

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: January 29, 2015	Agenda Item No.: 3
Project Description: Consider Combined Development Permit consisting of: 1) an Administrative Permit and Design Approval for the construction of a 2,735 square foot two-story single family dwelling with a 966 square foot cantilevered veranda and a 783 square foot attached garage; grading of approximately 230 cubic yards of cut and 78 cubic yards of fill; 2) a Use Permit to allow development on slopes in excess of 25%; and 3) a Use Permit for the removal of 10 Oak trees (6", 5-10", 14", 2-18" 20" in diameter).	
Project Location: 25535 Via Paloma, Carmel	APN: 169-332-002-000
Planning File Number: PLN140573	Owner: Cooper, David and Deborah Applicant: Darren Davis, Designer
Planning Area: Carmel Valley Master Plan	Flagged and staked: Yes
Zoning Designation: "LDR/B-6-D-S-RAZ" [Low Density Residential/B-6 Building Overlay, Design Control District, Site Plan Review-Residential Allocation Zoning]	
CEQA Action: Categorically Exempt per Section 15303 (a) of the CEQA Guidelines	
Department: RMA-Planning	

RECOMMENDATION:

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

- 1) Find the project Categorically Exempt per CEQA Section 15303 (a); and
- 2) Approve Combined Development Permit PLN140573, based on the findings and evidence and subject to the conditions of approval (**Exhibit B**).

PROJECT OVERVIEW:

Applicant proposes the construction of a 2,735 square foot two-story single family dwelling with a 966 square foot cantilevered veranda and a 783 square foot attached garage; grading of approximately 230 cubic yards of cut and 78 cubic yards of fill; approximately 690 square feet of development on slopes in excess of 25%; and the removal of 10 Oak trees.

The project is a 1.68 acre lot created by the Rancho Tierra Grande Subdivision 3, with an existing private road easement which crosses the lot from the north to south. Most of the parcel is heavily wooded with mature coastal oaks and contains slopes in excess of 25%. The intended building envelope is to the east of the road and has a gentle slope of 5% to 22%.

Due to the size, shape and topography of the existing infill parcel, the applicants carefully sited the modest structure to reduce impacts to trees and slopes. Cantilevering the deck reduces impacts to the 25% slope; revising septic pit locations reduces tree removal, and allowing the garage the exception to the 30 foot setback reduces additional development on 25% slope. Therefore, staff has determined the proposed project better achieves the goals, policies and objectives of the Monterey County General Plan and Carmel Valley Master Plan than other development alternatives.

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

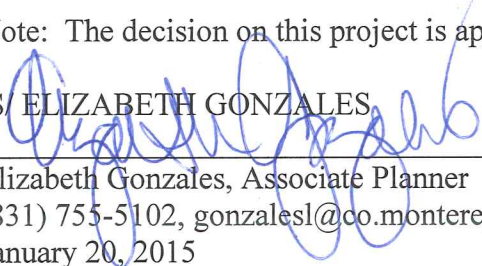
- √ RMA-Public Works Department
- √ RMA-Environmental Services
- √ Environmental Health Bureau
- √ Water Resources Agency
- √ Carmel Valley Fire Protection District

Agencies that submitted comments are noted with a check mark (“√”). Conditions recommended by RMA-Planning, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau and Water Resources have been incorporated into the Condition Compliance Plan attached to the draft resolution (**Exhibit B**).

On November 3, 2014, the Carmel Valley Land Use Advisory Committee (LUAC) voted (8-0) to approve the project with recommended changes. They recommended protection of trees at walkway and reduction in tree removal for sewage pits. The sewage pits were redesigned to reduce tree removal from 6 trees to 2 trees.

Note: The decision on this project is appealable to the Planning Commission.

/S/ ELIZABETH GONZALES


Elizabeth Gonzales, Associate Planner
(831) 755-5102, gonzalesl@co.monterey.ca.us
January 20, 2015

cc: Front Counter Copy; Zoning Administrator; Carmel Valley Fire Protection District; RMA-Public Works Department; RMA-Environmental Services; Environmental Health Bureau; Water Resources Agency; John Ford, RMA Services Manager; Elizabeth Gonzales, Project Planner; Cooper, David and Deborah, Owner; Darren Davis, Agent; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); John H. Farrow; Janet Brennan; George Brehmer (Carmel Valley projects only); Planning File PLN140573

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Discussion
	Exhibit C	Draft Resolution, including:
		• Conditions of Approval and Mitigation Monitoring and Reporting Program
		• Site Plan, Floor Plan and Elevations
	Exhibit D	Vicinity Map
	Exhibit E	Advisory Committee Minutes (LUAC)
	Exhibit F	Justification Letter (25% slope)
	Exhibit G	Correspondence

This report was reviewed John Ford, RMA Planning Services Manager 

EXHIBIT A

Project Information for PLN140573

Application Name: Cooper David & Deborah
Location: 25535 Via Paloma, Carmel
Applicable Plan: Carmel Valley Master Plan
Advisory Committee: Carmel Valley Advisory Committee
Permit Type: Combined Development Permit
Environmental Status: Categorical Exemption
Zoning: LDR/B-6-D-S-RAZ

Primary APN: 169-332-002-000
Coastal Zone: No
Final Action Deadline (884): 1/19/2015
Land Use Designation: Residential - Low Density 5
- 1 Acres/Unit

Project Site Data:

Lot Size: 1.68
Existing Structures (sf): 0
Proposed Structures (sf): 3918
Total Sq. Ft.: 3918

Coverage Allowed: 25%
Coverage Proposed: 5%
Height Allowed: 30
Height Proposed: 29
FAR Allowed: n/a
FAR Proposed: n/a

Special Setbacks on Parcel: N

Resource Zones and Reports:

Seismic Hazard Zone: VI
Erosion Hazard Zone: High
Fire Hazard Zone: Very High
Flood Hazard Zone: X (unshaded)
Archaeological Sensitivity: moderate
Visual Sensitivity: Sensitive

Soils Report #: LIB140383
Biological Report #: n/a
Forest Management Rpt. #: LIB140385
Geologic Report #: n/a
Archaeological Report #: LIB140384
Traffic Report #:

Other Information:

Water Source: private well
Water Purveyor: private
Fire District: Monterey County Regional FPD
Tree Removal: 10

Grading (cubic yds.): 152
Sewage Disposal (method): septic system
Sewer District Name: private

EXHIBIT B DISCUSSION

Project Description and Background

The proposed project is a Combined Development Permit consisting of: 1) an Administrative Permit and Design Approval for the construction of a 2,735 square foot two-story single family dwelling with a 966 square foot cantilevered veranda and a 783 square foot attached garage; grading of approximately 230 cubic yards of cut and 78 cubic yards of fill; 2) a Use Permit to allow development on slopes in excess of 25%; and 3) a Use Permit for the removal of 10 Oak trees (6", 5-10", 14", 2-18" 20" in diameter).

The project is a 1.68 acre lot created by the Rancho Tierra Grande Subdivision 3, with an existing private road easement which crosses the lot from the north to south. Most of the parcel is heavily wooded with mature coastal oaks and contains slopes in excess of 25%. The intended building envelope is to the east of the road and has a gentle slope of 5% to 22%.

Project Issues

Development on Slopes in excess of 25% Pursuant to 21.64.230.C.1, "All development on slopes of twenty-five (25) percent or more requires a Use Permit." The applicants are requesting the County allow 240 square feet of the house and garage, 450 square feet of the driveway, and 5 structural concrete piers to support a cantilevered deck to be constructed on slopes over 25 percent. The driveway hammerhead turnaround is required by the Fire Department. This is a reasonably sized house being placed to minimize tree removal and encroaching onto the slope in a manner that does not require significant cut or fill. Cantilevering the deck by using the 5 concrete piers substantially reduces the impact on the steep slopes. The two existing residences on each side of the property also have cantilevered decks over the 25% slope. There are a substantial number of trees between the road right of way and the 30 foot setback. If the house were to be moved away from the slope on the eastern portion of the property, more trees would have to be removed. The design works with the natural landform with a relatively minor encroachment that does not result in large cut or fill slopes. Therefore, keeping tree removal to the minimum required for development, and cantilevering the deck better achieves the goals, policies and objectives of the Monterey County General Plan and Carmel Valley Master Plan than other development alternatives.

Tree Removal Pursuant to Section 21.64.260.C.2, "No oak, madrone or redwood tree six inches or more in diameter two feet above ground level shall be removed in the Carmel Valley Master Plan area without approval of a Use Permit." The project proposes to remove a total of 10 Oak trees; a 6" in diameter, five 10" in diameter, a 14" in diameter, two 18" in diameter and a 20" in diameter. Eight of the trees for removal are required for the house and the hammerhead turnaround required by the Fire Department. The other two trees proposed for removal are required for the septic pits. No landmark trees are proposed for removal. Trees to be removed are of moderate to small sized diameters and are considered to be in fair to poor condition. A Tree Resource Assessment prepared by Frank Ono, dated February 20, 2014, states the site is moderately degraded and proposed tree removal is less than 3% of the existing oaks on site. Given the site constraints of the property, tree removal is considered the minimum required under the circumstances (see Finding #7).

Setback Exception 21.62.040.N (Monterey County Code/Title 21 Zoning Ordinance) The Monterey County allows exceptions to the front yard setback as follows: "Notwithstanding any

requirements in this Chapter, in cases where the elevation of the front half of the lot at a point 50 feet from the centerline of the traveled roadway is 7 feet above or below the grade of said centerline, a parking space, private garage or carport, attached or detached, may encroach into the front yard setback requirement up to 5 feet from the front line of the lot. For garage doors that face the right-of-way, an electric garage door opener is required.” The southwest portion of the attached garage encroaches into the front setback by 8 feet. This is an interesting circumstance. The exception is created to allow encroachment into the setback to minimize grading associated with the driveway. In this case, the road providing access is sloping in such a way that the grade difference between the street and the mouth of the driveway is only two feet. This exception is not needed to provide access from the street to the garage. However, the side setbacks and slopes along the east side of the property would not allow the house to be adjusted and comply with the front setback without either encroaching into the side setback or further encroachment into the steeper slopes. There is a rise of 7 feet from the center of the traveled road to the edge of the garage that allows for this exception. This is a moderately sized house and comparable to the two existing homes on each side of the property.

Environmental Review

California Environmental Quality Act (CEQA) Guidelines Section 15303 (a), categorically exempts one single family residence or a second dwelling unit in a residential zone. The project is the first single family dwelling on an existing legal lot of record. No adverse environmental effects were identified during staff review of the site. None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The parcel is not located within any scenic highway, nor is there a reasonable possibility that the activity will have a significant effect. This is an infill lot that was anticipated for development when Rancho Tierra Grande Subdivision 3 was created.

Interested Party concerns

During the course of writing the staff report, staff received a few emails from a concerned citizen. These are his concerns with responses:

- 1) Currently, the driveway serves five dwellings as allowed for in Monterey County access road design standards. When the sixth dwelling is added a non-conforming condition will be created. By granting approval to develop the site Monterey County is creating a non-conforming condition. At the very least a variance should be required. Monterey County is establishing a precedent in contradiction with its own ordinances endangering existing residents for the applicant’s financial gain. By allowing a non-conforming project to proceed your department is creating a hardship for the neighboring properties sharing this driveway. Insurance carriers will raise fire insurance rates, terminate coverage or decline to cover future owners. As the hammerhead turn around will be of no use with cars parked in the driveway, failure to deed restrict and enforce no parking in the turn-around endangers neighbors and emergency responders.

RESPONSE: The 30 foot wide private road is legal and conforming, and it is the right-of-way easement to 4 (Four) lots including the project site. All other lots have direct access to Via Paloma. This can be easily verified by reviewing the Ranch Tierra Grande Subdivision 3. Additionally, 30 foot private roads are all over Monterey County. There is nothing nonconforming about this request. The site is a legal lot created by a recorded subdivision map and has access from the 30 foot access easement.

- 2) Concerned resident spoke with Janna Faulk when the “existing well” was being installed in December 2013. She indicated the application fell through a lapse in the moratorium on wells. Records do not show anybody other than David Cooper who used this lapse

and received a new well permit. When asked how the County could issue a new well connection in the face of a State mandate to stop overdrafting the Carmel River Basin, Janna Faulk said “I don’t know they just issued a permit”.

RESPONSE: The well permit was issued from Environmental Health on October 2012. This parcel is located outside of the study area and therefore was not under the moratorium. The applicant however, could not get water from Cal Am because of the cease and desist order so they applied for a well for this legal lot of record. There was no mistake made or special privilege granted in the issuance of this well permit.

Recommendation

Due to the size, shape and topography of the existing infill parcel, the applicants carefully sited the modest structure to reduce impacts to trees and slopes. Cantilevering the deck reduces impacts to the 25% slope; revising the septic pit locations reduces tree removal, and allowing the garage the exception to the 30 foot setback reduces additional development on 25% slope. Therefore, staff recommends the Zoning Administrator approve the Combined Development Permit subject to Conditions of approval.

**EXHIBIT C
DRAFT RESOLUTION**

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

In the matter of the application of:
COOPER, DAVID AND DEBORAH (PLN140573)
RESOLUTION NO. ----

Resolution by the Monterey County Hearing Body:

- 1) Finding the project Categorical Exempt per CEQA Section 15303 (a); and
- 2) Approving a Combined Development Permit consisting of: 1) an Administrative Permit and Design Approval for the construction of a 2,735 square foot two-story single family dwelling with a 966 square foot cantilevered veranda and a 783 square foot attached garage; grading of approximately 230 cubic yards of cut and 78 cubic yards of fill; 2) a Use Permit to allow development on slopes in excess of 25%; and 3) a Use Permit for the removal of 10 Oak trees (6", 5-10", 14", 2-18" 20" in diameter).

[PLN140573, Cooper, David and Deborah, 25535
Via Paloma, Carmel , Carmel Valley Master Plan
(APN: 169-332-002-000)]

The Cooper application (PLN140573) came on for public hearing before the Monterey County Zoning Administrator on January 29, 2015. 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:** **PROJECT DESCRIPTION** – The proposed project is a Combined Development Permit consisting of: 1) an Administrative Permit and Design Approval for the construction of a 2,735 square foot two-story single family dwelling with a 966 square foot cantilevered veranda and a 783 square foot attached garage; grading of approximately 230 cubic yards of cut and 78 cubic yards of fill; 2) a Use Permit to allow development on slopes in excess of 25%; and 3) a Use Permit for the removal of 10 Oak trees (6", 5-10", 14", 2-18" 20" in diameter).

 EVIDENCE: The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140573.

2. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the

applicable plans and policies which designate this area as appropriate for development.

- EVIDENCE:**
- a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 2010 Monterey County General Plan;
 - Carmel Valley Master Plan; and
 - Monterey County Zoning Ordinance (Title 21);No conflicts were found to exist. Communication was received during the course of review of the project suggesting inconsistencies with the text, policies, and regulations in these documents. However, upon evaluation of the comments that the access road is nonconforming and the well permit was not properly issued, no merit was found in these claims. The project site is a legal lot as shown on the Rancho Tierra Grande Subdivision 3 and the well permit was issued consistent with County Code requirements.
 - b) The property is located at 25535 Via Paloma, Carmel (Assessor's Parcel Number 169-332-002-000), Carmel Valley Master Plan. The parcel is zoned "LDR/B-6-D-S-RAZ" [Low Density Residential/B-6 Building Overlay, Design Control District, Site Plan Review-Residential Allocation Zoning], which allows the first single family dwelling on a legal lot of record. Therefore, the project is an allowed land use for this site.
 - c) Design Approval Pursuant to Chapter 20.44, Design Control Zoning Districts, zoning for the project requires design review of structures for protection of the public viewshed, neighborhood character, and to assure visual integrity. Colors and materials include cream colored stucco, redwood stained trims and doors with grey shake roofing materials, which are consistent with the character of the neighborhood.
 - d) Site Plan Review Pursuant to Chapter 21.45, an Administrative Permit is required for projects located in a Site Plan Review zoning district. The district regulates the review of development in those areas of the County where development by reason of its location has the potential to adversely affect or be adversely affected by natural resources or site constraints. The project has been carefully sited to minimize any impacts to natural resources and proposes to meet all site development standards.
 - e) Residential Allocation Zoning Pursuant to Chapter 21.52, the proposed project is located within an RAZ overlay that denotes a specific area that is subject to policies or ordinances which specify limitations on the number of lots or units which may be created in a given period of time. The parcel is a part of Tierra Grande Subdivision 3 and is not proposing to create additional lots. Only one unit is proposed and therefore, meets RAZ zoning overlay.
 - f) Development on Slopes in excess of 25% Pursuant to 21.64.230.C.1, "All development on slopes of twenty-five (25) percent (Monterey County General Plan) or more requires a Use Permit." The applicants are requesting the County allow 240 square feet of the house and garage, 450 square feet of the driveway, and 5 structural concrete piers to support a cantilevered deck to be constructed on slopes over 25 percent. The driveway hammerhead turnaround is required by the Fire

Department. This is a reasonably sized house being placed to minimize tree removal and encroaching onto the slope in a manner that does not require significant cut or fill. . The two existing residences on each side of the property also have cantilevered decks over the 25% slope. There are a substantial number of trees between the road right of way and the 30 foot setback. If the house were to be moved away from the slope on the eastern portion of the property, more trees would be removed. The design works with the natural landform with a relatively minor encroachment that does not result in large cut or fill slopes. Therefore, keeping tree removal to the minimum required for development, and cantilevering the deck better achieves the goals, policies and objectives of the Monterey County General Plan and Carmel Valley Master Plan than other development alternatives.

- g) Tree Removal Pursuant to Section 21.64.260.C.2, “No oak, madrone or redwood tree six inches or more in diameter two feet above ground level shall be removed in the Carmel Valley Master Plan area without approval of a Use Permit.” The project proposes to remove a total of 10 Oak trees; one 6" in diameter, five 10" in diameter, one 14" in diameter, two 18" in diameter and one 20" in diameter. Eight of the trees are being removed for the house and the hammerhead turnaround required by the Fire Department. The other two trees proposed for removal are required for the septic pits. No landmark trees are proposed for removal. Trees to be removed are of moderate to small sized diameters and are considered to be in fair to poor condition. A Tree Resource Assessment prepared by Frank Ono, dated February 20, 2014, states the site is moderately degraded and proposed tree removal is less than 3% of the existing oaks on site. Given the site constraints of the property, tree removal is considered the minimum required under the circumstances (see Finding #7).
- h) Setback Exception 21.62.040.N (Monterey County Code/Title 21 Zoning Ordinance) The Monterey County allows exceptions to the front yard setback as follows: “Notwithstanding any requirements in this Chapter, in cases where the elevation of the front half of the lot at a point 50 feet from the centerline of the traveled roadway is 7 feet above or below the grade of said centerline, a parking space, private garage or carport, attached or detached, may encroach into the front yard setback requirement up to 5 feet from the front line of the lot. For garage doors that face the right-of-way, an electric garage door opener is required.” The southwest portion of the attached garage encroaches into the front setback by 8 feet. The exception is created to allow encroachment into the setback to minimize grading associated with the driveway. In this case, the road providing access is sloping in such a way that the grade difference between the street and the mouth of the driveway is only two feet. This exception is not needed to provide access from the street to the garage. However, the side setbacks and slopes along the east side of the property would not allow the house to be adjusted and comply with the front setback without either encroaching into the side setback or further encroachment into the steeper slopes. There is a rise of 7 feet from the center of the traveled road to the edge of the garage that allows for this exception. This is a moderately sized house and comparable to

the two existing homes on each side of the property.

- i) The project planner conducted a site inspection on August 15, 2015 to verify that the project on the subject parcel conforms to the plans listed above.
- j) On November 3, 2014, the Carmel Valley Land Use Advisory Committee (LUAC) voted (8-0) to recommend approval of the project with recommended changes. They recommended protection of trees at the walkway and reduction in tree removal for sewage pits. Tree removal was reduced from 6 trees to 2 trees for the sewage pits. A tree protection condition of approval has been applied to the conditions (Condition #4).
- k) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140573.

3. **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, Carmel Valley Fire Protection District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Staff identified potential impacts to Archaeological Resources, Soil/Slope Stability and Tree Removal. The following reports have been prepared:
 - “Geotechnical Report” (LIB140383) prepared by Grice Engineering, Inc., Salinas, CA, dated July, 2014; and
 - “A Tree Resource Assessment” (LIB140385) prepared by Frank Ono, Pacific Grove, CA, dated February 20, 2014; and
 - Preliminary Cultural Resources Reconnaissance” (LIB140384) prepared by Susan Morley, Marina, CA, dated September, 2014.

The above-mentioned technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate the site is not suitable for the use proposed. The geotechnical report inspection of the site indicates that no landslides are located above or below the building area and the area is generally not susceptible to slope failure due to the strength of the underlying bedrock. The tree report states the site is moderately degraded and proposed tree removal is considered the minimum required under the circumstances. The Archaeological report was negative. A standard Condition of approval for a negative report has been added (Condition #20). County staff has independently reviewed these reports and concurs with their conclusions.

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

neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by the RMA - Planning, Carmel Valley Fire Protection District, RMA - Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary public facilities will be provided by an existing well. A new septic system is proposed with the new development. Environmental Health Bureau has conditioned the project to address existing well water quality (Condition #8).
 - c) See Preceding findings #1, #2, and #3 and evidence to support conclusions.

5. **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 and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on August 15, 2015 and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN140573.

6. **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 one single family residence or a second dwelling unit in a residential zone.
 - b) The project is a proposed single family dwelling on a 1.68 acre infill lot created by the Rancho Tierra Grande Subdivision 3.
 - c) No adverse environmental effects were identified during staff review of the development application during a site visit on August 15, 2015.
 - d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The parcel is not located within any scenic highway, nor is there a reasonable possibility that the activity will have a significant effect. This is infill development that was anticipated for development when the subdivision was created.
 - e) See Preceding Findings #1, #2, #3, and #4 and evidence supporting the exemption.

7. **FINDING:** **TREE REMOVAL** -The tree removal is the minimum required under

the circumstances and the removal will not involve a risk of adverse environmental impacts.

- EVIDENCE:**
- a) The project includes application for the removal of 10 Oak trees. In accordance with the applicable policies of the Carmel Valley Master Plan and the Monterey County Zoning Ordinance (Title 21), a discretionary permit is required and the criteria to grant said permit have been met.
 - b) Pursuant to Section 21.64.260.C.2, "No oak, madrone or redwood tree six inches or more in diameter two feet above ground level shall be removed in the Carmel Valley Master Plan area without approval of a Use Permit." The project proposes to remove a total of 10 Oak trees; (one 6" in diameter, five 10" in diameter, one 14" in diameter, two 18" in diameter and one 20" in diameter).
 - c) A Tree Resource Assessment prepared by Frank Ono, dated February 20, 2014, states the site is moderately degraded and proposed tree removal is less than 3% of the existing oaks on site. Given the site constraints, tree removal is considered the minimum required under the circumstances.
 - d) Measures for tree protection during construction have been incorporated as conditions of approval and include tree protection zones, trunk protection, hand excavation and bridging roots (see Conditions #4 and #5).
 - e) The project has been designed and sited to minimize the removal of protected trees to the greatest extent feasible. The existing site is a 1.68 acre site with an existing private road easement which crosses the lot from the N/E property line to the S/E property line. Most of the lot which is on the east side of the private road is heavily wooded with mature coastal oaks and is sloping in excess of 25%. Eight of the trees proposed for removal are required for the house and the hammerhead driveway which is required by the Fire Department. The other two trees proposed for removal are required for the septic pits. Redesign of the septic pits, as recommended by the LUAC, reduced tree removal from 15 to 10 trees in total. No landmark trees are proposed for removal. Trees to be removed are of moderate to small sized diameters and are considered to be in fair to poor condition.
 - f) The removal will not involve a risk of adverse environmental impacts. This is infill development that was anticipated for development when the subdivision was created. Building site constraints were analyzed and envelopes were developed for that purpose.

8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Planning Commission.

- EVIDENCE:**
- a) Section 21.80.040.B of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Planning Commission.

DECISION

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

1. Find the project Categorical Exempt per Section 15303 (a) of the CEQA Guidelines;

2. Approve Combined Development Permit consisting of: 1) an Administrative Permit and Design Approval for the construction of a 2,735 square foot two-story single family dwelling with a 966 square foot cantilevered veranda and a 783 square foot attached garage; grading of approximately 230 cubic yards of cut and 78 cubic yards of fill; 2) a Use Permit to allow development on slopes in excess of 25%; and 3) a Use Permit for the removal of 10 Oak trees (6", 5-10", 14", 2-18" 20" in diameter), in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 29 day of January, 2014 upon motion of:

Jacqueline Onciano, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____.

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

NOTES

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

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

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

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

Form Rev. 5-14-2014

Monterey County RMA Planning

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

PLN140573

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

This Combined Development Permit (PLN140573) allows: 1) an Administrative Permit and Design Approval for the construction of a 2,735 square foot two-story single family dwelling with a 966 square foot cantilevered veranda and a 783 square foot attached garage; grading of approximately 230 cubic yards of cut and 78 cubic yards of fill; 2) a Use Permit to allow development on slopes in excess of 25%; and 3) a Use Permit for the removal of 10 Oak trees (6", 5-10", 14", 2-18" 20" in diameter). The property is located at 25535 Via Paloma, Carmel (Assessor's Parcel Number 169-332-002-000), Carmel Valley Master Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

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

The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

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 the Zoning Administrator for Assessor's Parcel Number 169-332-002-000 on January 29, 2105. The permit was granted subject to 20 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

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.

3. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: RMA-Planning

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/her/its 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, recordation of the certificates of compliance 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)

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 for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to RMA-Planning .

4. PD011 - TREE AND ROOT PROTECTION

Responsible Department: RMA-Planning

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

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 RMA - Planning for review and approval.

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

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

5. PD011(A) - TREE REMOVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Tree removal shall not occur until a construction permit has been issued in conformance with the appropriate stage or phase of development in this permit. Only those trees approved for removal shall be removed. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to tree removal, the Owner/ Applicant/ Tree Removal Contractor shall demonstrate that a construction permit has been issued prior to commencement of tree removal.

6. PD012(F) - LANDSCAPE PLAN & MAINTENANCE (SFD ONLY)

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of RMA - Planning. 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. 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)

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

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 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 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.

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.

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

Responsible Department: RMA-Planning

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 lighting source shall be shielded and recessed into the fixture. 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 RMA - Planning, prior to the issuance of building permits.

(RMA - Planning)

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 RMA - Planning for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to final/occupancy, the Owner/Applicant/Contractor shall submit written and photographic evidence demonstrating that the lighting has been installed according to the approved plan.

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

8. EHSP01 - Water Samples Required (Non-Standard)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Pursuant to Title 22 of the California Code of Regulations all Primary Standards for Inorganic Chemical Analysis shall be completed. Perchlorate has not been previously tested for this well (12-12046). Prior to final of construction permits, submit a perchlorate sample result to EHB for review and approval.

Coliform Bacteria Analysis was positive for Total Coliform in January 2013. The resample taken in June 2014 did not include a chlorine residual. Prior to final of construction permits, submit an updated coliform bacteria analysis that includes chlorine residual for review and approval.

IF the water samples do not meet state maximum contaminate level thresholds, the following shall be required prior to occupancy of the home:

- Treatment plans shall be submitted to EHB for review and approval.
- Water Treatment system shall be installed with confirmation sample(s) indicating that the treatment system is functioning properly and the water is potable.
- A deed Restriction shall be placed on the parcel indicating that treatment is required and installed and that it's the property owner's responsibility to regular maintain the treatment system to keep it in working order.

Compliance or Monitoring Action to be Performed:

Prior to final of construction permits:

- Submit a perchlorate sample result to EHB for review and approval
- Submit an updated coliform bacteria analysis that includes chlorine residual for review and approval

IF samples indicate that treatment is necessary, submit the following prior to occupancy of the home:

- Treatment plans shall be submitted to EHB for review and approval.
- Install Treatment System.
- Submit confirmation sample(s) indicating that the treatment system is functioning properly and the water is potable.
- Submit Grant Deed to EHB for creation of Deed Restriction form.
- Obtain form and instructions from EHB.
- Record notarized deed restriction.
- Submit evidence of recordation to EHB.

9. EROSION CONTROL PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure:

The applicant shall submit an Erosion Control Plan identifying the proposed methods to control runoff and erosion. The plan shall include the location and details for all selected erosion control measures. The Erosion Control Plan may be incorporated into other required plans provided it is clearly identified. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed:

Prior to issuance of any grading or building permits, the applicant shall submit an Erosion Control Plan to RMA-Environmental Services for review and approval.

10. GEOTECHNICAL CERTIFICATION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall provide certification from a licensed Geotechnical Engineer that all development has been constructed in accordance with the recommendations in the project Geotechnical Investigation. (RMA- Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall provide RMA-Environmental Services a letter from a licensed Geotechnical Engineer.

11. GRADING PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a grading plan incorporating the recommendations from the Geotechnical Investigation prepared by Soil Surveys Inc. The Grading Plan shall be stamped by a licensed Geotechnical Engineer. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit a Grading Plan to RMA-Environmental Services for review and approval.

12. INSPECTION-DURING ACTIVE CONSTRUCTION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall schedule an inspection with RMA-Environmental Services, during active construction, to review the maintenance and effectiveness of BMPs installed, as well as, to verify that pollutants of concern are not discharged into receiving water bodies. (RMA – Environmental Services)

Compliance or Monitoring Action to be Performed: During construction, The applicant shall schedule an inspection with RMA-Environmental Services.

13. INSPECTION-FOLLOWING ACTIVE CONSTRUCTION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall schedule an inspection with RMA-Environmental Services to ensure all disturbed areas have been stabilized and all temporary erosion and sediment control measures that are no longer needed have been removed. (RMA – Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall schedule an inspection with RMA-Environmental Services.

14. INSPECTION-PRIOR TO LAND DISTURBANCE (DURING THE RAINY SEASON)

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall schedule an inspection with RMA-Environmental Services to ensure all necessary sediment controls are in place and the project is compliant with Monterey County regulations. (RMA – Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to commencement of any land disturbance during the rainy season (October 15 – April 15), the owner/applicant shall schedule an inspection with RMA-Environmental Services.

15. PW0006 - CARMEL VALLEY

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: The Applicant shall pay the Carmel Valley Master Plan Area Traffic Mitigation fee pursuant to the Board of Supervisors Resolution NO. 95-140, adopted September 12, 1995 (Fees are updated annually based on CCI).

Compliance or Monitoring Action to be Performed: Prior to Building Permits Issuance Owner/Applicant shall pay to PBI the required traffic mitigation fee.

16. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

Responsible Department: RMA-Public Works

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.

17. PW0044 - CONSTRUCTION MANAGEMENT PLAN

Responsible Department: RMA-Public Works

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

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of the Grading Permit or Building Permit Owner/Applicant/Contractor shall prepare a CMP and shall submit the CMP to the RMA-Planning Department and the Department of Public Works for review and approval.
2. On-going through construction phases Owner/Applicant/Contractor shall implement the approved measures during the construction/grading phase of the project.

18. 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.

19. 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.

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

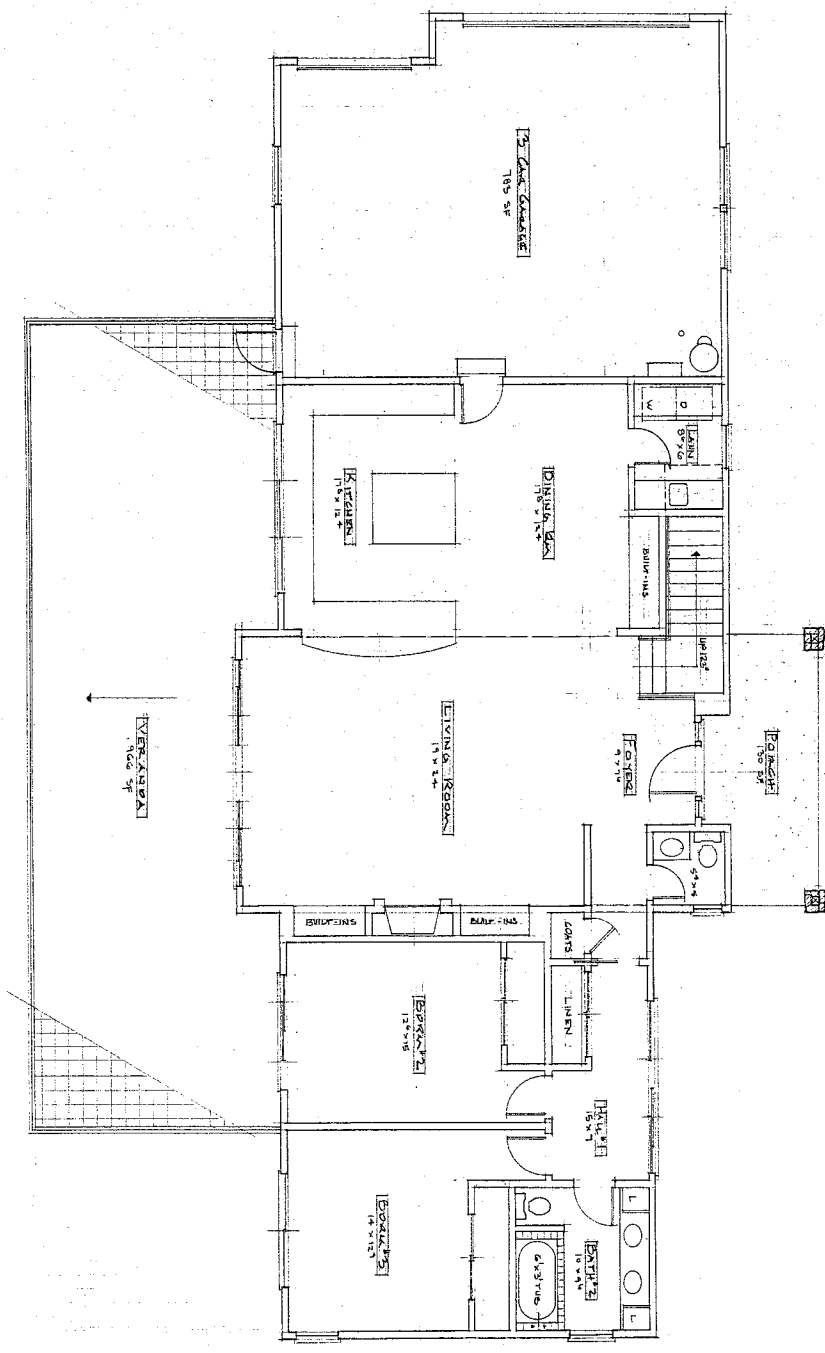
Responsible Department: RMA-Planning

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

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

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

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



FIRST STAIR 2031 sq

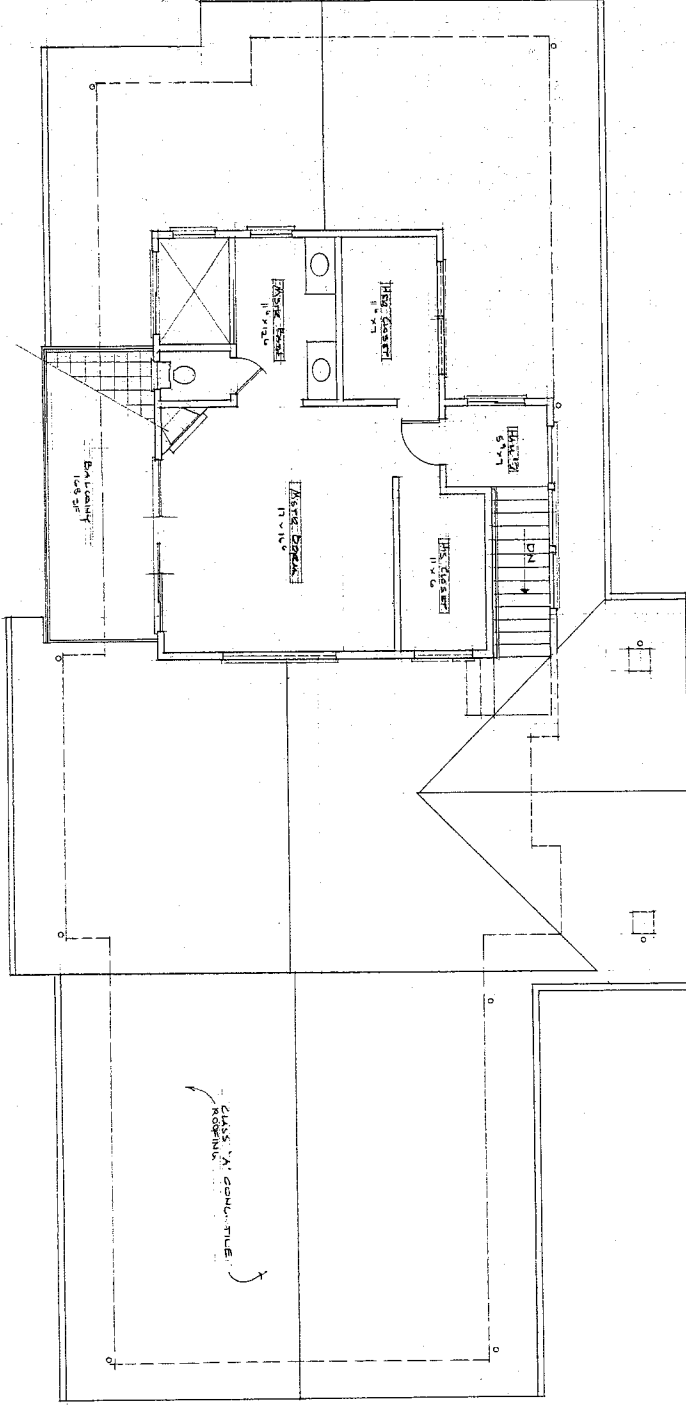
1451 sq



DATE
COUNT

SECOND STREET OLD ST

1/4" = 1'-0"

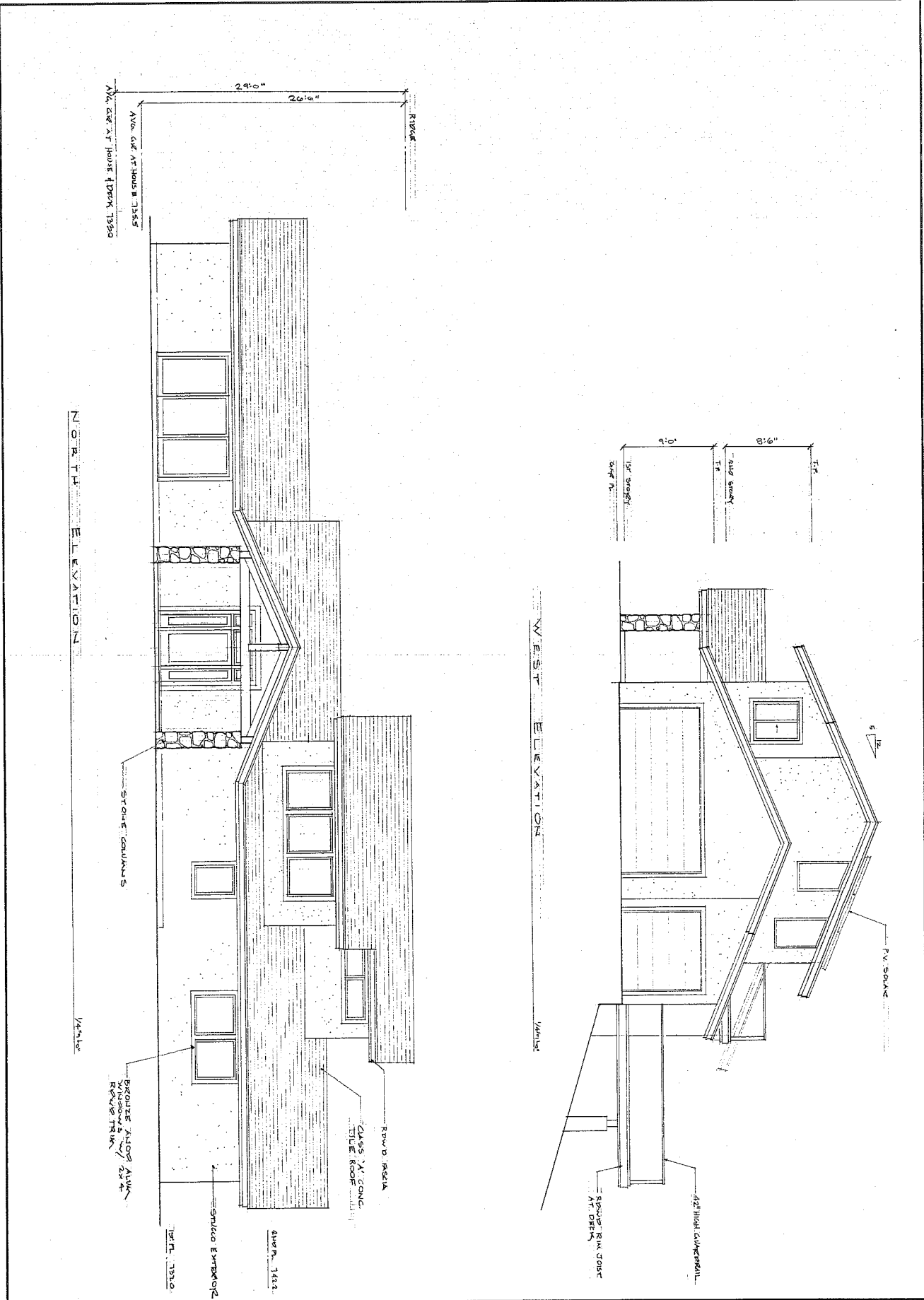


DATE	10-1-14
BY	AV
DATE	10-2-14
BY	AV
DATE	10-1-14
BY	AV

COOPER RESIDENCE
 LOT 43 VIA PALOMA ROAD
 TIERRA GRANDE, CARMEL VALLEY
 APN: 169-332-002-000 PH: 831 320-3164

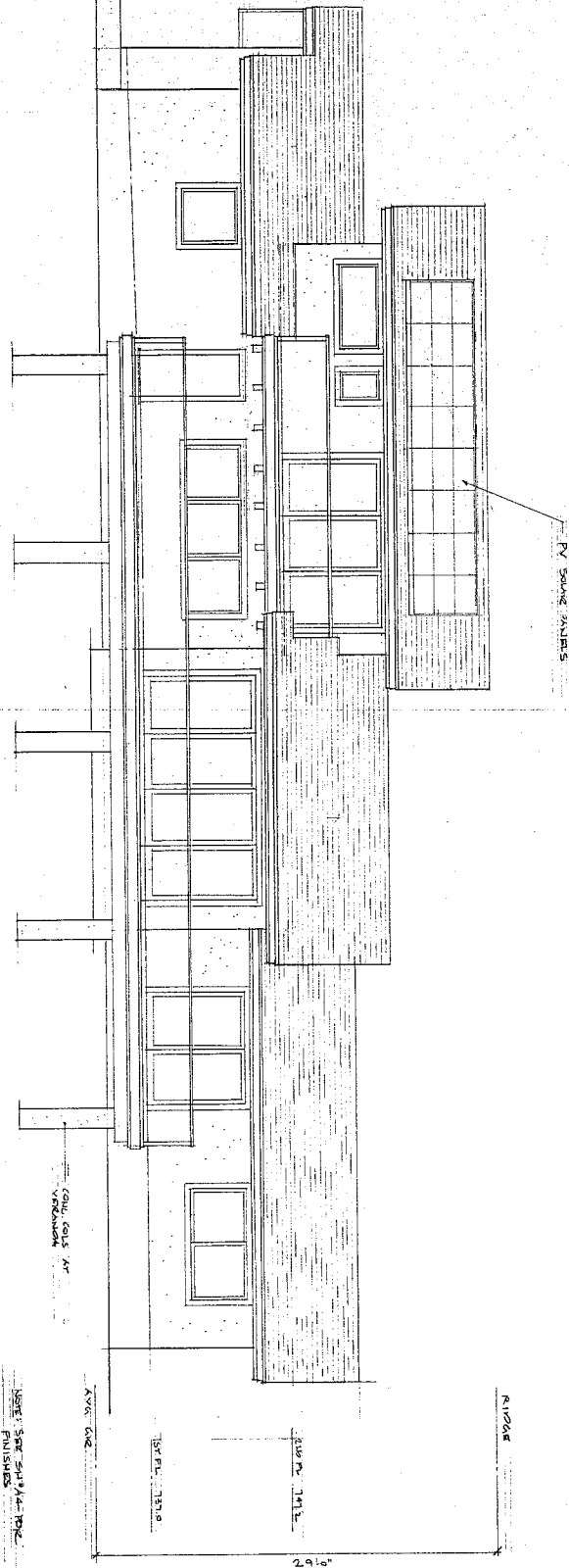
draftfact
 BUILDING DESIGN
 & CONSTRUCTION
 2150 GARDEN RD., SUITE 103 / MONTEREY, CA 95030 / (831) 646-9966 / FAX 646-9968

REVISIONS	BY
10-1-14	D

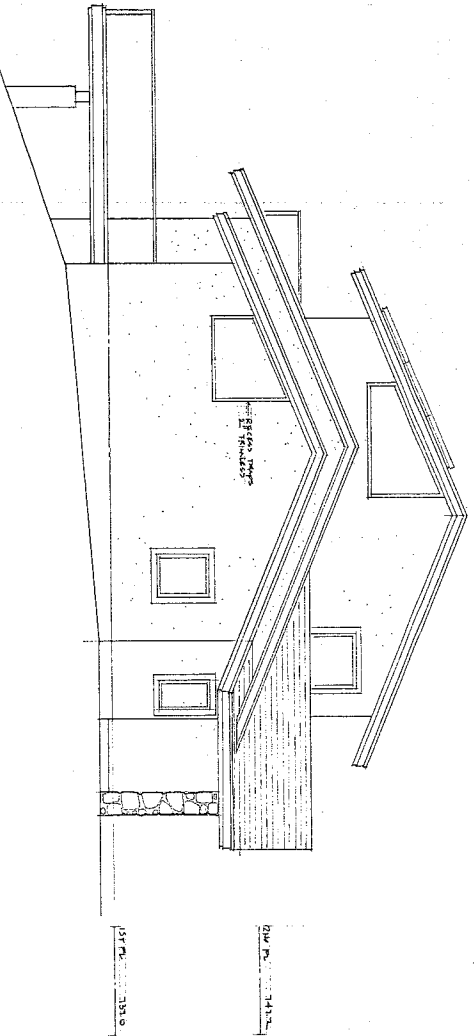


COOPER RESIDENCE LOT 43 VIA PALOMA ROAD TIERRA GRANDE, CARMEL VALLEY APN: 169-332-002-000 PH: 831 320-3164	READING DESIGN & CONSULTING draftact 2100 GARDEN RD., SUITE B3 / MONTEREY, CA 95040 / (831) 646-8786 / FAX 646-8783	REVISIONS BY 10-1-14 C
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SOUTH ELEVATION



EAST ELEVATION



1/4\"/>

1/4\"/>

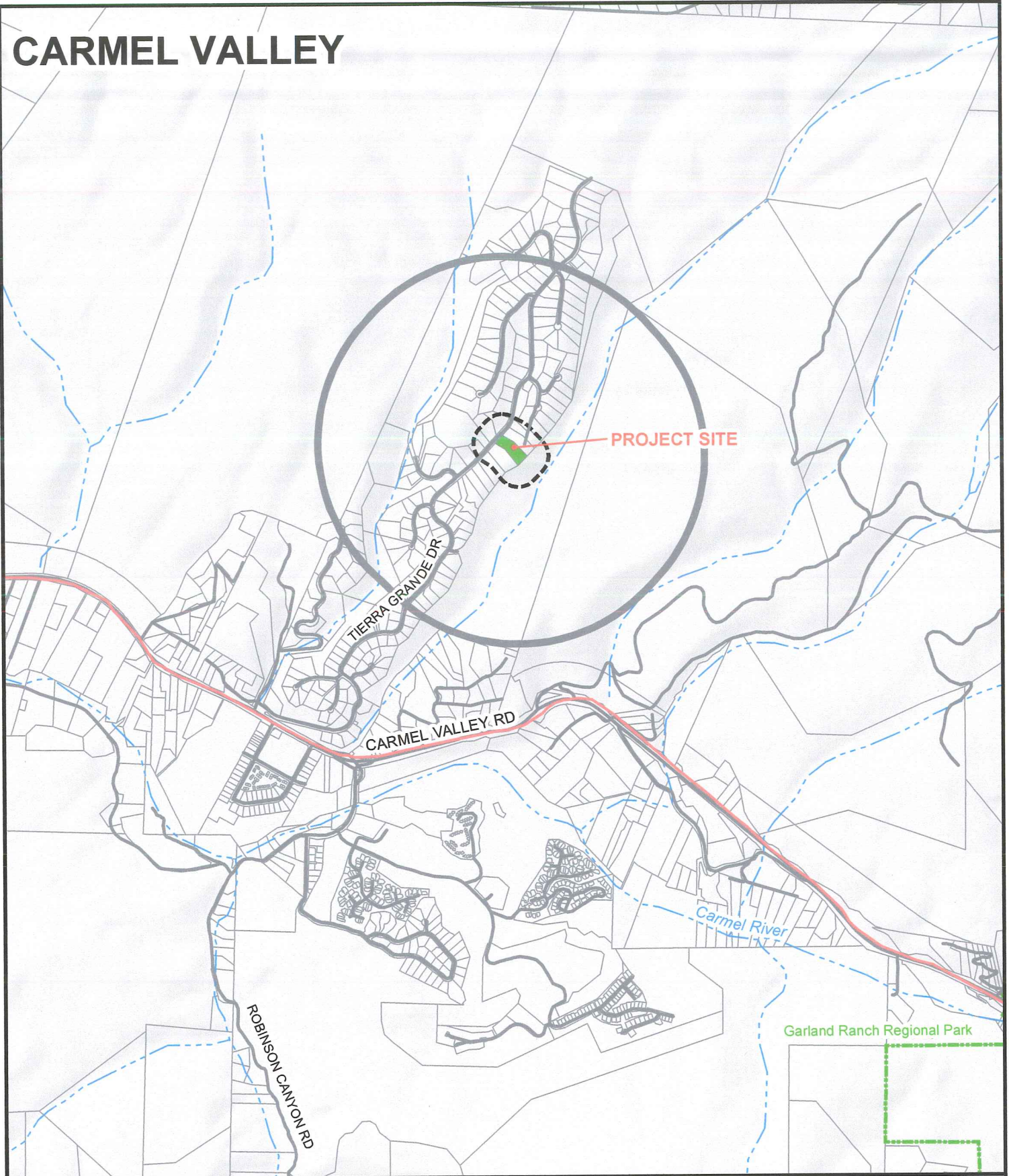
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COOPER RESIDENCE
 LOT 43 VIA PALOMA ROAD
 TIERRA GRANDE, CARMEL VALLEY
 APN: 169-332-002-000 PH: 831 320-3164

BUILDING DESIGN
 & CONSULTING
draftfact
 2150 GARDEN RD., SUITE 50 / MONTEREY, CA 95040 / (831) 340-8795 / FAX 646-6708

NO.	DATE	DESCRIPTION
1	10/14/14	ISSUED FOR PERMITS
2		
3		
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10		

CARMEL VALLEY

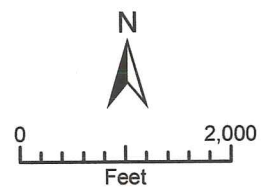


APPLICANT: COOPER

APN: 169-332-002-000

FILE # PLN140573

2500' Limit 300' Limit Water



PLANNER: GONZALES

MINUTES
Carmel Valley Land Use Advisory Committee
Monday, November 3, 2014

1. Meeting called to order by Janet Brennan at 6:30 pm

2. Roll Call

Members Present: Janet Brennan, Charles Franklin, David Burbidge, Michael Addison, John Anzini,
Neil Agron, Judy MacClelland, Brian Rasmussen (8)

Members Absent: Mary Kleinbardt (1)

3. Approval of Minutes:

A. September 2, 2014 minutes

Motion: David Burbidge (LUAC Member's Name)

Second: Neil Agron (LUAC Member's Name)

Ayes: 8 (Brennan, Franklin, Burbidge, Addison, Anzini, Agron, MacClelland,
Rasmussen)

Noes: 0

Absent: 1 (Mary Kleinbardt)

Abstain: 0

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

None

5. Scheduled Item(s)

6. Other Items:

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

B) Announcements

None

7. Meeting Adjourned: 7:40 pm

Minutes taken by: Charles Franklin

Minutes received via email November 5, 2014

Action by Land Use Advisory Committee Project Referral Sheet

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

Advisory Committee: **Carmel Valley**

Please submit your recommendations for this application by: **November 3, 2014**

Project Title: COOPER DAVID & DEBORAH

File Number: PLN140573

File Type: PC

Planner: GONZALES

Location: 25535 VIA PALOMA CARMEL

Project Description:

Combined Development Permit consisting of: 1) an Administrative Permit and Design Approval for the construction of a 2,039 square foot two-story single family dwelling with a 783 square foot attached garage; 2) a Use Permit for development on slopes in excess of 25%; 3) a Use Permit for the removal of 15 Oak trees; and 4) grading of approximately 230 cubic yards of cut and 78 cubic yards of fill. The property is located at 25535 Via Paloma, Carmel (Assessor's Parcel Number 169-332-002-000), Carmel Valley Master Plan.

Was the Owner/Applicant/Representative Present at Meeting? Yes No

Mr and Mrs Cooper

Was a County Staff/Representative present at meeting? Luis Osorio (Name)

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Scott Cunningham, Tierra Grande Arch Review Comm.	X		Fire access, slope incursion, drainage from roof to slope, too many trees being removed
Charles Brown	X		Pump noise
Marilyn Brown	X		Well head not screened or landscaped
Brook Olsen	X		Why a well since there is Cal Am service

Jeff Hawkins	X		Impact of pilings on slope
Jim Goldberg	X		Supports project as proposed
Cathy Elman	X		Fire access insufficient
Delong & Denise Coleman	X		Support project as proposed
Jules Hart	X		Private view blocked
Joel Forest		X	Pump Noise

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)
Loss of trees at walkway	Protection of oaks	Relocate Walkway
Loss of trees at sewage pits	"	Use pits 2,4,7,8

ADDITIONAL LUAC COMMENTS

Replace trees at one to one

RECOMMENDATION :

Motion by: Michael Addison (LUAC Member's Name)

Second by: John Anzini (LUAC Member's Name)

 Support Project as proposed

 X Support Project with changes See above

 Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: 8 (Brennan, Franklin, Burbidge, Addison, Anzini, Agron, MacClelland, Rasmussen)

NOES: 0

ABSENT: 1 (Mary Kleinbardt)

ABSTAIN: 0



Sobu Arnd by Scott Cunningham

EXISTING HOUSES
DO NOT HANG OFF
EDGE OF STEEP SLOPE

RECEIVED
NOV 05 2014
MONTEREY COUNTY
PLANNING DEPARTMENT



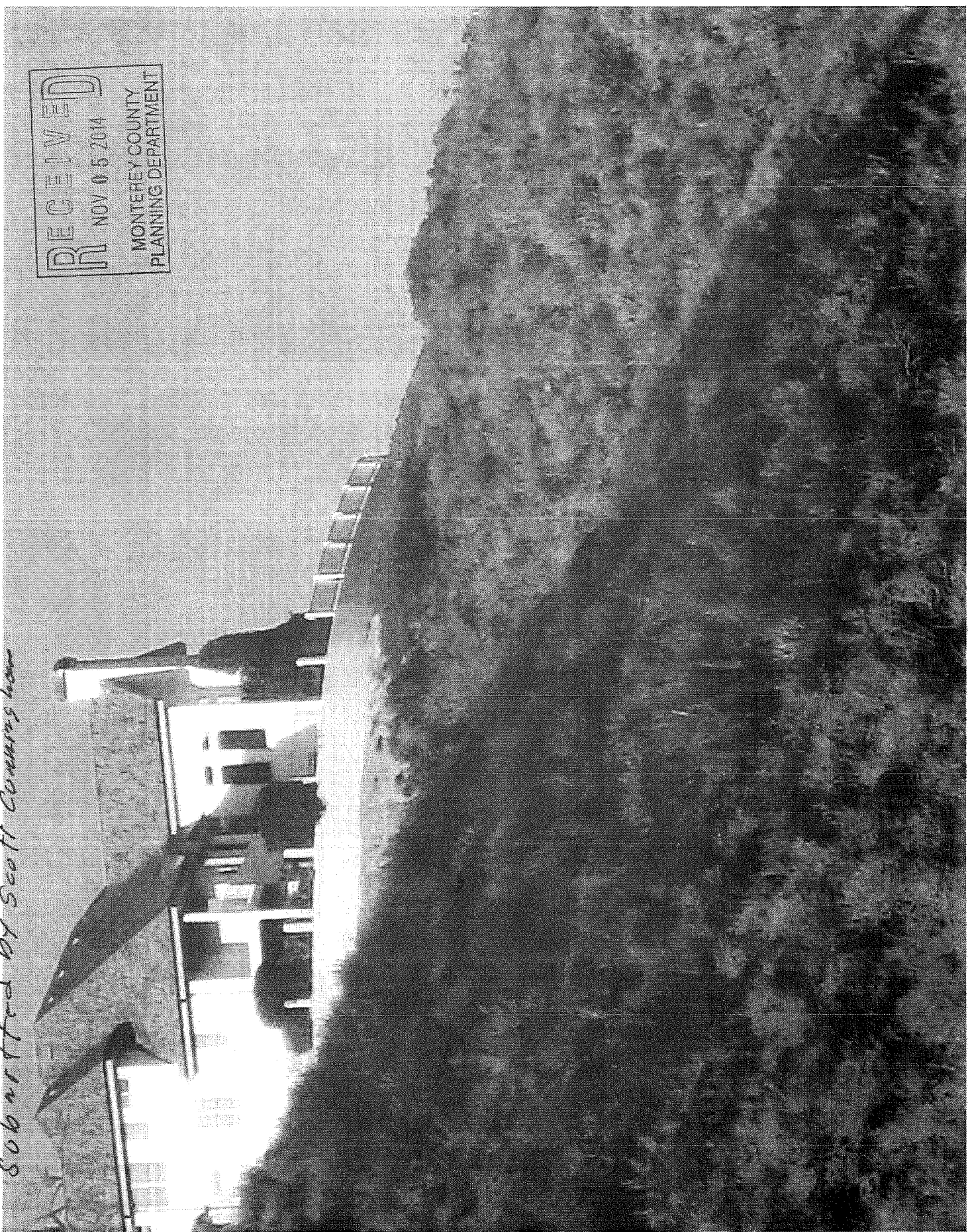
Submitted by Scott Cunningham



TREE TO BE REMOVED

806 nr. Hrd by 500 ft. corners here

RECEIVED
NOV 05 2014
MONTEREY COUNTY
PLANNING DEPARTMENT



MOST RECENT HOUSE @ SLOPE EDGE

Submitted by Scott Cummings

RECEIVED
NOV 05 2014
MONTEREY COUNTY
PLANNING DEPARTMENT

PROJECT VISIBLE FROM SEVERAL MILES

COOPER RESIDENCE

PLN: 140573

JUSTIFICATION FOR DEVELOPMENT ON SLOPES IN EXCEEDS OF 25%

SCOPE: Construct a new two story single family dwelling with an attached garage and uncovered veranda.

WAIVER REQUEST: Allow 240 s.f. of house & garage, 450 s.f. of driveway be constructed on 25% slopes, also allow 5 structural concrete piers be constructed to support a 966 s.f. above ground veranda (deck) which is built on 30% slopes.

SITE DESCRIPTION: The existing site is a 1.68 acre site with an existing private road easement which crosses the lot from the North/East property line to the South/East property line. Most the portion of the site which is on the East side of the private road is heavily wooded with mature coastal live oaks, and is sloping in excess of 27%. The intended building pad/envelope for the building site is to the West of the private road and has a gentle slope of 5% to 22% and then begins to slope off to the East at 25% to 30%.

BUILDING DESCRIPTION: THE PROPOSED HOUSE FOOTPRINT IS 2039 S.F., THE ATTACHED GARAGE FOOTPRINT IS 783 S.F., AND THE PROPOSED VERANDA FOOTPRINT IS 966 S.F.

JUSTIFICATION FOR WAIVER REQUEST: Due to the location of the private road and the requirement of a 30 foot front yard setback from the edge to the private road easement, it is necessary to extend a small portion of the existing house and garage, and the veranda into the 25% slopes.

We believe the use of 5 concrete piers under the veranda deck substantially reduces the impact on the steep slopes.

The proposed residence is modest and achieves the goals and policies and objectives of the General Plan. The project is infill on a lot that is flanked by existing residences.

Submitted by,

Darren Davis

Gonzales, Liz x5102

From: Scott M. Cunningham [scott@scottdesign.com]
Sent: Thursday, January 22, 2015 8:43 AM
To: Gonzales, Liz x5102; 'Brook Ewoldsen'
Cc: kathy@scottdesign.com; 'mike raydo'; 'CharlieLudeman'; 'John Meyer'; Miliprice@cs.com; JoelFarson; bobrice@sbcglobal.net; Rob Cadle
Subject: RE: PLN140573

Ms. Gonzales,

While you are correct the right of way is 30 feet, the pavement and driveway is 12 feet five inches wide not 18 feet as you suggest.

Miles Schuler said the driveway is existing non-conforming. This is not correct. Currently the driveway serves five dwellings as allowed for in Monterey County access road design standards. When the sixth dwelling is added a non-conforming condition will be created. By granting approval to develop the site Monterey County is creating a non-conforming condition. At the very least a variance should be required. Monterey County is establishing a precedent in contradiction with its own ordinances endangering existing residents for the applicant's financial gain.

By allowing a non-conforming project to proceed your department is creating a hardship for the neighboring properties sharing this driveway. Insurance carriers will raise fire insurance rates, terminate coverage or decline to cover future owners. As the hammerhead turn around will be of no use with cars parked in the driveway, failure to deed restrict and enforce no parking in the turn-around endangers neighbors and emergency responders.

I spoke with Jana Faulk when the "existing well" was being installed in December 2013. She told me the application fell through a lapse in the moratorium on wells. I have been unable to find anybody other than David Cooper who used this lapse and received a new well permit. When I asked how the County could issue a new well connection in the face of a State mandate to stop overdrafting the Carmel River Basin, she said "I don't know they just issued a permit".

Mr. Cooper has engendered umbrage from neighbors on El Caminito during a recent spec house project with support from the County. It appears Mr. Cooper is receiving "special privilege" to enrich himself with the Via Paloma project. The County has provided "fuzzy" answers to valid concerns by the neighbors. We have been brushed-off, badgered, insulted and intimidated when asking legitimate questions about the mishandling of this application. A public hearing with the Planning Commission would provide objectivity but the Zoning Administrator Hearing appears to intentionally circumvent the Brown Act.

The documents submitted are far below standards applied to other projects while this applicant is ushered toward a profit. I have provided comment regarding the misleading data and omissions on the drawings and the apparent strategy for doing so. Requiring an \$1,800 appeal fee is an unreasonable burden to place on neighbors who are requesting this project is handled with the same standards they've had to comply with.

The Zoning Administrator hearing takes place when those of us who work cannot attend, is it possible to see a copy of the revised plans in order to submit written comments prior to the hearing?

Best Regards,

Scott M. Cunningham

www.scottdesign.com

Carmel, CA 93923

What

On Jan 16, 2015, at 2:02 PM, "Gonzales, Liz x5102" <gonzalesl@co.monterey.ca.us> wrote:

The Zoning Administrator hearing is a public hearing. Same as the PC but the Zoning Administrator is the one making the decision. Should anyone have concerns, they certainly should attend and voice their concerns. Substantive issues are most definitely considered by the Zoning Administrator.

I don't understand what access road you are referring to with regard to 6 homes. The Cooper property already has access to the property via the paved road. Regarding the trees, a condition of approval will require the applicant to replace trees on a 1 to 1 basis.

Once a project gets approved and the resolution is mailed out, a 10 day appeal period begins. An appeal cost is \$1,728.07.

From: Scott M. Cunningham [<mailto:scott@scottdesign.com>]
Sent: Friday, January 16, 2015 12:33 PM
To: Gonzales, Liz x5102
Cc: brookewoldsen@att.net; kathy@scottdesign.com; mike raydo; Charlie Ludeman; John Meyer; Miliprice@cs.com
Subject: RE: PLN140573

Thank You Liz,

I've included the neighboring properties in the "CC" so we fully understand the process.

Does that mean the approval is administrative instead of in the hands of the Planning Commission?

Do the neighbor's objections carry any weight?

Will the access road be upgraded to comply with County Requirements for 6 homes?

Will the Oak tree removal be mitigated in any meaningful way?

Is there an appeal process or is litigation required to oppose the approval?

Best Regards,

Scott M. Cunningham
Scott Design
www.scottdesign.com

Carmel, CA 93923
Cell (408) 761-1095
Carmel (831) 620-0604

From: Gonzales, Liz x5102 [<mailto:gonzalesl@co.monterey.ca.us>]
Sent: Friday, January 16, 2015 11:45 AM
To: 'scott@scottdesign.com'
Subject: RE: PLN140573

Hi Scott,

The project changed a little and is now going to the Zoning Administrator on January 29th.

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Version: 2015.0.5645 / Virus Database: 4260/8940 - Release Date: 01/16/15

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