

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> January 10, 2013 Time: 1:40 P.M	<b>Agenda Item No.:</b> 3
<b>Project Description:</b> Consider a Combined Development Permit to consist of: 1) a Coastal Administrative Permit and Design Approval to allow the construction of a 2,360 square foot one-story single family dwelling with a 760 square foot detached 3-car garage, a 201 square foot covered porch, a 1,062 square foot deck, approximately 270 linear feet of retaining walls, a new septic system, 497 cubic yards of grading (cut); 2) a Coastal Administrative Permit for a 425 square foot guesthouse with a 128 square foot deck; 3) a Coastal Administrative Permit to allow the conversion of an existing test well to a domestic water source; 4) a Coastal Development Permit for the removal of not more than 21 Monterey Pine trees ranging in size from 10 inches DBH to 47 inches DBH (19 live and 2 dead); 5) a Coastal Development Permit for development within 750 feet of known archaeological resources; and 6) a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat.	
<b>Project Location:</b> 227 Lower Walden Road, Carmel	<b>APN:</b> 241-241-014-000
<b>Planning File Number:</b> PLN120013	<b>Owner:</b> Ronald B. and Donna Y. Garren TRS
<b>Planning Area:</b> Carmel Area Land Use Plan	<b>Flagged and staked:</b> Yes
<b>Zoning Designation:</b> "LDR/1-D (CZ)" [Low Density Residential, 1 acre per unit with Design Control Overlay (Coastal Zone)]	
<b>CEQA Action:</b> Categorically Exempt per Sections 15303(a), 15303(e) and 15304.	
<b>Department:</b> RMA - Planning Department	

**RECOMMENDATION:**

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

- 1) Find the project Categorical Exempt per Sections 15303(a), 15303(e) and 15304; and
- 2) Approve the Combined Development (PLN120013), based on the findings and evidence and subject to the conditions of approval (**Exhibit B**).

**PROJECT OVERVIEW:**

The applicant proposes to build a one-story single family dwelling with a detached 3-car garage and guesthouse and associated site improvements on a vacant lot located at 227 Lower Walden Road in the Carmel Highlands area of Carmel. The only development on the site at present is a test well that was approved by the Zoning Administrator in 2010 (PLN060235). The test well will be converted to a permanent domestic water source for the project. The site is a 2.03 acre parcel that slopes up from the road in a southeasterly direction, with slopes ranging from about 15 percent on the lower portion to about 20 percent on the upper portion. Vegetation on the site is primarily native, mixed age Monterey pine forest with an understory of natives, grasses and an abundance of French broom (*Genista Monspessulana*). Zoning for the site and surrounding properties is LDR/1-D(CZ), and neighboring properties are developed with residential uses.

Project Issues

*Tree Removal* – A Coastal Development Permit to allow the removal of no more than 21 Monterey pine trees is required pursuant to Section 20.146.060.A.1. The site contains approximately 75 Monterey pine trees that are spaced fairly evenly across the parcel, with openings in the forest on the steeper area above the location of the proposed residence. It would not be possible to develop the site without some tree removal because of the location and distribution of trees throughout the site. Revisions to the original submittal reduced the number of trees proposed for removal from 25 to 17. The arborist has identified an additional 4 Monterey pines that may need to be removed, depending on the location and size of buttressing

roots. The project description has been amended to reflect the fact that those trees may require removal. Conditions 11 and 12 require tree protection and monitoring of all ground disturbance by a Licensed Arborist or Forester to ensure protection of the trees. The applicant proposes to plant 41 replacement trees of local genetic stock in locations determined to be optimal by the project arborist.

The Carmel Area Land Use Plan (LUP) calls for all cutting or removal of trees to be in keeping with the broad resource objectives of the plan. In this case, the potential locations for buildings on the site that have fewer trees are farther from the road and are steeper than the proposed location. Construction farther from the road would require comparable tree removal and significant additional site disturbance to allow construction of a driveway that is 15 percent slope or less in accordance with fire district regulations. These alternate locations are also in closer proximity to the known archaeological site on a nearby parcel.

*Archaeological Resources* –The project site is located in an area of high archaeological sensitivity and is within 750 feet of a known archaeological site on a nearby parcel, therefore pursuant to Section 20.146.090.A, a Coastal Development Permit is required. An archaeological survey prepared for the site prior to the construction of the test well found no evidence of cultural resources on the site but recommended further investigation after more vegetation had been cleared to allow better access. The Supplemental Archaeological Assessment prepared for the current project found evidence of disturbed midden on the site, however not in areas currently proposed for development. The project archaeologist worked with the architect and property owner to adjust the location of site improvements in order to avoid any disturbance to the resources on the site. The project is conditioned to require that an archaeological monitor be on the site during any ground disturbance to ensure that should further resources unexpectedly be uncovered, they will be appropriately handled. Staff concludes that the project is consistent with policies within the LUP for protection of Archaeological Resources.

*Environmentally Sensitive Habitat* – A Coastal Development Permit for development within 100 feet of environmentally sensitive habitat is required pursuant to Section 20.14.030.E. The project site is located within a Monterey pine forest, which is generally considered to be a sensitive habitat pursuant to LUP Policy 2.3.2. Pursuant to CIP Section 20.146.040.A, a biological survey was prepared for the project (see **Finding 2, Evidence b**). The biological report concluded that no rare or endangered species were present on the site and that the minimal loss of habitat associated with the project will not significantly affect any local animals or plants because adequate pine forest habitat will continue to exist on the site. Removal of indigenous vegetation and land disturbance is minimized pursuant to LUP Policy 2.3.3.7 and CIP Section 20.146.040.B.8. As recommended by the project biologist, the project is conditioned to require that native plantings and removal of non-native, plant species be incorporated into the landscape plan (**Condition No. 13**).

#### Environmental Review

Staff recommends that the project be found Categorically Exempt per Sections 15303(a) (one single-family residence in a residential zone), 15303(e) (accessory structures) and 15304 (minor alterations to land). The project would normally require CEQA review pursuant to LUP Policy 2.8.4.e because the project is located within an archaeologically sensitive area. However as discussed above, in this case the project archaeologist worked with the architect and property owner to modify the project to avoid potential impacts to archaeological resources. The final report from the archaeologist does not anticipate that there will be impacts to archaeological resources. However in an abundance of caution and as recommended in the archaeological report prepared for the project, the project is conditioned to require that an archaeological

monitor be present on the site during soil disturbing activities. Based on the information contained in the archaeological reports prepared for the project, staff concludes that the project, as designed, will not have an adverse environmental impact and will not cause a substantial adverse change in the significance of a historical resource. Therefore the exception found in Section 15300.2(f) does not apply.

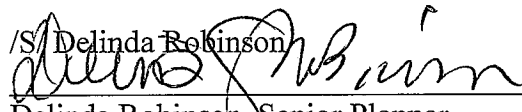
**OTHER AGENCY INVOLVEMENT:** The following agencies and departments reviewed this project:

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

Agencies that submitted comments are noted with a check mark ("√"). Conditions recommended by Public Works, Environmental Health, Water Resources and the Carmel Highlands 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 heard by the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) at public meetings on April 2, 2012 and July 2, 2012. The applicant modified the project in response to LUAC comments and on July 2, 2012, the LUAC unanimously recommended approval of the project by a vote of 6-to-0 with recommended changes to the proposed landscaping and tree replacement to soften impact of the building and screen the water tank (**Exhibit D**).

Note: The decision on this project is appealable to the Board of Supervisors and the Coastal Commission.

/s/ Delinda Robinson  
  
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Delinda Robinson, Senior Planner  
(831) 755-5198, [robinsond@co.monterey.ca.us](mailto:robinsond@co.monterey.ca.us)  
December 6, 2012

cc: Front Counter Copy; Zoning Administrator; Carmel Highlands 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; Ronald B. and Donna Y. Garren TRS, Owner; The Open Monterey Project; LandWatch; Planning File PLN120013

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

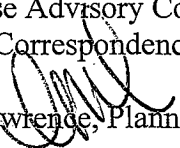
This report was reviewed by Laura Lawrence, Planning Services Manager  


EXHIBIT A

Project Information for PLN120013

**Project Information:**

**Project Name:** GARREN RONALD B & DONNA Y GARREN TRS

**Location:** 227 LOWER WALDEN RD CARMEL

**Permit Type:** Combined Development Permit

**Environmental Status:** Exempt

**Final Action Deadline (884):** 12/24/2012

**Existing Structures (sf):** 0

**Coverage Allowed:** 15%

**Proposed Structures (sf):** 4808

**Coverage Proposed:** 5.5%

**Total Sq. Ft.:** 4808

**Height Allowed:** 30'

**Tree Removal:** 21 Monterey pine

**Height Proposed:** 15'

**Water Source:** Well

**FAR Allowed:** N/A

**Water Purveyor:** N/A

**FAR Proposed:** N/A

**Sewage Disposal (method):** Septic

**Lot Size:** 88729

**Sewer District:** N/A

**Grading (cubic yds.):** 497

**Parcel Information:**

**Primary APN:** 241-241-014-000

**Seismic Hazard Zone:** VI

**Applicable Plan:** Carmel LUP

**Erosion Hazard Zone:** High

**Advisory Committee:** Carmel Unincorporated/Highlands LUAC

**Fire Hazard Zone:** High

**Zoning:** LDR./1-D(CA)

**Flood Hazard Zone:** No

**Land Use Designation:** LDR/1 acre per unit

**Archaeological Sensitivity:** High

**Coastal Zone:** YES

**Viewshed:** No

**Fire District:** Carmel Highlands FPD

**Special Setbacks on Parcel:** No

**Reports on Project Parcel:**

**Soils Report #:** LIB120067

**Biological Report #:** LIB120069

**Geologic Report #:** LIB120066

**Forest Management Rpt. #:** LIB120066

**Archaeological Report #:** LIB060235, LIB120068, LIB120423

**Traffic Report #:** 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:

**RONALD B. AND DONNA Y. GARREN TRS (PLN120013)**

**RESOLUTION NO. ----**

Resolution by the Monterey County Hearing Body:

- 1) Finding the project Categorical Exempt per Sections 15303(a), 15303(e) and 15304; and
- 2) Approving a Combined Development Permit to consist of 1) a Coastal Administrative Permit and Design Approval to allow the construction of a 2,360 square foot one-story single family dwelling with a 760 square foot 3-car detached garage, a 201 square foot covered porch, a 1,062 square foot deck, approximately 270 linear feet of retaining walls, a new septic system, 497 cubic yards of grading (cut); 2) a Coastal Administrative Permit for a 425 square foot guesthouse with a 128 square foot deck; 3) a Coastal Administrative Permit to allow the conversion of an existing test well to a domestic water source; 4) a Coastal Development Permit for the removal of not more than 21 Monterey Pine trees ranging in size from 10 inches DBH to 47 inches DBH (19 live and 2 dead); 5) a Coastal Development Permit for development within 750 feet of known archaeological resources; and 6) a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat.

[PLN120013, Ronald B. and Donna Y. Garren TRS, 227 Lower Walden Road, Carmel, Carmel Area Land Use Plan (APN: 241-241-014-000)]

**The Garren application (PLN120013) came on for public hearing before the Monterey County Zoning Administrator on January 10, 2013. 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 (LUP);
- Monterey County Coastal Implementation Plan Part 4 (CIP);
- 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 227 Lower Walden Road, Carmel (Assessor's Parcel Number 241-241-014-000), Carmel Area Land Use Plan. The parcel is zoned "LDR/1-D (CZ)" [Low Density Residential, 1 acre per unit with Design Control Overlay (Coastal Zone)], which allows single-family dwellings and guesthouses subject to a Coastal Administrative Permit in each case. Therefore, the project is an allowed land use for this site.
- c) This project consists of the construction of a 2,360 square foot one-story single family dwelling with a 760 square foot detached 3-car garage, a 201 square foot covered porch, a 1,062 square foot deck, approximately 270 linear feet of retaining walls, a 425 square foot guesthouse with a 128 square foot deck, a new septic system, 497 cubic yards of grading (cut), the conversion of an existing test well to a domestic water source and the removal of not more than 21 Monterey pine trees ranging in size from 10 inches DBH to 47 inches DBH (19 live and 2 dead). Entitlements are as follows:
- Coastal Administrative Permit for the first single family dwelling pursuant to Section 20.14.040.A (Title 20);
  - Coastal Administrative Permit for the guesthouse pursuant to Section 20.14.040.B (Title 20);
  - Coastal Administrative Permit for the well pursuant to Section 20.14.040.J (Title 20).
  - Design Approval pursuant to Title 20, Section 20.44.020.B (Title 20);
  - Coastal Development Permit for tree removal pursuant to Section 20.146.060.A.1 (CIP);
  - Coastal Development Permit for development within 750 feet of known archaeological resources pursuant to Section 20.146.090.A (CIP);
  - Coastal Development Permit for development within 100 feet of environmentally sensitive habitat pursuant to Section 20.14.030.E.
- d) The project planner conducted a site inspection on February 3, 2012 to verify that the project on the subject parcel conforms to the plans listed above.
- e) The site is subject to design review pursuant to Section 20.44.020. The Garren project has been reviewed for siting, design, colors, materials and height. The proposed project meets the development standards of the zoning district including height, setback, lot coverage, and floor area ratio and the proposed colors and materials are appropriate for the site and the neighborhood. Materials and colors to consist of grey-green metal roofing, light brown stained cedar exterior siding, dark brown wood trim and grey-brown colored concrete roads, stairs and plaster

retaining walls.

- f) The project is not located within the public viewshed (viewshed as seen from Highway 1 corridor and turnouts, Scenic Road, public lands within the Carmel segment and Carmel City Beach) as shown on LUP Map A. The entire parcel is visible from Lower Walden Road, a public road. The project is designed to be subordinate to and blend into the environment consistent with LUP Visual Resources Policy 2.2.3.4. Earthtone wood exterior materials will be utilized and the house and all structures are 15 feet or less in height. Trees to screen views of the structures are included in the tree replacement plan.
- g) The project is designed to minimize tree removal and grading pursuant to LUP Policy 2.2.3.7. The structures will be located on the lower half of the parcel to minimize the amount of grading and tree removal required to construct a driveway that is less than 15 percent slope in accordance with the requirements of the fire district. See also **Finding 6**.
- h) *Environmentally Sensitive Habitat Area:* The project site is located within a Monterey pine forest, which is generally considered to be a sensitive habitat pursuant to LUP Policy 2.3.2. Pursuant to CIP Section 20.146.040.A, a biological survey was prepared for the project (see **Finding 2, Evidence b**). The biological report concluded that no rare or endangered species were present on the site and that the minimal loss of habitat associated with the project will not significantly affect any local animals or plants because adequate pine forest habitat will continue to exist on the site. Removal of indigenous vegetation and land disturbance is minimized pursuant to LUP Policy 2.3.3.7 and CIP Section 20.146.040.B.8. As recommended by the project biologist, the project is conditioned to require that native plantings and removal of non-native, plant species be incorporated into the landscape plan (**Condition No. 13**).
- i) *Tree Removal:* The project is consistent with LUP Policy 2.5.3.2, which requires that all tree removal shall be in keeping with the broad resource protection objectives of the plan. See also Finding 6.
- j) *Archaeological Resources:* The project site is located within an area identified in the Monterey County Geographic Information System as being high sensitivity for archaeological resources and within 750 feet of known archaeological resources. Pursuant to LUP Policy 2.8.3.2, an archaeological survey and assessment were prepared for the project (see **Finding 2, Evidence b**). The archaeologist found evidence that cultural resources are present on the site and reports that a known archaeological site exists on a nearby parcel within 750 feet of the proposed development. The project incorporates all site planning and design features necessary to minimize or avoid impacts to archaeological resources as required by LUP Key Policy 2.8.2. The development has been sited as far as possible from the known site on the nearby parcel. The archaeologist reviewed the project plans and conducted site inspections in order to make recommendations as to how to avoid impacts to the on-site resources. The recommendations made by the archaeologist have been incorporated into the project plans and the project is conditioned to require that an archaeological monitor be on-site during all ground disturbing activities.

- k) *Guesthouse*: The subject project meets the regulations, standards and circumstances for a guesthouse pursuant to Section 20.64.020. Pursuant to Section 20.64.020.C.8 the standard condition requiring that a deed restriction stating the requirements of a guesthouse has been incorporated as a condition of approval.
- l) The project site is located within Seismic Hazard Zone VI. Pursuant to Section 20.146.080.B.1.d, a geological report was prepared (see Finding 2, Evidence b). Consistent with LUP Policy 2.7.4 the project is sited and designed to conform to site topography and minimize grading. The project is conditioned to require recordation of a notice stating that the report has been prepared and requiring that all development be in accordance with the report.
- m) LUP Policy 2.4.4.A.1 directs that new development shall be approved only where it can be demonstrated by the applicant that adequate water is available from a water utility, community system, surface water diversion, spring or well. A Coastal Administrative Permit (PLN060235) to allow construction of a test well for future domestic use was approved on January 14, 2010 so that such a well could be constructed and evaluated to determine whether or not it could provide an adequate water supply for the proposed development. Based on a 72-hour source capacity test conducted on the test well, the Environmental Health Bureau concluded that the well meets the required capacity for a single-family dwelling with a guest-home.
- n) The test well on the site was exempt from Interim Ordinance 5160 which temporarily prohibited the acceptance and processing of water well applications and issuance of water well permits within the area subject to the Carmel Highlands Onsite Wastewater Management Plan pursuant to Section 5.B of the ordinance because the permit for construction of the well was issued on April 8, 2010, prior to the May 25, 2010 adoption of the interim ordinance by the Board of Supervisors. The test well was completed on August 26, 2010, prior to the expiration of Interim Ordinance 5176, which extended Interim Ordinance 5160, as previously modified and extended by Interim Ordinance No. 5163.
- o) 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 LUAC at public meetings on April 2, 2012 and June 2, 2012. On June 2, 2012 the LUAC unanimously recommended approval of the project by a vote of 6-to-0 with recommended changes to the proposed landscaping and tree replacement to soften impact of the building and screen the water tank (see **Exhibit D**). In response to comments by neighbors and recommendations made by the LUAC, the applicant modified the design of the project as follows:
- reduce the number of trees proposed for removal from 25 to not more than 21;
  - increase the number of replacement trees between the structures and the road;
  - change the exterior materials from stucco to wood

- incorporate an overhang on the fronts of the buildings; and
  - added dispersion trenches to control drainage.
- p) 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 PLN120013.

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, Carmel Highlands 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 Biological Resources, Archaeological Resources and Soil/Slope Stability. 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. The following reports have been prepared:
- “Biological Resources Survey” (LIB120069) prepared by Craig Hohenberger, Carmel, CA, March 4, 2012;
  - “Forest Management Plan for Residential Parcel” (LIB120066) prepared by Forest City Consulting, Carmel, CA, February 2, 2012 and Addendum dated May 9, 2012;
  - “Geological Report for Garren Residence” (LIB120358) prepared by CapRock Geology, Inc., Spreckels, CA, August 21, 2012;
  - “Geotechnical Report for the Proposed Garren Residence” (LIB120067) prepared by Grice Engineering and Geology Inc., Salinas, CA, March 2012;
  - “Preliminary Archaeological Reconnaissance of Assessor’s Parcel 241-241-009” (LIB060235) prepared by Archaeological Consulting, Salinas, CA, January 26, 2005;
  - “Supplemental Archaeological Assessment for Assessor’s Parcel 241-241-014-000” (LIB120068) prepared by Archaeological Consulting, Salinas, CA, March 9, 2012;
  - “Letter Report: Examination of Revised Location for Proposed Septic System” (LIB120423) prepared by Archaeological Consulting, Salinas, CA November 15, 2012.
- c) Staff conducted a site inspection on February 3, 2012 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 PLN120013.

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, Carmel Highlands 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. An on-site well will provide potable water for the project and wastewater will be disposed in an on-site septic system.
  - c) A Coastal Administrative Permit (PLN060235) to allow construction of a test well for future domestic use was approved by the Zoning Administrator on January 14, 2010. The Environmental Health Bureau issued a permit for the construction of the test well (Well Permit #07-11036) and the well was completed on April 8, 2010. Based on the results of the 72-hour source capacity test conducted on the well on August 31, 2010, the Environmental Health Bureau concluded that the well meets the required capacity for a single-family dwelling with a guest-home. An application to the Monterey Peninsula Water Management District for a Water Distribution System Permit (MPWMD Application #20110120GAR) was deemed incomplete by the MPWMD pending approval by the County of a Coastal Administrative Permit to convert the "test well" to a "permanent well".
  - d) The Environmental Health Bureau has reviewed and approved an alternative onsite wastewater system design for the project prepared by Andrew Brownstone of BioSphere Consulting. The California Regional Water Quality Control Board issued a Waiver of Waste Discharge Requirements for Alternative Onsite Wastewater disposal Systems (Resolution No. R3-2009-0057) for the project to allow the use of an engineered onsite wastewater system.
  - e) An evaluation of the potential for the well to interfere with down slope surfacing of free water prepared by Grice Engineering and Geology Inc. concluded that the concrete seal will exclude infiltration of near surface down slope migrating free waters and will have no influence on waters surfacing within a 150 foot elevation below the site.
  - f) Preceding findings and supporting evidence for PLN120013.

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 February 3, 2012 and researched County records to assess if any violation exists on the subject property.

- c) There are no known violations on the subject parcel.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN120013.

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 residence in a residential zone and Section 15303(e) categorically exempts the construction of accessory structures.
  - b) The project consists of the construction of a single-family residence and associated accessory structures.
  - c) CEQA Section 15304 categorically exempts minor alterations to land which do not involve the removal of healthy, mature, scenic trees.
  - d) The project does involve the removal of trees however they are not located within the public viewshed as defined in the Land Use Plan and are not scenic trees.
  - e) No adverse environmental effects were identified during staff review of the development application during a site visit on February 3, 2012.
  - f) No unique circumstances exist on the site and none of the exemptions listed in Section 15300.2 apply. The project is designed to prevent potential adverse effects to archaeological and biological resources on the site.
  - g) See preceding and following findings and supporting evidence.

6. **FINDING:** **TREE REMOVAL** – The subject project minimizes tree removal in accordance with the applicable goals and policies of the Carmel Area Land Use Plan and the associated Coastal Implementation Plan.

- EVIDENCE:**
- a) The project includes application for the removal of not more than 21 Monterey pine trees ranging in size from 10 inches DBH to 47 inches DBH (19 live and 2 dead). In accordance with the applicable policies of the Carmel Area Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit has been met.
  - b) Slopes on the site range from approximately 15 percent to 20 percent. Vegetation on the site is Monterey pine forest with an understory of some natives, grasses and an abundance of French broom. Because of the number and distribution of trees on the site, tree removal is required to develop the site. Potential locations for buildings on the site that have fewer trees are farther from the road and are steeper than the proposed location. Construction farther from the road would require comparable tree removal and significant additional site disturbance to allow construction of a driveway that is 15 percent slope or less in accordance with fire district regulations. These alternate locations are also in closer proximity to the known archaeological site on a nearby parcel.
  - c) Carmel Area Land Use Plan (LUP) Key Policy 8.2.1 states “All cutting or removal of trees shall be in keeping with the broad resource protection objectives of this plan.” The LUP resource management

chapter calls for any new development to complement the area and be compatible with the objective of careful resource protection and conservation. In this case, the project has been designed to minimize tree removal to the amount necessary to allow the development while also limiting impacts to scenic and archaeological resources.

- d) LUP Policy No. 2.5.3.8 calls for all development, forest management activities and tree removal to conform to LCP policies regarding water and marine resources, sensitive habitat area and coastal visual resources. The project will include replacement trees between the new structures and the road to reduce the visual impact of the structures on the public viewing area consistent with LUP Policy 2.2.3.8.
- e) Forest Management Plan and supplemental reports were prepared by Matt Horowitz, Forest City Consulting (see **Finding 2, Evidence b**).
- f) Measures for tree protection during construction recommended by the arborist have been incorporated as conditions of approval and include tree protection zones, trunk protection, hand excavation, bridging roots, use of above grade engineered beams and piers to avoid damage to tree roots, retaining walls and supervision by a qualified arborist of all ground disturbing activities within the dripline or critical root zone of trees.
- g) The number of trees requested for removal has been reduced from 25 to 17 over the original submittal. This was accomplished by reducing the amount and location of grading and the incorporation of retaining walls near trees. An additional 4 trees have been identified as likely to require removal and are included in this permit, for a maximum of 21 trees to be removed. The measures for tree protection required by **Condition Nos. 11 and 12** will ensure that if the trees can be saved, they will be.
- h) The removal will not involve a risk of adverse environmental impacts. The biological report prepared for the project found that no sensitive or endangered species exist on the site and that because ample pine forest habitat will continue to exist on the site, impacts to native species will be minimal. The project includes the planting of 41 replacement Monterey pines in locations determined by the project arborist. The project is conditioned to require removal of non-native, invasive plant species on the site and landscaping with appropriate native plants, as recommended by the project biologist (**Condition No. 13**).
- i) Staff conducted a site inspection on February 3, 2012 to verify that the tree removal is the minimum necessary for the project and to identify any potential adverse environmental impacts related to the proposed tree removal.
- j) 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 PLN120013.

7. **FINDING:** **WILDFIRE PROTECTION STANDARDS IN STATE RESPONSIBILITY AREAS** – The subject project, as conditioned, will ensure standardized basic emergency access and fire protection pursuant to Section 4290 of the Public Resource Code.

- EVIDENCE:**
- a) The proposed project is within the Monterey County State Responsibility Area.
  - b) The project was reviewed by the Carmel Highlands Fire Protection



District (Fire District) for conformance with the standards of Monterey County Code Section 18.56. The Fire District required one condition of approval requiring installation of automatic fire sprinkler systems. This condition is incorporated into the attached Conditions of Approval.

- c) The structures are designed with fire resistant metal roofs to further protect from fire.

8. **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 PLN120013.
  - e) The project planner conducted a site inspection on February 3, 2012.

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

- EVIDENCE:**
- a) Section 20.86.030 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) The project is subject to appeal by/to the California Coastal Commission pursuant to Section 20.86.080.A.3 of the Monterey County Zoning Ordinance because the project involves development that is permitted in the underlying zone as a discretionary use.

### **DECISION**

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

1. Find the project Categorically Exempt per Sections 15303(a), 15303(e) and 15304; and
2. Approve Combined Development Permit to consist of 1) a Coastal Administrative Permit and Design Approval to allow the construction of a 2,360 square foot one-story single family dwelling with a 760 square foot detached 3-car garage, a 201 square foot covered porch, a 1,062 square foot deck, approximately 270 linear feet of retaining walls, a new septic system, 497 cubic yards of grading (cut); 2) a Coastal Administrative Permit for a 425 square foot guesthouse with a 128 square foot deck; 3) a Coastal Administrative Permit to allow the conversion of an existing test well to a domestic water source; 4) a Coastal Development Permit for the removal of not more than 21 Monterey Pine trees ranging in size from 10 inches DBH to 47 inches DBH (19 live and 2 dead); 5) a Coastal

Development Permit for development within 750 feet of known archaeological resources; and 6) a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat, in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

**ADOPTED** this 10th day of January, 2013

\_\_\_\_\_  
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 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.

# Monterey County Planning Department

## DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN120013

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** This Combined Development Permit consists of: 1) a Coastal Administrative Permit and Design Approval to allow the construction of a 2,360 square foot one-story single family dwelling with a 760 square foot detached 3-car garage, a 201 square foot covered porch, a 1,062 square foot deck, approximately 270 linear feet of retaining walls, a new septic system, 497 cubic yards of grading (cut); 2) a Coastal Administrative Permit for a 425 square foot guesthouse with a 128 square foot deck; 3) a Coastal Administrative Permit to allow the conversion of an existing test well to a domestic water source; 4) a Coastal Development Permit for the removal of not more than 21 Monterey Pine trees ranging in size from 10 inches DBH to 47 inches DBH (19 live and 2 dead); 5) a Coastal Development Permit for development within 750 feet of known archaeological resources; and 6) a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat. The project is located at 227 Lower Walden Road, Carmel (APN: 241-241-014-000). 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)

**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 Department

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state:  
"A Combined Development Permit] (Resolution Number \*\*\*) was approved by Monterey County Zoning Administrator for Assessor's Parcel Number 241-241-014-000 on January 10, 2013. The permit was granted subject to 24 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County 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)

**Compliance or Monitoring Action to be Performed:** 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. PD004 - INDEMNIFICATION AGREEMENT

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** 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)

**Compliance or Monitoring Action to be Performed:** 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.

#### 4. PD019(B) - DEED RESTRICTION-GUESTHOUSE (COASTAL)

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall record a deed restriction stating the regulations applicable to a Guesthouse (Coastal) as follows:

- \* Only 1 guesthouse shall be allowed per lot.
- \* Detached guesthouses shall be located in close proximity to the principal residence.
- \* Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements.
- \* The guesthouse shall not have cooking or kitchen facilities, including but not limited to microwave ovens, hot plates and toaster ovens.
- \* The guesthouse shall have a maximum of 6 linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of 8 square feet of cabinet space, excluding clothes closets.
- \* The guesthouse shall not exceed 425 square feet of livable floor area.
- \* The guesthouse shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect.
- \* Subsequent subdivisions which divide a main residence from a guesthouse shall be prohibited.
- \* The guesthouse shall be designed in such a manner as to be visually consistent and compatible with the main residence on site and other residences in the area.
- \* The guesthouse height shall not exceed 12 feet nor be more than one story.

(RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading or building permits, the Owner/Applicant shall submit a signed and notarized document to the Director of RMA-Planning Department for review and signature by the County.

Prior to occupancy or commencement of use, the Owner/Applicant shall submit proof of recordation of the document to the Director of the RMA-Planning Department.

#### 5. PD021 - DEED RESTRICTION-FIRE HAZARD

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Prior to the issuance of a building permit the applicant shall record a deed restriction which states: "The parcel is located in a high fire hazard area and development may be subject to certain restrictions as per section(s) of the Coastal Implementation Plan and per the standards for development of residential property."  
(RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading or building permits, the Owner/Applicant shall submit a signed and notarized document to the Director of RMA-Planning Department for review and signature by the County.

Prior to occupancy or commencement of use, the Owner/Applicant shall submit proof of recordation of the document to the Director of the RMA-Planning Department.

## 6. PD016 - NOTICE OF REPORT

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** 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:  
- 'Biological Resources Survey' (LIB120069) prepared by Craig Hohenberger, Carmel, CA, March 4, 2012;  
- 'Forest Management Plan for Residential Parcel' (LIB120066) prepared by Forest City Consulting, Carmel, CA, February 2, 2012 and Addendum dated May 9, 2012;  
- 'Geological Report for Garren Residence' (LIB120358) prepared by CapRock Geology, Inc., Spreckels, CA, August 21, 2012;  
- 'Geotechnical Report for the Proposed Garren Residence' (LIB120067) prepared by Grice Engineering and Geology Inc., Salinas, CA, March 2012;  
- 'Preliminary Archaeological Reconnaissance of Assessor's Parcel 241-241-009' (LIB060235) prepared by Archaeological Consulting, Salinas, CA, January 26, 2005;  
- 'Supplemental Archaeological Assessment for Assessor's Parcel 241-241-014-000' (LIB120068) prepared by Archaeological Consulting, Salinas, CA, March 9, 2012;  
- 'Letter Report: Examination of Revised Location for Proposed Septic System' (LIB120423) prepared by Archaeological Consulting, Salinas, CA November 15, 2012.  
and are on file in the Monterey County RMA - Planning Department. All development shall be in accordance with these reports."  
(RMA - Planning Department)

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

## 7. PD005(A) - NOTICE OF EXEMPTION

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Pursuant to CEQA Guidelines § 15062, a Notice of Exemption shall be filed for this project. The filing fee shall be submitted prior to filing the Notice of Exemption.

**Compliance or Monitoring Action to be Performed:** After project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department.

## 8. PD003(B) - CULTURAL RESOURCES POSITIVE ARCHAEOLOGICAL REPORT

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** NON-STANDARD - The recommendations for avoidance of archaeological resources on the site contained within the November 15, 2012 letter report by Archaeological Consulting (LIB120423) shall be incorporated into the construction plans for the project. All ground disturbing activities, including but not limited to grading and digging of footings, shall be monitored by a Registered Professional Archaeologist, who shall have the authority to stop work in the event archaeological resources are unexpectedly uncovered until the resource has been evaluated and appropriate measures for preservation or documentation are developed and implemented in consultation with the project planner. If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken:

If the coroner determines the remains to be Native American:

- The coroner shall contact the Native American Heritage Commission and the RMA - Planning Department within 24 hours.

- The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costonoans/Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendant.

- The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, Or

Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:

1. The Native American Heritage Commission is unable to identify a most likely descendant or the most likely descendant failed to make a recommendation within 24 hours after being notified by the commission.

2. The descendant identified fails to make a recommendation; or

3. The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

(RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading or building permits whichever occurs first, the Owner/Applicant, per the archaeologist, shall submit the contract with a Registered Professional Archaeologist to the Director of the RMA-Planning Department for approval.

Prior to the issuance of grading or building permits, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans..

## 9. PD007- GRADING WINTER RESTRICTION

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department.  
(RMA - Planning Department and Building Services Department)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant, on an on-going basis, shall obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.

## 10. PD010 - EROSION CONTROL PLAN

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services.  
(RMA - Planning Department and RMA - Building Services Department)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading and building permits, the Owner/Applicant shall submit an Erosion Control Plan to the RMA - Planning Department and the RMA - Building Services Department for review and approval.

The Owner/Applicant, on an on-going basis, shall comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.

## 11. PD011 - TREE AND ROOT PROTECTION

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** NON-STANDARD: All of the recommendations for tree protection contained within the February 2, 2012 Forest Management Plan prepared by Forest City Consulting (LIB120066) and the Addendum dated May 9, 2012 shall be incorporated into the project. 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, bridging roots, use of above grade engineered beams and piers, 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)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection 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.



**12. PDSP001 - TREES: MONITORING REQUIRED (NON-STANDARD)**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** All ground disturbance, including but not limited to grading and excavation for foundations within the canopy or critical root zone of any Monterey pine tree or Oak shall be monitored by a Licensed Arborist or Forester. The Licensed Arborist or Forester shall have the authority to require any measures deemed necessary to protect the health of the trees including but not limited to such measures as tree protection zones, trunk protection, hand excavation, bridging roots, use of above grade engineered beams and piers to avoid damage to tree roots and retaining walls.

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading or building permits whichever occurs first, the Owner/Applicant shall submit the contract with a Licensed Arborist or Forester to provide the required monitoring services to the Director of the RMA-Planning Department for approval.

The language contained within this condition shall be incorporated as a note on the construction plans for the project.

Prior to final inspection, the applicant/arborist shall submit a monitoring report to the Director of RMA-Planning to document the measures taken to protect the trees and their success.

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

**Responsible Department:** Planning Department

**Condition/Mitigation  
Monitoring Measure:**

NON-STANDARD: The site shall be landscaped. The landscape plan shall utilize native species appropriate to the area as recommended by the project biologist and arborist. In addition to the trees proposed for planting between the structures and the road, the landscape plan shall include plantings of appropriate understory shrubs on the west sides of the structures to provide screening of the project from viewers on Lower Walden Road. The landscape plan shall also include a program for eradication of non-native invasive species on the site as recommended by the project biologist. 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)

**Compliance or  
Monitoring  
Action to be Performed:**

Prior to the issuance of building permits, the language of this condition shall be incorporated as a note on the construction plans for the project.

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 MPWMD to the RMA-Building Services Department.

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.

#### 14. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** 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)

**Compliance or Monitoring Action to be Performed:** 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.

#### 15. PD032(A) - PERMIT EXPIRATION

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The permit shall be granted for a time period of 3 years, to expire on January 10, 2016 unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

**Compliance or Monitoring Action to be Performed:** 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.

#### 16. PD050 - RAPTOR/MIGRATORY BIRD NESTING

**Responsible Department:** Planning Department

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

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

**17. EHSP01 - Alternative Wastewater Treatment Systems Requirements: Operations and Maintenance Contract (Non-Standard)**

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Submit a signed operations and maintenance contract from a licensed septic contractor prior to final of building permit. Contract must include:

- Statement that if either party fails to comply with the contract EHB will be notified.
- Effluent quality reports shall be submitted to EHB bi-annually.
- EHB shall be notified at each renewal term, and a contract shall be submitted to EHB.
- All testing requirements of the Carmel Highlands Onsite Wastewater Management Plan, and other county, state and federal regulations shall be complied with.
- All conditions of the Regional Water Quality Control Board Waiver of Waste Discharge Requirements for Alternative Onsite Wastewater Disposal Systems (Resolution No. R3-2009-0057) shall be complied with.

**Compliance or Monitoring Action to be Performed:** Prior to building permit final.

- Submit a signed operations and maintenance contract from a licensed septic contractor to EHB for review and approval, prior to final of building permit.
- All lab results and service reports shall be submitted to the EHB on a bi-annual basis.
- All renewal contracts shall be submitted to EHB for review and approval
- Operations and Maintenance Contract is an ongoing condition.

**18. EHSP02 - Alternative Onsite Wastewater Treatment System: Deed Notification (Non-Standard)**

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** The owner shall record a deed notification with the Monterey County Recorder for parcel 241-241-014-000 (227 Lower Walden Road, Carmel), which indicates that an alternative onsite wastewater treatment system is installed on the property.

The notification shall include information regarding the additional requirements of the Carmel Highlands Onsite Wastewater Management Plan. Alternative treatment systems shall obtain yearly operating permits from Monterey County Environmental Health Bureau to ensure ongoing inspection, monitoring and maintenance. This property will be enrolled in the program as soon as the new code requirements are adopted by the Board of Supervisors.

Contact EHB for deed notice draft and instructions for recordation.

**Compliance or Monitoring Action to be Performed:**

- Contact EHB for deed notice form.
- Submit deed notice draft to EHB for review and approval.
- Record deed notice prior to final of building permit.

**19. EHSP03 - Water Quality - Monitoring Required (Non-Standard)**

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Submit one year of quarterly monitoring for Arsenic and Manganese to verify that the water quality meets primary standards for drinking water (pursuant to Title 22).

- If the annual averages are below maximum contaminant level (MCL) for arsenic or notification level for Manganese, no additional information/action will be required.
- If either constituent annual average is over the allowed MCL or notification level, treatment will be required.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of Construction Permit FINAL:  
Submit one year of quarterly monitoring for Arsenic and Manganese to verify that the water quality meets primary standards for drinking water (pursuant to Title 22).

- If annual averages are below MCL or notification level no additional information/action will be required.
- Treatment will be required for any constituent which the annual average is over primary standards.
  - o Submit treatment plans that demonstrate that drinking water standards will be met post treatment. Plans shall include disposal methods/maintenance requirements of the system.
  - o Install approved treatment system.
  - o A deed restriction shall be recorded stating that treatment is installed and the owner is responsible to maintain drinking water standards.

**20. FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)**

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** 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. (Carmel Highlands Fire Protection District)

**Compliance or Monitoring Action to be Performed:**

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.

**21. PW0005 - ENCROACHMENT (STD DRIVEWAY)**

**Responsible Department:** Public Works Department

**Condition/Mitigation Monitoring Measure:** Obtain an encroachment permit from the Department of Public Works and construct a standard driveway connection to Lower Walden Road.

**Compliance or Monitoring Action to be Performed:** Prior to Building/Grading Permits Issuance, Owner/Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupancy or commencement of use. Applicant is responsible in obtaining all permits and environmental clearances.

## 22. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

**Responsible Department:** Public Works Department

**Condition/Mitigation Monitoring Measure:** 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.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of Building Permits Owner/Applicant shall pay Monterey County Building Services Department the traffic mitigation fee. Owner/Applicant shall submit proof of payment to the DPW.

## 23. WR002 - STORMWATER CONTROL

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** The applicant shall provide a drainage plan, prepared by a registered civil engineer or licensed architect, to mitigate on-site and off-site impacts. Impervious surface stormwater runoff shall be dispersed at multiple points, on the least steep available slopes, away from and below any septic leach fields. Erosion control shall be provided at each outlet. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any construction permit, the owner/applicant shall submit a drainage plan with the construction permit application.

The Building Services Department will route a plan set to the Water Resources Agency for review and approval.

## 24. WR049 - WATER AVAILABILITY CERTIFICATION

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** The applicant shall provide the Monterey County Water Resources Agency proof of water availability in the form of a complete Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)

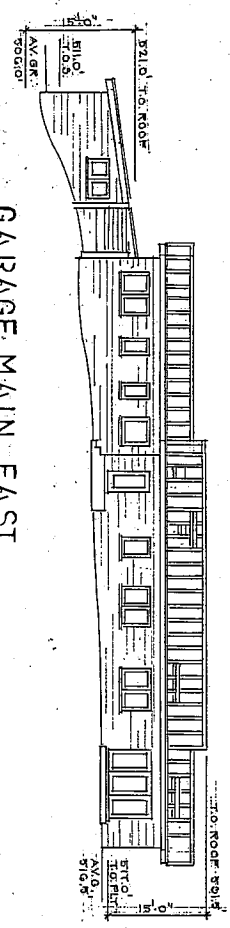
**Compliance or Monitoring Action to be Performed:** Prior to issuance of any construction permit, the owner/applicant shall submit a Water Release Form to the Water Resources Agency for review and approval.

A copy of the Water Release Form can be obtained at the Monterey Peninsula Water Management District, the Water Resources Agency, or online at:  
[www.mcwra.co.monterey.ca.us](http://www.mcwra.co.monterey.ca.us).

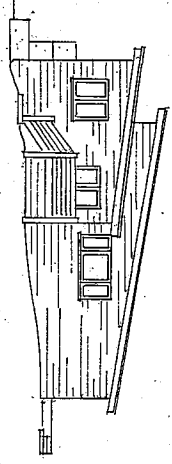




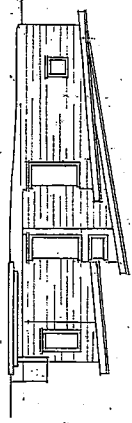




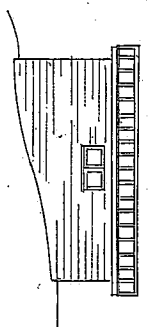
GARAGE, MAIN EAST



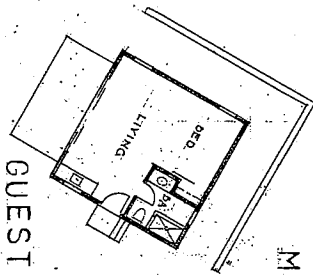
MAIN, SOUTH



MAIN, NORTH

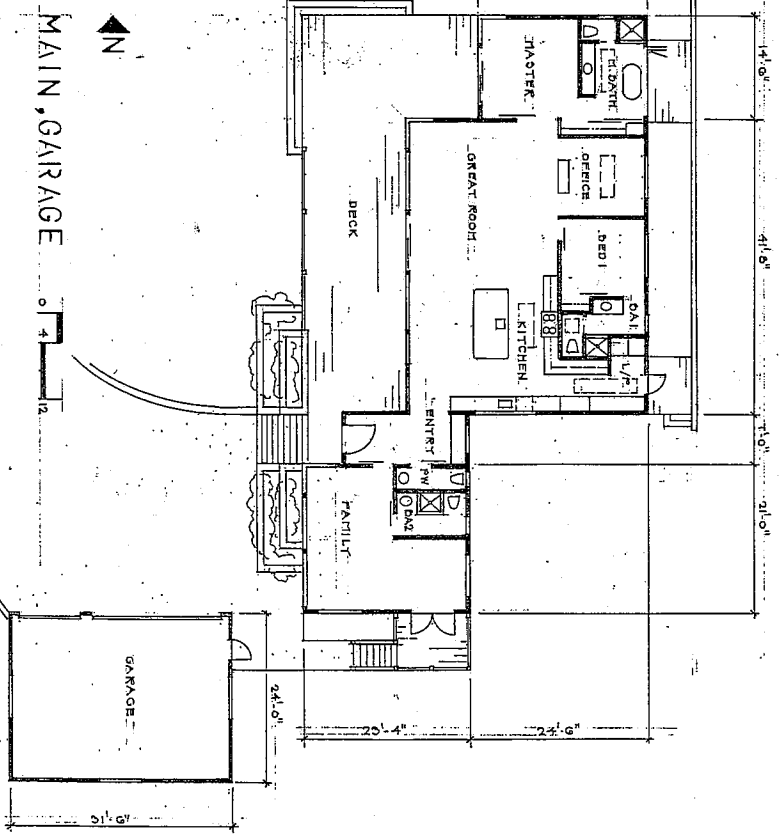


GARAGE, SOUTH

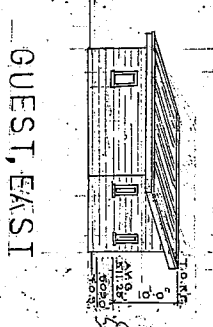


GUEST

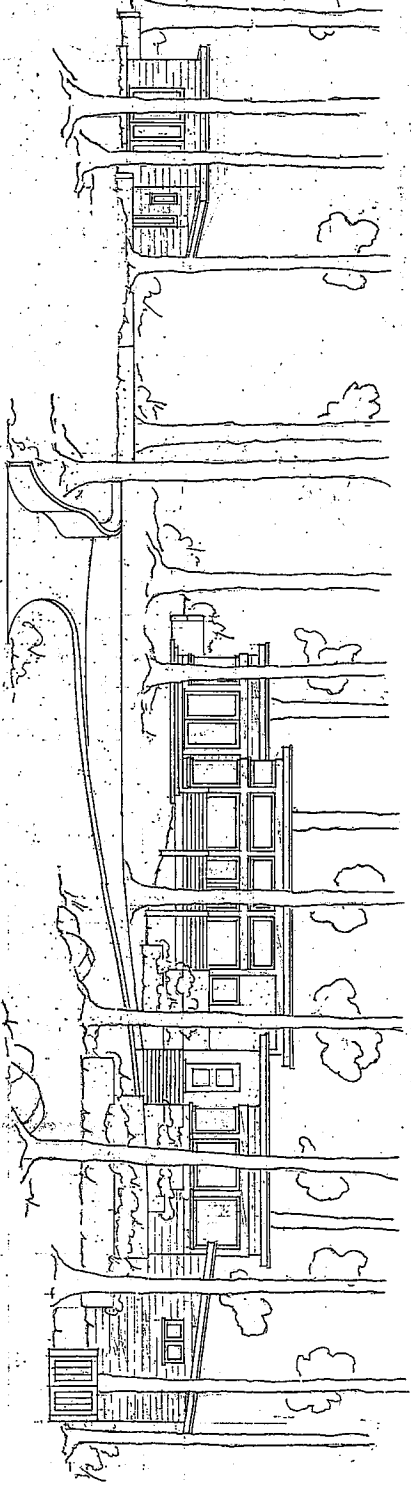
MATERIALS:  
CLARK WINDOWS  
WOOD SIDING WALLS  
METAL ROOF



MAIN, GARAGE



GUEST, EAST



GUEST, WEST

MAIN, WEST

GARAGE, WEST

A-3

Residence for Ron & Donna Garren  
227 Lower Walden Rd, Carmel, Ca., 93923

Planning by Donna Garren  
5452 Quail Meadows Drive  
Carmel, Ca., 93923 / (831) 594-9757

Glenn E. Warner Architect  
37752 Palo Colorado Rd  
Carmel Ca., 93922 / (831) 625-2862

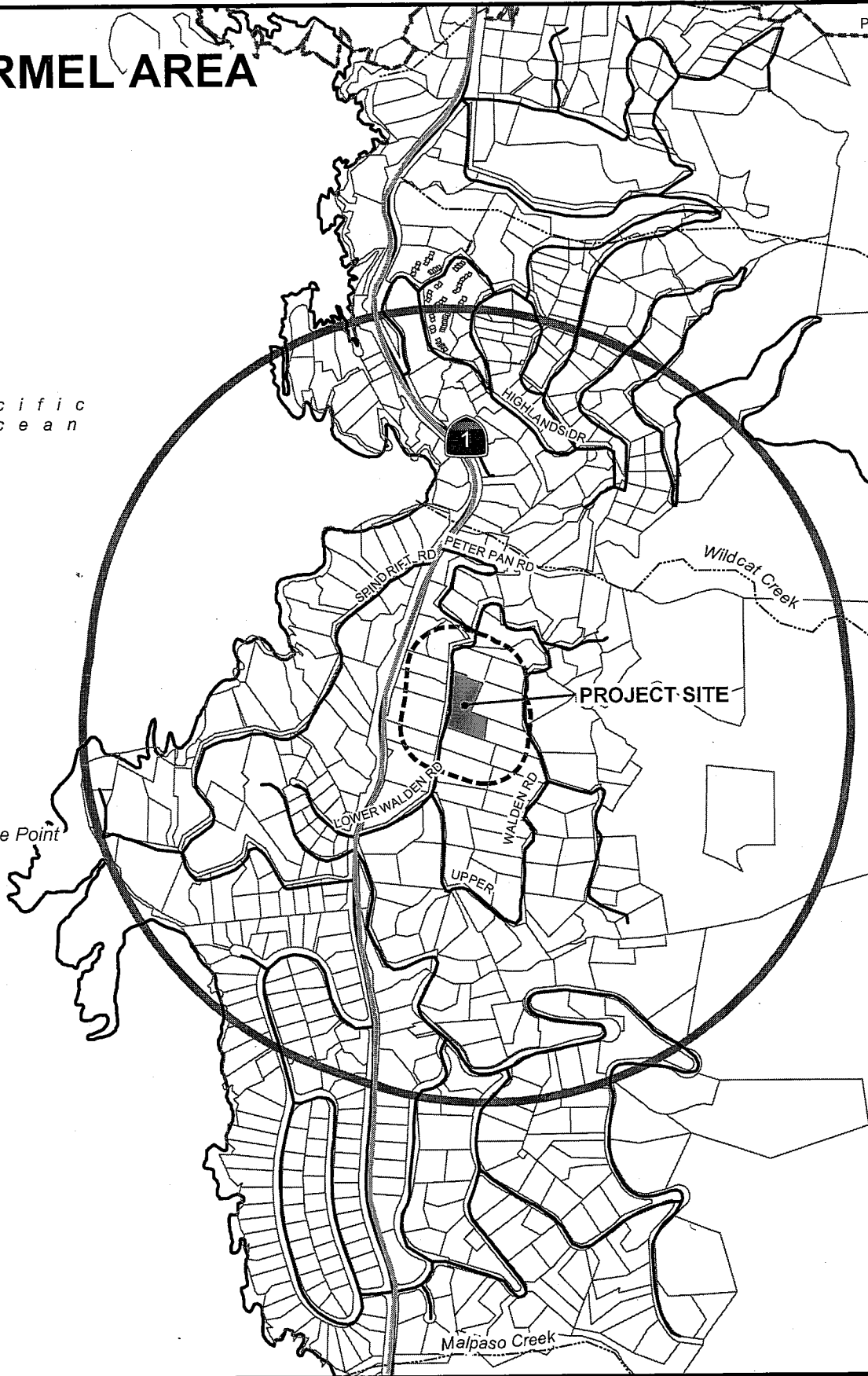
# CARMEL AREA

Point Lobos State Reserve

Pacific Ocean

Yankee Point

Garrapata Beach State Park

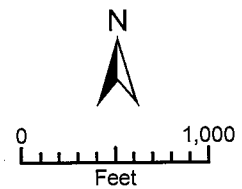


APPLICANT: GARREN

APN:241-241-014-000

FILE # PLN120013

Water 2500' Limit 300' Limit City Limits



ANNER: ROBINSON

EXHIBIT C



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

None.

7. Meeting Adjourned: 5:13 pm

Minutes taken by: Mike Hirst

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# 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

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Advisory Committee: Carmel Unincorporated/Highlands

Please submit your recommendations for this application by: **July 2, 2012**

JUL 03 2012

**Project Title:** GARREN RONALD B & DONNA Y GARREN TRS  
**File Number:** PLN120013  
**File Type:** PC  
**Planner:** ROBINSON  
**Location:** 227 LOWER WALDEN RD CARMEL

MONTEREY COUNTY  
PLANNING & BUILDING  
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**Project Description:**

Combined Development Permit to consist of 1) a Coastal Administrative Permit for a new 2,318 square foot one-story single family dwelling with a 760 square foot detached garage, a 201 square foot covered porch, a 934 square foot deck, 787 square feet of retaining walls, a new septic system, 1,868 cubic yards of grading (497 cubic yards of cut and 497 cubic yards of fill); 2) a Coastal Administrative Permit for a 425 square foot guesthouse with a 128 square foot deck; 3) a Coastal Administrative Permit to allow the conversion of an existing test well to a domestic water source; 4) a Coastal Development Permit for the removal of 17 Monterey Pine trees ranging in size from 10 inches DBH to 47 inches DBH (15 live and 2 dead); 5) a Coastal Development Permit for development within 750 feet of known archaeological resources; 6) a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat; and 7) Design Approval. The property is located at 227 Lower Walden Road, Carmel (Assessor's Parcel Number 241-241-014-000), Carmel Area Land Use Plan, Coastal Zone.

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

Was a County Staff/Representative present at meeting? Craig Spencer (Name)

**PUBLIC COMMENT:**

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Dan Kyle	✓		- Building too close to trees may cause trees to fall - worried about safety - are water tanks on site correct size? - felt that there are more trees than on plans

**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)
Lighting		-down cast, low lighting -not able to see source of light.
-No overhang on eaves		-a 12-18" overhang would help soften visual impact from street -help create shadow lines
-3-4x diameter impacted around tree base	protect landmark trees	-move driveway to not land within area of 3 to 4 times the size of tree diameter
		adj. driveway and retaining walls to protect landmark trees

**ADDITIONAL LUAC COMMENTS**

- mix of pines, cypress, oaks in landscape plan
- help to soften impact of building
- screening with planting around correct size water tank

**RECOMMENDATION:**

Motion by: Pete Davis (LUAC Member's Name)

Second by: Barbara Rainer (LUAC Member's Name)

Support Project as proposed

Recommend Changes (as noted above)

Continue the Item

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

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

AYES: Pete Davis, Barbara Rainer, Don Wald, Mike Hirst

NOES: None

ABSENT: Jack Meheer, Adam Teschick

ABSTAIN: None

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Submitted to the  
Carmel Highlands LUAC  
on July 2, 2012

Title:  
Root system document

**Dan Kyle**

**From:** Dan Kyle <dan@kyleusa.com>  
**Sent:** Saturday, June 30, 2012 9:32 PM  
**To:** Dan Kyle  
**Subject:** July 2 2012 meeting

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Where will the water be drainage go??

No changes to the size of the house, garage, or guest house yet magically less trees will need to be cut down. At the last meeting 25 trees now 15 live trees. How are these 10 trees being saved?

Would you expect a larger number of trees in the area to fall down in the following years due to more wind as this is exactly what happened down this very street.

What about trees needing to be removed for the septic system?

What about trees needed to be cut down due to retaining walls?

What about trees need to be removed due to the water tank?

What about trees needed to be removed to install a water drainage system?

Most important, what about trees that will be killed because of grading 1868 cubic yards?

I did contact a local professional arborist and was told that for every 1 foot diameter of a pine tree, the root area around the tree that can be damaged enough to kill a tree is 4 feet.

So a 3 foot diameter tree can be killed with grading, or driving within 12 feet of it.

See "Damaged Tree" pictures for a real world example.



**Rooting Habit-** After age 5, the roots of pine seedlings grow to depth or the clay layer permit. Main support roots, however, develop, even in deeper soils (23). Studies at Monterey and Cambria pine roots penetrated to 1.7 m (5.5 ft) in deeper soils (8,10). The extensive laterally and roots of mature pines extend from 9 to 11 tree (19). Where a layer of organic matter covers the soil, large roots exploit the layer for moisture and nutrients.

The species is regarded as moderately windfirm on deeper soils soils. Trees growing in soils saturated with moisture are vulnerable particularly in exposed places (24).

What about the fire dept regulations, do they recommend a 100 foot distance from a structure to maintain a fire break. That would mean even more trees would need to go.

Falling LIVE trees.

On my lot, in the time I have lived there, at least 7 living trees have fallen down.

This give us a real world EXAMPLE of what direction trees at this location tend to fall.

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What makes this is important as my lot has the same slope as the lots we are discussing.

The amount of rainfall is the same.

The wind direction and speeds are the same.

The amount of sunshine and direction of the sunshine are the same.

the soil type and depth are the same.

and the Pine Trees are the same.

Even the same bugs.

All of these factors are involved in how the tree grows, and sometimes falls over before it is dead.

On my lot, in the time I have lived there, at least 7 living trees have fallen down

Some have had the roots pulled out of the ground be most simply break off.

In the case of these 7 trees some fell on other trees causing the count to be much higher than 7.

Of these 7 live trees 6 fell down hill toward the ocean. One fell to the north.

Based on these odds (85.71%) I am going to Las Vegas to bet that the next tree, on my lot, that randomly falls, falls toward the Ocean.

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Title:

Trash and Driveway

**Dan Kyle**

---

**From:** Dan Kyle <dan@kyleusa.com>  
**Sent:** Sunday, July 01, 2012 3:38 PM  
**To:** dan@kyleusa.com  
**Subject:** Trash and dead tree

Trash on lot with purposed guest house  
Wicker chairs

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Sewer pipe and pan

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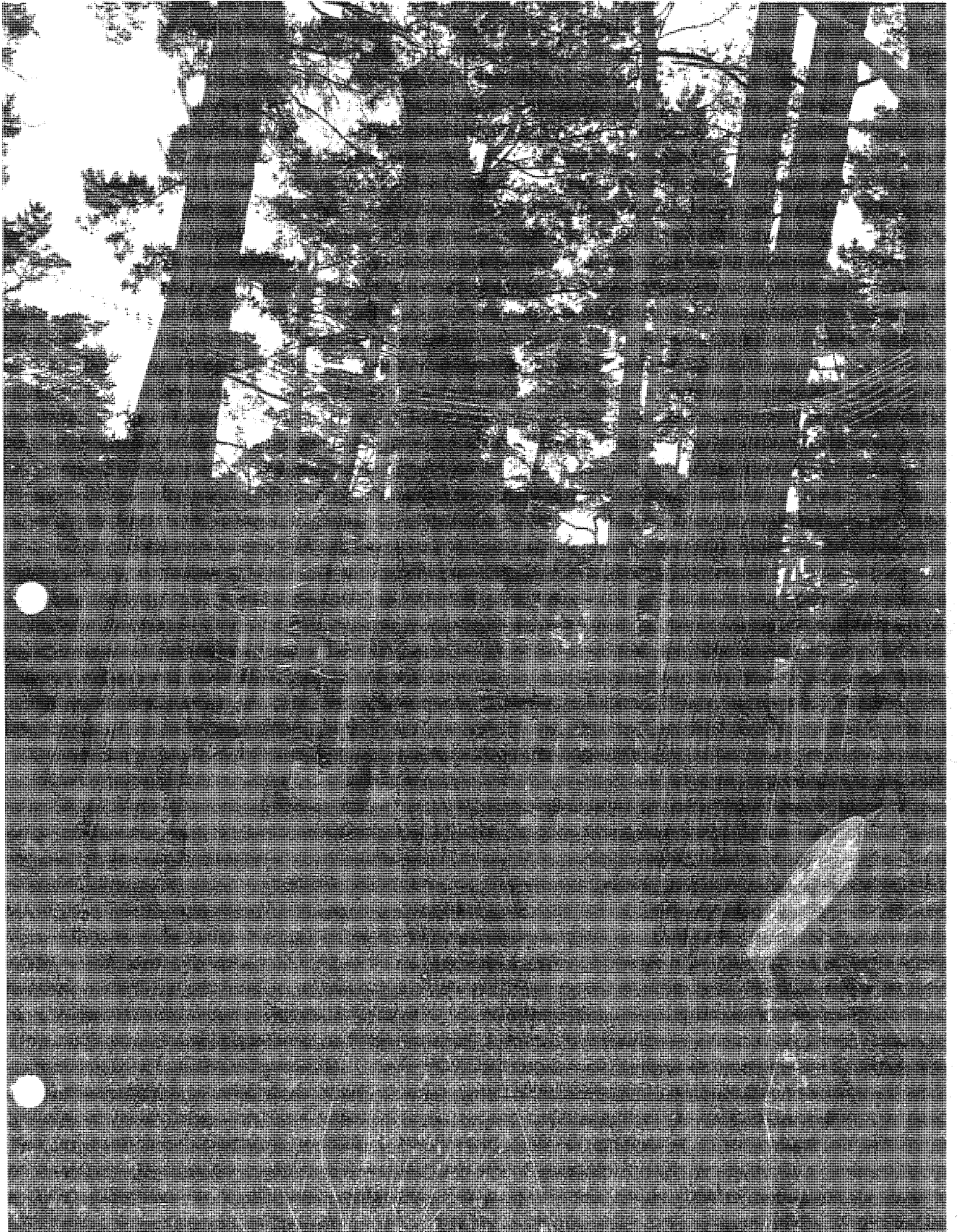
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**Dan Kyle**

---

To: dan@kyleusa.com

Driveway to guest house is on this lot, what will happen to it?

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PLANT SYSTEMS DEPARTMENT



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PLANNING DEPARTMENT



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Title:

Broken Above the  
Ground

**Dan Kyle**

---

**To:** dan@kyleusa.com  
**Subject:** Broken above the Ground

This was a healthy tree that broke above the ground.

On its way down it took out two other trees and damaged a third.

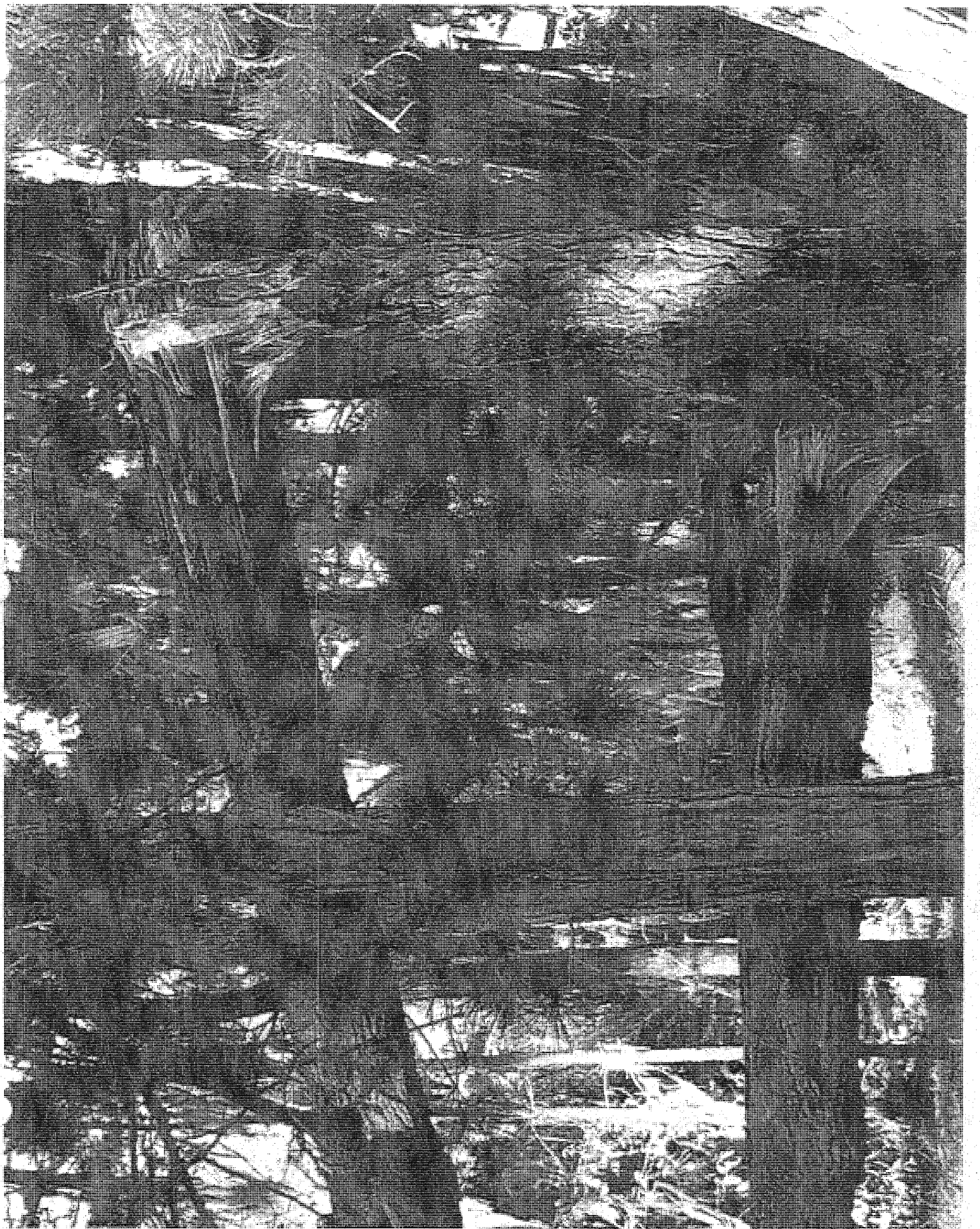
This tree fell downhill, onto the then empty property just above where the proposed guest house is going to be built.

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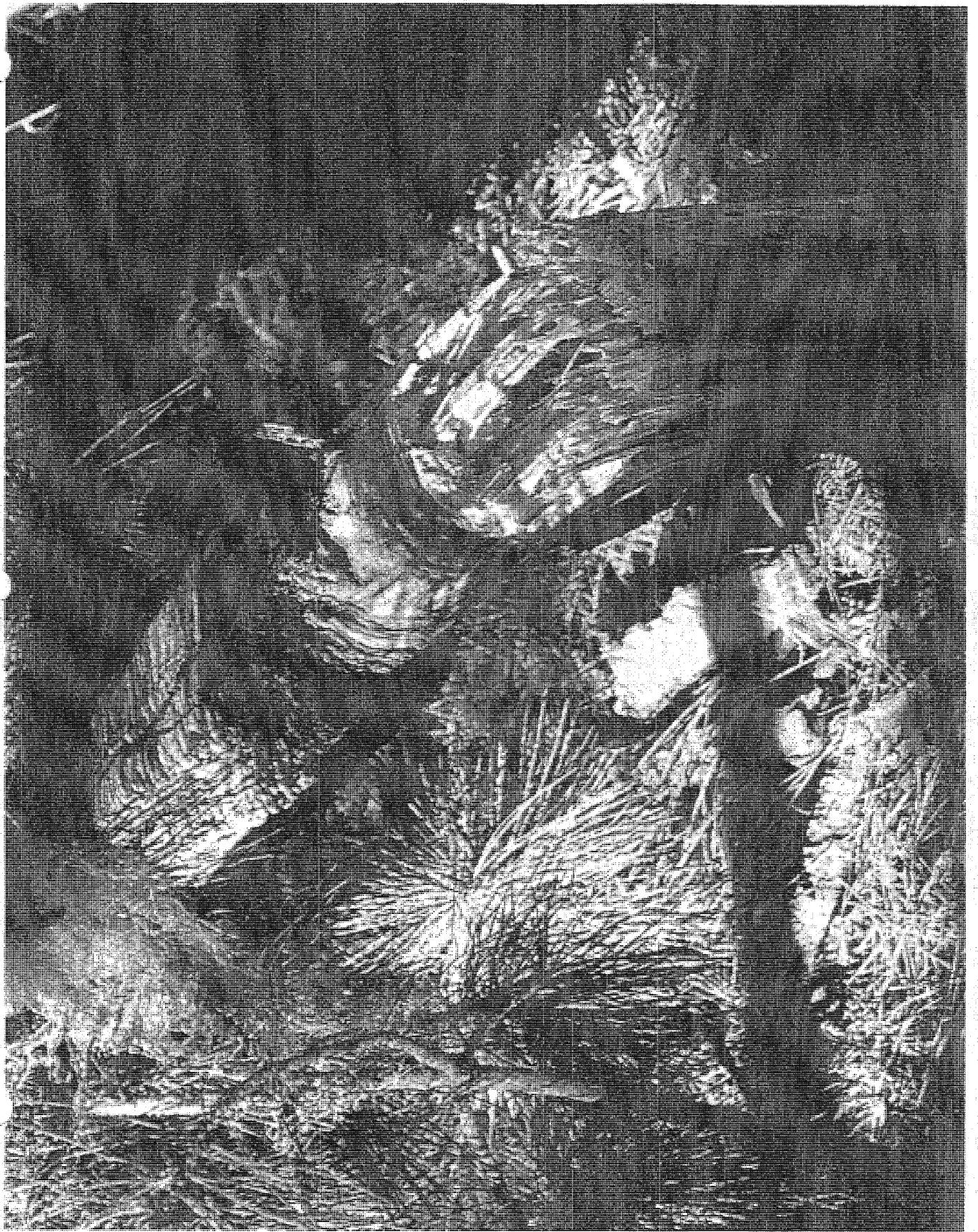






( ) This is one of the other trees it knocked over on its way down.



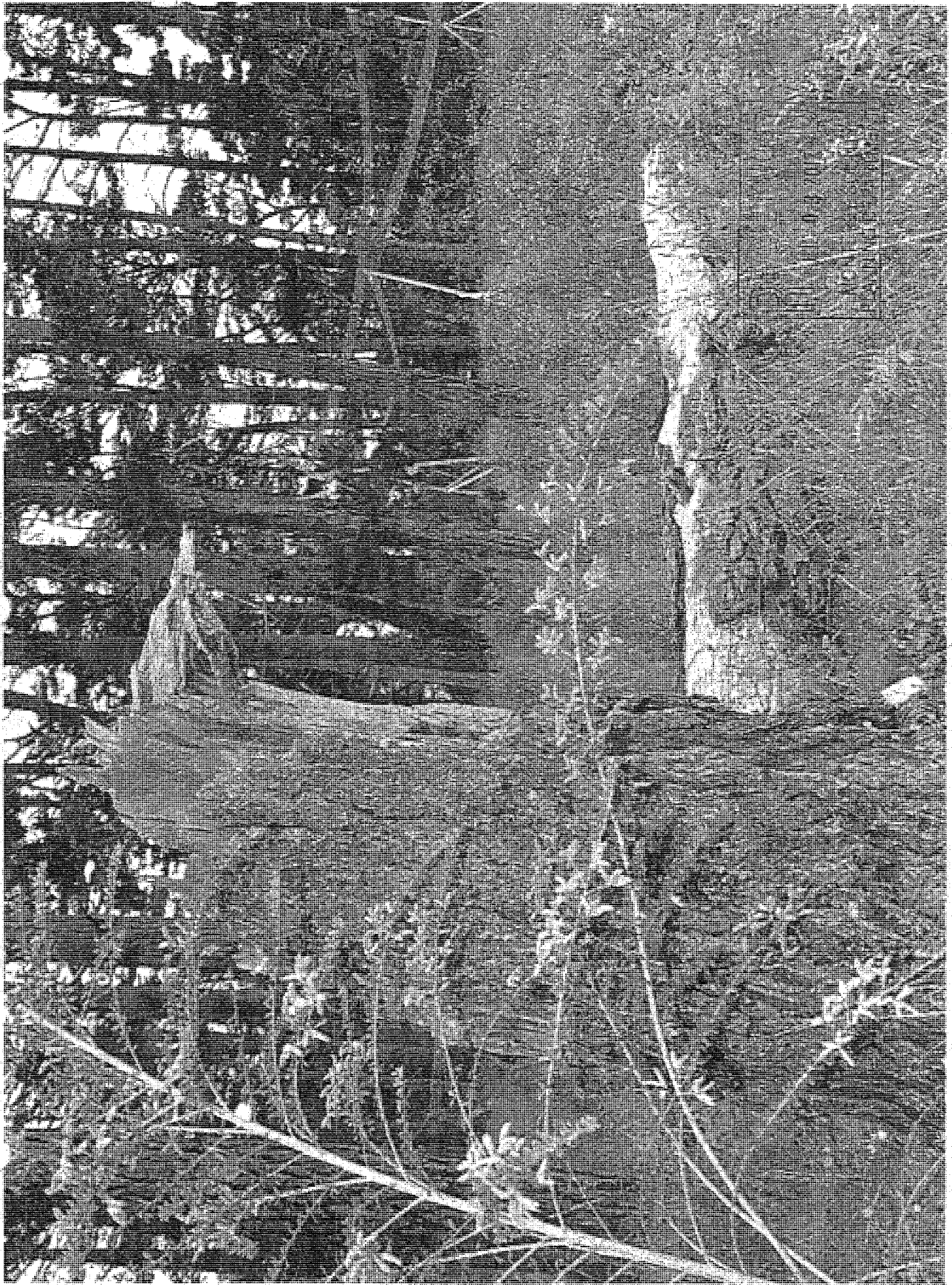


And a fallen tree on the property in question. It has fallen toward the ocean toward where the purposed home will be build.

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Title:

DAMAGED TREE

**Dan Kyle**

---

**To:** dan@kyleusa.com  
**Subject:** Damaged tree.

This tree is an example of what happens when the trees roots are damaged. In this case the roots were run over by a pickup truck, it took many months for the damage to cause the tree to finally fall over. You can see in the second picture that the roots on the damaged were not very large, and even damaging these small roots ended up making this tree fall over into another 3 trees, killing one, and damaging the other 2.

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Here is that tree today, after it had fallen into three other trees, killing one and damaging the other two. It was also into the telephone wires.



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Title:

Falling over At  
the Roots

**Dan Kyle**

---

**To:** dan@kyleusa.com  
**Subject:** Falling over at the roots

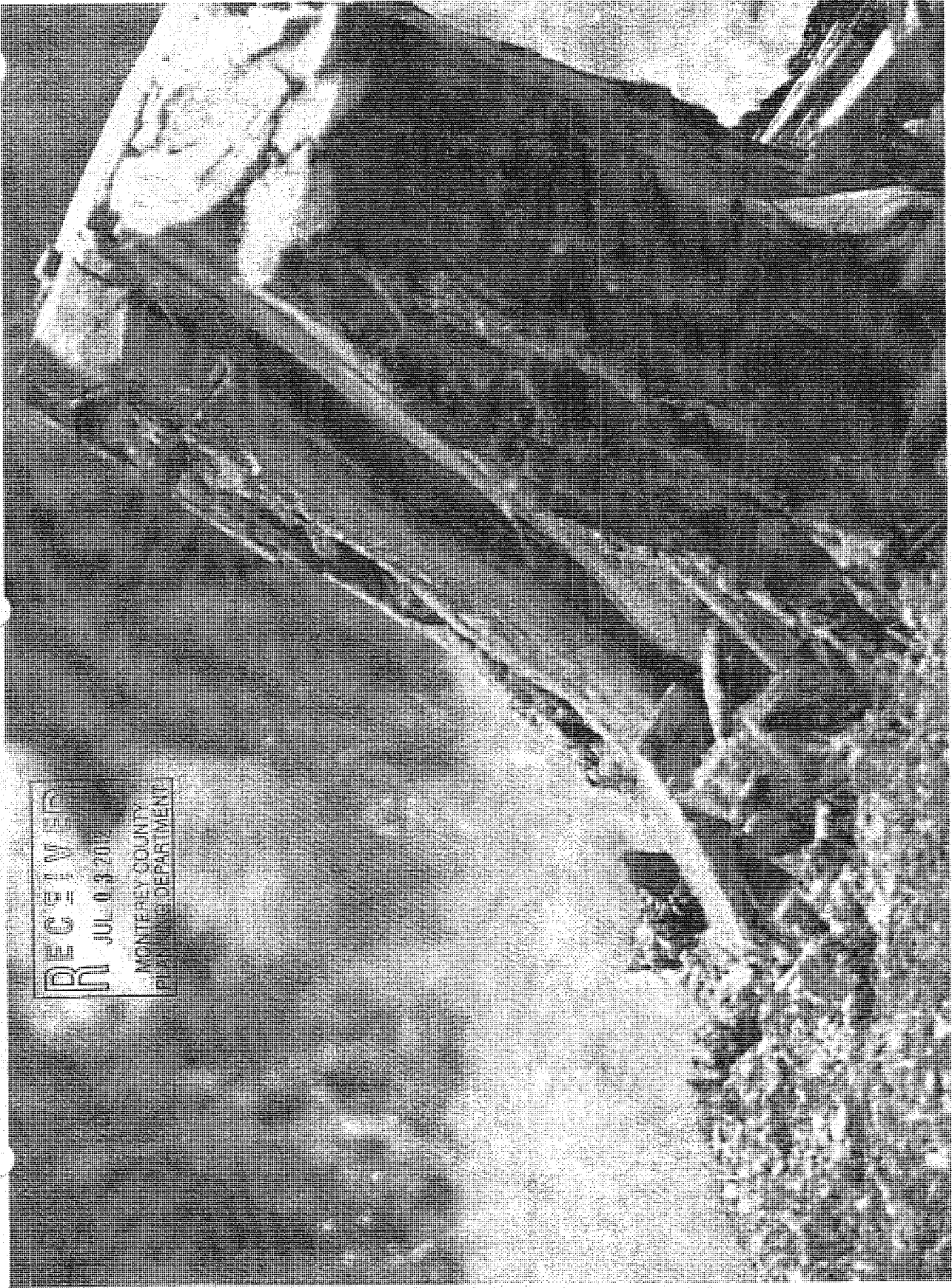
This was a perfectly healthy tree that fell downhill, one of 6 trees that have been growing and green that have fallen over or broken off at 217 Upper Walden Road, since I have lived at 217 Upper Walden Road. The count would be 10 trees fallen over if you count the other trees that have been hit by the falling trees. 5 out of the 6 trees that have fallen have fallen DOWNHILL, the 6<sup>th</sup> fell to the north.

This tree fell into a larger tree, this is the reason it does not appear to have hit the ground.

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Title:

Damage from a  
Fallen Tree

**Dan Kyle**

---

**To:** dan@kyleusa.com  
**Subject:** Example of damage a falling tree

This is an example of a large healthy tree that fell onto a truck.

The main part of the tree did not hit the truck, a branch from the falling tree did this damage.

The tree once again fell downhill, the remains of this tree can still be seen on Peter Pan Road.

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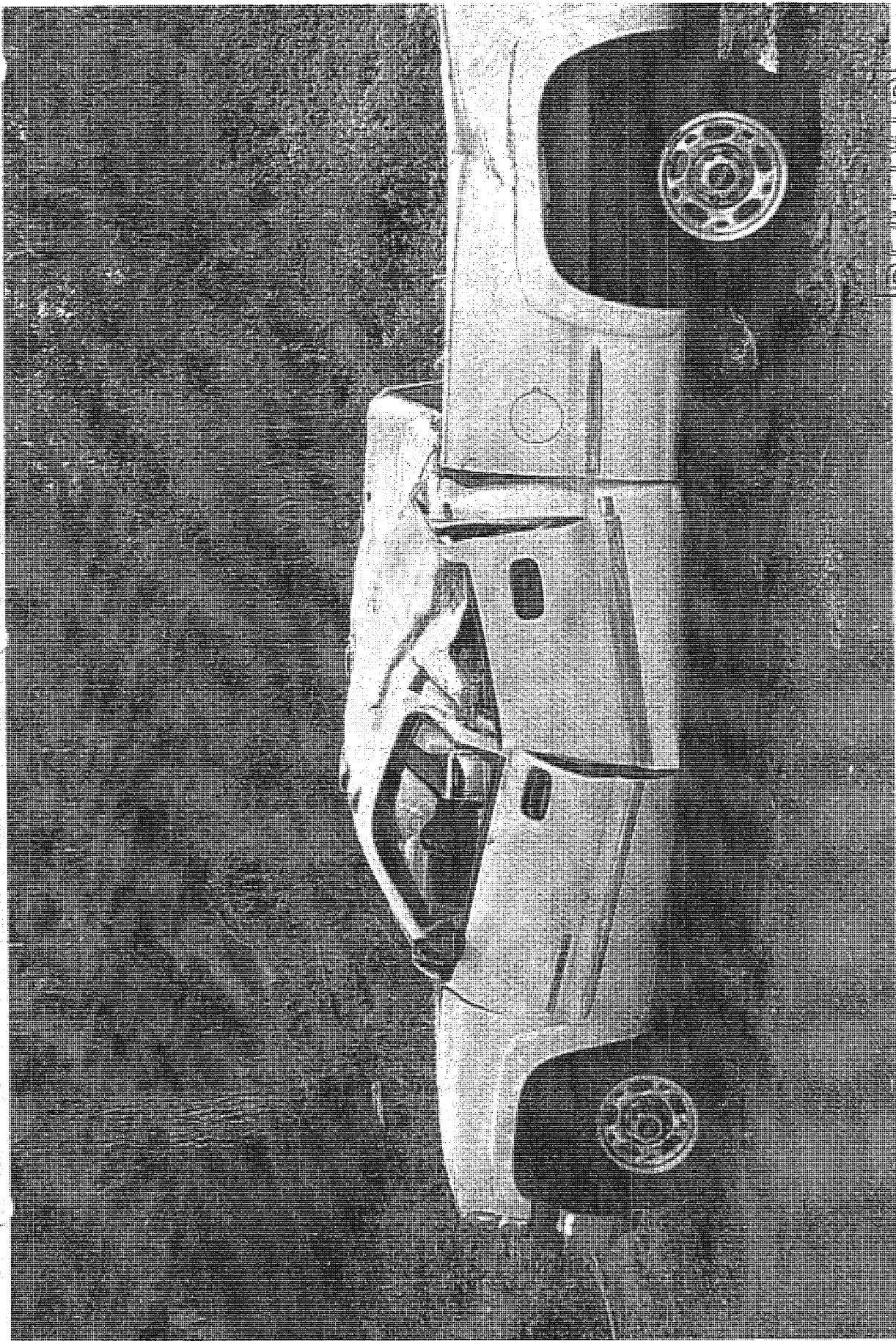
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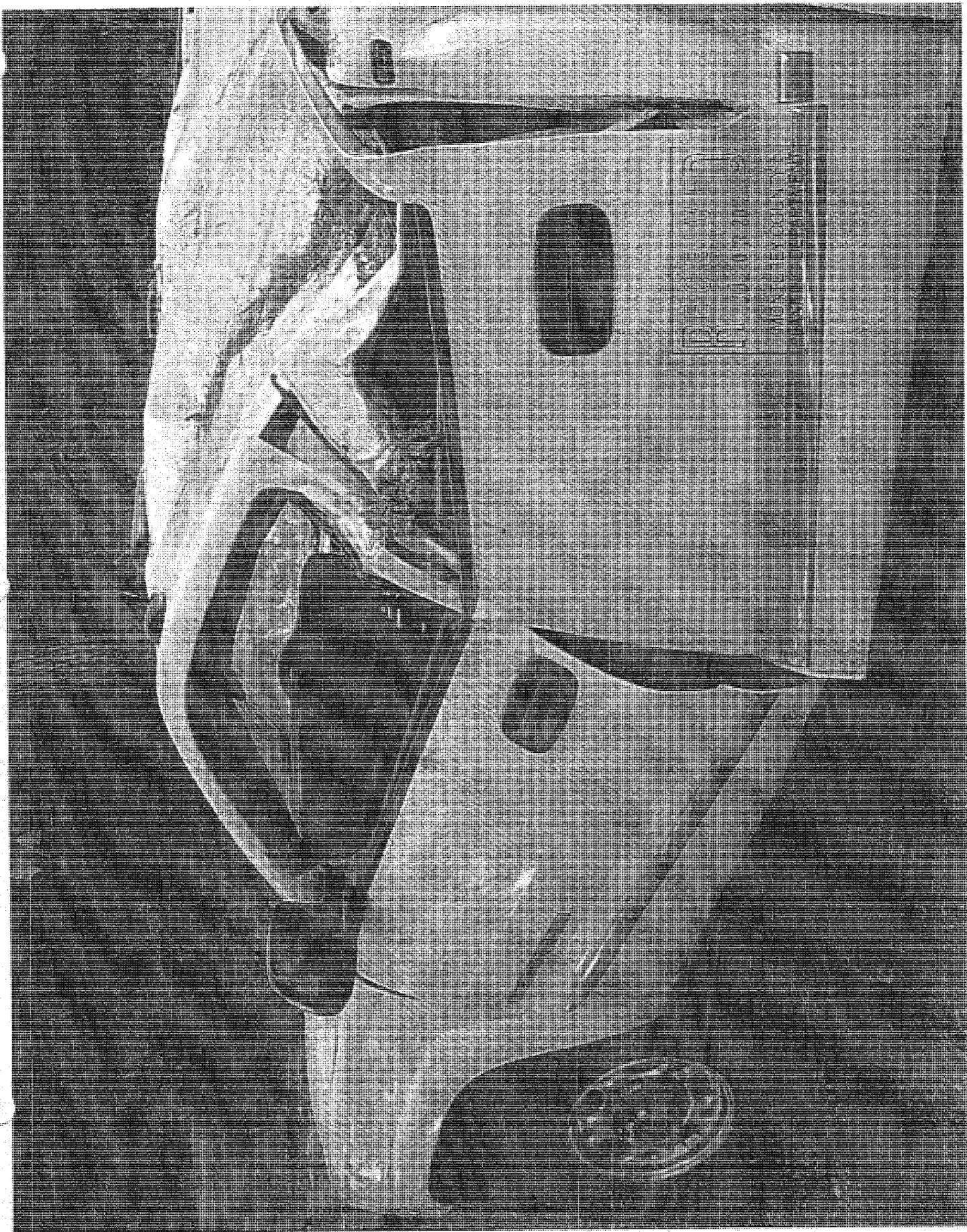


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Title:

Wind Direction  
Charts

**Dan Kyle**

---

**To:** Dan Kyle  
**Subject:** RE: [http://www.iwindsurf.com/windandwhere.iws?location\\_id=54293&lsection=Forecast+Graphs&regionID=2192](http://www.iwindsurf.com/windandwhere.iws?location_id=54293&lsection=Forecast+Graphs&regionID=2192)

[http://www.iwindsurf.com/windandwhere.iws?location\\_id=54293&lsection=Forecast+Graphs&regionID=2192](http://www.iwindsurf.com/windandwhere.iws?location_id=54293&lsection=Forecast+Graphs&regionID=2192)

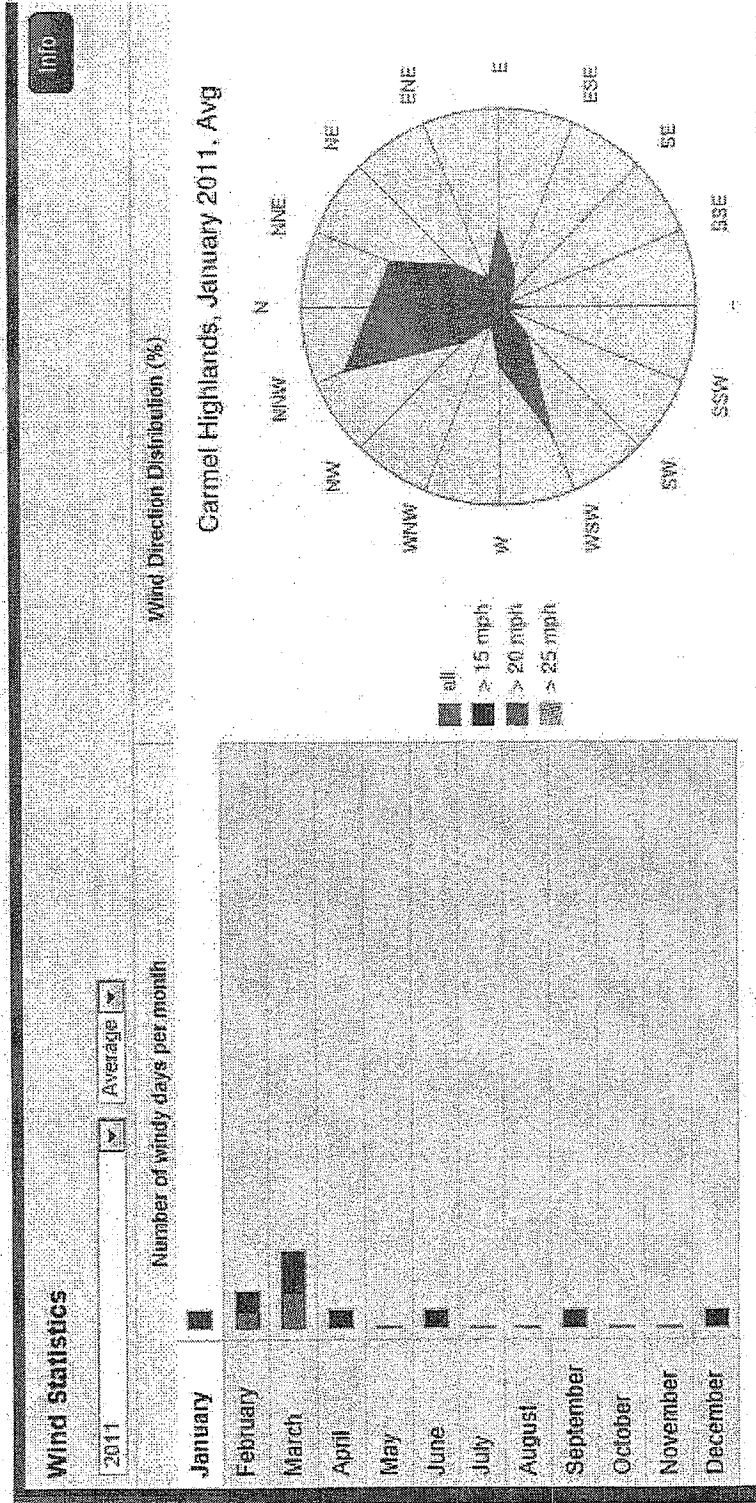
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Dan Kyle

From: Dan Kyle <dan@kyleusa.com>  
Sent: Thursday, June 28, 2012 7:07 PM  
To: Dan Kyle  
Subject: Wind 2011



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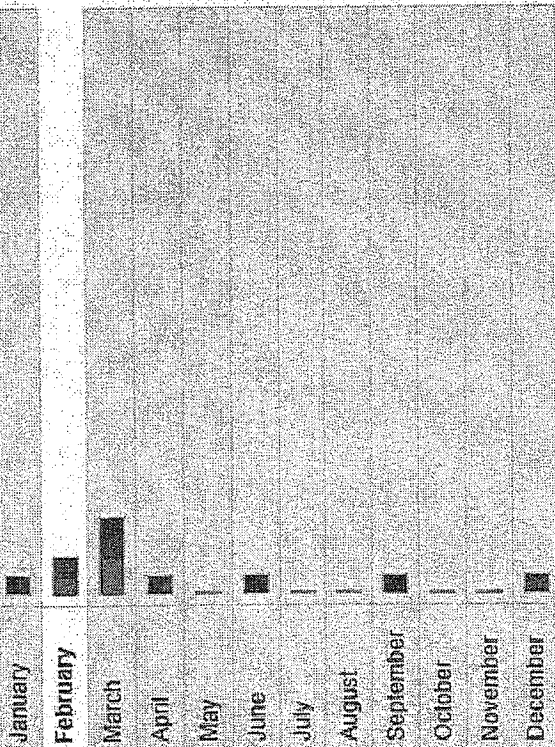
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Wind Statistics

2011

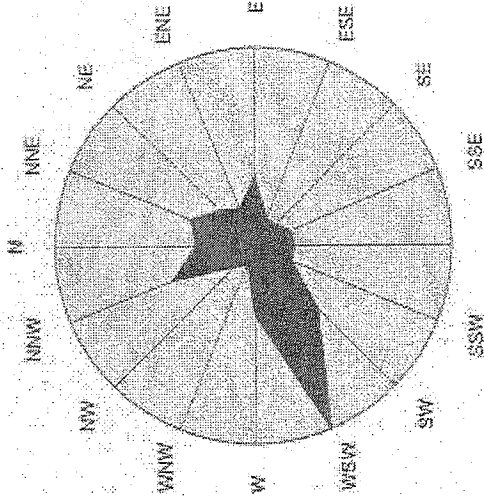
Average

Number of windy days per month



Wind Direction Distribution (%)

Carmel Highlands, February 2011, Avg



- all
- > 15 mph
- > 20 mph
- > 25 mph

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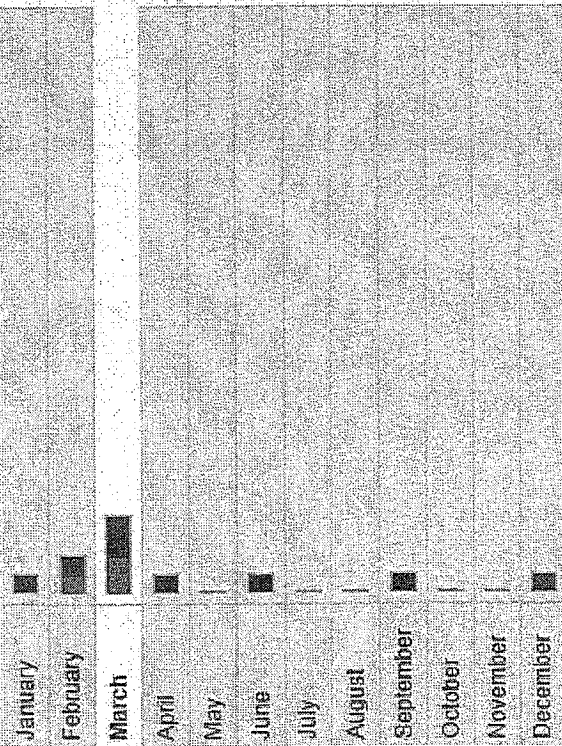
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Wind Statistics

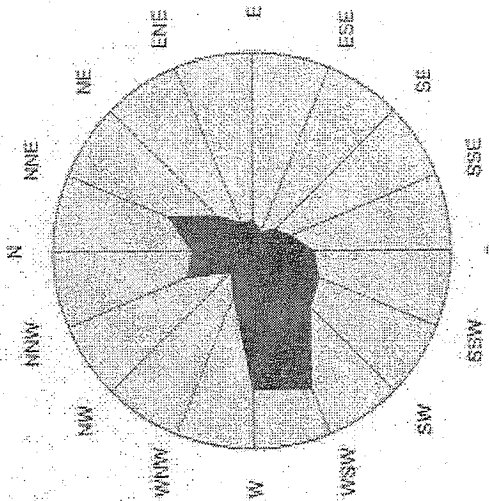
2011 [dropdown] Average [dropdown]

Number of windy days per month



Wind Direction Distribution (%)

Carmel Highlands, March 2011, Avg

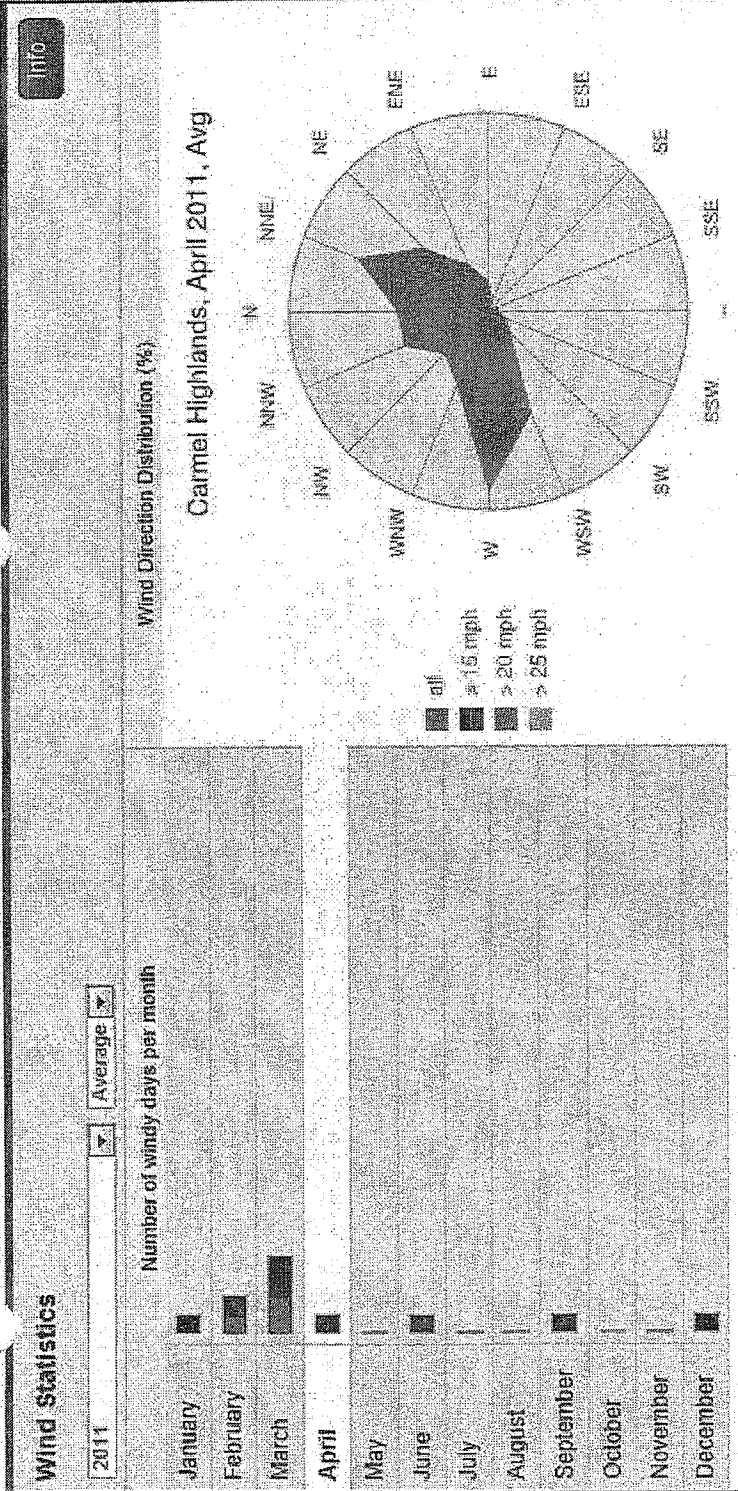


- all
- > 15 mph
- > 20 mph
- > 25 mph

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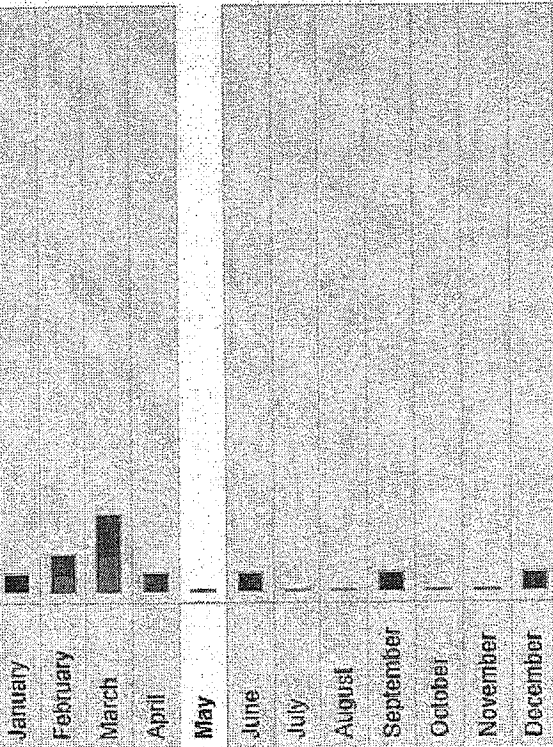


Wind Statistics

2011

Average

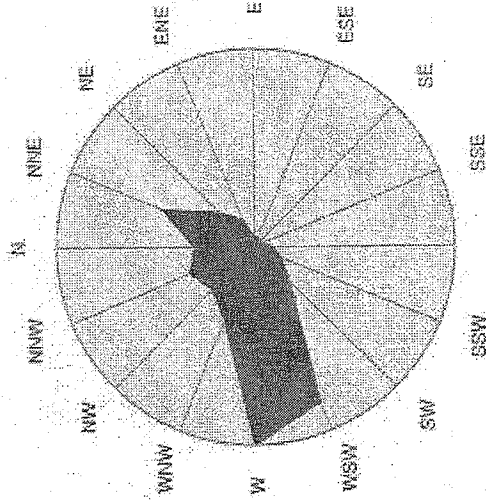
Number of windy days per month



- all
- > 15 mph
- > 20 mph
- > 25 mph

Wind Direction Distribution (%)

Carmel Highlands, May 2011, Avg



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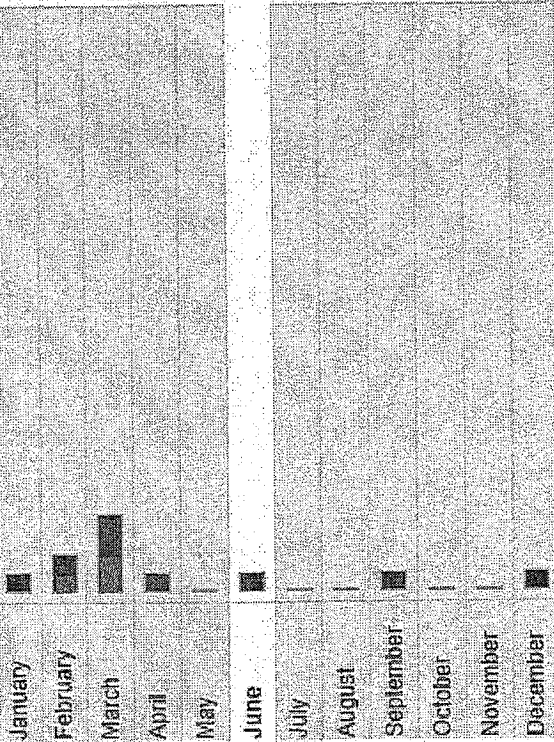
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Wind Statistics

2011

Average

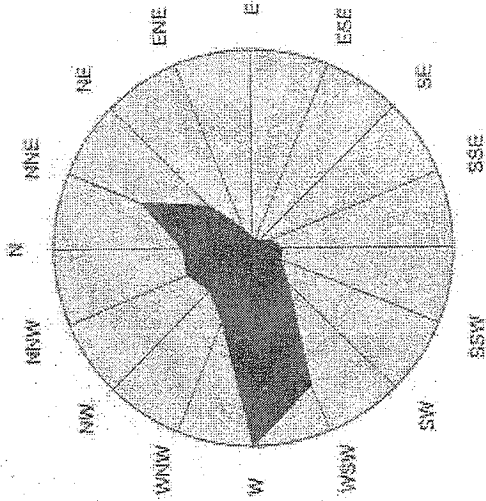
Number of windy days per month



- all
- > 15 mph
- > 20 mph
- > 25 mph

Wind Direction Distribution (%)

Carmel Highlands, June 2011, Avg



Info

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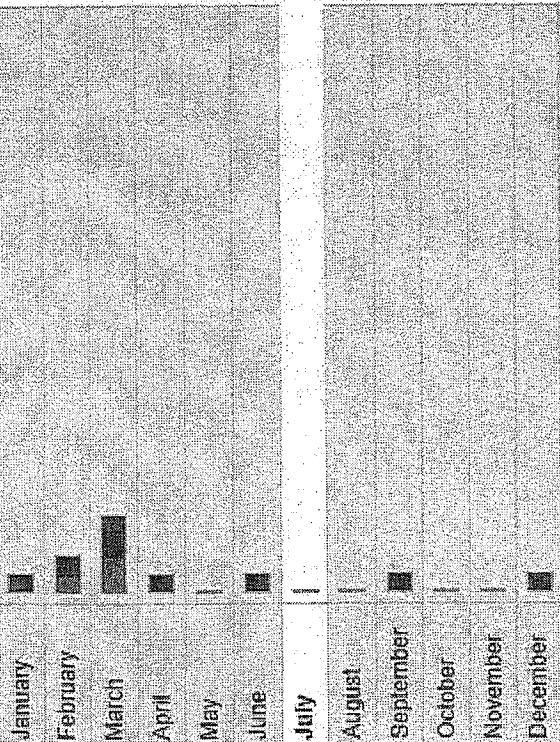
MUNTEHEY COUNTY  
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Wind Statistics

2011

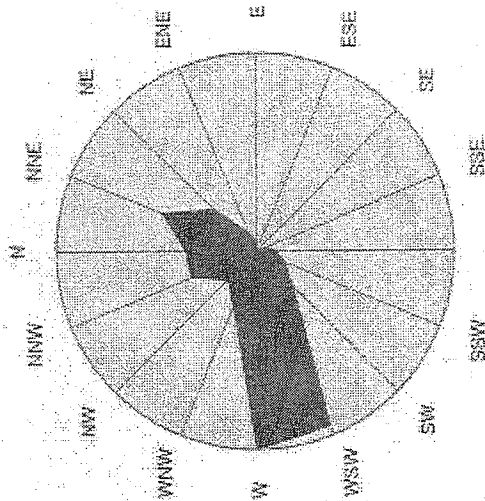
Average

Number of windy days per month



Wind Direction Distribution (%)

Carmel Highlands, July 2011, Avg



- all
- > 15 mph
- > 20 mph
- > 25 mph

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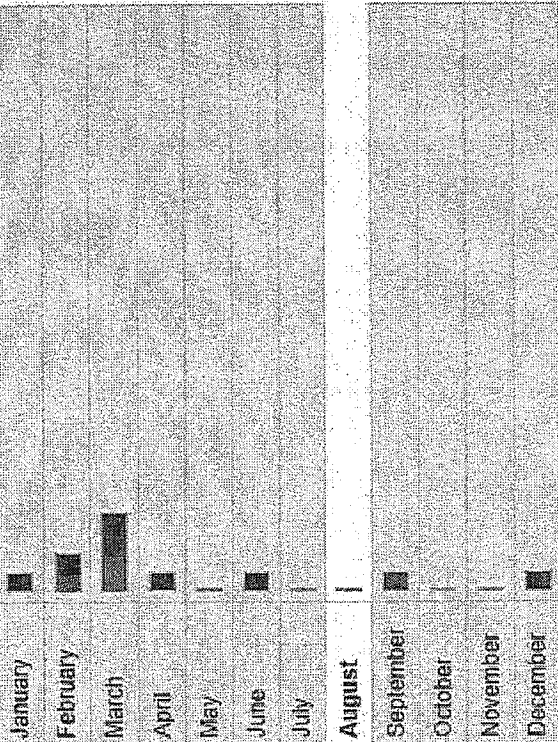
MUNTEHEY COUNTY  
PLANNING & BUILDING  
INSPECTION DEPT

### Wind Statistics

2011

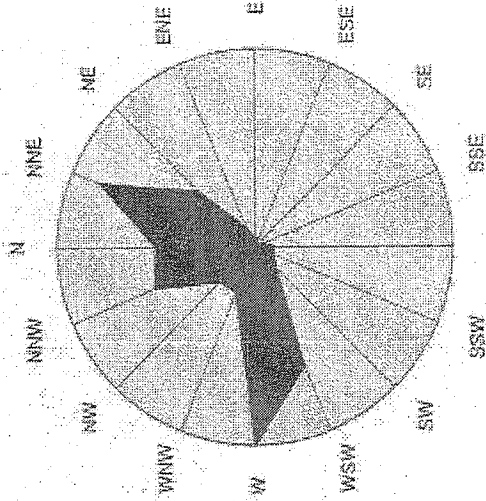
Average

Number of windy days per month



Wind Direction Distribution (%)

Carmel Highlands, August 2011, Avg



- all
- > 15 mph
- > 20 mph
- > 25 mph

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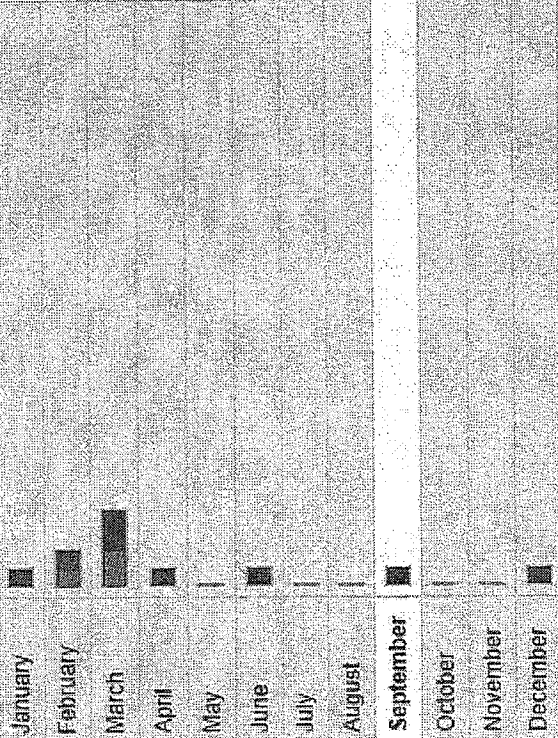
JUL 03 2012

MUNTEHEY COUNTY  
PLANNING & BUILDING  
INSPECTION DEPT

**Wind Statistics**

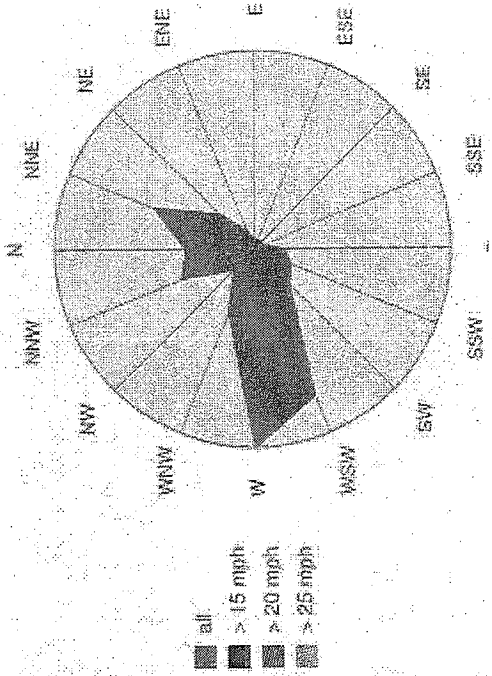
2011

Number of windy days per month



Wind Direction Distribution (%)

Carmel Highlands, September 2011, Avg



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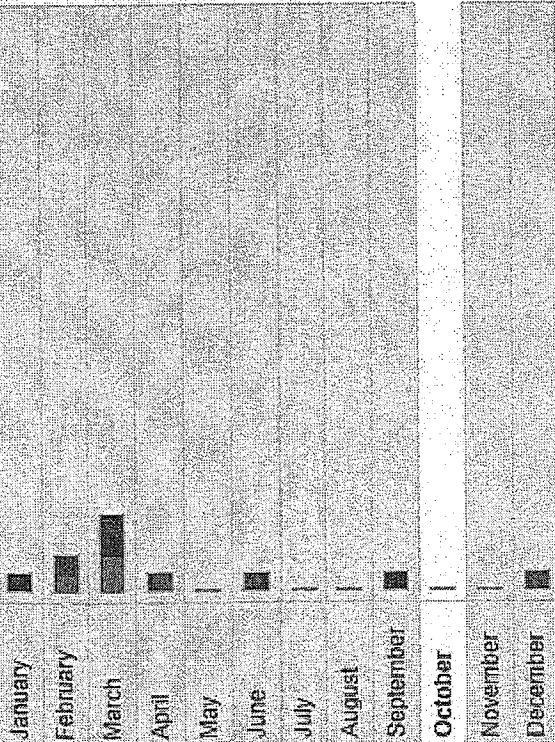
MUNTEREY COUNTY  
PLANNING & BUILDING  
INSPECTION DEPT.



**Wind Statistics**

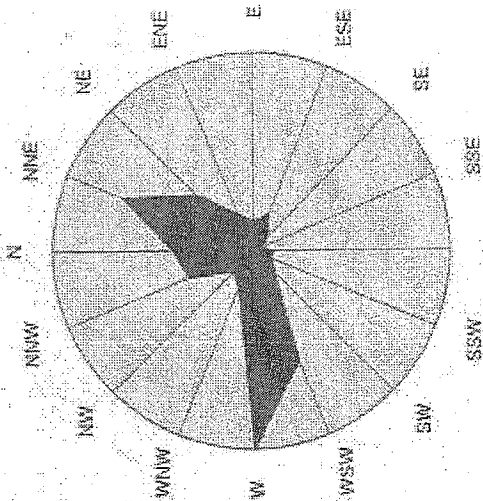
2011

Number of windy days per month



**Wind Direction Distribution (%)**

Carmel Highlands, October 2011, Avg



- all
- > 15 mph
- > 20 mph
- > 25 mph

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INSPECTION DEPT.**

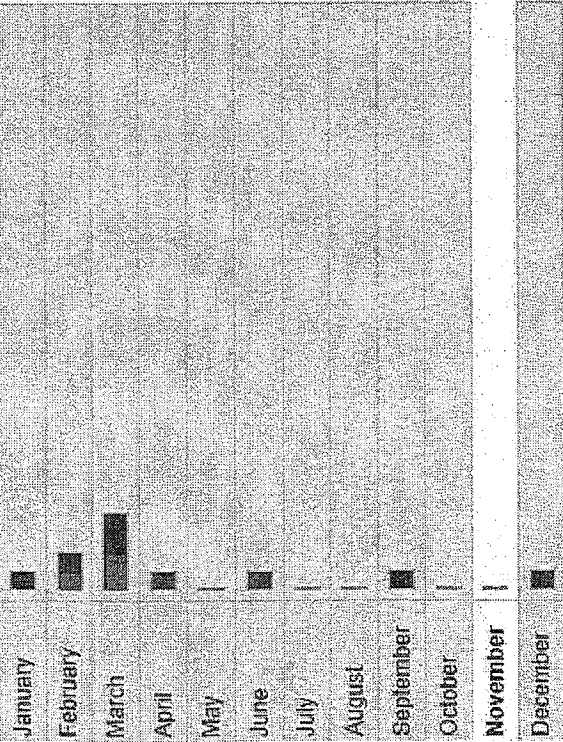


Wind Statistics

2011

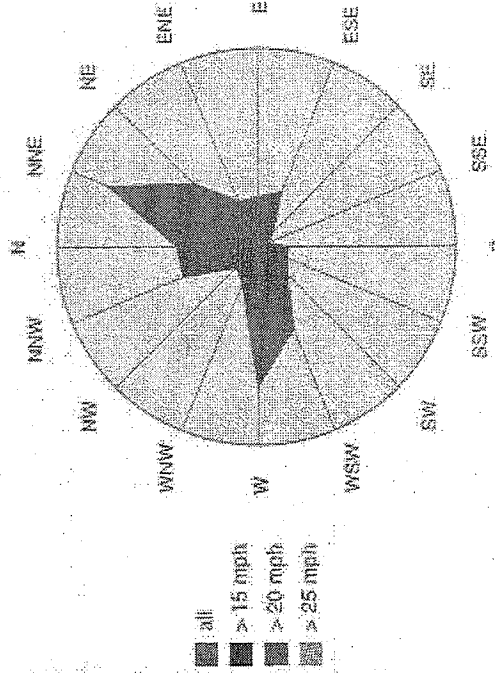
Average

Number of windy days per month



Wind Direction Distribution (%)

Carmel Highlands, November 2011, Avg



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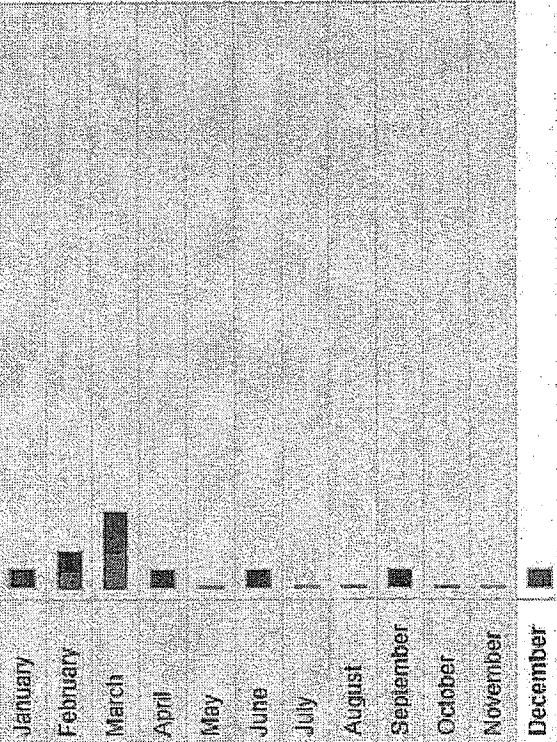
MUNICIPAL COUNTY  
PLANNING & BUILDING  
INSPECTION DEPT.

Wind Statistics

2011

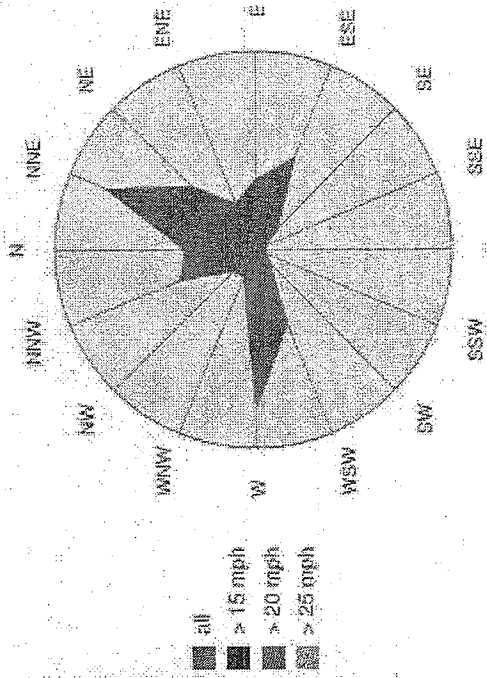
Average

Number of windy days per month



Wind Direction Distribution (%)

Carmel Highlands, December 2011, Avg



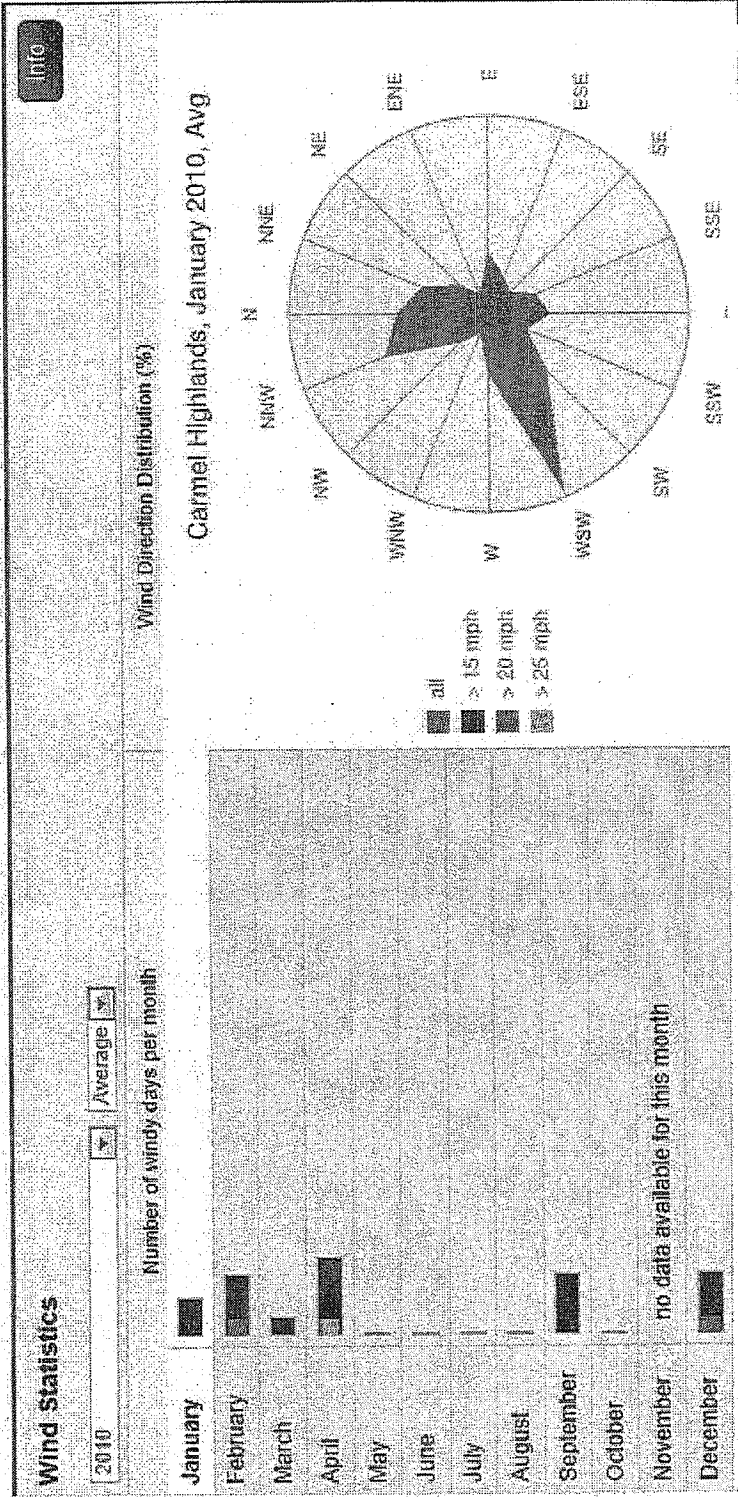
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INSPECTION DEPT.

**Dan Kyle**

**From:** Dan Kyle <dan@kyleusa.com>  
**Sent:** Thursday, June 28, 2012 7:12 PM  
**To:** Dan Kyle  
**Subject:** Wind 2010 <http://www.windalert.com/en-us/Search/SpotInfo.aspx?spotid=54293>  
&activity=Windsurf&units\_wind=mph&units\_temp=ft&name=See this Station on WindAlert!  
&utm\_medium=widget&utm\_source=iwindsurf.com&utm\_campaign=widgetForecastTable



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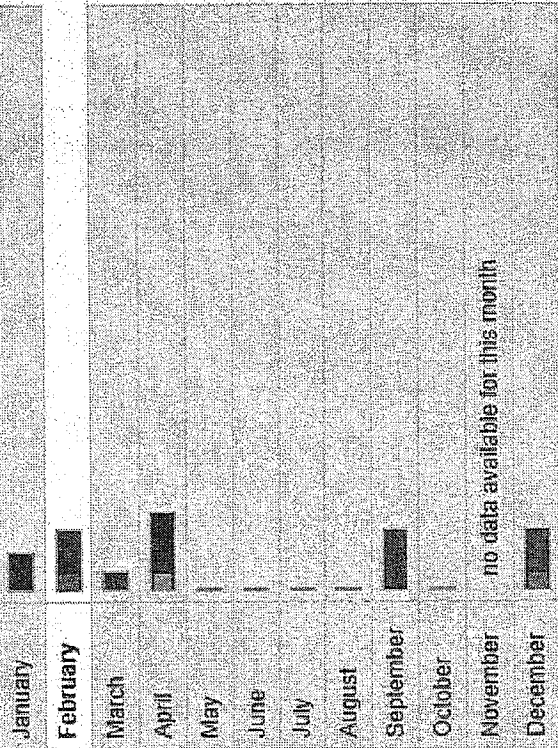
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INSPECTION DEPT

**Wind Statistics**

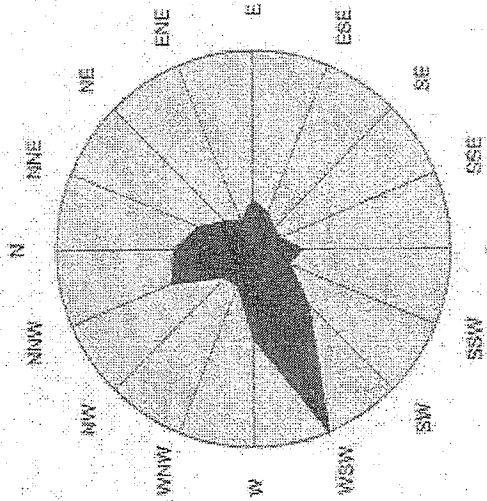
2010 Average

Number of windy days per month



**Wind Direction Distribution (%)**

Carmel Highlands, February 2010, Avg



all  
 > 15 mph  
 > 20 mph  
 > 25 mph

**RECEIVED**

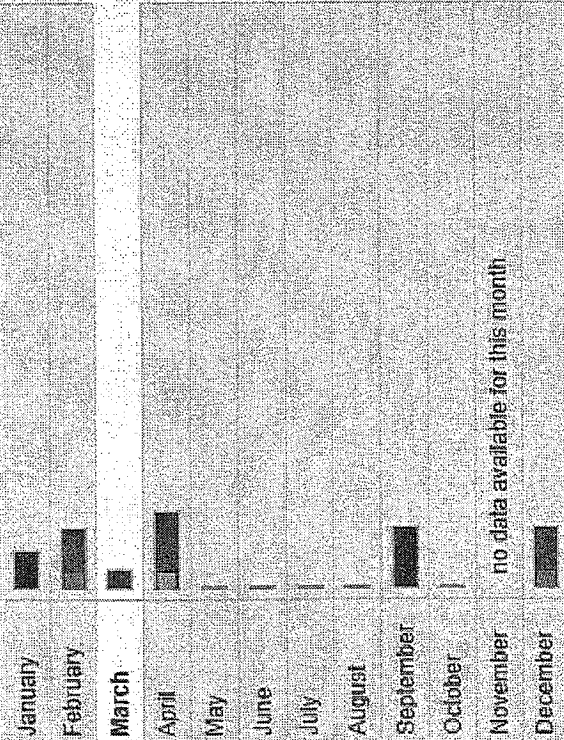
JUL 03 2012

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 INSPECTION DEPT.

**Wind Statistics**

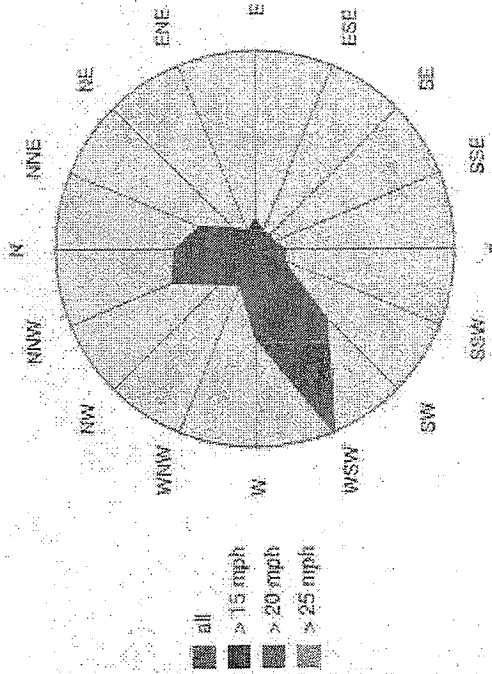
2010

Number of windy days per month



Wind Direction Distribution (%)

Carmel Highlands, March 2010, Avg



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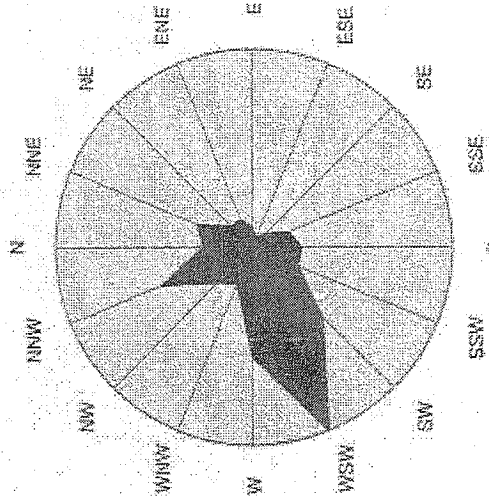
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Info

### Carmel Highlands, April 2010, Avg

Wind Direction Distribution (%)

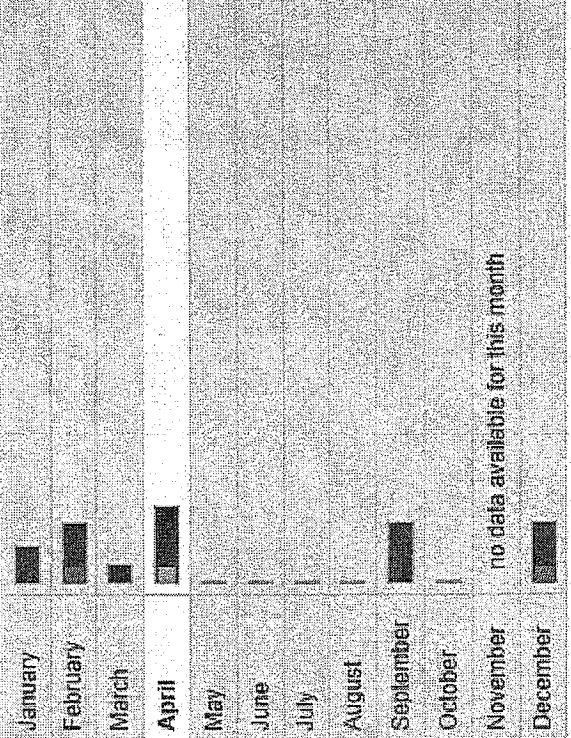


- all
- > 15 mph
- > 20 mph
- > 25 mph

### Wind Statistics

2010 Average

Number of windy days per month



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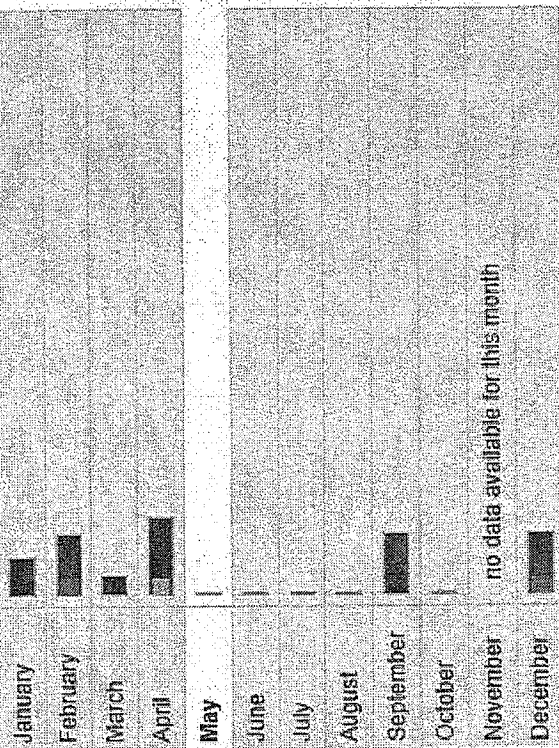
MONTEREY COUNTY  
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INSPECTION DEPT



**Wind Statistics**

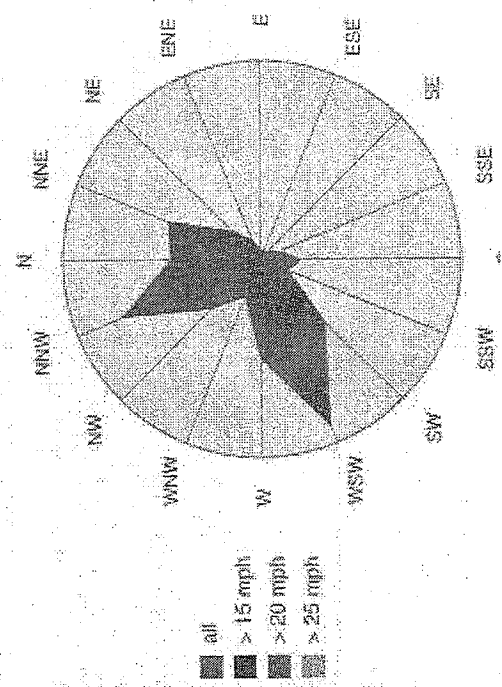
2010

Number of windy days per month



**Wind Direction Distribution (%)**

Carmel Highlands, May 2010, Avg



INFO

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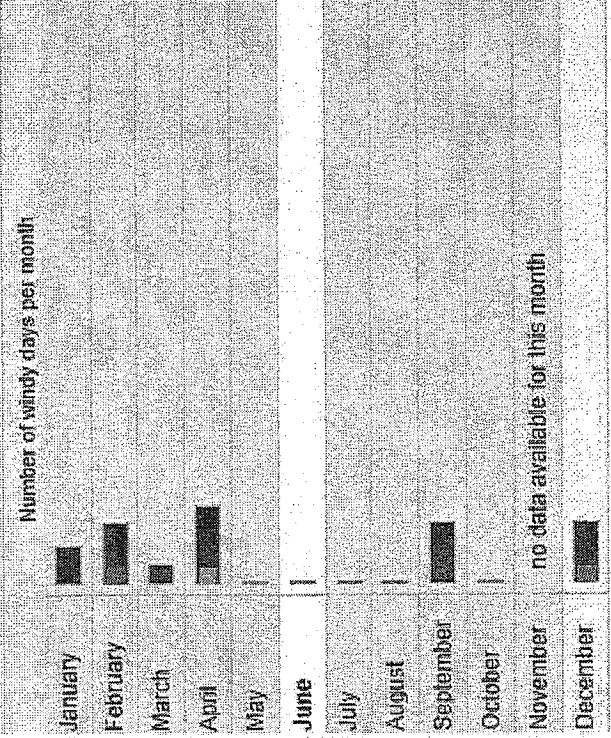
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INFO

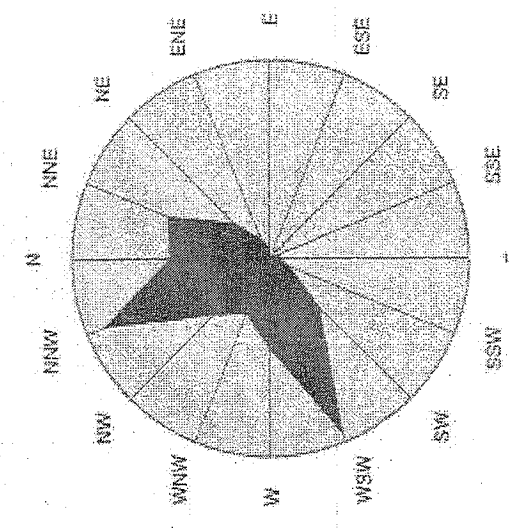
### Wind Statistics

2010 Average



Wind Direction Distribution (%)

Carmel Highlands, June 2010, Avg



- all
- > 15 mph
- > 20 mph
- > 25 mph

# RECEIVED

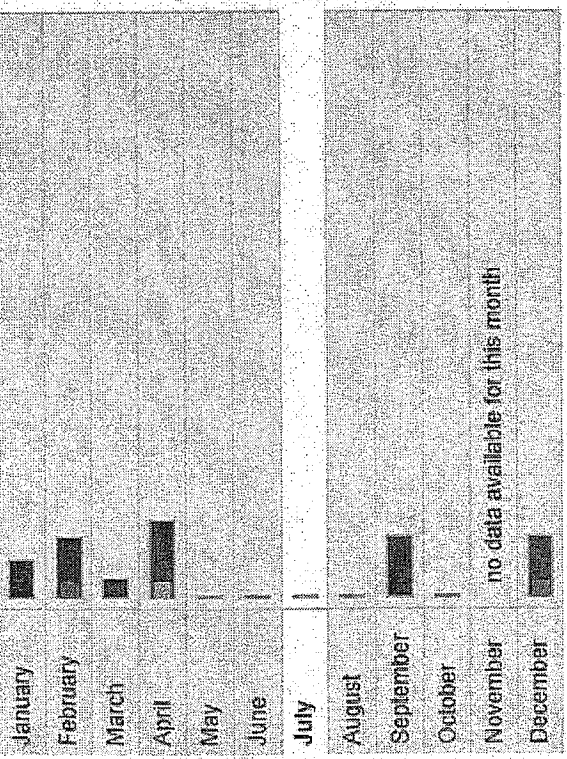
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**Wind Statistics**

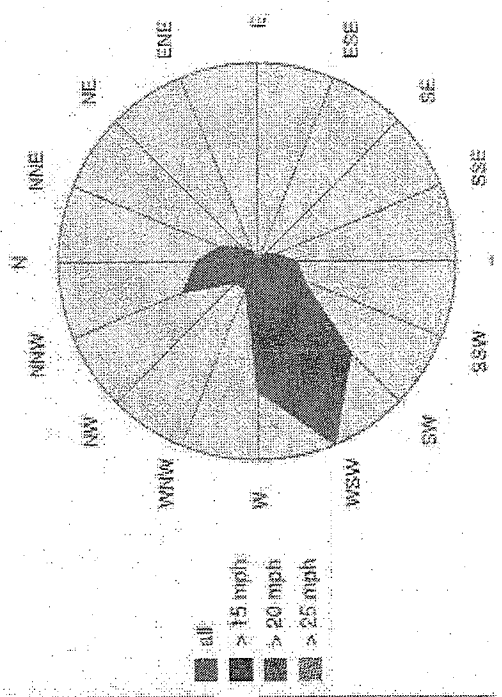
2010 Average

Number of windy days per month



**Wind Direction Distribution (%)**

Carmel Highlands, July 2010, Avg



Info

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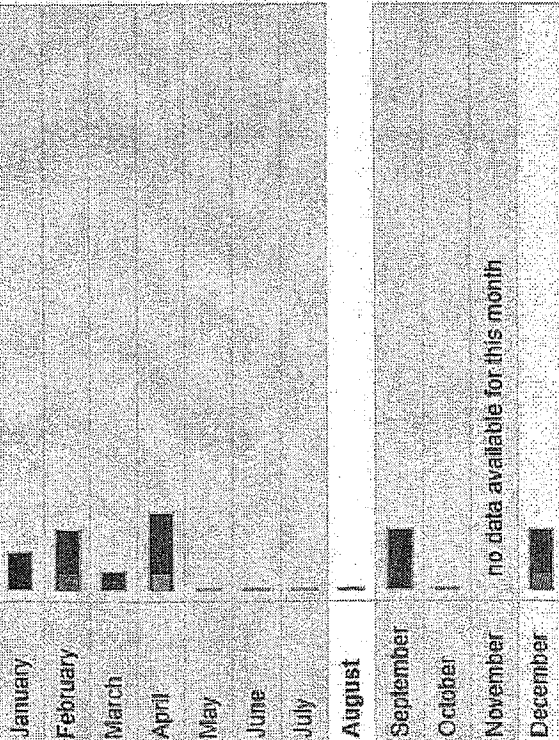
JUL 03 2012

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INSPECTION DEPT

**Wind Statistics**

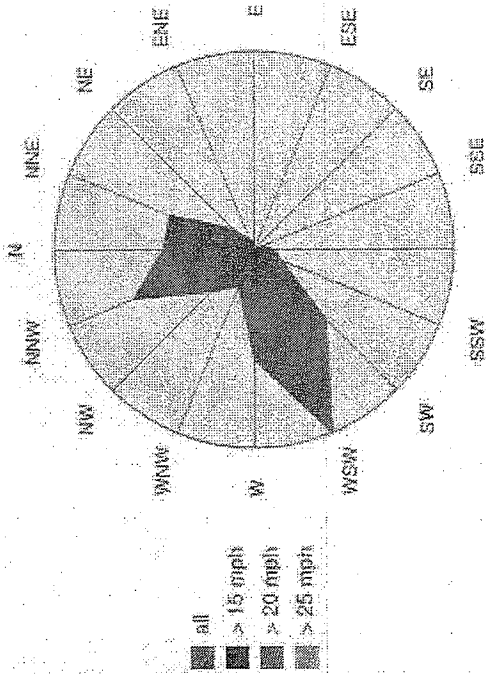
2010

Number of windy days per month



**Wind Direction Distribution (%)**

Carmel Highlands, August 2010, Avg



**Info**

**RECEIVED**

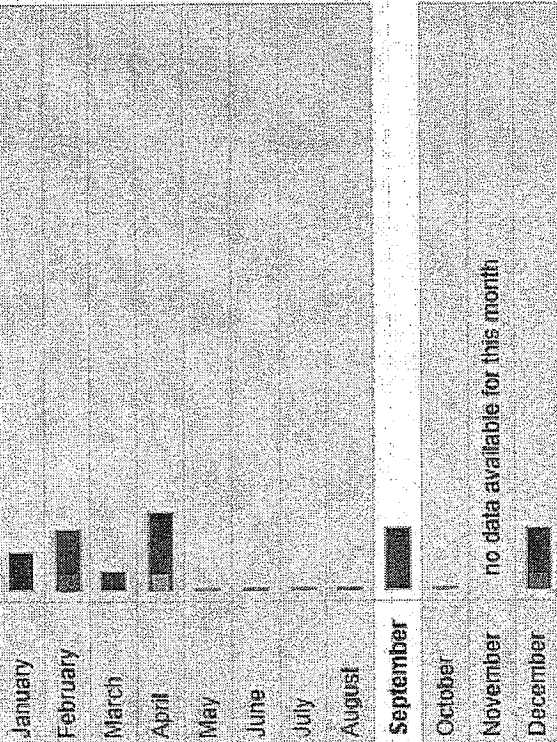
JUL 03 2012

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INSPECTION DEPT

**Wind Statistics**

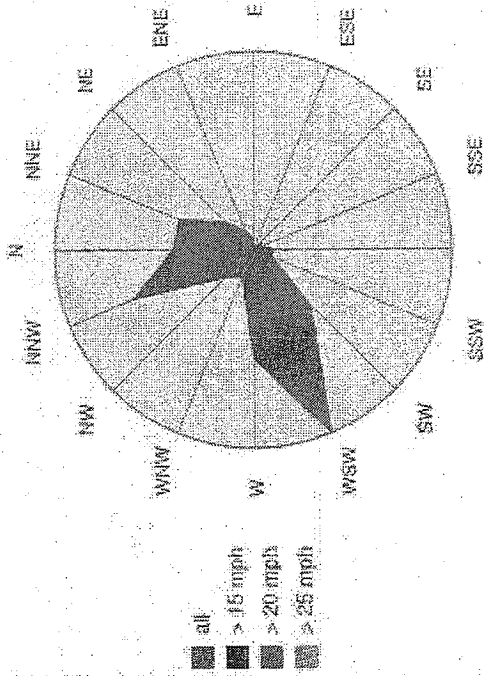
2010  Average

Number of windy days per month



Wind Direction Distribution (%)

Carmel Highlands, September 2010, Avg



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JUL 03 2012

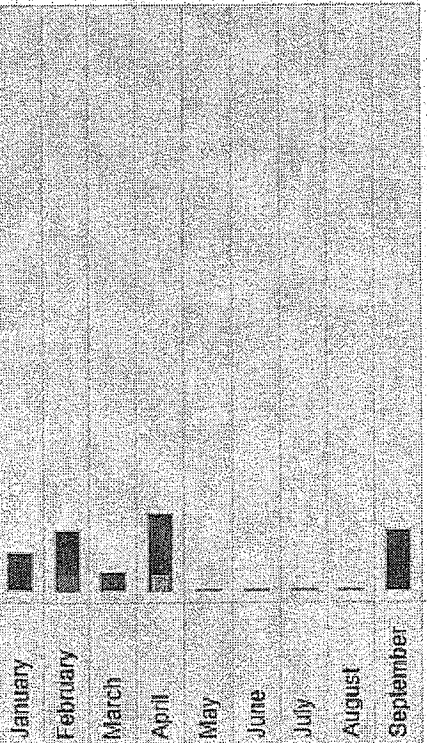
MONTEREY COUNTY  
PLANNING & BUILDING  
INSPECTION DEPT

**Wind Statistics**

2010

Average

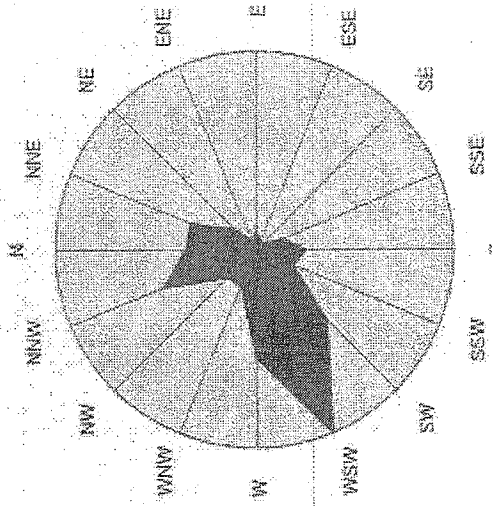
Number of windy days per month



no data available for this month

**Wind Direction Distribution (%)**

Carmel Highlands, October 2010, Avg



all  
 > 15 mph  
 > 20 mph  
 > 25 mph

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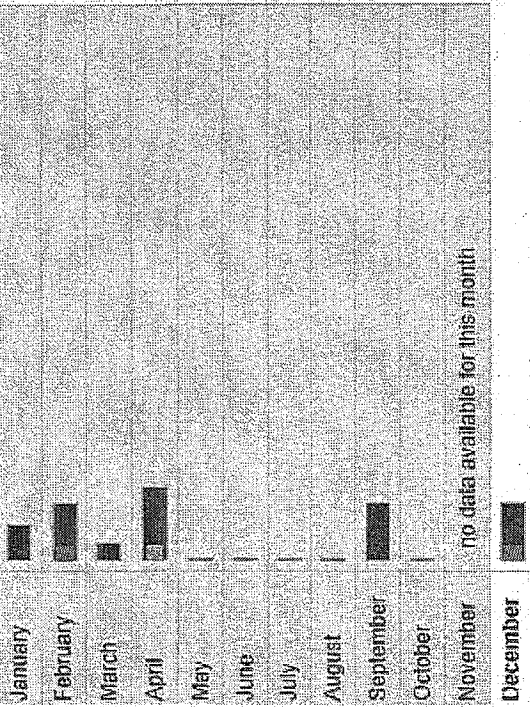
MONTEREY COUNTY  
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 INSPECTION DEPT



Wind Statistics

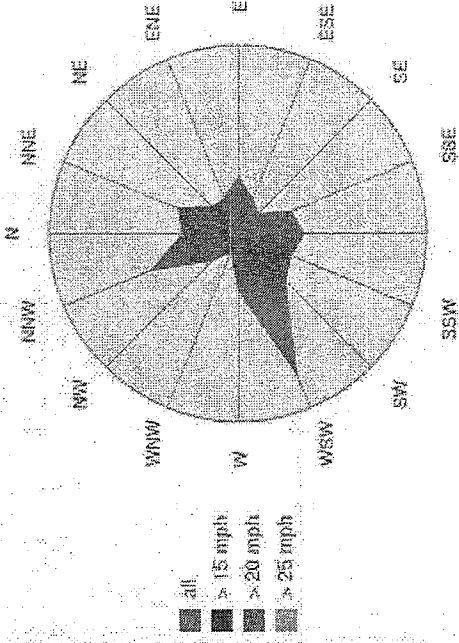
2010 Average

Number of windy days per month



Wind Direction Distribution (%)

Carmel Highlands, December 2010, Avg



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Title:

Trimming

**Dan Kyle**

---

**To:** dan@kyleusa.com  
**Subject:** Trimming trees???

Is this normal tree trimming??

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INSPECTION DEPT



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Another

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3

---

**Dan Kyle**

**To:** dan@kyleusa.com  
**Subject:** Trimming?

This "trimming" was done on the lot, before it was separated into two lots.

No Hearing was done for any sort of permit. No notices were posted.

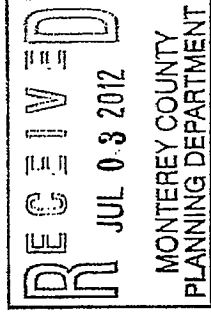
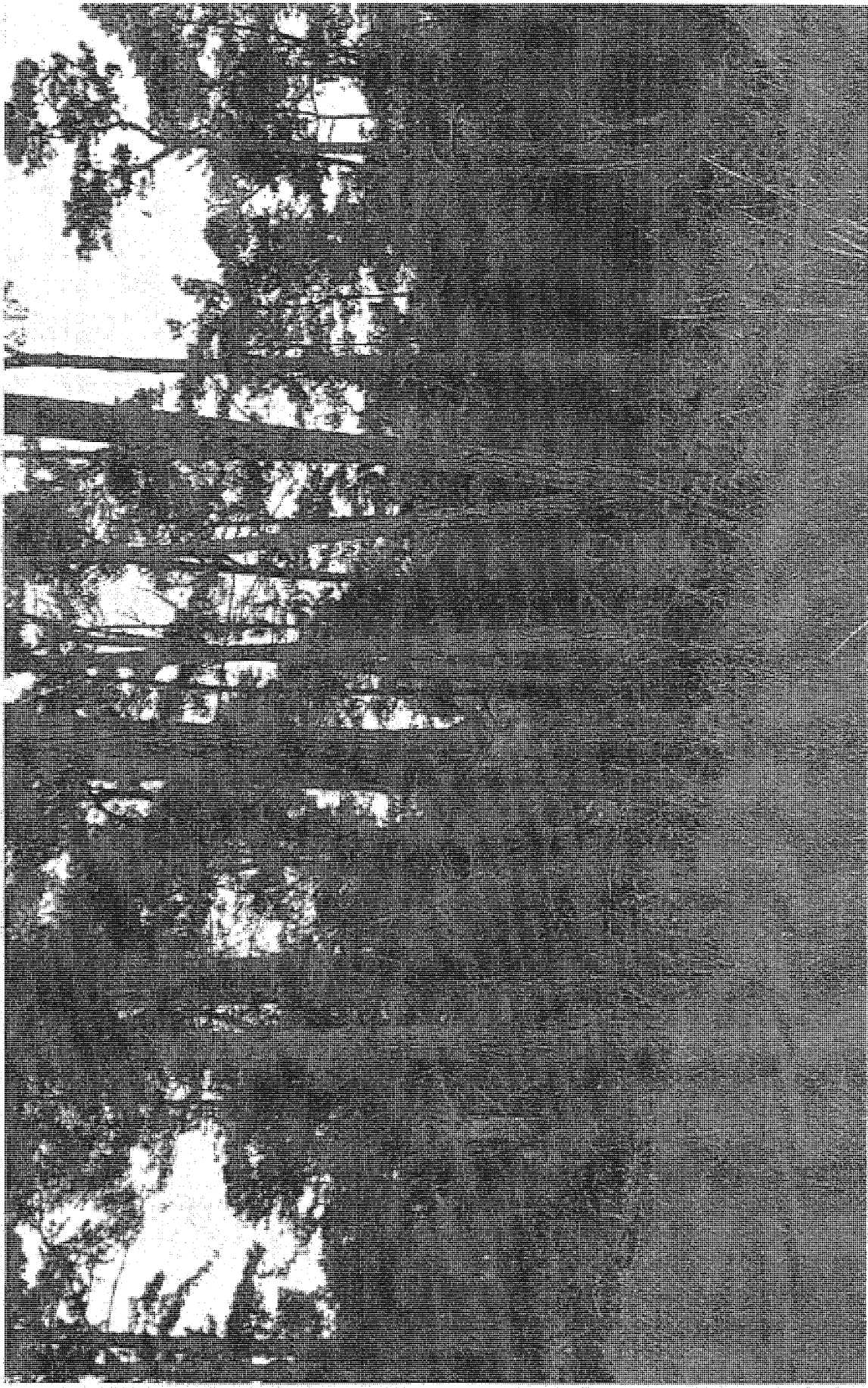




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The 6 small trees were planted to take the place of 13 Healthy large trees that were cut down without a permit.

The 13 trees that were cut down were nowhere near where these trees were planted.

Only 4 of these 6 are still alive today.

Originally 15 trees were planted in this 15 foot by 15 Foot area underneath the telephone line.

There were another 15 trees planted on the edge of the property along Upper Walden Road also in a 15 by 15 foot area. These are under both telephone lines and Power Lines.

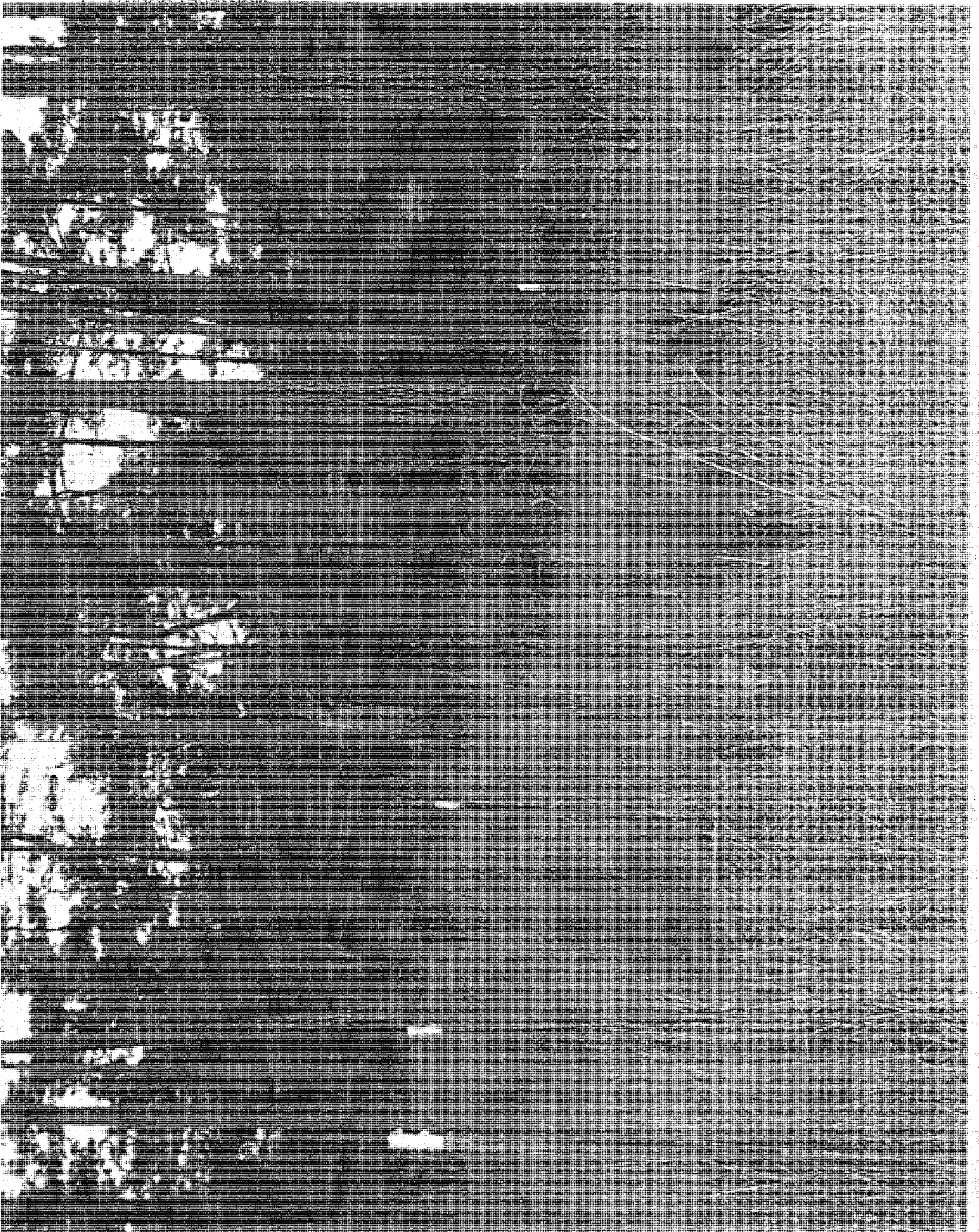
Most of those also have died, a good thing as they would have grown into the Power Lines.

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Not all the trees had branches cut, note the long time DEAD tree was not trimmed at all.

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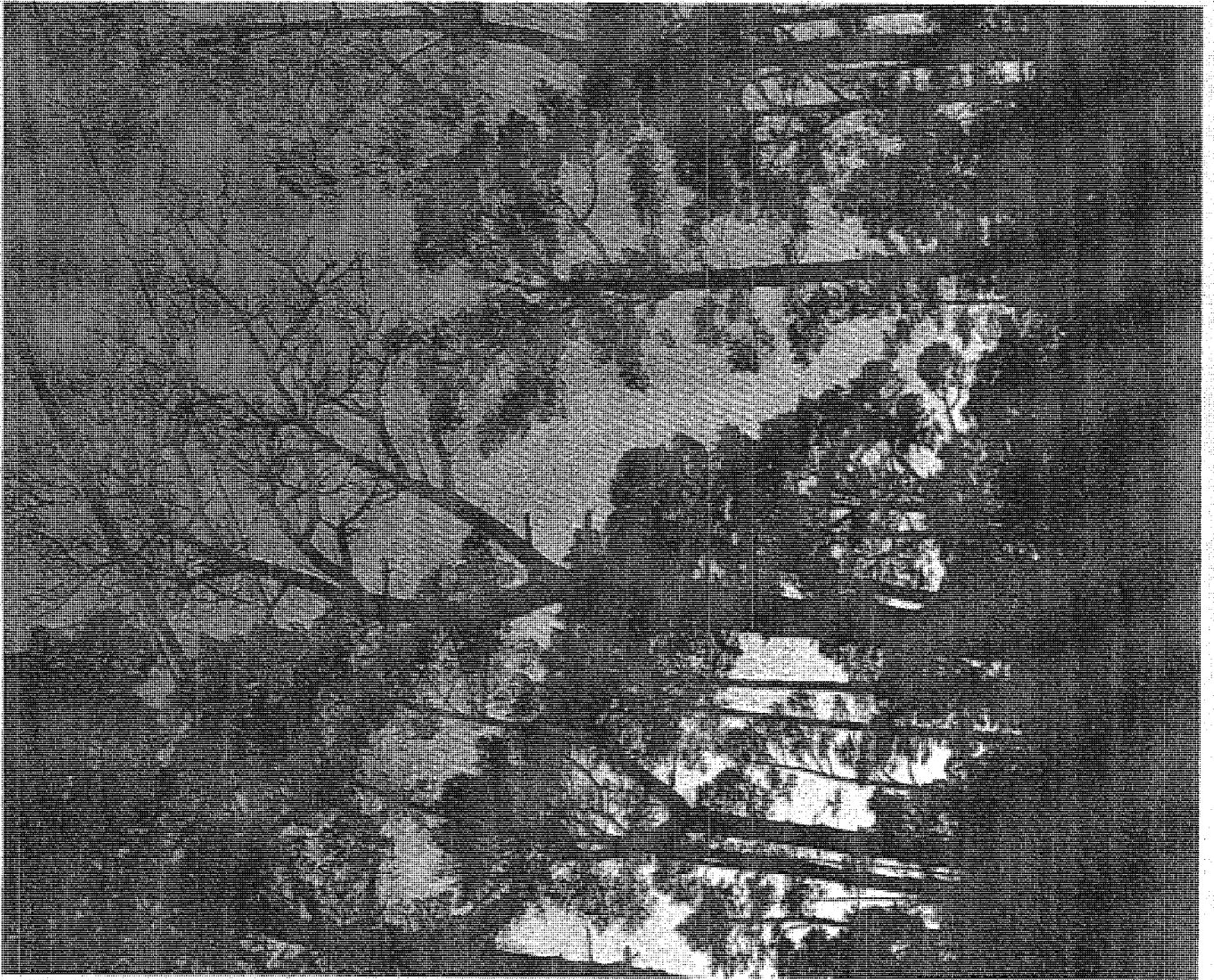
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INSPECTION DEPT



Another untouched Dead tree

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INSPECTION DEPT**

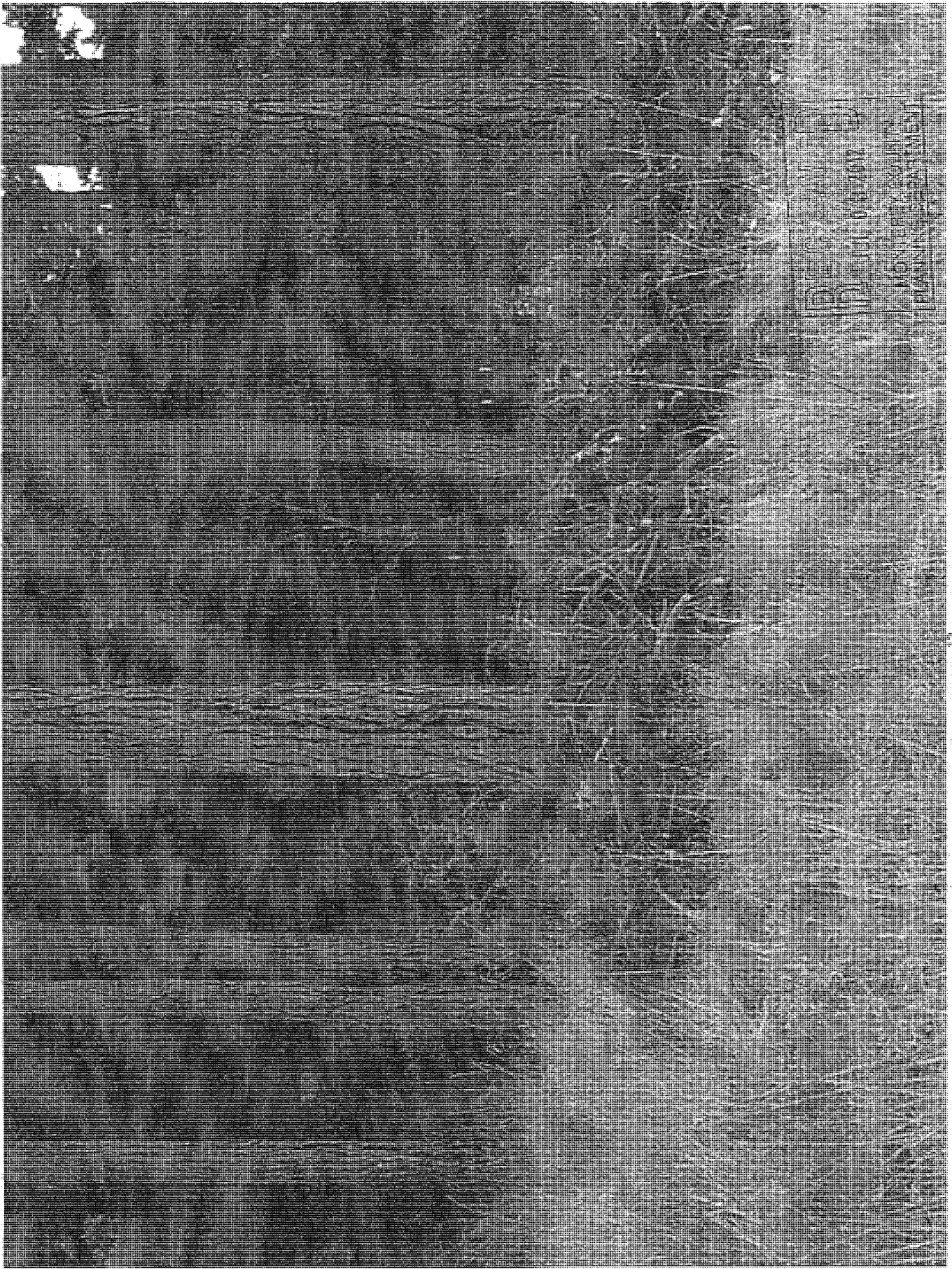
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**MONTEREY COUNTY  
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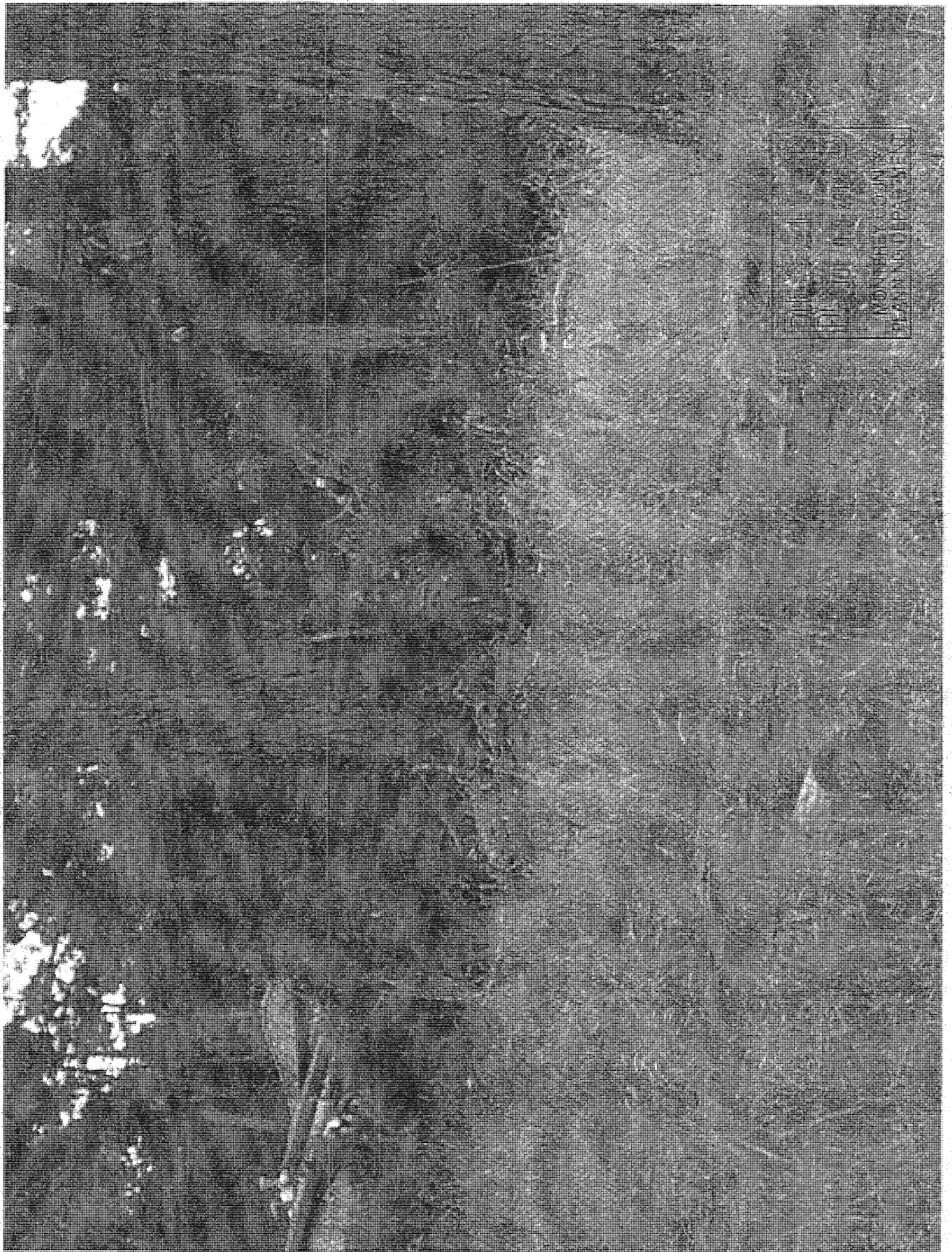


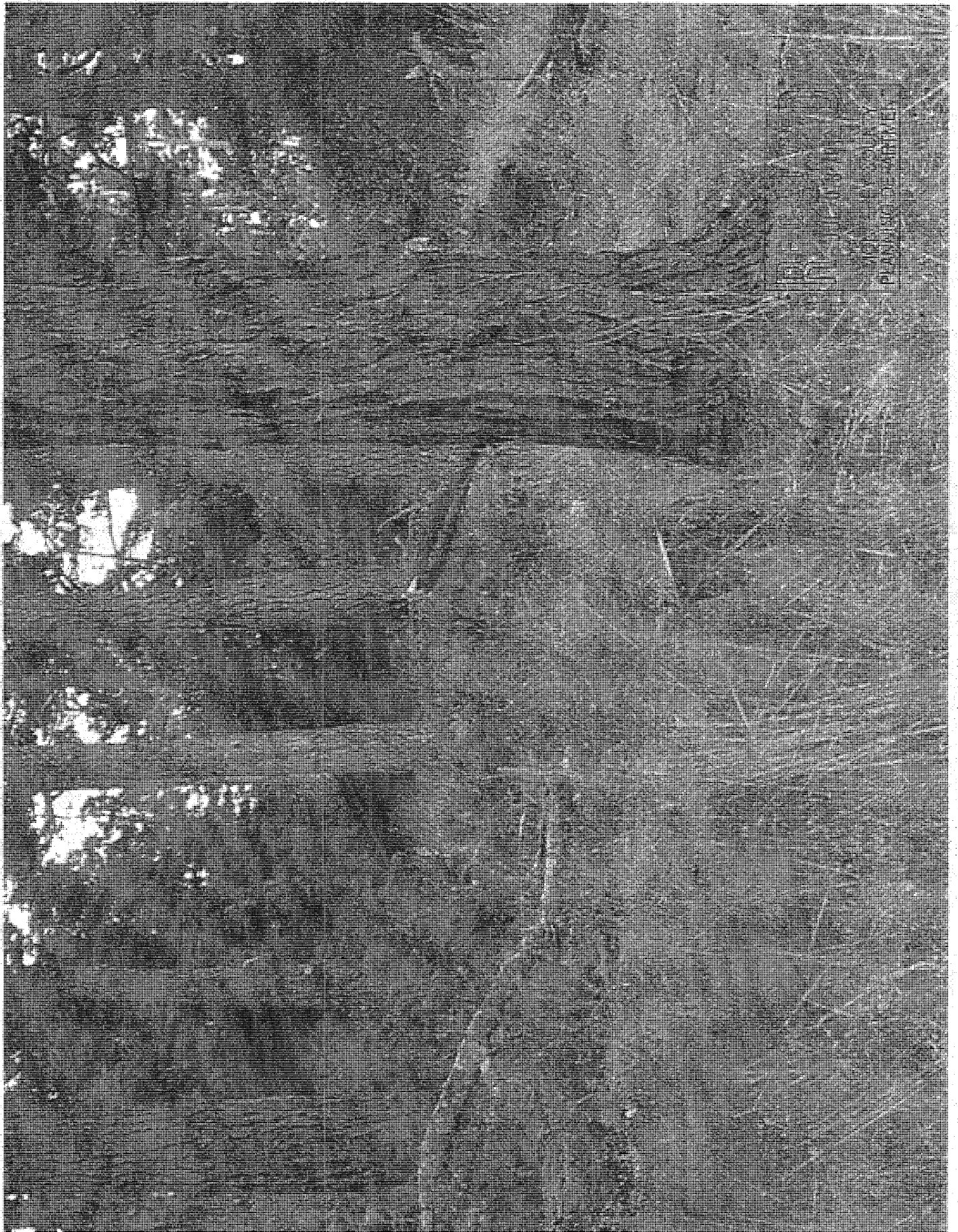




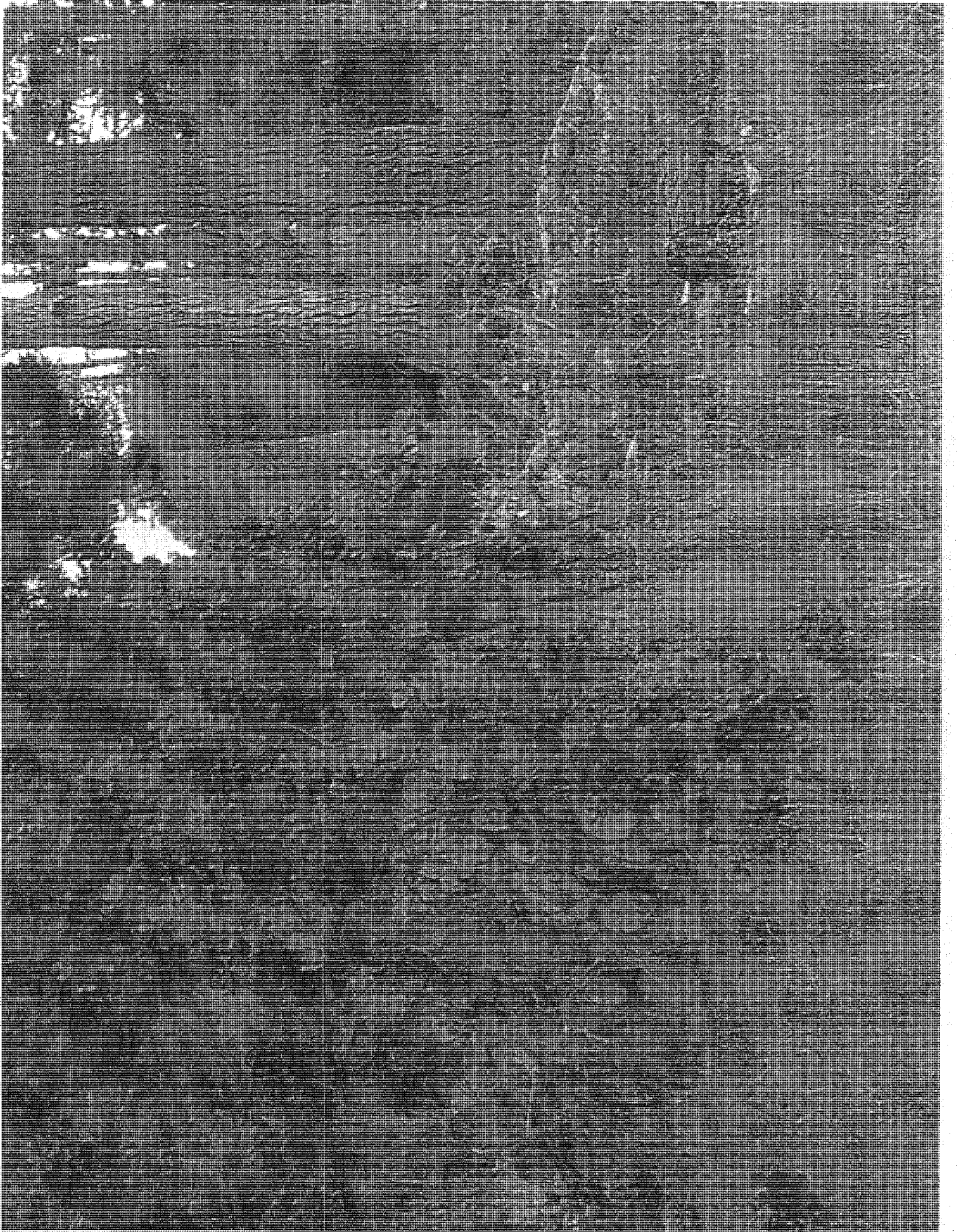




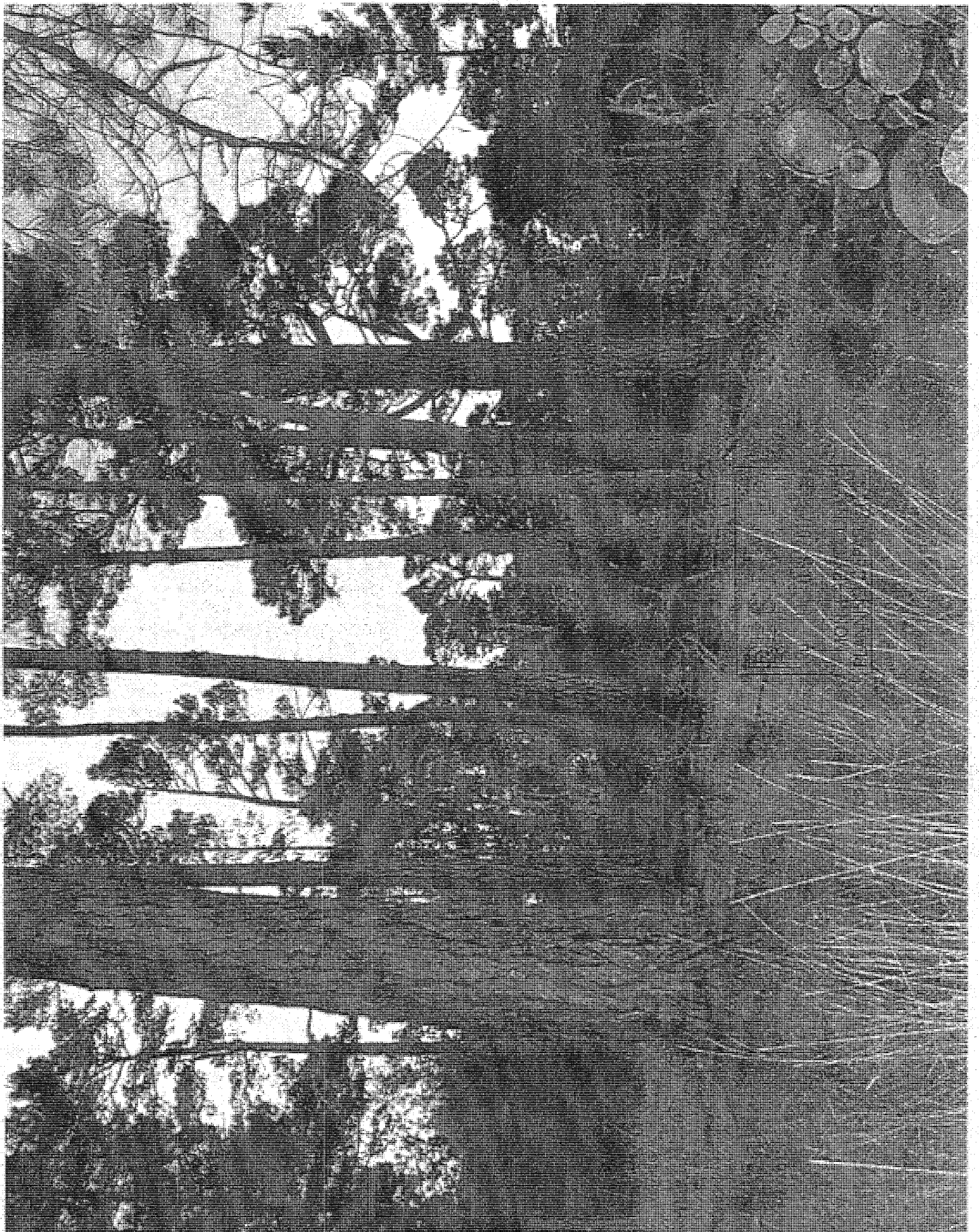


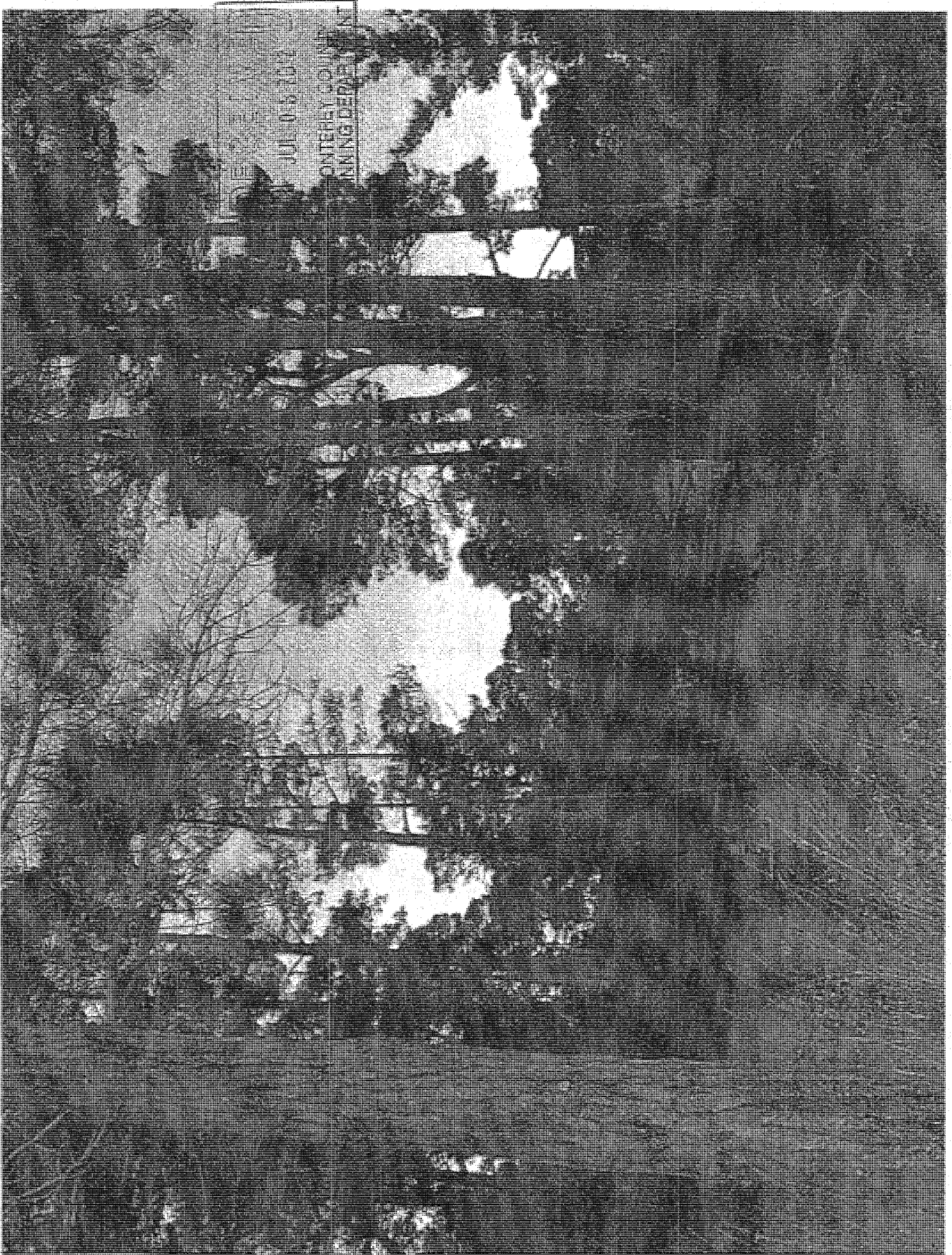








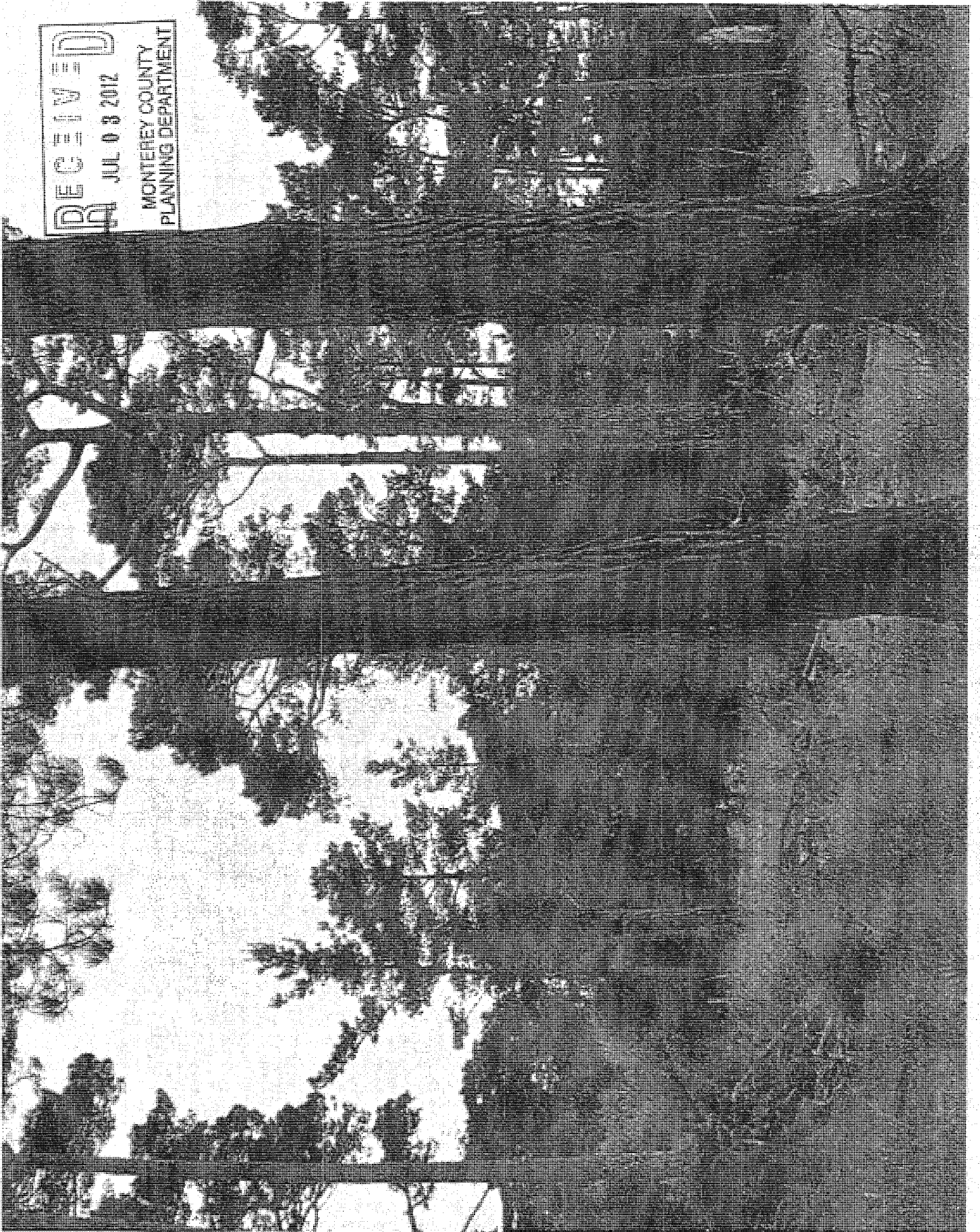




View of the forest from the entrance of the park, Ontario County, New York.

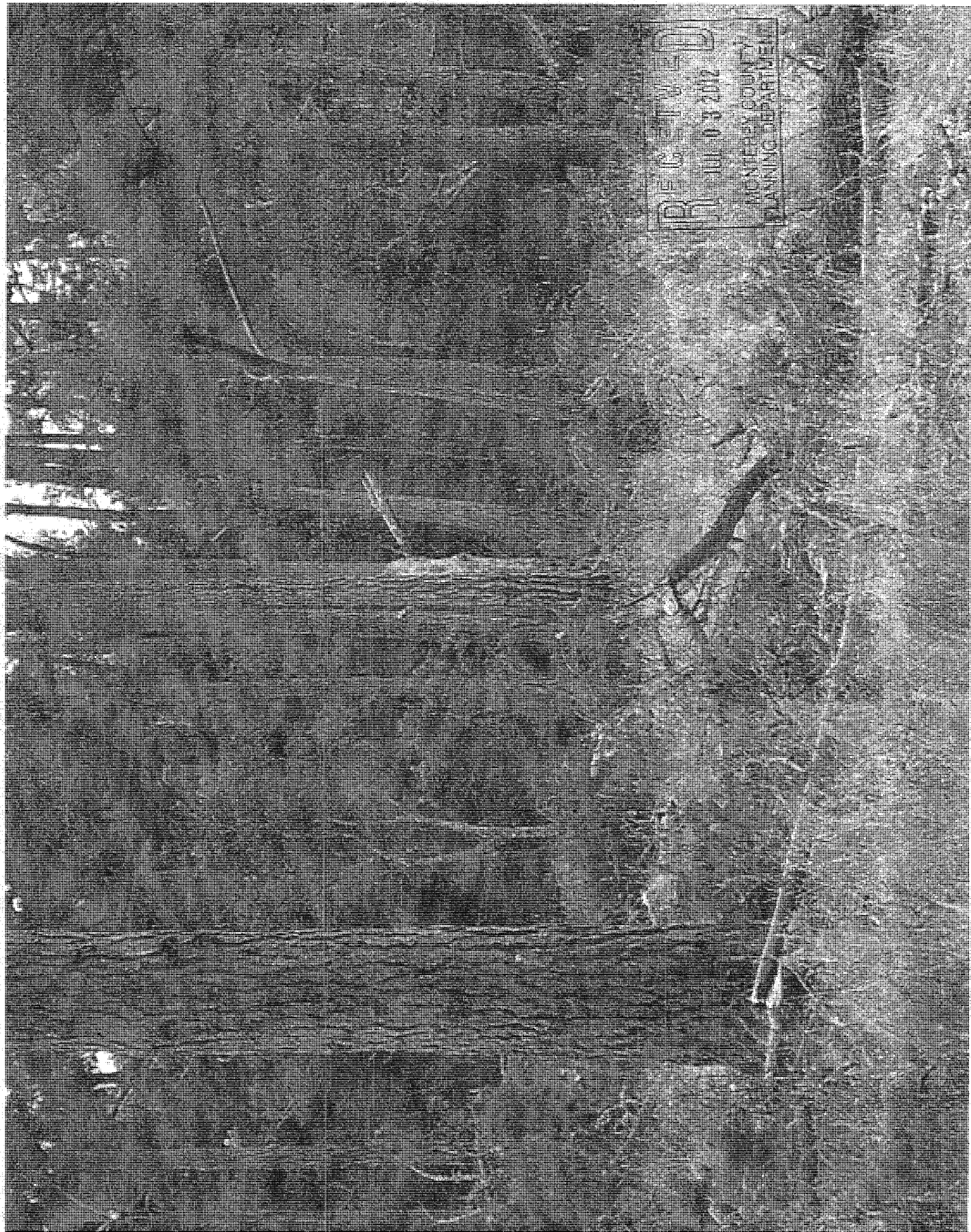


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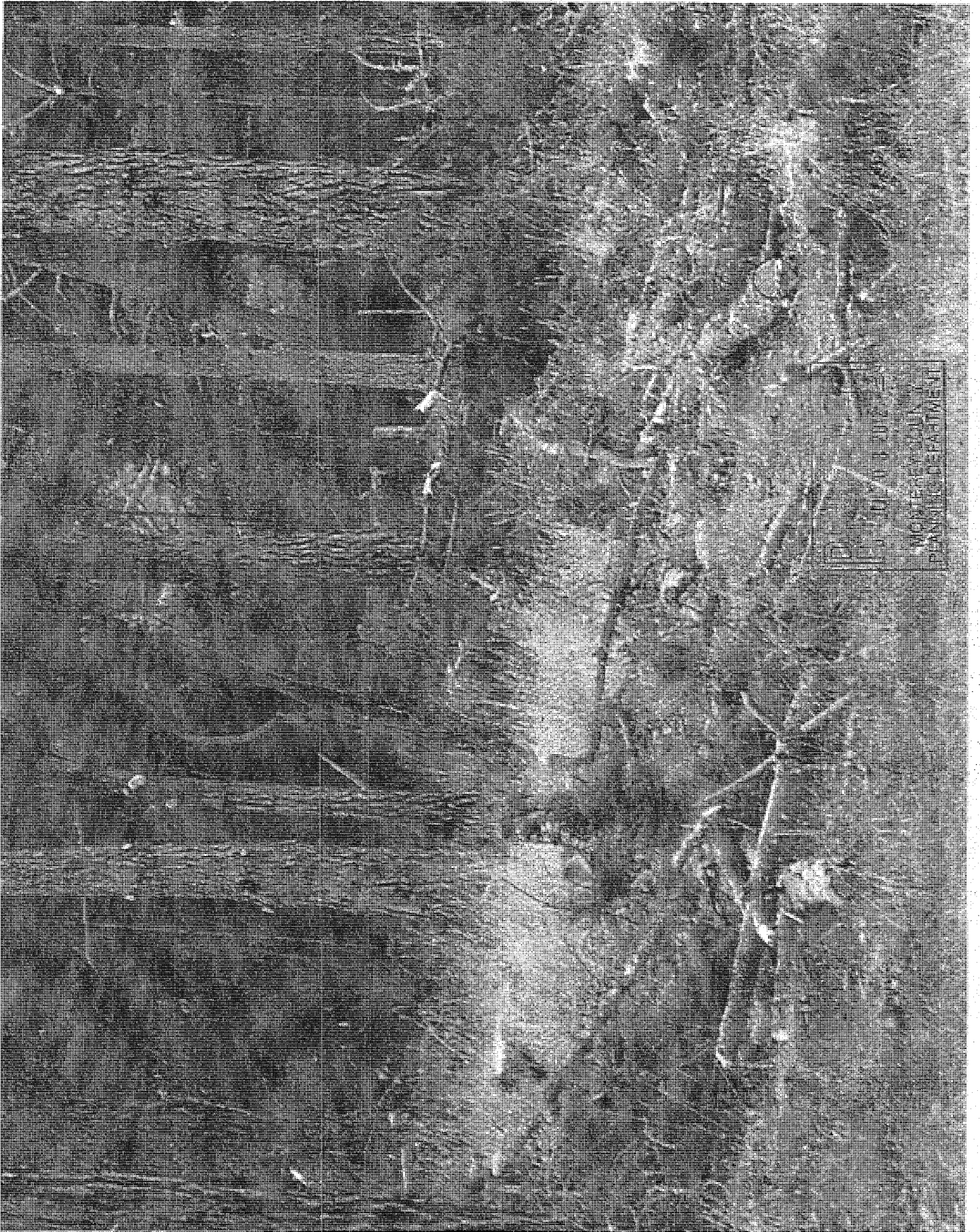






FIGURE 13. A stream in the forest. The water is clear and the banks are rocky.



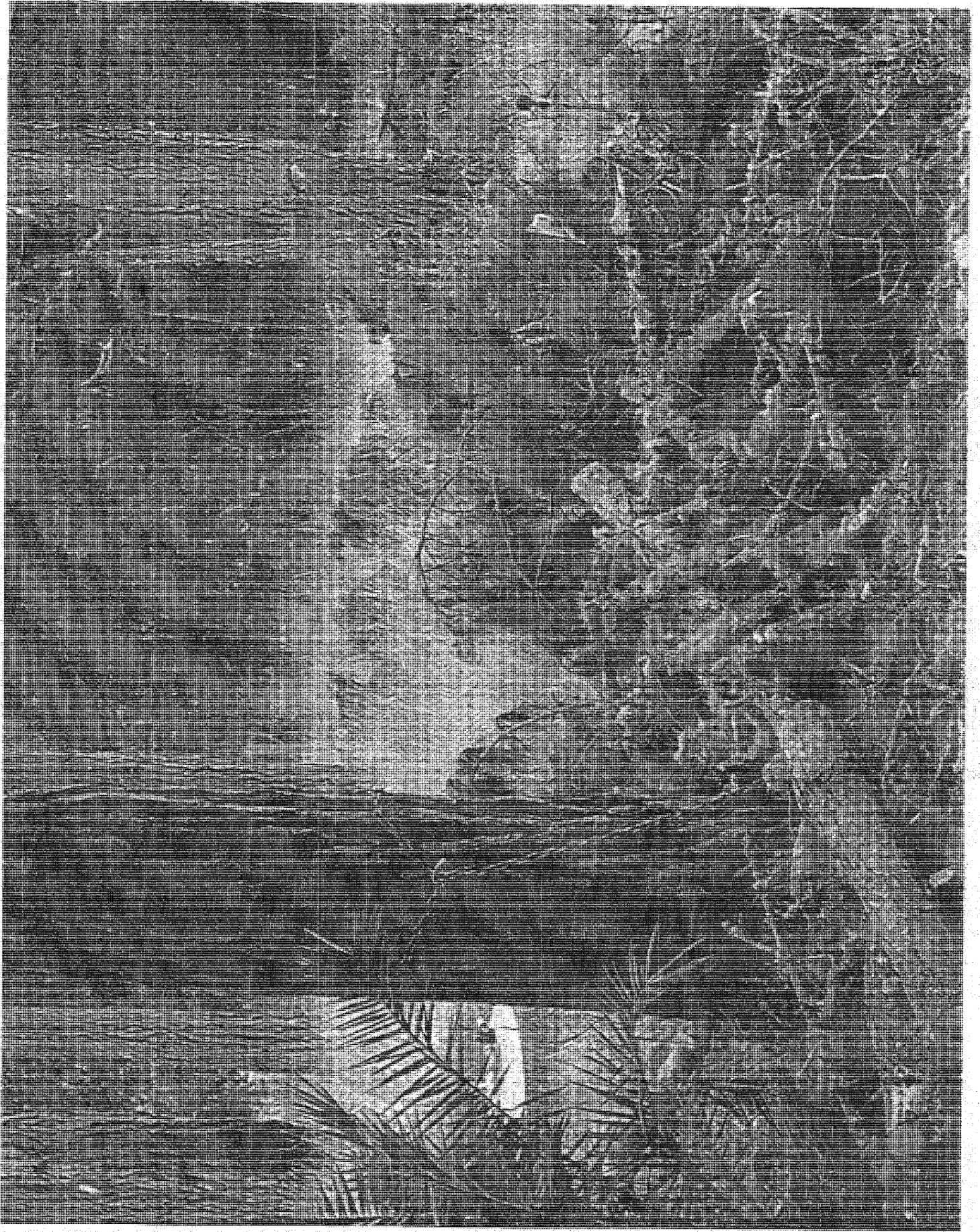
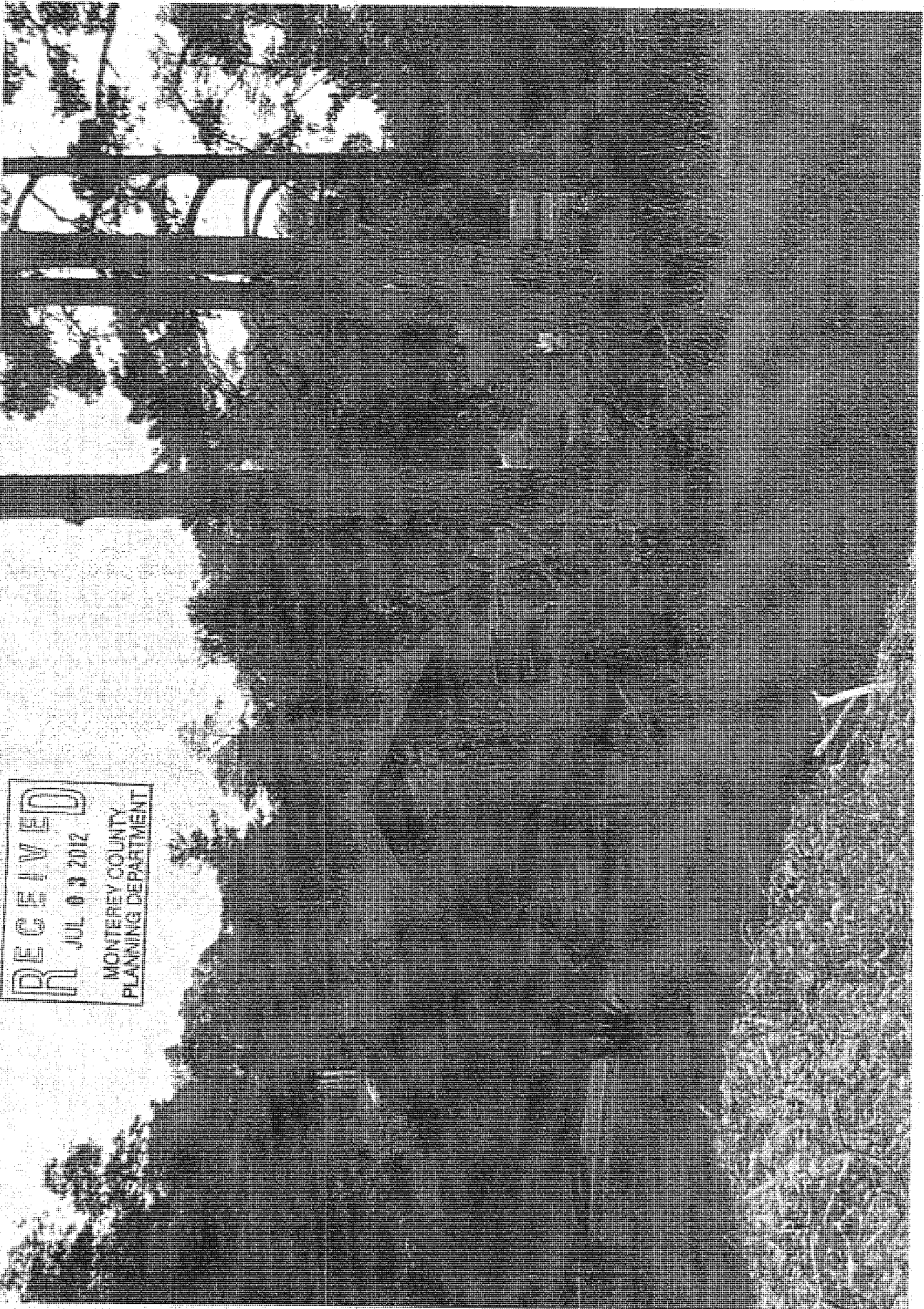


Photo of the site, showing the path leading to the building, which is partially obscured by the dense vegetation.



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More untouched dead branches

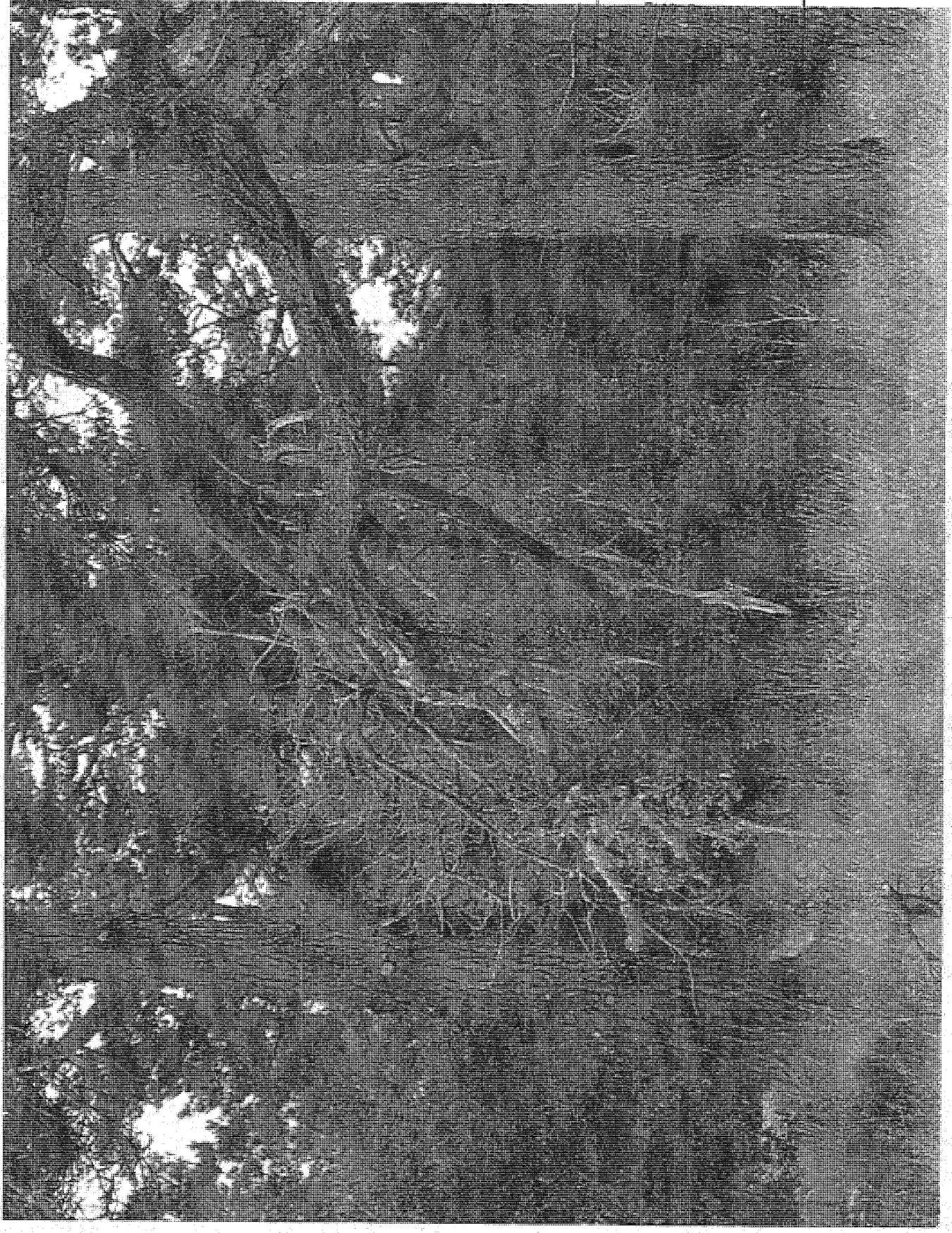
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PLANNING DEPARTMENT



**MINUTES**  
**Carmel Highlands Land Use Advisory Committee**  
**Monday, April 2, 2012**

1. Meeting called to order by Peter Davis at 4:07 pm

2. Roll Call

Members Present: Weber, Hall, Davis, Wald, Ischnick, Rainoz

Members Absent: Hirst, Meheen

3. Approval of Minutes:

a. March 19, 2012 minutes

Motion: Davis, motion to approve (LUAC Member's Name)

Second: Rainoz, (LUAC Member's Name)

Ayes: 5 - Weber, Hall, Davis, Wald, Rainoz

Noes: None

Absent: Hirst, Meheen, Ischnick (excused himself at 6:20)

Abstain: None

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

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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

Site review for Goldschmidt (PLN 1100694)  
requested for April 16, 2012 at 3:00 pm.  
April 16, 2012 LUAC meeting to follow at  
4:00 pm, Carmel Highlands Fire Station,  
Community Room.

7. Meeting Adjourned: 6:40 pm

Minutes taken by: B. Raines, acting secy.

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# 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

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Advisory Committee: Carmel Unincorporated/Highlands

Please submit your recommendations for this application by: **April 2, 2012**

APR 16 2012

**Project Title:** GARREN RONALD B & DONNA Y GARREN TRS  
**File Number:** PLN120013  
**File Type:** PC  
**Planner:** ROBINSON  
**Location:** 227 LOWER WALDEN RD CARMEL

MONTEREY COUNTY  
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**Project Description:**

Combined Development Permit to consist of 1) a Coastal Administrative Permit for a new 2,318 square foot one-story single family dwelling with a 760 square foot detached garage, a 201 square foot covered porch, a 934 square foot deck, 787 square feet of retaining walls, a new septic system, 1,868 cubic yards of grading (497 cubic yards of cut and 497 cubic yards of fill); 2) a Coastal Administrative Permit for a 425 square foot guesthouse with a 128 square foot deck; 3) a Coastal Administrative Permit to allow the conversion of an existing test well to a domestic water source; 4) a Coastal Development Permit for the removal of 25 Monterey Pine trees; 5) a Coastal Development Permit for development within 750 feet of known archaeological resources; 6) a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat; and 7) Design Approval. The property is located at 227 Lower Walden Road, Carmel (Assessor's Parcel Number 241-241-014-000), Carmel Area Land Use Plan, Coastal Zone.

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

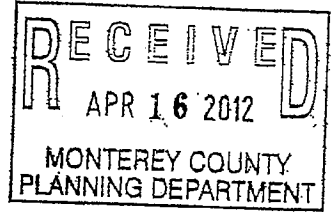
*Donna Garren  
Glen Walden architect ✓*

Was a County Staff/Representative present at meeting? Quig Spencer (Name)

**PUBLIC COMMENT:**

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
<i>Dan Kyle - 217 Upper Walden Rd.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Drainage of parcel a problem guest house may exceed 425 square feet Questions size of land mark trees and how many are going to be removed? Questions safety of large trees and where they might fall during a storm.</i>
<i>Geraldine Taplin 223 Lower Walden</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Concerned about removal of 25 trees on property.</i>





Ronald Garrison - PLN 120813 - cont.

Public Comment:

3. Richard M. Blaney - 230 Lower Walden  
Remarks were in concern for drainage of parcel, long driveway and tree removal.

4. John Morrison - 223 Lower Walden  
(Neighbor)

Concerns regarding architectural style of proposed residence. Not rustic in character. Placement of 760 # garage in poor location is a concern. Drainage on this parcel is a major concern. See attached letter.

5. Mike ? neighbor, 230 Lower Walden

Concerned about surface run off on parcel. Soils will be a problem due to very little top soil with clay beneath, causing additional drainage problems. Concerned about removal of 25 pines. Suggested screening of house as viewed from Lower Walden.

**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)
Design of residence does not meet rustic character of surrounding neighborhood		House should use materials that blend with rustic character of wooded location.
Tree removal needs to be reduced		Land mark trees should be identified and marked and house designed to avoid removal of so many trees.

**ADDITIONAL LUAC COMMENTS**

LUAC committee heard from several neighbors who are not supportive of this project. Drainage and tree removal biggest concerns. Garage location may need to be relocated to save trees. Drainage is apparently one of the biggest concerns addressed by neighbors. Reduce size of 4 car garage to lessen environmental impacts.

**RECOMMENDATION:**

Motion by: Jeselnick motion to deny (LUAC Member's Name)  
 due to concerns re: tree removal, architectural design of home, drainage issues, less of an environmental impact.

Second by: Hall (LUAC Member's Name)

- Support Project as proposed
- Recommend Changes (as noted above)
- Continue the Item
- Reason for Continuance: \_\_\_\_\_

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APR 16 2012

**MONTEHEY COUNTY  
 PLANNING & BUILDING  
 INSPECTION DEPT.**

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

AYES: 6 in favor of denial: Weber, Hall, Davis, Wald, Jeselnick & Ramez

NOES: None

ABSENT: Hoist, Helcen

ABSTAIN: None

Submitted 4-2-12  
at LWAC review  
of Gannon project  
B. Raiver, acting secty.

John T Morrison  
PO Box 221188  
Carmel, CA 93922

Carmel Unincorporated/Highlands Land Use  
Advisory Committee

Re: File Number PLN 120013  
227 Lower Walden Road  
Carmel Highlands

April 2, 2012

To Whom It May Concern,

In regard to the above-proposed domestic project, my wife and I have several concerns.

The proposed structures are on a heavily treed rural portion of Lower Walden Road on which there is minimal visual impact of residential structures. The proposal spreads three buildings over a broad stretch of Lower Walden Road, all of which will be visible from the road. The proposed tree removal of twenty-five Monterey pine trees will leave a large "hole" in the forest. The degree of grading required for the proposed driveway is likely to kill adjacent trees also.

The proposed structures are of modern boxy construction with metal "shed" style roofs without eaves. The architecture is not in keeping with the setting or with the standards of the neighborhood.


Drainage has been a problematic issue on Lower Walden and the grading and building will have significant impact on surface water management.

I am unsure of the legality of converting a test well to a domestic well given the Planning Department's responses to my past inquiries into procuring a permit for a domestic well on our property.

Our suggestions/requests include the following:

1. Consolidate the buildings so they impact less acreage.
2. Remove fewer trees.
3. Change the architecture to incorporate different rooflines.
4. Prepare a report regarding proposed handling of surface water runoff.
5. Clarify the legality of the well conversion.

Thank you in advance for your attention to these matters.



John Morrison  
223 Lower Walden Road.

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APR 16 2012

MONTEREY COUNTY  
PLANNING & BUILDING  
INSPECTION DEPT.

FILE COPY  
PLN120013

John T Morrison  
PO Box 221188  
Carmel, CA 93922

Delinda Robinson  
Senior Planner  
Monterey County RMA-Planning Department  
168 West Alisal Street, Second Floor  
Salinas, CA 93901

Re: File Number PLN 120013  
227 Lower Walden Road  
Carmel Highlands

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*John T Morrison*  
John Morrison  
223 Lower Walden Road.

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APR 02 2012

MONTEREY COUNTY  
PLANNING & BUILDING  
INSPECTION DEPT.

EXHIBIT E