  
 This report was reviewed by Laura Lawrence, Planning Services Manager

## EXHIBIT A

### Project Information for PLN100636

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#### Project Information:

<b>Project Name:</b> CHOPIN ENTERPRISES LP	
<b>Location:</b> 24479 SAN JUAN RD CARMEL	
<b>Permit Type:</b> Coastal Administrative Permit	
<b>Environmental Status:</b> Exempt	<b>Final Action Deadline (884):</b> 10/3/2011
<b>Existing Structures (sf):</b> 0	<b>Coverage Allowed:</b> 35%
<b>Proposed Structures (sf):</b> 2685	<b>Coverage Proposed:</b> 33.6%
<b>Total Sq. Ft.:</b> 2685	<b>Height Allowed:</b> 30'
<b>Tree Removal:</b> 0	<b>Height Proposed:</b> 23'
<b>Water Source:</b> ON SITE WELL	<b>FAR Allowed:</b> 45%
<b>Water Purveyor:</b> N/A	<b>FAR Proposed:</b> 43.7%
<b>Sewage Disposal (method):</b> SEWER	<b>Lot Size:</b> 6144
<b>Sewer District:</b> CAWD	<b>Grading (cubic yds.):</b> 158

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#### Parcel Information:

<b>Primary APN:</b> 009-012-013-000	<b>Seismic Hazard Zone:</b> III
<b>Applicable Plan:</b> Carmel LUP	<b>Erosion Hazard Zone:</b> Moderate
<b>Advisory Committee:</b> undefined	<b>Fire Hazard Zone:</b> Urban/Ag
<b>Zoning:</b> MDR/2-D(CZ)	<b>Flood Hazard Zone:</b> NO
<b>Land Use Designation:</b> Residential, 2 Units/acre	<b>Archaeological Sensitivity:</b> Moderate
<b>Coastal Zone:</b> Yes	<b>Viewshed:</b> NO
<b>Fire District:</b> Cypress FPD	<b>Special Setbacks on Parcel:</b> YES(WELL-SEWER LINE)

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#### Reports on Project Parcel:

<b>Soils Report #:</b> LIB110155
<b>Biological Report #:</b> LIB090477
<b>Geologic Report #:</b> LIB110158
<b>Forest Management Rpt. #:</b> LIB110157
<b>Archaeological Report #:</b> LIB060482
<b>Traffic Report #:</b> N/A

**EXHIBIT B  
DRAFT RESOLUTION**

**Before the Zoning Administrator in and for the  
County of Monterey, State of California**

In the matter of the application of:

**CHOPIN ENTERPRISES, L.P. (PLN100636)**

**RESOLUTION NO. [REDACTED]**

Resolution by the Monterey County Zoning  
Administrator:

- 1) Finding the project Categorically exempt; and
- 2) Approving Coastal Administrative Permit and Design Approval to allow the construction of a 2,331 square foot two-story single family dwelling with a 354 square foot one-car garage and approximately 160 cubic yards of grading (150 cubic yards cut/10 cubic yards fill). Colors and materials consist of natural stained wood siding, wood shingled roof with a skylight, wood-framed doors and windows (off-white color), stone-clad chimney, copper gutters, and blue stone pavers.

[PLN100636, Chopin Enterprises, L.P., 24479 San Juan Road, Carmel, Carmel Area Land Use Plan (APN: 009-012-013-000)]

**The Chopin application (PLN100636) came on for public hearing before the Monterey County Zoning Administrator on September 29, 2011. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator 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;
    - Carmel Area Land Use Plan;
    - Monterey County Coastal Implementation Plan Part 4;
    - Monterey County Zoning Ordinance (Title 20);No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
  - b) The property is located at 24479 San Juan Road, Carmel (Assessor's Parcel Number 009-012-013-000), Carmel Area Land Use Plan. The parcel is zoned "MDR/2-D (CZ)" (Medium Density Residential, 2 Units

per Acre with a Design Control overlay, Coastal Zone), which allows the first single family residence per legal lot of record as a primary use allowed subject to a Coastal Administrative Permit in each case. The project consists of the first single-family residence on the lot. Therefore, the project is an allowed land use for this site.

- c) Section 20.44.010 (Design Control District) of Title 20 requires that the application include a Design Approval to assure protection of the public viewshed and neighborhood character. The location, size, material and colors proposed for the single family dwelling have been reviewed by staff and the Carmel Unincorporated/Highlands Land Use Advisory Committee (see subsequent Evidence 1) and were found to be consistent with Key Policy 2.2.2 of the Carmel Area Land Use Plan. The use of earth-toned colors consisting of natural stained wood siding, wood shingled roof with a skylight, wood-framed doors and windows (off-white color), stone-clad chimney, copper gutters, and blue stone pavers will blend in with the natural surroundings.
- d) The project complies with all of the applicable development standards of Section 20.12.060 of Title 20 including height, setbacks, lot coverage and floor area ratio.
- e) The project site is located within an area of moderate archaeological sensitivity however archaeological sites are known to exist within one kilometer of the site. Therefore, pursuant to Section 20.146.090.B Carmel Area Coastal Implementation Plan (CIP), an archaeological survey (LIB060482) was prepared for the project (see Finding 2, Evidence b). This report concluded that the project area does not contain surface evidence of potentially significant cultural resources. The potential for inadvertent impacts to cultural resources is limited and will be controlled by the imposition of the County's standard condition of approval for protection of archaeological resources.
- f) The project site is located within 1/8 mile of a potentially active fault. Therefore, pursuant to CIP Section 20.146.080.B.1, a geologic evaluation (LIB110158) and a geotechnical investigation (LIB110155) were prepared for the project (see Finding 2, Evidence b). The geologic evaluation found that no faults were observed or mapped within the subject lot and that the greatest impact to the site would most likely be caused by seismic shaking during a strong earthquake located on any of the nearby faults. The geologic evaluation recommends that the proposed residence be designed with the proper site profile and to the latest edition of the California Building Code. The Geotechnical investigation found near surface soil on the site to be highly expansive and made recommendations for foundation design. Pursuant to Section 20.146.080.C.4, the standard condition (Condition No. 5) requiring recordation of a notice stating that the geologic and Geotechnical reports have been prepared and that all development is to be in accordance with the reports.
- g) The project planner conducted a site inspection on May 23, 2011 to verify that the project on the subject parcel conforms to the plans listed above.
- h) The project was referred to the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) for review. Based on the LUAC

Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the project includes a Design Approval that will be heard at a public hearing. The project was heard by the Carmel Unincorporated/Highlands Land Use Advisory Committee at a public meeting on June 20, 2011. In response to comments from the neighbors and in consultation with County staff, the applicant revised the plans and submitted them to the LUAC for review. Comments from the LUAC include: 1) "The architect has made a genuine effort to reduce impacts to neighbors to right, left and rear of proposed home by redesigning entire project" 2) "Size of new residence is moderate and footprint is located at rear of parcel to reduce visual impacts from street"; 3) "New revised plans were a good solution to placement of 2<sup>nd</sup> story to right rear of residence. One story portion of new residence will be at left so there will not be the continuous two-story appearance to structure. This benefits neighbor to left and alleviates concerns for shadow impacts from original 2<sup>nd</sup> story"; and 4) "Lower ridgeline helps reduce mass and bulk." The LUAC voted to recommend approval of the redesigned project by a vote of 5-0.

- i) The project has been referred to the Zoning Administrator for a public hearing pursuant to Section 20.76.060.A.5 because two members of the public submitted written requests for a public hearing.
- j) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100636.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Cypress Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
  - b) Staff identified potential impacts to Archaeological Resources, Trees and Soil. The project as proposed and conditioned, is consistent with all applicable policies and regulations for development associated with these impacts (see Finding No. 1). 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 independently reviewed these reports and concurs with their conclusions (See Finding 1). The following reports have been prepared:
    - *"Revised Tree Resource Assessment/Forest Management Plan, Bronson Residence" (LIB110157), prepared by Frank Ono, Salinas, CA, July, 10, 2011;*
    - *"Geotechnical Investigation" (LIB110155), prepared by Soil Surveys, Inc., Salinas, CA, June 29, 2011;*
    - *"Geologic Evaluation" (LIB110158), prepared by Soil Surveys,*

*Inc., Salinas, CA, January 17, 2011;*

- *"Preliminary Archaeological Reconnaissance of Assessor's Parcel 009-012-013-000" (LIB060482), prepared by Archaeological Consulting, Salinas, CA, July 13, 2006.*
- *"Biological Impacts of the Proposed Bronson Well" (LIB090477), prepared by Botanical Consulting Services, Carmel, Ca, November 11, 2009.*
- *"Well Assessment Report" (LIB090412), prepared by Martin B. Feeney, Ventura, CA, November 17, 2008.*

- c) Staff conducted a site inspection on May 23, 2011 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 the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100636.

3. **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 RMA - Planning Department, Cypress Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective departments/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 public facilities will be provided. Domestic water for the project will come from an on-site well approved as a domestic production well in File No. PLN080017 (Board of Supervisor's Resolution No.10-056). The Monterey Peninsula Water Management District has issued a Water Distribution System Permit for the well. Sewer service will be provided by the Carmel Area Wastewater District.
  - c) A minimum 25-foot setback between the domestic well and any sewer lateral and a minimum 50-foot setback between the domestic well and any sewer main is required by Environmental Health. The project meets this requirement; all waste lines within the residence and all sewer laterals are at least 25 feet from the well and all sewer mains are at least 50 feet from the well.
  - d) Preceding findings and supporting evidence for PLN100636.

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 RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.



- b) Staff conducted a site inspection on May 23, 2011 and researched County records to assess if any violation exists on the subject property.
- c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100636.

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 15303(a) categorically exempts the construction of one single-family residential structure.
  - b) The project consists of the construction of one single-family residential structure.
  - c) No adverse environmental effects were identified during staff review of the development application during a site visit on May 23, 2011.
  - d) There are no unique circumstances associated with the project and none of the exemptions listed in Section 15300.2 apply.
  - e) The Well Assessment Report (LIB090412) prepared for File No. PLN080017 concluded that the subject well will individually have an insignificant and immeasurable impact on surrounding wells or sensitive receptors. Based on staff's research, there is no substantial evidence to support a potential cumulative impact to water supply.
  - f) Based on research of the County's permitting and Assessor's databases, there are four existing wells (two production wells (including this well and two other test wells) and approximately 17 vacant lots in the Carmel Woods area. At this time, the County has no other pending applications for test wells for these vacant lots and all but the four existing lots with wells are served by Cal-Am. Foreseeable development in the Carmel Woods area includes the two other properties with test wells within 1,000 feet of the subject project well.
  - g) A report (LIB090477) prepared for File No. PLN080017 concluded that the subject well will not create biological impacts.
  - h) See preceding and following findings and supporting evidence.

6. **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) 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.
  - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3 in the Carmel Area Land Use Plan).
  - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
  - d) The application, plans and supporting materials submitted by the project

applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100636

e) The project planner conducted a site inspection on May 23, 2011.

7. **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**

Section 20.86.030.a Monterey County Zoning Ordinance provides that 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**

Section 20.86.080.a.3 Monterey County Zoning Ordinance. The project is not subject to appeal by/to the California Coastal Commission because the project for a new single residence is listed as a principal allowed use and principal allowed uses are not appealable unless the project meets specific criteria. The site and the project do not fall into any of the categories that would allow an appeal by/to the California Coastal Commission.

### DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Zoning Administrator does hereby:

1. Find the project categorically exempt per CEQA Guidelines Section 15303(a); and
2. Approve Coastal Administrative Permit and Design Approval to allow the construction of a 2,331 square foot two-story single family dwelling with a 354 square foot one-car garage and approximately 160 cubic yards of grading (150 cubic yards cut/10 cubic yards fill). Colors and materials consist of natural stained wood siding, wood shingled roof with a skylight, wood-framed doors and windows (off-white color), stone-clad chimney, copper gutters, and blue stone pavers, 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 29th day of September, 2011 by

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Jacqueline Onciano, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

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 DATE

(Coastal Projects)

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS NOT 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 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 Department and 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. 09-13-2011

Monterey County Planning Department  
DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN100636

Conditions of Approval and/or Mitigation Monitoring Measures

Responsible Department      Compliance or Monitoring Actions to be Performed

1. PD001 - SPECIFIC USES ONLY

This permit consists of: A Coastal Administrative Permit and Design Approval to allow the construction of a 2,331 square foot two-story single family dwelling with a 354 square foot one-car garage. Colors and materials consist of natural stained wood siding, wood shingled roof with a skylight, wood-framed doors and windows (off-white color), stone-clad chimney, copper gutters, and blue stone pavers. 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 the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)

Planning

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

The applicant shall record a Permit Approval Notice which states: "A permit (Resolution \_\_\_\_\_) was approved by the Monterey County Zoning Administrator for Assessor's Parcel Number 009-012-013-000 on September 29, 2011. The permit was granted subject to 19 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)

Planning

Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

3. PD032(A) - PERMIT EXPIRATION

The permit shall be granted for a time period of 3 years, to expire on September 29, 2014 unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

Planning

Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.

**4. PD004 - INDEMNIFICATION AGREEMENT**

Planning

The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (RMA - Planning Department)

Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County. Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA-Planning Department.

**5. PD016 - NOTICE OF REPORT**

**Conditions of Approval and/or Mitigation Monitoring Measures**

**Responsible Department**

**Compliance or Monitoring Actions to be Performed**

Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states  
 "The following reports have been prepared for this parcel:  
 'Revised Tree Resource Assessment/Forest Management Plan, Bronson Residence' (LIB110157), prepared by Frank Ono, Salinas, CA, July, 10, 2011;  
 'Geotechnical Investigation' (LIB110155), prepared by Soil Surveys, Inc., Salinas, CA, June 29, 2011;  
 'Geologic Evaluation' (LIB110158), prepared by Soil Surveys, Inc., Salinas, CA, January 17, 2011;  
 'Preliminary Archaeological Reconnaissance of Assessor's Parcel 009-012-013-000' (LIB060482), prepared by Archaeological Consulting, Salinas, CA, July 13, 2006.  
 These reports are on file in the Monterey County RMA - Planning Department. All development on this parcel shall be in accordance with these reports.  
 (RMA - Planning Department)

Planning

Prior to the issuance of grading and building permits, the Owner/Applicant shall submit proof of recordation of this notice to the RMA - Planning Department.

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 RMA - Planning Department.

**6. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT**

If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery.  
 (RMA - Planning Department)

Planning

The Owner/Applicant shall adhere to this condition on an on-going basis. Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

**7. PD014(A) - LIGHTING-EXTERIOR LIGHTING PLAN**

All exterior lighting shall be unobtrusive, down-lit, 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 three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits.  
 (RMA - Planning Department)

Planning

Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to occupancy and on an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

**8. PD012(D) - LANDSCAPE PLAN & MAINTENANCE (MPWMD-SFD ONLY)**

**Conditions of Approval and/or Mitigation Monitoring Measures**

The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. 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 include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA - Planning Department)

**Responsible Department**

**Compliance or Monitoring Actions to be Performed**

Planning

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit one (1) set landscape plans of approved by the RMA-Planning Department, a Maximum Applied Water Allowance (MAWA) calculation, and a completed "Residential Water Release Form and Water Permit Application" to the Monterey County Water Resources Agency for review and approval.

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit the RMA-Planning Department approved landscape plans, a Maximum Applied Water Allowance (MAWA) calculation, and a completed "Residential Water Release Form and Water Permit Application" to the Monterey Peninsula Water Management District for review and approval.

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/ shall submit an approved water permit from the MPVWMD to the RMA-Building Services Department.

**9. PDD011 - TREE AND ROOT PROTECTION**

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 RMA - 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.  
(RMA - Planning Department)

Planning

Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall ensure that the 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 RMA - Planning Department.

On an on-going basis, all landscaped areas and fences shall be continuously maintained by the Owner/Applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to the RMA - Planning Department 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 the RMA-Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

**10. PD041 - HEIGHT VERIFICATION**



**Conditions of Approval and/or Mitigation Monitoring Measures**

**Responsible Department**

**Compliance or Monitoring Actions to be Performed**

The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible on-site until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor to the Director of the RMA - Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (RMA - Planning Department and Building Services Department)

Planning

Prior to the issuance of grading or building permits, the Owner/Applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection.

Prior to the foundation pre-pour inspection, the Owner/Applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of first finished floor from the benchmark is consistent with what was approved on the building permit.

Prior to the final inspection, the Owner/Applicant/Engineer shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.

**11. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE**

Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule. (Public Works)

Pub Works

Prior to issuance of Building Permits Owner/Applicant shall pay Monterey County Building Services Department the traffic mitigation fee.

**12. PDS001 - BACK-UP POWER AND ON-SITE STORAGE (NON-STANDARD)**

Until the property obtains a water service connection from Cal Am, or its successor, prior to the issuance of a building permit for the single family residence, the applicant/owner shall include on the plans either 1) a back-up power generator for well pump operation, or 2) a back-up power generator and on-site water storage for potable use for a period of 5 days. Upon obtaining a water service connection, the well shall be used for landscape irrigation only. (RMA-Planning Department)

Planning

Prior to issuance of building permit, submit plans to RMA-Planning Department showing required back-up power generator for well pump operation or a back-up power generator and on-site water storage for potable use for a period of 5 days. Prior to final applicant shall provide evidence to the RMA-Planning Department that the required equipment has been installed.

**13. PW0044 - CONSTRUCTION MANAGEMENT PLAN**

**Conditions of Approval and/or Mitigation Monitoring Measures**

**Responsible Department**

**Compliance or Monitoring Actions to be Performed**

The applicant shall submit a Construction Management Plan (CMP) to the RMA-Planning Department and the Department of Public Works for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project and shall provide the following information: Duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the Construction/grading phase of the project. (Public Works)

Pub Works

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 RMA-Planning Department and the Department of Public Works for review and approval.

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

**14. PDSP002 - DUAL PLUMBING SYSTEM/SEPARATE OPERATION (NON-STANDARD)**

Prior to the issuance of a building permit, applicant/owner shall provide evidence that property has a separate Cal Am connection for fire suppression (i.e., sprinkler system). The owner shall submit evidence of separation and independent operation of the well for potable water service and the sprinkler system for fire suppression. If the property is allowed to connect to Cal Am or its successor for potable water service at a future date, the well use shall be limited to exterior landscape irrigation only. The applicant/owner shall provide evidence that the residence is dual-plumbed to allow this use. The term "owner" includes the current owner and owners' successors of interest. (RMA-Planning Department)

Planning

Prior to issuance of building permits, owner shall incorporate into design and enumerate as "Water Notes" on plans. Prior to final inspection, the owner shall submit evidence of separation and independent operation of the well for potable water service and fire suppression sprinkler system, and the ability to change the well to exterior use only when a Cal Am connection is approved.

**15. PDSP003 - WATER WAIT LIST PLACEMENT (NON-STANDARD)**

The applicant shall place the parcel (Assessor's Parcel Number 009-012-013-000) on the water wait list for a service connection from Cal Am or its successor, and provide evidence of placement to the RMA-Planning Department. (RMA-Planning Department)

Planning

Prior to commencement of the use of the well, the applicant shall submit evidence of placement on the water wait list to the RMA-Planning Department. (RMA-Planning Department)

**16. WR1 - DRAINAGE PLAN**

The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)

Water

Prior to issuance of any grading or building permits, the owner/applicant shall submit 3 copies of the drainage plan to the Water Resources Agency for review and approval.

**17. WR43 - WATER AVAILABILITY CERTIFICATION**

The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)

Water

Prior to issuance of any building permits, the owner/applicant shall submit a Water Release Form to the Water Resources Agency for review and approval.

**18. FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANI)**

Conditions of Approval and/or Mitigation Monitoring Measures

Responsible  
Department

Compliance or Monitoring  
Actions to be Performed

The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (Cypress Fire Protection District)

Fire

1. Prior to issuance of building permit, the applicant or owner shall enumerate as "Fire Dept. Notes" on plans.

2. Prior to framing inspection, the applicant or owner shall schedule fire dept. rough sprinkler inspection.

3. Prior to final building inspection, the applicant or owner shall schedule fire dept. final sprinkler inspection.

19. FIRE029 - ROOF CONSTRUCTION - (CYPRESS FPD & PEBBLE BEACH CSD)

All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (Cypress Fire Protection District)

Fire

Prior to issuance of building permit, the applicant or owner shall enumerate as "Fire Dept. Notes" on plans.

20. FIRE011 - ADDRESSES FOR BUILDINGS

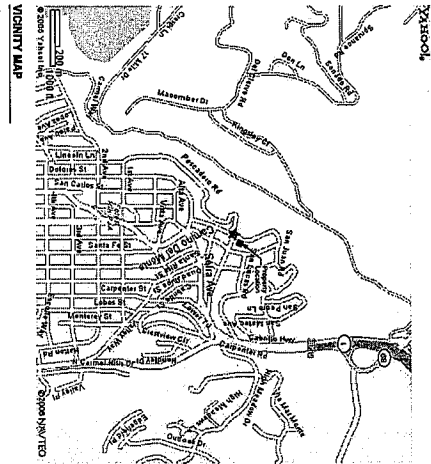
All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Cypress Fire Protection District)

Fire

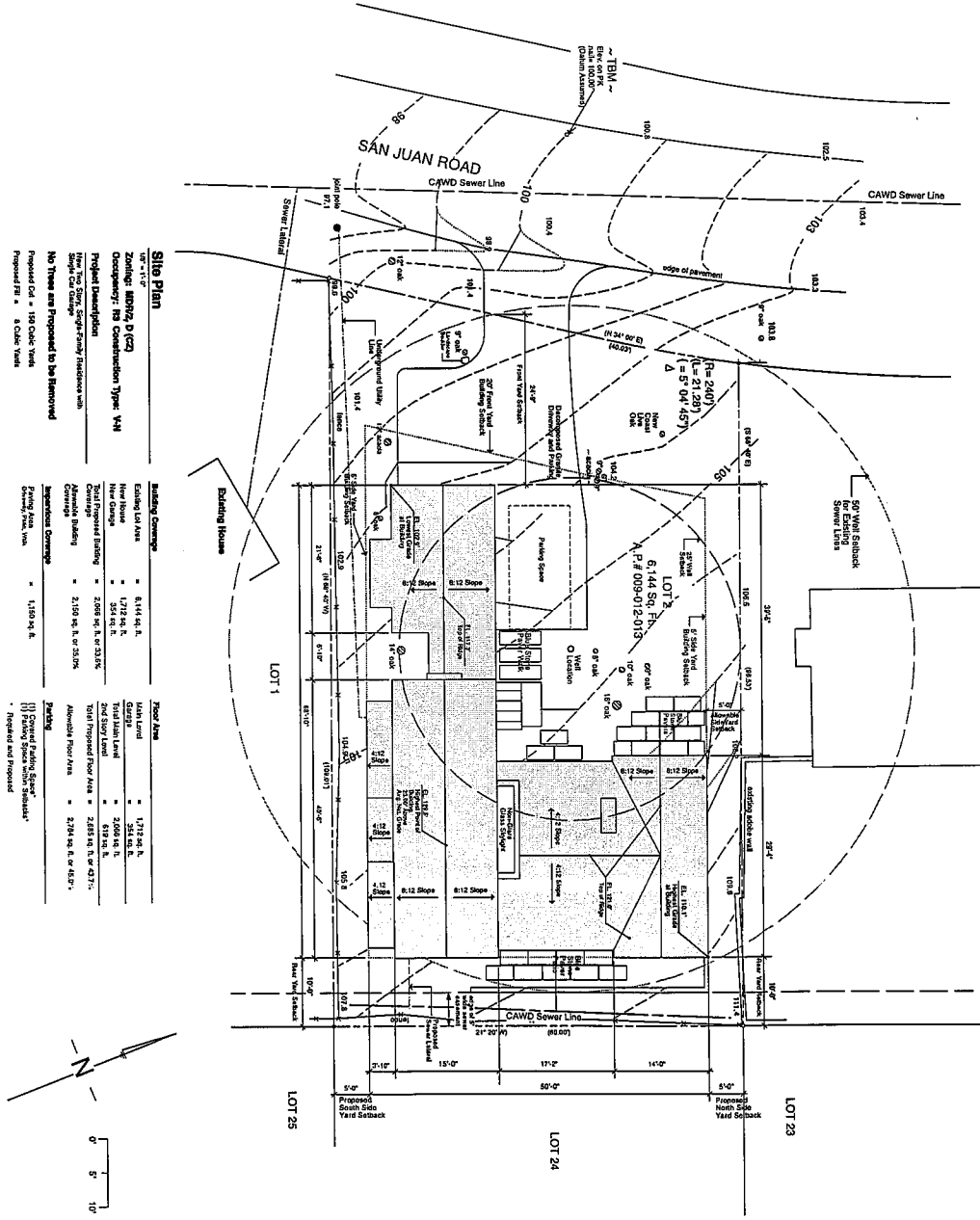
1. Prior to issuance of building permit, the applicant or owner shall enumerate as "Fire Dept. Notes" on plans.

2. Prior to final building inspection, the applicant or owner shall schedule fire dept. clearance inspection.

# EXHIBIT 2



Site Photo from Street



**Site Plan**

Scale: 1/8" = 1'-0"

Zoning: R0242, D (C2)

Occupancy: No Construction Type: N4

Project Description: New, Two-Story, Single-Family Residence with Single Car Garage

No Trees are Proposed to be Removed

Proposed Col = 150' Color: Yellow

Proposed FV = 8' Color: Yellow

Building Coverage	Footprint Area
Existing Lot Area	8,144 sq. ft.
New House	1,712 sq. ft.
New Garage	354 sq. ft.
Total Proposed Building	2,066 sq. ft. or 25.2%
Additional Building Coverage	2,150 sq. ft. or 26.3%
Remaining Coverage	1,169 sq. ft.

Footprint Area	Lot Area
Existing	8,144 sq. ft.
Proposed	3,216 sq. ft.
Total Proposed Footprint Area	2,066 sq. ft. or 25.2%
Additional Proposed Footprint Area	2,150 sq. ft. or 26.3%
Remaining Footprint Area	1,169 sq. ft. or 14.3%

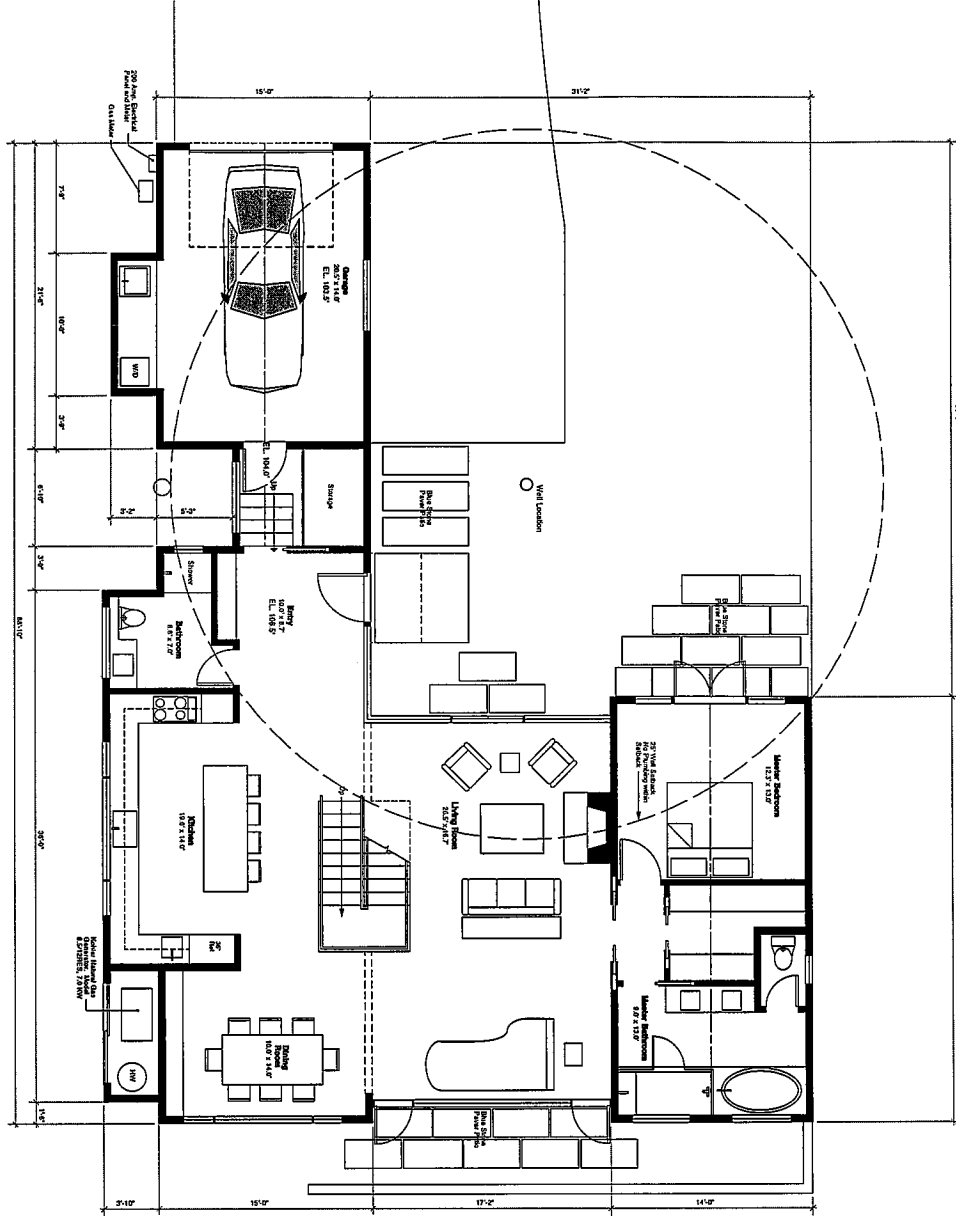
Notes:

- [ ] Covered Parking Space
- [ ] Parking Space with Structure
- [ ] Proposed and Proposed

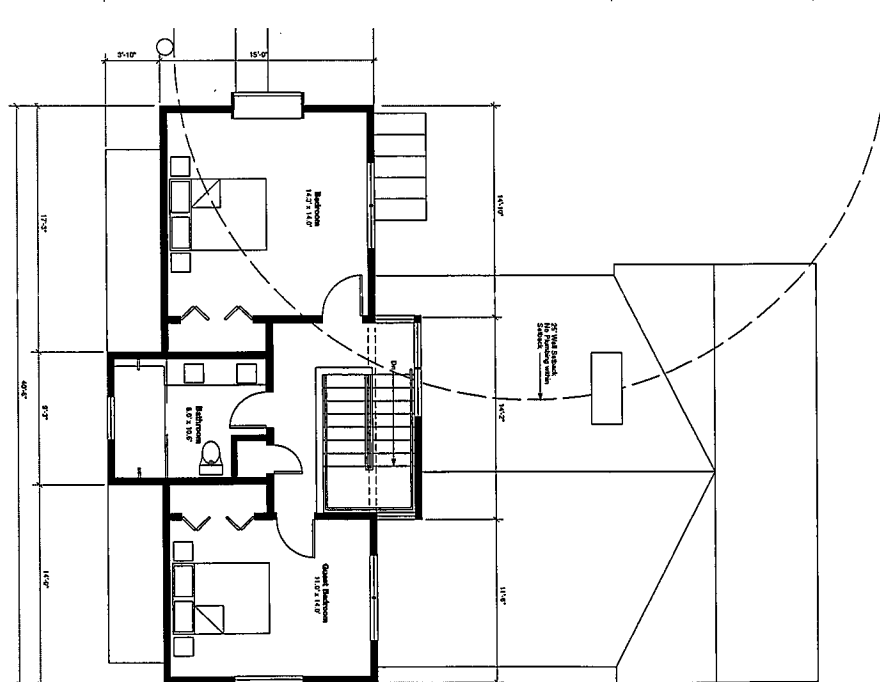
© 2011 The Architect's Drawings, Specifications Or Other Documents Shall Not Be Used By The Owner Or Other On Another Project Except By Agreement In Writing And With Appropriate Compensation To The Architect.

<p><b>Site Plan</b></p> <p>SCALE: 1/8"=1'-0"</p>	<p><b>New Residence for 24479 San Juan Road</b></p> <p>APN: 00910121015-000          CARROLL, CA 95921</p>	<p>OWNER: Dwight Dierker/MLP          321 Fern Canyon Road          LOT 10, Fern Canyon          CARROLL, CA 95922          916-425-4797</p>	<p><b>DYAR ARCHITECTURE</b></p> <p>6150X 0705 CARROLL, CALIFORNIA 95921 • 916-915-5602 • 916-329-3992          Email: dyaar@dyararch.com</p>	<p>July 4, 2011</p>
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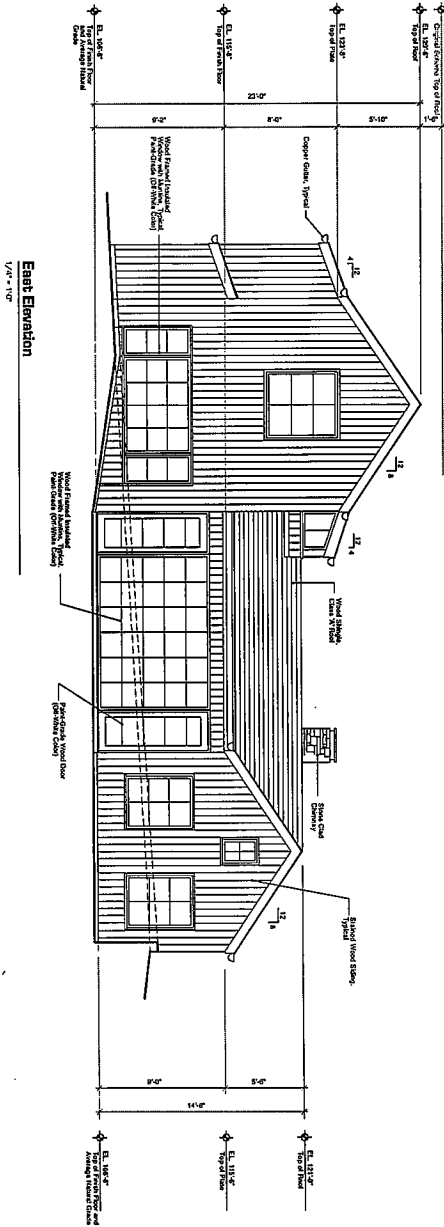
Entry Level Plan  
1/8" = 1'-0"



Upper Level Plan  
1/8" = 1'-0"

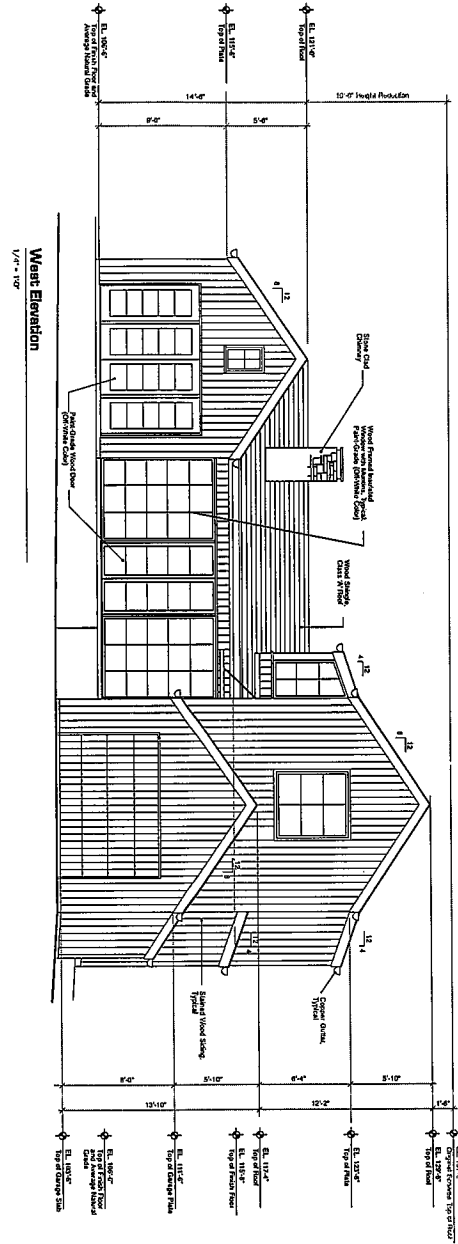


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East Elevation

1/4" = 1'-0"



West Elevation

1/4" = 1'-0"

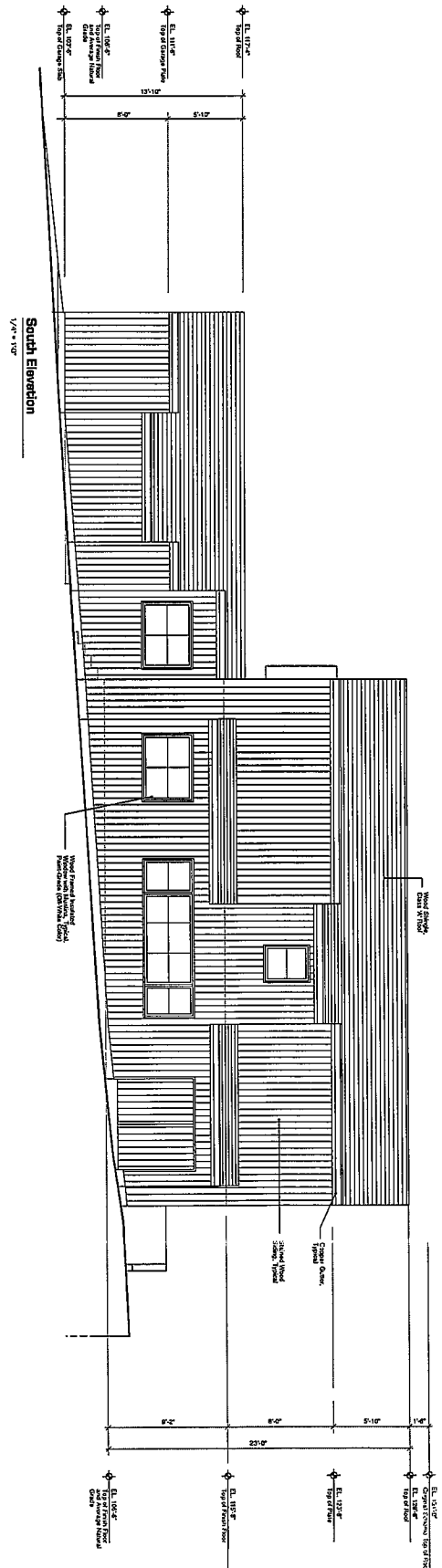
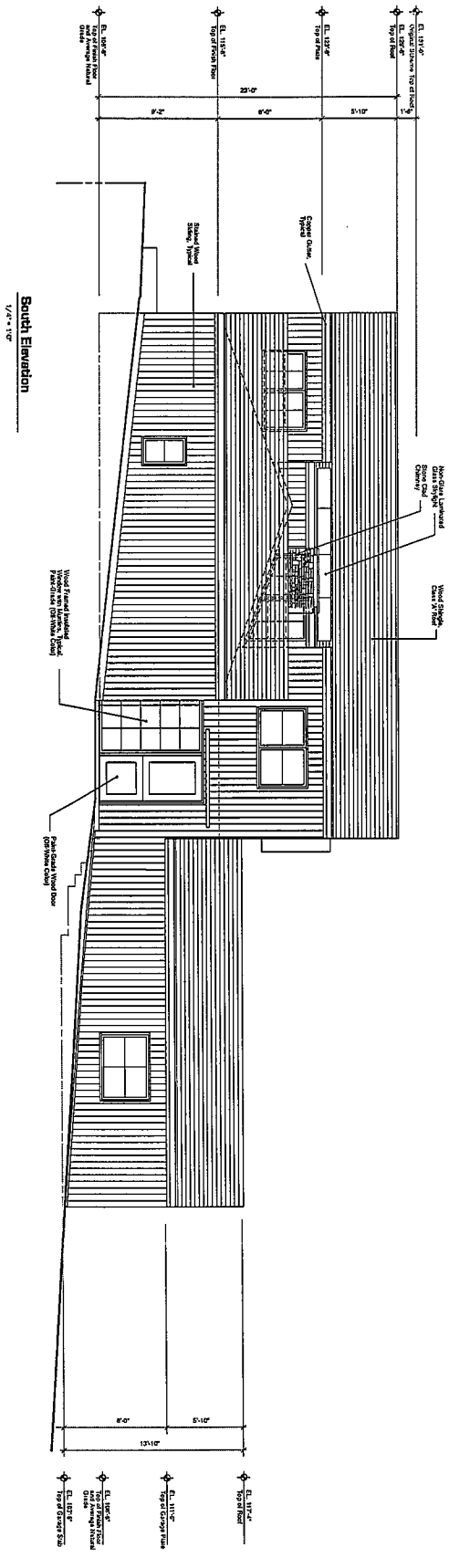
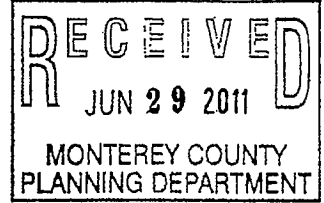


EXHIBIT C

MINUTES  
Carmel Highlands Land Use Advisory Committee  
Monday, June 20, 2011



1. Meeting called to order by Peter Davis at 4:03 pm

2. Roll Call

Members Present: Hall, Davis, Ward, McKeen, Rainier

Members Absent: Weber, Hirst, Jeselnick

3. Approval of Minutes:

a. February 22, 2011 minutes

Motion: no quorum available for <sup>vote</sup> (LUAC Member's Name)  
Not adequate number of members present to vote  
on minutes that were present on Feb. 22.

Second: \_\_\_\_\_ (LUAC Member's Name)

Ayes: \_\_\_\_\_

Noes: \_\_\_\_\_

Absent: \_\_\_\_\_

Abstain: \_\_\_\_\_

b. March 21, 2011 minutes

Motion: no quorum available for vote (LUAC Member's Name)  
members must have been present when minutes taken  
on March 21<sup>st</sup>

Second: \_\_\_\_\_ (LUAC Member's Name)

Ayes: \_\_\_\_\_

Noes: \_\_\_\_\_

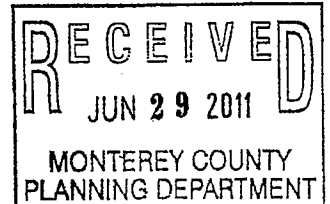
Absent: \_\_\_\_\_

Abstain: \_\_\_\_\_



4. **Public Comments:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

None



5. **Scheduled Item(s)** – Refer to attached project referral sheet(s)

6. **Other Items:**

- A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

- B) Announcements

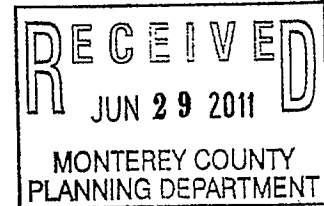
July WAC meeting, Tues. 5<sup>th</sup>, 2011

7. Meeting Adjourned: 6:20 pm

Minutes taken by: B. Reiner, Sec'y.

# Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department  
168 W Alisal St 2<sup>nd</sup> Floor  
Salinas CA 93901  
(831) 755-5025



Advisory Committee: Carmel Unincorporated/Highlands

Please submit your recommendations for this application by: **June 20, 2011**

**Project Title:** CHOPIN ENTERPRISES LP  
**File Number:** PLN100636  
**File Type:** DIRECTOR OF PLANNING  
**Planner:** ROBINSON  
**Location:** 24479 SAN JUAN RD CARMEL  
**Project Description:**

Coastal Administrative Permit and Design approval to allow the construction of a 2,390 square foot two-story single family dwelling with a 369 square foot one-car garage. Colors and materials consist of natural stained wood siding, wood shingled roof with a skylight, wood-framed doors and windows (off-white color), stone-clad chimney, copper gutters, and blue stone pavers. The property is located at 24479 San Juan Road, Carmel (Assessor's Parcel Number 009-012-013-000) north of the intersection of Pescadero Road and San Juan Road, Carmel Land Use Plan, Coastal zone.

Was the Owner/Applicant/Representative present at meeting? Yes  No   
Erik Dyer

Was a County Staff/Representative present at meeting? Anna Quenga (Name)

**PUBLIC COMMENT:**

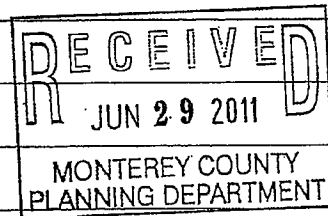
	Name	Site Neighbor?		Issues / Concerns (suggested changes)
		YES	NO	
1.	Anne Jensen 24469 San Juan Rd. Carmel	✓		Concern for height of project and light impacts from 2nd story of proposed new home (Mrs. Jensen had not seen revised plans when she wrote this letter (B. Rainer))
2	Joe Mason 22494 Pescadero Carmel	✓		Concern for height of project and bulk. Had not seen revised plans until LUSC meeting she thought new plans were an improve ment.
3	Mrs. Hermina Dallas owns property to rear of Chopin parcel	✓		
4.	Steve Dallas Property owner to east of chopin parcel.	✓		Submitted alternative sketches to Carl Hoem to reduce impacts of windows at second floor level as privacy measure. These windows impacted Dallas property to rear of new home. see Dallas letter.

PLN-100636 cont. public comment 6-20-11

LUAC Review

5. Lucinda Lloyd - neighbor at 24329 San Juan Rd. complimented architect F. Dyar on redesigned plans submitted unofficially to LUAC members and general public during review of project by LUAC committee. Also thought colors and materials were appropriate for this location.

pg. 5.2.



LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
New revised plans were a good solution to placement of 2nd story to right rear of residence.		Second story bedroom has been relocated to right of residence, over the garage.
One story portion of new residence will be at left so there will not be the continuous two story appearance to structure. This benefits neighbor to left and alleviates concerns for shadow impacts from original 2nd story. Lower ridge line helps reduce mass & bulk.		The architect has made a genuine effort to reduce impacts on neighbors to right, left, and rear of proposed home. by redesigning entire project.

ADDITIONAL LUAC COMMENTS

House walls are set back from well and comply with required 25 ft. set back from well head.  
 Size of new residence is moderate and footprint is located at rear of parcel to reduce visual impacts from street.  
 Trees (oaks) are more protected from impacts by slight curve of driveway to garage. Other trees (oaks) to front of property will be saved and protected during construction.  
 Materials of exterior stone and stained wood siding are appropriate for this location. Colors are also good.

RECOMMENDATION:

Motion by: Meheers - motion to approve (LUAC Member's Name) new revised plans.

Second by: Davis (LUAC Member's Name)

Support Project as proposed (revised plans presented @ meeting)

Recommend Changes (as noted above)

Continue the Item

Reason for Continuance: \_\_\_\_\_

Continued to what date: \_\_\_\_\_

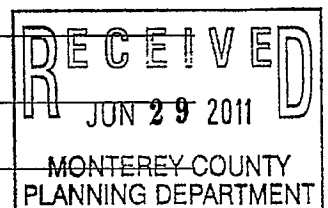
AYES: 5 (Hall, Davis, Wald, Meheers, Rainer)

NOES: None

ABSENT: Hirst, Weber, Jeselnick

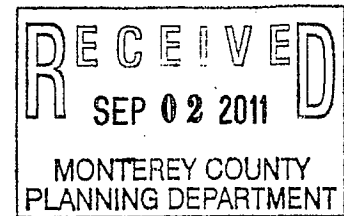
ABSTAIN: None

It is our understanding that the revised plans will be staked again to show new ridge-lines, reduced height, and re-location of second story and garage.



**EXHIBIT D**

Project File PLN 100636  
Project Title Chopin Enterprises LP  
Project location 24479 San Juan Rd, Carmel



Attn: Delinda Robinson, project planner

As a close neighbor of the proposed Chopin building project, I wish to voice my vigorous objections, and to request a public hearing. My property, 24494 Pescadero Road, is located at the south-east corner of the Chopin project, and their two storey area directly overlooks, and will loom over, my master bedroom. Due to the unfortunate positioning of their well, which necessitated the positioning of the house at the extreme back setback line, this large two storey bedroom area is only feet away from my bedroom. The architectural rendering shows a large window placed on the east facing upper bedroom, which looks directly into my bedroom window.

I request the removal of this window, as I understand there are to be two other windows in this bedroom. During the public hearing, my neighbor and I suggested that Chopin could remove this window as there would be enough light from other windows in the room, but they declined to make this change saying they wanted as much light as possible. We suggested a higher up transom style window, long and narrow shaped, would solve the problem of privacy for all, but the suggestion was deflated. If the proposed window is built as shown, I will be required to keep my shades closed at all times for privacy, thus reducing my access to light. I feel this would be a simple and considerate solution to the issue of a badly placed project. Thank you for your consideration.

*Susana S. Mason*  
*24494 Pescadero Rd*  
*Carmel, Ca.*  
*624-2611*

**Robinson, Delinda x5198**

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**From:** steve dallas [sgdallas@yahoo.com]  
**Sent:** Tuesday, August 30, 2011 6:53 PM  
**To:** Robinson, Delinda x5198  
**Cc:** Holm, Carl P. x5103; Novo, Mike x5192; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755; sgdallas@yahoo.com  
**Subject:** RE: PLN #100636 Chopin Enterprises 24479 San Juan Rd,Carmel,CA \*follow up email\*

Delinda,

Thank you for taking my phone call tonight at 6pm. Yes our biggest objection all along is the 2nd story window facing "East" directly on to both neighboring properties and looking right into the master bedrooms of both homes etc..

When you stated well they need morning sun there are many alternatives like a "Transom" window or moving the window to the "South Wall." We have no objections to a transom window high up, but we do have a very large objection to having East facing window from the 2nd story.

We also need afternoon sun for our homes and by allowing this 2 story mass home pushed all the way back on the lot because of the "well", I think we as a neighbors are asking very little of the applicant.

NO WINDOW facing East except for a "ransom window" up high (which we all advocated for when we were at the LUAC).

The applicant has a "transom window" on the first story of the home so this "Transom Window" would match and be very compatible use on the 2nd story element..

Thank you again for your time,

Steve Dallas

(Please enter this correspondence into the record)

--- On Tue, 8/30/11, Robinson, Delinda x5198 <robinsond@co.monterey.ca.us> wrote:

From: Robinson, Delinda x5198 <robinsond@co.monterey.ca.us>  
Subject: RE: PLN #100636 Chopin Enterprises 24479 San Juan Rd,Carmel,CA  
To: "steve dallas" <sgdallas@yahoo.com>, "Holm, Carl P. x5103" <HolmCP@co.monterey.ca.us>  
Cc: "Novo, Mike x5192" <novom@co.monterey.ca.us>, "100-District 5 (831) 647-7755" <district5@co.monterey.ca.us>, "100-District 4 (831) 883-7570" <district4@co.monterey.ca.us>  
Date: Tuesday, August 30, 2011, 6:11 PM

Mr. Dallas,

I received your e-mail and the attachment requesting that the Chopin project be referred to a public hearing. Pursuant to Section 20.76.060.A.5 of the Zoning Ordinance, the project will be referred to the Zoning Administrator for consideration at a public hearing. Your comments will be taken into consideration and will be included as an attachment to the staff report. You will receive notice of the date and time of that hearing about a week before the hearing. You will also have the opportunity to speak at the hearing if you wish.

Respectfully,

*Delinda Robinson*

*Senior Planner*

*Monterey County RMA-Planning Department*

*168 West Alisal Street, Second Floor*

*Salinas, CA 93901*

*(831) 755-5198*

-----Original Message-----

**From:** steve dallas [mailto:sgdallas@yahoo.com]

**Sent:** Tuesday, August 30, 2011 3:05 PM

**To:** Robinson, Delinda x5198; Holm, Carl P. x5103

**Cc:** Novo, Mike x5192; 100-District 5 (831) 647-7755; 100-District 4 (831) 883-7570; sgdallas@yahoo.com

**Subject:** PLN #100636 Chopin Enterprises 24479 San Juan Rd,Carmel,CA

Delinda,

Please see attached letter and please enter it into the record.

Also please acknowledge that you received this email at the attachment,

Thank you

Steve Dallas

August 30, 2011

Project File # PLN100636  
Project Title: Chopin Enterprises LP  
Project Location: 24479 San Juan Rd, Carmel, CA

Attention Delinda Robinson Project Planner

Please schedule the above referenced property for a public hearing (Chopin Enterprises).

This property was granted a "well" on a lot approximately a 60x100 ft. lot, because of the regulations concerning the "well" on such a small lot, it necessitated the house being placed totally along the back of the lot set backs, which contains a portion of it in a two story.

These are the issues that have really not been addressed:

1. The 2nd story of the proposed home has a window that looks directly into the neighbors master bedroom. As for our property which is two building sites of approx 120 feet with a house and a guest house has no trees to block the viewing of the 2nd story. The window looks directly down and across the complete property which includes the master suite, the patio, the guest unit etc etc; losing any and all privacy we had all these years. There are very simple alternatives to this 2nd story window, one is to put it on the (South wall), there is already a window in this 2nd story bedroom (facing North), putting the window on the (Southside/South Wall) would not effect the privacy compared to the (East facing) 2nd story window proposed, which directly effect both neighbors to the East, my neighbor and myself.

2. The roof height on the two story can be reduced to a 4x12 pitch (reducing the mass bulk and letting light into the neighbors property) and the roof skylight which is over the stairs does not fit in with the local coastal plan. It looks like (light house).

I request that you schedule this application for a full public hearing in front of the Monterey County Planning Commission as was done with the "well".

Thank you for your attention in this matter.

Mitzi Dallas (Property owner to the East of the proposed home)  
24492/24480 San Marcos rd.  
Carmel, ca 93923

Mailling address  
Po Box 663  
Carmel, ca 93921



**Robinson, Delinda x5198**

---

**From:** steve dallas [sgdallas@yahoo.com]

**Sent:** Monday, June 20, 2011 9:44 PM

**To:** eric dyar

**Cc:** rbronson@redshift.com; lbronson@redshift.com; Robinson, Delinda x5198; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755; sgdallas@yahoo.com

**Subject:** Chopin Enterprises PLN # 100636 ++Sill have concerns and issues ++ 6/21/2011

Eric Dyar & Mr and Mr Bronson,

Sorry if my mom and the neighbors are so upset today at LULAC and you and your clients unwillingness to change one 2nd story window and roof pitch so both neighbors all have privacy and sunlight/ less massing and less bulk for many years to come

I think you and your clients can be flexible in regards to the 2nd story East facing window and the roof pitch of the 2nd story element only from a 8:12 to a 4:12 pitch.

You and your clients have options and easy options/alternatives at that to solve the issues/concerns of the neighbors and the neighborhood.

Again NONE of the neighbors got to see the elevations nor did you have the elevations even completely done at LULAC meeting on 6/20/11 or the correct height of the orange netting.

All 5 neighbors came today and spoke but none were in support of the project but with minor changes on your clients part I'm sure you would get support!!!!

We are trying to be good neighbors but you and your clients have hit a sour spot on all the neighbors in the neighborhood. First with the "well "with the neighbors to the North and South of your property and now the neighbors to the East. You and you clients have pushed and pushed everything on the the neighbors, ALL 4 property owners in someway you have only forced your issues on all off us and are never will to make small or minor changes for the neighbors or the community at large which just in not right.

We as neighbors have not said a thing about you maxing out the sq footage of your home, what we are asking for is MINOR changes that everybody can live with!!!!

As I stated in the meeting today with some very small changes on you and you clients part I would support this project but the way it is now I can not support a project that I have not fully seen and that you have not address the Privacy and Sunlight/Massing concerns to both neighbors to the East.

Please let me know when you would be dropping off the complete plans to us and the other neighbors as you stated at the meeting today, since NONE of the neighbors or county staff has seen the plans in full (elevations), except for at LULAC only when we were all sitting/standing around the table and not even the dimensions or some of the windows were called out or drawn on your plans.

Thanks for your consideration in these important matters.

Steve Dallas

c.c. GRM Esq.  
c.c. NC Esq.

09/19/2011

**Robinson, Delinda x5198**

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**From:** steve dallas [sgdallas@yahoo.com]  
**Sent:** Monday, June 20, 2011 3:27 PM  
**To:** Holm, Carl P. x5103  
**Cc:** Robinson, Delinda x5198; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755; sgdallas@yahoo.com  
**Subject:** PLN # 100636 Chopin Enterprises 24479 San Juan Rd,Carmel,CA

Carl,

As you know we have not see the plans for Chopin Enterprises but PDF file for the East elevation and also a floor plan. Not any of the neighbors got to see the complete plans either.

With my suggestions today I will also be giving county staff who is coming to LUAC a East elevation reflecting the changes from a 8:12 to a 4:12 pitch and eliminating the window on the 2nd story facing East.

Thank you  
Steve Dallas

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June 20th, 2011

## Suggestions and Considerations for LUAC

1. No window facing East from the 2nd story bedroom (privacy) option put in a transom window southside, there is already a North facing window now in that same bedroom.
2. All roof pitches are 8:12 now change all roof pitches to 4:12. This will bring down the mass and bulk down of the house itself & it will be keeping with the character of the neighborhood.
3. 6 foot stucco wall on East side of property on property line.

Project location 24479 San Juan Rd,Carmel,CA 93923 (Chopin Enterprises PLN100636)

Thank you  
Steve Dallas (property owner to the East life long Carmel resident)

**Robinson, Delinda x5198**

---

**From:** steve dallas [sgdallas@yahoo.com]  
**Sent:** Monday, June 20, 2011 9:44 PM  
**To:** eric dyar  
**Cc:** rbronson@redshift.com; lbronson@redshift.com; Robinson, Delinda x5198; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755; sgdallas@yahoo.com  
**Subject:** Chopin Enterprises PLN # 100636 ++Sill have concerns and issues ++ 6/21/2011  
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Please let me know when you would be dropping off the complete plans to us and the other neighbors as you stated at the meeting today, since NONE of the neighbors or county staff has seen the plans in full (elevations), except for at LULAC only when we were all sitting/standing around the table and not even the dimensions or some of the windows were called out or drawn on your plans.

Thanks for your consideration in these important matters.

Steve Dallas

c.c. GRM Esq.  
c.c. NC Esq.

09/19/2011

Anne H. Jensen  
865 Walavista Ave.  
Oakland, CA 94610

June 17, 2011

To the members of the Carmel Unincorporated/Highlands Land Use Advisory  
Committee:

RE: 24479 San Juan Rd., Carmel; Chopin Enterprises

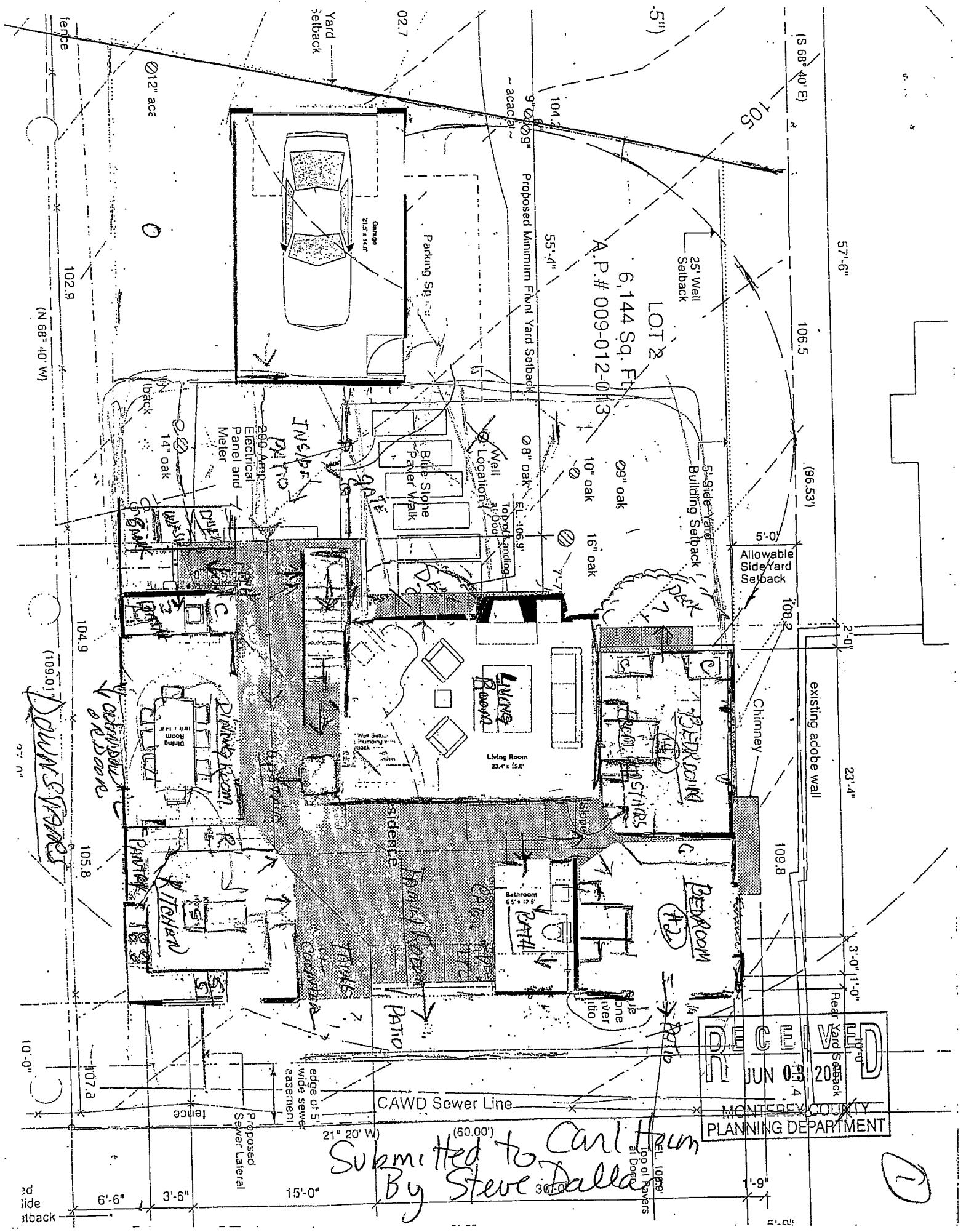
I am writing as one of the co-owners of the property at 24469 to the north side of  
the planned house under consideration on Monday, June 20, 2011.

Our concerns with the proposed house are its height and proximity to our property  
line, which will impact the amount of light that our house and garden will get,  
especially during the winter months. Two and a half years ago we did a major re-  
landscaping of the back yard, which is a major focus of how we spend our time at the  
house. While we use the house as a vacation home, members of the extended family  
use it frequently.

I hope you will take these matters into consideration as you look at the proposed  
building.

Thank you.

Sincerely,  
Anne Jensen



Submitted to Carl Hahn  
 By Steve Dalla

JUN 20 2004  
 MONTEREY COUNTY  
 PLANNING DEPARTMENT

17



# CARMEL AREA

EXHIBIT E

MONTEREY

68

1

Pescadero Canyon

PROJECT SITE

CARMEL-BY-THE-SEA

APPLICANT: CHOPIN ENTERPRISES LP

APN: 009-012-013-000

FILE # PLN100636

Water 2500' Limit 300' Limit City Limits



PLANNER: ROBINSON