

MONTEREY COUNTY PLANNING COMMISSION

Meeting: December 9, 2009 Time: 3:00 PM	Agenda Item No.: 11
Project Description: Combined Development Permit consisting of: (1) Coastal Development Permit for a Lot Line Adjustment consisting of an equal exchange of land between two legal lots of record resulting in no change of area: Lot 5 (APN: 243-181-005-000/192 San Remo Road) has 0.61 acres and Lot 6 (APN: 243-181-006-000/194 San Remo Road) has 0.85 acres; (2) Coastal Administrative Permit and Design Approval to allow the construction of a three-story 3,994 square foot single family dwelling with a 643 square foot three-car garage, 858 square feet of deck area, and grading (approximately 523 cubic yards of cut and 89 cubic yards of fill); (3) Coastal Development Permit for development on slopes in excess of 30%; (4) Coastal Development Permit for the removal of nine Monterey pine trees and eight coastal live oak trees.	
Project Location: 192 and 194 San Remo Drive Between San Remo and Mentone Roads, east of Highway 1, Carmel Highlands, Coastal Zone.	APN: 243-181-005-000, 243-181-006-000
Planning File Number: PLN060251	Owner: Michael Moeller Agent: Pam Silkwood
Planning Area: Carmel Area Land Use Plan	Flagged and staked: Yes
Zoning Designation: : "LDR/1-D (CZ)" Low Density Residential, acre per unit with Design Control (Coastal-Zone)	
CEQA Action: Mitigated Negative Declaration prepared	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit C**) to:

- 1) Adopt a Mitigated Negative Declaration with a Mitigation Monitoring and Reporting Plan.
- 2) Approve PLN060251, based on the findings and evidence and subject to the conditions of approval.
- 3) Deny a Fee Waiver request.

PROJECT OVERVIEW: The project is for lot line adjustment and development of a single family residence in the Highlands area of the Carmel Area Land Use Plan. Neighbors contend that the proposed Lot Line Adjustment (LLA) should not be allowed and the two lots should be consolidated. Both parcels are legal lots of record with development rights, and the proposed development will be able to meet setback, slope, and biological resource requirements. The applicant also has requested a fee waiver due to additional application costs resulting from the Coastal Commission action basically referring the matter back to the County. Staff finds that this matter does not qualify for a fee waiver.

As designed, the proposed project minimizes tree removal, reduces development of slopes that are greater than 30%, and avoids direct impact to an intermittent creek located on the lower portion of the property. Staff finds that the proposed configuration would allow developing a second home on a bench in the hillside that better achieves the goals, policies and objectives of the Monterey County Local Coastal Program. The RWQCB approved a Waiver of Waste Discharge Requirements for Alternative Onsite Wastewater Disposal Systems, which is valid for five years through December 2013.

A Mitigated Negative Declaration (MND) was prepared for this project (**Exhibit F**). This MND assesses consistency with policies protecting scenic and biological resources. Mitigation

measures are included to reduce potential biological and visual resources impact to a less than significant level. Staff received comments from a number of neighbors objecting to the proposed project (**Exhibit G**). Comments received have been noted, but do not change any conclusions of the MND.

A more detailed discussion and response to comments is provided in **Exhibit B**.

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

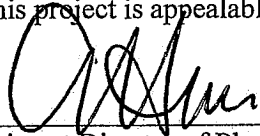
- √ RMA - Public Works Department
- √ Environmental Health Division
- √ Water Resources Agency
- √ Carmel Highlands Fire Protection District
- √ California Coastal Commission
- √ Regional Water Quality Control Board, District 3

Agencies that submitted comments are noted with a check mark ("√"). Conditions recommended by Public Works, Environmental health, and the Water Resources Agency have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached as Exhibit 1 to the draft resolution (**Exhibit C**).

The project consisting of a house and LLA was referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review on June 4, 2007. The LUAC had previously reviewed the LLA request on April 5, 2004 as part of project PLN040050 for Lot 6. In light of the neighbor issues regarding the access and the change of project descriptions resulting from the Interim Ordinance, staff referred the LLA back to the LUAC on April 21, 2008. The LUAC continued the item to discuss septic issues. Staff did not return the item to the LUAC because this matter is outside of their scope and is being handled by the RWQCB.

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

/S/ CARL P. HOLM



Carl P. Holm, AICP, Assistant Director of Planning
(831) 755-5103, holmcp@co.monterey.ca.us
December 1, 2009

cc: Front Counter Copy; Planning Commission; Carmel Highlands Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; California Coastal Commission; Regional Water Quality Control Board, Planning Manager (L Lawrence); Project Planner (C. Holm); Clerk (C Allen), Applicants (Moeller); Agent (Silkwood); Neighbors/Agent (Call, Daniels, Lewis, Lombardo); Planning File PLN060251

Attachments: Exhibit A Project Data Sheet
Exhibit B Project Discussion
Exhibit C Draft Resolution, including:
1. Conditions of Approval and Mitigation Monitoring and Reporting Program
2. Site Plan, Floor Plan and Elevations, LLA Map
Exhibit D Vicinity Map
Exhibit E Advisory Committee Minutes (LUAC)
Exhibit F Mitigated Negative Declaration
Exhibit G Project Correspondence

EXHIBIT A

PROJECT DATA SHEET

PLN060251-Moeller LLA & SFR
Planning Commission
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EXHIBIT A

Project Information for PLN060251

Project Title: **MOELLER MICHAEL & PATRICIA**

Location: 192 SAN REMO DR CARMEL

Primary APN: 243-181-005-000-M

Applicable Plan: Carmel Land Use Plan

Coastal Zone: Yes

Permit Type: Combined Development Permit

Zoning: LDR/1-D(CZ)

Environmental Status: MND

Plan Designation: RESIDENTIAL LOW

Advisory Committee: Carmel/Carmel Highlands

Final Action Deadline (884): 12/5/2007

Project Site Data:

Lot Size: 26,572 SF

Coverage Allowed: 15%
Coverage Proposed: 10.7%

Existing Structures (sf): 0

Height Allowed: 30 FT

Proposed Structures (sf): 4,637

Height Proposed: 17 FT

Total Sq. Ft.: 4,637

FAR Allowed: N/A

FAR Proposed: N/A

Resource Zones and Reports:

Environmentally Sensitive Habitat: Yes

Erosion Hazard Zone: HIGH

Biological Report #: LIB070207

Soils Report #: LIB060621

Forest Management Rpt. #: LIB060620

Archaeological Sensitivity Zone: HIGH

Geologic Hazard Zone: III

Archaeological Report #: LIB050080

Geologic Report #: LIB060621

Fire Hazard Zone: HIGH

Traffic Report #: N/A

Other Information:

Water Source: PUBLIC

Sewage Disposal (method): SEPTIC

Water Dist/Co: CARMEL RIVIERA MUTUAL WATE

Sewer District Name: N/A

Fire District: CARMEL HIGHLANDS FPD

Grading (cubic yds.): 612.0

Tree Removal: 16 MON PINE, 9 OAK

EXHIBIT B

PROJECT DISCUSSION

PLN060251-Moeller LLA & SFR
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EXHIBIT B
PROJECT OVERVIEW
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Background

On April 19, 2005, the Monterey County Board of Supervisors, approved PLN040050/Moeller consisting of a LLA between Lot 5 and Lot 6 and development of a new SFR on Lot 6 (APN: 243-181-006-000/194 San Remo Road). The matter was appealed to the California Coastal Commission (CCC) by neighbors (MCO-05-033). When the California Coastal Commission (CCC) considered the proposed lot line adjustment and a single family residence for Lot 6 in 2006, the Commission expressed concern about the lack of a comprehensive analysis of the impacts and alternatives for the project's emergency access. The CCC approved the SFR on Lot 6, but removed the lot line adjustment subject to further review of the emergency access for development on Lot 5.

In its decision, the Commission stated that "until such details are more fully understood and addressed, it [was] premature to approve the proposed lot configuration" at this time. In order to consider the LLA, the CCC wanted the County to assess access for the potentially developable areas and impacts of widening the shared driveway on native vegetation and slopes. Approval by the CCC included a condition recognizing there would be a home on the second lot and limiting that home to three bedrooms due to septic limitations for this area.

While the CCC action provided direction for development of Lot 5, the action separated Lot 5 from the approval of Lot 6 and included a condition denying the LLA. A new application (PLN060251) was submitted requesting a Coastal Development Permit for a Lot Line Adjustment. Subsequently, an application (PLN070629) was submitted for a Coastal Administrative Permit and Design Approval for a single family dwelling and 3-car garage on a newly configured Lot 5 (APN: 243-181-005-000/192 San Remo Road). Staff consolidated the two applications and prepared one CEQA document for the whole action under ONE Combined Development Permit (PLN060251). A Mitigated Negative Declaration was prepared and circulated for the whole of the known action.

Fee Waiver

The applicant paid the processing fees, but requested that the County consider a fee waiver as part of the application. This request was made because the applicant feels they are double paying for the same project. Staff finds that the matter does not qualify for a fee waiver as outlined in Resolution 2000-342. This Resolution states that the Planning Commission shall consider all requests for fee waivers not meeting the established criteria.

Staff recognizes that the CCC could have retained and resolved this matter whereas no additional fee would have been involved. However, the CCC action basically remanded the matter back to the County with direction. County staff has expended a good amount of time processing this application and finds that the County made no error in the processing that could possibly warrant waiving the fees. While the project is similar to the prior application (PLN040050), some changes have been made to the project as a result of the process (fire access, waste water, etc) and the CCC direction. Therefore, staff recommends that the fee waiver request be denied.

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Introduction

The Moeller parcels (APN: 243-181-005-000 and 243-181-006-000) are in the Highlands area of the Carmel Area Land Use Plan. The project is for lot line adjustment and development of a single family residence. Development of a single family home is consistent with the Carmel Areas Land Use Plan and zoning ordinance which designate the parcel for residential use (LDR/1-D (CZ), Low Density Residential zoning).

Both parcels are legal lots of record with development rights. Much of the existing Lot 5 consists of slopes that are greater than 30%, and the lot has an intermittent creek located on the lower portion of the property. The project includes removal of native Monterey pines plus coast live oak trees.

The proposed development will be able to meet setback, slope, and biological resource requirements. Although there is potentially suitable area for development on the existing Lot 5 for a small building envelope, any development of this area, including grading for an access road, could not avoid slopes of 30% or greater. The proposed configuration would allow developing a second home on a bench in the hillside that is more in keeping with LCP policies (e.g.; reduce slope development). As such, this LLA minimizes development constraints and better achieves the goals, policies and objectives of the Monterey County Local Coastal Program because it avoids development on steeper areas and minimizes impacts to the intermittent creek.

This area of Carmel Highlands is located within an area that was affected by Interim Ordinance 5086, which is a moratorium limiting development that impacts septic density for the area. These restrictions were first established October 2, 2007 and allowed exception for about 10 applications that were filed on or before March 7, 2007 (date of Regional Water Board letter identifying issue). The Moeller project (PLN060251) was listed as an exception, but they waited for approval of their septic system from the Regional Water Quality Control Board before they moved forward on the house design. On December 5, 2008, the RWQCB approved a Waiver of Waste Discharge Requirements for Alternative Onsite Wastewater Disposal Systems. This permit is valid for five years through December 2013. The moratorium expired on October 2, 2009.

Proposed Lot Line Adjustment

The proposed Lot Line Adjustment has been comprehensively reviewed by staff to address concerns raised by the CCC in their appeal of PLN040050 (MCO-05-033). Since Lot 6 is under construction, staff has focused our analysis of potential development on Lot 5 and the access road.

Much of the existing Lot 5 consists of slopes that are greater than 30% and also has an intermittent stream located on the lower portion of the property. Although there is potentially suitable area for development on the existing Lot 5 for a small building envelope, any complete development, including grading for an access road, could not avoid slopes of 30% or greater. Neighbors opposing the project contend that access should be taken down the steep slope and across the stream.

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With the proposed LLA, Lot 5 could develop the home and access on the higher, flatter portion of the property thereby avoiding development on 30% slopes and avoid the stream. Staff worked with the applicant to design an access that minimizes impact to resources along the upper access easement. Under the present lot configuration, development on Lot 5 would have a larger impact on resources than would occur with the proposed lot line adjustment.

The proposed lot line adjustment complies with Titles 19 and 20 rules in that the LDR District allows lot line adjustments as conditional uses (Coastal Development Permit). For lots that were lawfully created under the state Subdivision Map Act, Monterey County allows lot line adjustments for properties that do not meet minimum lot size (1) when there is no way to adjust the lot lines so that the resulting lots become conforming as to size under the Monterey County Code; (2) there is no net change in acreage between the lots, and (3) no new parcel is created. The basis of this practice is consistent with the Subdivision Map Act that requires a LLA to comply with existing policies and regulations (General Plan, Coastal Plan, Zoning Code, Building Codes, etc) as follows:

- Both lots were created legally and therefore are allowed one single family home on each lot. Therefore, adjusting the lines would not change the allowed density for this area.
- With the lot line adjustment, development on Lot 6 will meet all set back requirements for structures and septic. The CCC approved a variance for the nonconforming rear setback on Lot 6 as part of its approval of development on Lot 6. The lot line adjustment will correct the nonconforming rear setback and allow the structure on Lot 6 to meet all set back requirements. Lot 5 is currently vacant and is designed to meet all set backs of the certified Local Coastal Plan (LCP):
- The land use designation for this area is LDR/1, meaning one unit per acre (Chapter 20.14 CIP). The minimum density in the LDR zone is one unit per acre, and the minimum building site area (lot size) is 6,000 square feet. In other words, the land use allows smaller lots, provided the overall density is met. Lot 5 (APN: 243-181-005-000/192 San Remo Road) has 0.61 acres and Lot 6 (APN: 243-181-006-000/194 San Remo Road) has 0.85 acres. Both lots have less area than the one acre density, but exceed the minimum lot size. As legal lots, each parcel is allowed to have one single family home.
- Discussion of a legal non-conforming lot in this Section 20.68.020 of the CIP is based on the definition of a legal lot as used when investigating a Certificate of Compliance for lots created prior to the Subdivision Map Act. Lots created by subdivision after the Subdivision Map Act are considered legal lots. These lots were created by a legal subdivision. Section 20.68.020 CIP allows continuation of a land use provided such use is not expanded, enlarged, increased, or extended to occupy a greater area than that occupied when the legal nonconforming use was established. No such use may be intensified over the level of use that existed at the time the legal nonconforming use was established. While the proposed LLA changes the location of where a residence may be developed on Lot 5, there is no change in size, density, or use of the two lots. Lots 5 and 6 are legal lots that allow one single family home on each lot.
- Chapter 20.42 provides specific regulations where there are resource constraints. Section 20.42.030.F applies to the B-6 overlay that is generally applied to subdivisions where the density has been exhausted and no further subdivision is allowed. Although no B-6

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overlay has been applied to either of the subject parcels, neighbors contend a LLA is not allowed since the lots are less than 1 acre in size. However, the lots were legally created and Section 20.42 specifically allows LLA even where lots shown on the recorded Final Map or Parcel Map may not be further subdivided. It goes on to state that LLA which reduces the size of a lot shall require a Coastal Administrative Permit, and LLA of equal areas between lots do not require a Variance. Both lots have the same amount of area after the LLA as before.

Staff finds that the proposed LLA is consistent with existing regulations. Whether or not the LLA is granted or not, there are two legal lots that can each develop one home. The biggest issue is access and there are generally two options, both of which involve private easements and both are technically possible with or without the LLA.

Access

San Remo Road and Mentone Road provide the primary access to this area, and are private roads. Secondary access is created via various private easements connecting to the primary roads. These easements are described below:

Easement #1 A 30-foot wide driveway easement for the benefit of Lot 243-181-010 (Whitney), Lot 243-181-009 (Hoxie), and Lot 6 (Moeller). Primary access for this driveway is from San Remo Road.

Easement # 2 A 20-foot wide emergency access easement granted to the Carmel Highlands Fire Protection District across Lot 243-181-011 (Lewis). Primary access to this easement, which is used by Lot 11, is from Mentone Road.

Easement #3 A 30-foot wide driveway easement for the benefit of Lot 241-291-010 (de la Rosa) and Lots 5 and 241-291-011 (Moeller) follows the northern boundary of Lot 7 (de la Rosa) and terminates when it reaches the boundaries of Lots 6 and 241-291-011 (Moeller). The lower portion of Lot 5 consists of steep slopes and is heavily forested. An intermittent creek runs along this northern boundary of Lot 5. Lot 6 has a 30-foot wide strip of land that extends between Lot 5 and Easement #3. Primary access to this easement, which is used by Lots 241-291-010 (de la Rosa) and 241-291-011 (Moeller), is from San Remo Road.

In following the specific direction from the CCC, Monterey County conducted a comprehensive review of the alternatives and impacts for the proposed project's emergency access. The following alternatives and their associated impacts were evaluated as part of this comprehensive review:

- The existing driveway access from San Remo Road is 12 feet wide and currently serves Lots 6, 243-181-009 (Hoxie), and 243-181-010 (Whitney). As it currently exists, Easement #1 to San Remo is substandard for fire use due to its width of 12-feet, several 90-degree turns and grade between 16 to 25 percent from San Remo Drive. Easement #1 has a 30-foot wide driveway easement that would technically allow the driveway to be expanded for an 18-foot wide road. However, any expansion would result in significant

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grading on steep slopes and the access would greatly exceed road standards for a maximum grade of 15% and difficult turns.

- The easement from Mentone Road is dedicated for emergency access other than access for Lot 243-181-011 (Lewis). There is sufficient area within the 20-foot easement to develop an 18-foot wide paved road, with sufficient radius to allow a fire truck to make a turn. Several trees on the Moeller property as well as some landscaping and a small retaining wall on the Lewis property would be impacted by the expansion of the driveway to an 18-foot paved road.
- Lot 5 currently does not have direct frontage on Easement #3 and would require additional easement granted from Lot 6 or Lot 11. Access to Lot 5 from Easement #3 along the northern boundary would require a road bridge over the intermittent creek. An access driveway from Easement #3 to a home on the existing Lot 5 would require at least one switch back that meets the 15% grade standard. Access from Easement #3 to a home with the proposed LLA would require multiple switch backs. The switch back road design and bridge increases the amount of grading and paving required. As a result, this design alternative would increase removal of vegetation (trees and shrubs) and the amount of grading on steep slopes.

The Fire District recognizes the importance of easement #1 for use as an evacuation route by the residents during emergencies. However, access to Mentone for use by emergency vehicles is preferred by the Fire District because of its flatter gradient and its easier entry and exit as compared to access from San Remo Drive. Although, the owner of Lot 243-181-011 (Lewis) has contested the ability to have general access to Mentone Road, emergency access is allowed through this 20-foot easement.

The Carmel Highlands Fire Protection District has jurisdiction over the SRA of the project property and is the Reviewing Authority for the project application. Section 18.56.040 requires the Reviewing Authority to review and make fire protection recommendations for project applications. Section 18.56.050 of the Monterey County Code allows for exceptions from the standards of Chapter 18.56, if no other practical alternative project or site design exists, as determined by the Reviewing Authority. According to Section 18.56.050, if the Reviewing Authority determines no other practical alternative project or site design exists to accommodate the minimum fire safe requirements of Chapter 18.56, the Reviewing Authority shall consider alternative standards or measures. Alternative standards or measures include, but are not limited to, automatic sprinkler systems, non-combustible construction, and alternative roadway modifications (Section 18.56.050.B). The Reviewing Authority has the sole discretion to impose specific alternative measures or standards on a development.

Upon being informed of the results of the comprehensive evaluation, the applicant submitted a request to the Carmel Highlands Fire Protection District and Monterey County to consider alternative standards or measures as allowed under Section 18.56.050. After several meetings with the applicant and surrounding neighbors, the Fire District and Monterey County developed an alternative standard that includes:

- Widening the driveway along Lots 5 and 6 and reducing the turn radius of the driveway, thus, creating an additional driveway connection. The portion along the lower portion of

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Lot 243-181-011 (Lewis) would remain 12 feet wide in order to avoid impact to an existing retaining wall and a number of trees.

- Installing a fire hydrant.
- Providing automatic fire sprinklers for the proposed development.

The applicant agreed to incorporate these standards as part of their proposed project.

Aesthetics

The proposed project is located on slopes of the Carmel Highlands that overlook public areas such as Highway One, Point Lobos State Park and Carmel River State Beach. The project site is not located within the scenic viewshed as identified in Map A of the Carmel Area Land Use Plan. Overall intent of the relevant visual policies is for the design to harmonize and be subordinate to the environment. This includes assessing whether colors, materials and landscaping are appropriate and whether the project's visibility is minimized from the scenic viewshed.

Potential visual impacts of developing a house are based on the staking and flagging of the proposed structures and site visits. Other potential visual impacts include grading and vegetation removal for the structures and the access road.

The proposed project (PLN060251) includes a lot line adjustment that would result in locating a new home on Lot 5 approximately 40 feet higher on the slope. However, this area is pretty heavily forested so the LLA would not increase visibility of development on Lot 5 from the public viewshed. Other sites, with or without the LLA, would have a similarly low visibility from public viewpoints in the area. To be subordinate to the environment and to be consistent with the rural character of the area, the house is designed with earthtone colors and natural materials, which will reduce its visibility. These facts taken together indicate that the structure will be subordinate and blended into the environment consistent with Policy 2.2.3.6 of the *Carmel Area Land Use Plan*.

The LLA relocates the potential building location from a steep slope to a flatter bench area. To further screen the development, landscaping will be designed using native plant materials for Monterey pine understory, while at the same time keeping fire fuel modification in mind. The proposed lot line adjustment, which would result in locating a new building site on a flatter bench area of Lot 5 and screened by Monterey pines and other native vegetation, better meets LCP policies for development.

MND COMMENTS AND STAFF RESPONSES

A Draft Mitigated Negative Declaration (MND) for PLN060251 was prepared in accordance with CEQA and circulated for public review from October 5, 2009 through November 6, 2009 (**Exhibit F**). Issues that were analyzed in the Mitigated Negative Declaration include: aesthetic resources, air quality, biological resources, hydrology/water quality, land use and planning, public services, traffic and transportation, utilities and service systems.

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Staff received comments from a number of neighbors objecting to the proposed project. Some of the project related comments have been addressed in the discussion above. Staff has summarized the MND comments into similar issues and copies of the comment letters are included in **Exhibit G**.

***Issue 1 (Traffic/Access):** The LLA creates a fourth house using Easement #1 to San Remo Road. Increased traffic is unsafe due to the grade and curve (geometrics) of the driveway.*

Response 1:

All of the lots in this area access San Remo or Mentone Roads via private driveways/easements. There are currently three existing driveways (including Lot 6) on the easement from San Remo Road. The first is located approximately 80 feet away from San Remo Road. The second is located an additional 130 feet from San Remo Road. The third driveway (Lot 6) and the new development located further north (about 300 feet from San Remo Road) will be served by a new driveway connection as part of this project. Traffic on San Remo or Mentone Roads, and particularly the private easements, is minimal, largely driven by residents of the area. Because of the slopes, curves, and narrow sections of the roads and easement, vehicular traffic flow is slow and residents generally drive with caution on these roads/easements. The addition of one new residence to this easement will not change this traffic flow. Moreover no new lots are being created thus, there will not likely be any future changes to the existing conditions.

Without the LLA, the applicant could grant an easement across Lot 6 up the hill to Lot 5 where it could access Easement #1. The proposed LLA reduces the amount of driveway required, which thereby reduces the ecological impacts from developing a home on Lot 5 in its current configuration.

The access to Mentone Road is less steep and is currently used by only one parcel (Easement #2), and a through access from San Remo to Mentone is the best planning solution. However, Mr. Lewis owns a 10-foot strip across the access and has refused to allow general access to Mentone Road. While this design would create the best access alternative, this alternative is not feasible with Mr. Lewis' restriction. Emergency access is not limited by this restriction so Easement #2 serves emergency access only (See Response #3).

***Issue 2 (Land Use):** The LLA cannot be approved under State law (Subdivision Map Act) because the lots do not conform to the General Plan, Local Coastal Plan, Zoning Code, Building Codes, etc. Both the existing and proposed configurations of the subject parcels exceed the maximum-allowable density of the applicable land-use designation, and are not legal non-conforming lots. The LLA creates the ability to build an additional home and the undersized lots should be consolidated. Removal of larger mature trees and replacement of smaller trees removes screening.*

Response 2:

Lot 5 and Lot 6 are legal lots created by a subdivision that was required at that time to meet the allowed density of one unit per acre. While the density is 1 acre, the minimum lot size in the LDR zone is 6,000 square feet and both lots exceed this standard. As legal lots, each lot is allowed one single family home within the limits of the zoning standards (set backs, FAR, site coverage, etc). Therefore, the lots conform to existing policies and regulations.

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While the proposed LLA changes the location of where a residence may be developed on Lot 5, there is no change in size, density, or use. Lots 5 and 6 are legal lots that allow one single family home on each lot. With no increase in density, there is no impact to land use.

The LLA relocates the potential building location from a steep slope to a flatter bench area about 40 feet further up the hill. The house is designed with earthtone colors and natural materials, and landscaping will be designed using native plant materials for Monterey pine understory. Potential visual impacts of developing a house are assessed based on the staking and flagging of the proposed structures. Visits to the site found that the area is pretty heavily forested and that the proposed project would not significantly impact aesthetic resources for this area.

Several trees have been removed for reasons including clearing small trees for fuel-load maintenance, clearing storm-damaged trees, and clearing dead trees, all of which are activities exempted from Coastal Development Permit requirements as they are not considered to have significant environmental impacts. Landscaping for the proposed project will include replacement of Monterey pines and oaks to replace those removed. While there may be a change in tree density, this area is still considered to be heavily forested and the forest resources will be managed at a density that is more healthy for the forest resources including understory vegetation that currently cannot exist with the dense canopy.

Issue 3 (Biological): Storm water runoff will have down stream impacts to McDougall Creek.

Response 3:

The proposed LLA allows development and access on an upper bench of land. This avoids building the house on a 30% slope and direct erosion and runoff impacts to the creek are avoided without the need for a long winding driveway (paved surfaces) on 30% slope and a bridge across the creek to Easement #3.

The project would not significantly alter the drainage pattern of the site to substantially increase erosion or runoff. Geotechnical investigations identified no potential hazard related to drainage or hydrology. Moreover, all new development is required to design a storm water system that restricts flow from the property to a level of pre-development state. **Condition 24** requires the applicant to provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect meeting this standard. Water Resources Agency requires that the drainage plans address both water quality and quantity to avoid on-site and off-site impacts.

For water quality control, Condition 23 requires erosion control at all outlets. Moreover, existing native vegetation on-site will screen the stormwater runoff sediments and other potential pollutants from entering the drainage system. All storm drain inlets that are in operation during construction will also be protected using specific measures such as gravel sacks and hay bales or will be sealed.

For water quantity control, the Water Resources Agency requires the drainage system to be designed to collect and control stormwater runoff and reduce peak flow rates to prevent flooding and protect the property and watersheds (McDougall Creek). Condition 23 further requires that stormwater runoff from impervious surfaces be dispersed at multiple points, away from and below any

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septic leach fields, over the least steep available slopes. Drainage improvements must be constructed in accordance with plans approved by the Water Resources Agency.

In conclusions, water quality and quantity impacts to McDougall Creek are not anticipated from the proposed project.

Issue 4 (*Aesthetics*): The project will substantially degrade the existing visual character or quality of the site and its surroundings.

Response 4: The surrounding residential neighborhood includes houses that range in size and style, from a wooden cabin with steep pitched roof and wooden shingling, to Mediterranean-style homes with red clay roof tiles. To subordinate to the environment, the house is designed with earthtone colors and natural materials, which will reduce its visibility and will be consistent with the surrounding neighborhood. **Condition 19** requires habitat areas of the property outside the development footprint to be protected. This will also serve to minimize visual impacts by enhancing and screening the development, while at the same time, maintain the rural characteristics of the neighborhood.

Issue 5 (*Wildfire Standards*): The development is in violation of Section 18.56.060 of the Building and Construction Standards.

Response 5: Carmel Highlands Fire Protection District has jurisdiction over the SRA of the project property and is the Reviewing Authority for the project application. Section 18.56.040 requires the Reviewing Authority to review and make fire protection recommendations for project applications. The District and Monterey County developed the following alternative standards as allowed under Section 18.56.050, which will be incorporated into this project (**Condition 27**);

- Widening the driveway along Lots 5 and 6 and reducing the turn radius of the driveway, thus, creating an additional driveway connection. The portion along the lower portion of Lot 243-181-011 (Lewis) would remain 12 feet wide in order to avoid impact to an existing retaining wall and a number of trees.
- Installing a fire hydrant.
- Providing automatic fire sprinklers for the proposed development.

The project, as conditioned, is consistent with Section 18.56.

Issue 6 (*CDP for Lot 6*): The applicant failed to apply to the CCC for an amendment to the CDP under Permit Application A-3-MCO-05-033 to adjust the habitat protection and enhancement area on Lot 6.

Response 6: This application is for a lot line adjustment and development on Lot 5. The CCC has found that the initial study for Lot 5 addressed concerns they raised under their permit for Lot 6, and they also requested a conservation easement over the lower portion of Lot 5. **Condition 19** requires an easement in accordance with CCC direction. The applicant is responsible for any amendments required to a previously issued CDP for Lot 6, if required by the

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CCC. Since the home on Lot 6 is a separate permit issued by the CCC, any amendment (if necessary) can occur after the decision on this project.

Issue 7 (Septic System): The disposal of the treated septic tank effluent into the limited soil and space available will become a problem.

Response 7: Under the conditional waiver of waste discharge requirement program, the RWQCB has jurisdiction over treated wastewater system in Carmel Highlands. As part of issuing the permit for the treated wastewater system on Lot 5, the RWQCB conducted a thorough technical review of the system and determined that, as condition, the system is proper for the development on Lot 5.

Moreover, as part of the application process, there were numerous geotechnical and septic investigations conducted on both Lots 5 and 6, including the following:

- 1) Soil Analysis, prepared by BioSphere Consulting, dated April 23, 2008;
- 2) Geotechnical Investigation for San Remo Properties, prepared by Pacific Crest Engineering, dated April 2003; and
- 3) Additional Percolation Tests and Addendum to Geotechnical and Percolation Investigation Report, prepared by Soils Surveys, Inc. dated November 2, 2001.

BioSphere Consulting performed soil testing that showed application rates used as a design basis in sizing the proposed wastewater system are over 200% more conservative than the very lowest soil application rate empirically demonstrated by this testing. Site soils have demonstrated an infiltrative capacity that is sufficient for the proposed system. In addition, advanced treatment systems exceed treatment levels and are more beneficial to the surrounding environment than a standard septic system.

Issue 8 (Grading): The grading quantities seem to be underestimated and truck trip estimate does not make sense.

Response 8: Comments provide no evidence that the project would not meet the applicant's engineer estimates. Based on the project engineer calculations, the Initial Study states that grading for the project amounts to approximately 523 cubic yards of total cut. Of the 523 cubic yards, about 290 cubic yards of the soil will be used as fill for the road work and other uses on the property. Thus, about 230 cubic yards of soil will need to be hauled off the property. If a 10-cubic yard dump truck is used, approximately 23 truck trips will be made over a period of about two months.

Conclusion

A new house could be developed on Lot 5 regardless of the LLA. Although staff qualitatively finds that development on the lower slope area has greater potential for impact, the MND assess impacts of proposed development at this time. This MND analysis is based on the proposed LLA allowing development of a new house on the upper bench. A few errata have been made in response to some comments and other comments received have been noted. No comments

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received resulted in any change to the conclusions of the MND. No new impact (mitigation) was identified.

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PLN060251-Moeller LLA & SFR
Planning Commission
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**EXHIBIT C
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**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

MICHAEL MOELLER (PLN060251)

RESOLUTION NO. ~~---~~

Resolution by the Monterey County Planning
Commission:

- 1) Adopting a Mitigated Negative Declaration prepared for PLN060251 September 21, 2009
- 2) Approving a Combined Development Permit consisting of: (1) Coastal Development Permit for a Lot Line Adjustment consisting of an equal exchange of land between two legal lots of record resulting in no change of area: Lot 5 (APN: 243-181-005-000/192 San Remo Road) has 0.61 acres and Lot 6 (APN: 243-181-006-000/194 San Remo Road) has 0.85 acres; (2) Coastal Administrative Permit and Design Approval to allow the construction of a three-story 3,994 square foot single family dwelling with a 643 square foot three-car garage, 858 square feet of deck area, and grading (approximately 523 cubic yards of cut and 89 cubic yards of fill); (3) Coastal Development Permit for development on slopes in excess of 30%; (4) Coastal Development Permit for the removal of nine Monterey pine trees and eight coastal live oak trees.
- 3) Approving a Condition Compliance and/or Mitigation Monitoring and Reporting Plan Matrix.
- 4) Denying a Fee Waiver request.
(PLN060251, Michael Moeller, 192 and 194 San Remo Drive, Carmel Area Land Use Plan, APN: 243-181-005-000, 243-181-006-000)

The Moeller application (PLN060251) came on for public hearing before the Monterey County Planning Commission on December 9, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission 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:
 - Monterey County General Plan,
 - Carmel Area Land Use Plan,
 - Monterey County Zoning Ordinance (Title 20)

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- Chapter 20.12 of the Monterey County Zoning Ordinance regulations for development in the Low Density Residential zone.
- Chapter 20.70 of the Monterey County Zoning Ordinance regulations for Coastal Development Permits.
- Monterey County Coastal Subdivision Ordinance (Title 19).

No conflicts were found to exist.

- b) The project site is located at 192 and 194 San Remo Drive, Carmel Area Land Use Plan. The parcel is zoned "LDR/1-D (CZ)" Low Density Residential, acre per unit with Design Control (Coastal Zone), which allows development of a single family home on a legal lot. Staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property and that no violations exist on the property (*Finding 4*). Proposed development of a single family home on Lot 5 will be in compliance with setback, minimum lot size and coverage limits in Title 20 Coastal Implementation Plan (Zoning Ordinance). Therefore, the project is an allowed land use for this site.
- c) On April 19, 2005, the Monterey County Board of Supervisors, approved PLN040050/Moeller consisting of a LLA between Lot 5 and Lot 6 (similar to what is currently proposed) and development of a new SFR on Lot 6 (APN: 243-181-006-000/194 San Remo Road). The matter was appealed to the California Coastal Commission (CCC) by neighbors (MCO-05-033). The CCC approved the SFR on Lot 6, but removed the lot line adjustment subject to further review of the emergency access for development on Lot 5. Approval by the CCC included a condition recognizing there would be a home on the second lot and limiting that home to three bedrooms due to septic limitations for this area.
- d) A new application (PLN060251/Moeller) was submitted requesting a Coastal Development Permit for a Lot Line Adjustment. Subsequently, an application (PLN070629/Moeller) was submitted for a Coastal Administrative Permit and Design Approval for a single family dwelling and 3-car garage on a newly configured Lot 5 (APN: 243-181-005-000/192 San Remo Road). Monterey County consolidated the two applications and prepared one CEQA document for the whole action under one Combined Development Permit (PLN060251). A Mitigated Negative Declaration was prepared and circulated. *See Finding 5*
- e) The applicant paid the processing fees, but requested that the County consider a fee waiver as part of the application. The Planning Commission considered this as a request for fee waiver pursuant to Resolution 2000-342. Some changes have been made to the project as a result of the process (fire access, waste water, etc) and the CCC direction. Therefore, a fee waiver is not granted.
- f) Lot 5 and Lot 6 are two existing adjacent legal lots of record. Lot 5 (APN: 243-181-005-000/192 San Remo Road) has 0.61 acres and Lot 6 (APN: 243-181-006-000/194 San Remo Road) has 0.85 acres. After the proposed lot line adjustment, there will be two properties with an area

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equal to the current lot size but a different configuration. *Also see Findings 8-10*

- g) The land use designation for this area is LDR/1, meaning one unit per acre (Chapter 20.14 CIP). The minimum density in the LDR zone is one unit per acre, and the minimum building site area (lot size) is 6,000 square feet. Lot 5 and Lot 6 have less area than the one acre density, but exceed the minimum lot size. As legal lots, each parcel is allowed to have one single family home.
- h) The project planner conducted site inspections to verify that the project on the subject parcel conforms to the plans listed above. Lot 6 is under construction with a new SFR (PLN040050), but Lot 5 is undeveloped with a separate application to develop a new SFR (PLN060251). As part of approving the development on Lot 6, the CCC granted a variance for the nonconforming rear setback. With the lot line adjustment, Lot 6 will meet all required set backs for structures and septic. Development on Lot 5 is designed to meet all required set backs. The project site is suitable for the proposed development. *Also see Finding 2*
- i) Chapter 20.42 CIP provides specific regulations where there are resource constraints. The B-6 overlay is generally applied to subdivisions where the density has been exhausted and no further subdivision is allowed. Although no B-6 overlay has been applied to either of the subject parcels, neighbors contend a LLA is not allowed since the lots are less than 1 acre in size. However, the lots were legally created, and Section 20.42.030.F specifically allows LLA even where lots shown on the recorded Final Map or Parcel Map may not be further subdivided. Section 20.42.030.F further states that LLA which reduces the size of a lot shall require a Coastal Administrative Permit, and LLA of equal areas between lots do not require a Variance. Both lots have the same amount of area after the LLA as before.
- j) Policies require siting structures on the "portion of the parcel that is least visible from public viewpoints" and "visually unobtrusive" (Policy 2.2.3.4 CLUP). The proposed project (PLN060251) includes a lot line adjustment that would result in locating a new home on Lot 5 approximately 40 feet higher on the slope. However, this area is pretty heavily forested so the LLA would not increase visibility of development on Lot 5 from the public viewshed (Policy 2.2.3.4 CLUP). There is also no potential for creating a ridgeline silhouette (Policy 2.2.3.3 CLUP). To subordinate to the environment and to be consistent with the rural character of the area, the house is designed with earthtone colors and natural materials, which will reduce its visibility (Policies 2.2.3.6 and 2.2.3.8 CLUP).
- k) The Lot Line Adjustment allows realignment of two lots (Assessor's Parcel Numbers 243-181-005-000 and 243-181-006-000) into lots that will support development of one single family home on each lot consistent with the Carmel Area Land Use Plan. Lot 5 is bisected from east to west by an intermittent stream, resulting in steep slopes, riparian habitat, and irregular topography. The stream is located across the

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lower portion of the property parallel to the access easement. As currently configured, any development on Lot 5 would likely occur on 30% slopes, require removal of additional trees, and bridging the creek for access. With the proposed LLA, Lot 5 would have access on the higher, flatter part of the property. As a result, the proposed reconfiguration and home design would reduce the number of trees impacted and avoid development on slope and across the stream. The effect of the proposed LLA would be that the development constraints on Lot 5, including steep slopes and the stream, would be minimized. The proposed configuration better meets LUP policies relative to development on steep slopes, tree removal, or impact to intermittent stream channels (ESHA). LUP policies encourage conservation easements over areas that protect remaining habitat areas (Section 20.146.120.A.6 CIP). A conservation easement will be required over the lower portion of Lot 5 to protect the stream and slope areas from future development (**Condition 19**).

- l) Multiple easements provide access from the properties in this area (*see Finding 8*) to San Remo Road and Mentone Road (private roads). The easement from Mentone Road (Easement #2) is dedicated for emergency access other than vehicular access for Lot 243-181-011 (Lewis). There is sufficient area within the 20-foot easement to develop an 18-foot wide paved road, with sufficient radius to allow a fire truck to make a turn. Several trees on the Moeller property as well as some landscaping and a small retaining wall on the Lewis property would be impacted by the expansion of the driveway to an 18-foot paved road. The project site is located within a State Responsibility Area for fire suppression. Carmel Highland Fire Protection District maintains responsibility for the State Responsibility Area within Carmel Highlands. Section 18.56.050 of the Monterey County Code allows for exceptions from the standards of Chapter 18.56, if the Reviewing Authority determines no other practical alternative project or site design exists to accommodate the minimum fire safe requirements. Carmel Highlands Fire Protection District (Reviewing Agency) developed an alternative standard that includes:
- widening the driveway along Lots 5 and 6 and reducing the turn radius of the driveway, thus, creating an additional driveway connection;
 - installing a fire hydrant; and
 - providing automatic fire sprinklers for the proposed development.

The applicant agreed to incorporate these standards as part of their proposed project. As conditioned, the LLA conforms to the emergency access requirements of Section 18.56.060 Monterey County Code (MCC), *Emergency Access*. (**Condition 26**)

- m) The Carmel Area Land Use Advisory Committee heard PLN040050 on Monday, April 5, 2004, and voted to recommend denial of the proposed house design but approval of the proposed lot line adjustment as well as

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the waiver to allow development on slopes of 30% or greater (4-0 vote). LUAC meeting minutes are dated April 5, 2004.

The project consisting of a house and LLA was referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review on June 4, 2007. The LUAC voted to deny the project as presented (4-0) based on Design (modern v rural), reduce deck area to retain some trees and avoid 30% slope, access concerns.

The applicant addressed the LUAC concerns. In light of the neighbor issues regarding the access, staff referred the LLA (PLN060251) back to the LUAC on April 21, 2008. The LUAC continued the item to address septic conditions, but the item was not referred back to the LUAC because that matter was addressed by the Regional Water Quality Control Board (RWQCB). *See Finding 3*

- n) The application, project plans, and related support materials for the proposed development are found in Project File PLN060251.

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 Division, Water Resources Agency, California Coastal Commission, and Regional Water Quality Control Board. 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 assessed 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:

- Geotechnical report prepared by Pacific Crest Engineering Inc. Watsonville, California. (dated April 2003).
- Slope Stability Evaluation prepared by Pacific Crest Engineering Inc. Watsonville, California. (dated September 2008).
- Soil Analysis, prepared by BioSphere Consulting, dated April 23, 2008.
- Additional Percolation Tests and Addendum to Geotechnical and Percolation Investigation Report prepared by Soils Surveys, Inc. dated November 2, 2001.
- Preliminary Archaeological Reconnaissance prepared by Mary Doane, B.A., and Trudy Haversat, SOPA, of Archaeological Consulting, dated December 2, 2002.
- Biological Survey prepared by Verne Yadon, dated March 14, 2003.
- Forest Management Plan, 194 San Remo Road, prepared by Forest City Consulting, Matt Horowitz and Glenn C. Flamik. Dated

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September 14, 2006.

- Forest Management Plan, 194 San Remo Road, prepared by Forest City Consulting, Matt Horowitz. Dated March 20, 2007.

- c) The Moeller parcels (APN: 243-181-005-000 and 243-181-006-000) are in the Highlands area of the Carmel Area Land Use Plan. The proposed lot line adjustment will comply with Title 20 Zoning Ordinance rules for LDR District that allows lot line adjustments as conditional uses and the proposed lot sizes will not change. Proposed development will be able to meet setback, slope, and biological resource requirements.
- d) Staff conducted site inspections to verify that the site is suitable for this use. The lots have suitable areas for a single family house to avoid slope steeper than 30%, significant trees, environmentally sensitive areas, streams and other protected environmental areas.
- e) The application, project plans, and related supportive materials for the proposed development are found in Project Files PLN040050, PLN060251 and PLN070629.

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 Division, Water Resources Agency, California Coastal Commission, and Regional Water Quality Control Board. 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 can and will be provided. This area of Carmel Highlands is located within an area affected by Interim Ordinance 5086, which is a moratorium limiting development that impacts septic density for the area. These restrictions were first established October 2, 2007 and allowed exception for about 10 applications that were filed on or before March 7, 2007 (date of Regional Water Board letter identifying issue). The Moeller project (PLN060251) was listed as an exception, but the applicant moved forward with approval of their wastewater treatment system from the Regional Water Quality Control Board before continuing with this application. The moratorium expired on October 2, 2009.
 - c) On December 5, 2008, the RWQCB approved a Waiver of Waste Discharge Requirements for Alternative Onsite Wastewater Disposal Systems (RWQCB Waiver Resolution No. R3-2008-0060). This permit is valid for five years through December 2013.

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- d) The project was reviewed by the Carmel Highlands Fire Protection District as part of the review process. Conditions recommended by the Fire District are included. As conditioned, the project meets the emergency access requirements for State Responsibility Areas.
- e) Preceding findings and supporting evidence for PLN060251.

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 multiple site inspections 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 for the proposed development are found in Project File PLN060251.

5. **FINDING:** **CEQA (Mitigated Neg Dec)** - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN060251).
 - c) The Initial Study identified several potentially significant effects, but applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur. The Initial Study is on file in the RMA-Planning Department and is hereby incorporated by reference (PLN060251).
 - d) Issues that were analyzed in the Mitigated Negative Declaration include: aesthetic resources, air quality, biological resources, hydrology/water quality, land use and planning, public services, traffic and transportation, utilities and service systems.
 - e) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance

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during project implementation and is hereby incorporated herein by reference as **Exhibit 1**. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval (**Condition 6**)

- f) The Draft Mitigated Negative Declaration (MND) for PLN060251 was prepared in accordance with CEQA and circulated for public review from October 5, 2009 through November 6, 2009 (SCH#: 2009101016).
- g) Evidence that has been received and considered includes: the application, technical studies/reports (*see Finding 2/Site Suitability*), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN060251) and are hereby incorporated herein by reference. Also see Project File PLN040050.
- h) An archaeological survey prepared by Archaeological Consulting, Inc., dated December 2, 2002, reports no evidence of archaeological or historic resources onsite.
- f) A biological survey prepared for the project by Vern Yadon, dated March 14, 2003, reports that there are no statutorily-protected species found on-site. Two locally protected species, Monterey pine and coast live oaks, are present. A Forest Management Plan was prepared for the project by Forest City Consulting, dated January 27, 2004, and addendum to the Forest Management Plan, dated April 5, 2004, as well as supplemental report, dated September 3, 2003 (reports contained in Project File PLN040050). Although Lot 5 is undeveloped, the Fire District has required trees on Lots 5 and 6 to be removed because they were fire hazards to neighboring structures. The FMP was updated/amended in 2006 and 2007 to reflect these changes and to provide on-going maintenance of the forest resources. A Coastal Development Permit is required prior to removal of native trees in this area, and prior to the issuance of the permit, the County must find that removal is the minimum necessary and that there is no feasible alternative. *See Finding 11*
- g) According to Monterey County's Geographic Information System, the project lies in a seismic-hazard zone "III" (i.e., "moderate"), landslide risk is low to moderate, and liquefaction risk is low. Erosion risk is high. However, standard erosion-control practices will be implemented as conditions of the grading permit in order to fulfill the requirements of the County's Grading and Erosion Control Ordinances (Chapters 16.08 & 16.12 of the County Code). A geotechnical report concluded that there are adequate sites based on soil conditions on Lots 5 and 6 for potential development.
- i) The site supports an intermittent stream and Monterey pine habitat. Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. For purposes of the Fish and Game Code, the project may potentially

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have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. DFG reviewed the MND with mitigation to protect biological resources in this area, and no comments were received from the DFG. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the DFG determines that the project will have no effect on fish and wildlife resources. The project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).

- j) Public comments were submitted on the MND that contest the LLA based on past action by the CCC. In its decision, the CCC stated that “until such details are more fully understood and addressed, it [was] premature to approve the proposed lot configuration” at this time. Based on CCC direction, Monterey County assessed access for the potentially developable areas and impacts of widening the shared driveway on native vegetation and slopes. Approval by the CCC for Lot 6 included a condition recognizing there would be a home on Lot 5 and limiting that home to three bedrooms due to septic limitations for this area. The home meets these limits. While the CCC action provided direction for development of Lot 5, the action separated Lot 5 from the approval of development on Lot 6 so there, there is no connection to condition compliance for Lot 6.
- k) The Initial Study considered the whole action under one Combined Development Permit (PLN060251), and a Mitigated Negative Declaration was prepared and circulated. An email from the CCC staff dated 11/10/09 regarding the MND recognizes that the previous issues (i.e., emergency access) raised by the Commission as part of its formal action on Lot 6 were addressed in the document. Easement over the area of Lot 5 outside the building envelope is required to protect the remaining habitat area and to be consistent with the Commission’s concerns for habitat protection (**Condition 19**).
- l) The County has considered the comments received during the public review period. Comments received are noted and addressed in the staff report; however, they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration. A few errata have been made in response to some comments and other comments received have been noted. No comments received resulted in any change to the conclusions of the MND. No new impact (or mitigation) was identified.
- m) A new house could be developed on Lot 5 regardless of the LLA. Qualitatively, development on the lower slope area has greater potential for impacts. However, the MND assess impacts of proposed development at this time, which is an analysis based on the proposed LLA allowing development of a new house on the upper bench.
- n) The Monterey County Planning Department, located at 168 W. Alisal, Second Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which

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the decision to adopt the negative declaration is based.

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

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.146.130 of the Monterey County Coastal Implementation Plan can be demonstrated. The project is not seaward of the first public road and, as such, has not historically provided access as a trail/access to public beaches, tidelands or recreational areas.
 - b) The subject property is not indicated as part of any designated trails or shoreline access as specified in Policy 5.3.1 (Figure 3) of 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 for the proposed development are found in Project File PLN060251.

7. **FINDING:** **DEVELOPMENT ON SLOPE** – The proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and Carmel Area Land Use Plan and the Monterey County Zoning Ordinance (Title 20) than other development alternatives.

- EVIDENCE:**
- a) 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 authority to grant said permit has been met.
 - b) The project site includes application for development on slopes exceeding 30%. The proposed project includes a LLA that would allow development on a bench where slopes are less than 30%; however, some parts of the septic improvements will be on steeper slope areas. This development proposal better achieves the goals, policies and objectives of the Monterey County Local Coastal Program than other development alternatives because it avoids development on steeper areas of the parcel (as adjusted). Remaining areas of Lot 5 with slopes of 30% or greater shall be conveyed to the County as a conservation easement, pursuant to the requirements of Section 20.146.120.A.6 of the Regulations for Development in the Carmel Area Land Use Plan. **(Condition 19)**. An exception to the easement shall be allowed for fuel management requiring protection of the structures balanced with the forest resource.
 - c) The subject project minimizes development on slopes exceeding 30% in accordance with the applicable goals and policies of the applicable area plan and zoning codes. Much of the existing Lot 5 consists of slopes that are greater than 30% and also has an intermittent stream located on

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the lower portion of the property. Although there is potentially suitable area for development on the existing Lot 5 for a small building envelope, any complete development, including grading for an access road, could not avoid slopes of 30% or greater. Development of Lot 5 with the proposed LLA is found to be preferable as adjusted compared to their existing configuration. With the proposed LLA, Lot 5 could develop the home and access on the higher, flatter portion of the property thereby avoiding development on 30% slopes and avoid direct impact to the stream. Staff has worked with the applicant to design an access that minimizes impact to resources along the upper access easement. Under the present lot configuration, development on Lot 5 would have a larger impact on resources than would occur with the proposed LLA. The proposed configuration better meets LUP policies because it minimizes development on steep slopes and tree removal, and avoids development (bridge) over the intermittent stream channels (ESHA).

- d) The project planner conducted multiple site inspections.
- e) The application, plans and supporting materials for the proposed development are found in Project File PLN060251.

8. **FINDING:** **LOT LINE ADJUSTMENT** –The parcels resulting from the lot line adjustment conform to County’s general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.

- EVIDENCE:**
- a) The parcel is zoned “LDR/1-D (CZ)” Low Density Residential, acre per unit with Design Control (Coastal Zone). Lot 5 (APN: 243-181-005-000/192 San Remo Road) has 0.61 acres and Lot 6 (APN: 243-181-006-000/194 San Remo Road) has 0.85 acres meaning both lots have less area than the one acre minimum. Pursuant to Chapter 20.14 CIP, the minimum building site is 6,000 square feet provided and the overall density was met when the lots were created. Both lots exceed the minimum building site allowed by zoning.
 - b) There are two legal lots that can each develop one home. The project area has a total of 1.46 acres [0.61 acres (Lot 5) and 0.85 acres (Lot 6)]. Proposed amendments include exchanging an equal amount of land so that Lot 5 (APN: 243-181-005-000) remains with 0.61 acres and Lot 6 (APN: 243-181-006-000) remains with 0.85 acres. The biggest issue raised by neighbors is access and there are generally two options, both of which involve private easements and both are technically possible with or without the LLA.
 - c) The proposed lot line adjustment complies with Titles 19 and 20 rules in that the LDR District allows lot line adjustments as conditional uses (Coastal Development Permit). For lots that were lawfully created under the state Subdivision Map Act, Monterey County allows lot line adjustments for properties that do not meet minimum lot size (1 acre) when there is no way to adjust the lot lines so that the resulting lots become conforming as to size under the Monterey County Code; (2) there is no net change in acreage between the lots, and (3) no new

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parcel is created. The proposed lot line adjustment meets all three requirements. The proposed lot line adjustment is consistent with the site development standards for parcels within the LDR/1(CZ) Zoning District, pursuant to Sections 20.14.060 of the Monterey County Zoning Ordinance (Title 20).

- d) Section 20.68.020 MCC allows continuation of a legal non-conforming land use provided such use is not expanded, enlarged, increased, or extended to occupy a greater area than that occupied when the legal nonconforming use was established. No such use may be intensified over the level of use that existed at the time the legal nonconforming use was established. While the proposed LLA changes the location of a residence on Lot 5, there is no change in size, density, or use of the two lots.
- e) Section 20.42.030.F MCC applies to subdivisions where the density has been exhausted and no further subdivision is allowed. Although, no B-6 overlay has been applied to this site, the lots were legally created and Section 20.42 specifically allows LLA even where lots shown on the recorded Final Map or Parcel Map may not be further subdivided. *See Finding 1*
- f) The proposed lot line adjustment is consistent with the Monterey County Zoning Ordinance (Title 20). Staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property that no violations exist on the property (*Finding 4*). Development of Lot 5 would be limited to the upper, flatter portion of the lot in order to minimize tree removal and avoid development of steeper areas of the adjusted parcels. Preceding findings and evidence support the LLA because the proposal minimizes development constraints and better achieves the goals, policies and objectives of the Monterey County Local Coastal Program.
- g) Pursuant to Government Code Section 66412 (Subdivision Map Act) and Monterey County Subdivision Ordinance (Section 19.09.005) the lot line adjustment is between two or more existing adjacent parcels, and a greater number of parcels than originally existed will not be created as a result of the lot line adjustment. (*see Findings 9 & 10*)
- h) On December 5, 2008, the RWQCB approved a Waiver of Waste Discharge Requirements for Alternative Onsite Wastewater Disposal Systems. This permit is valid for five years through December 2013. (*Finding 3*)
- i) San Remo Road and Mentone Road provide the primary access to this area, and are private roads. Secondary access is created via various private easements connecting to the primary roads. Access to Lot 5 from Easement #3 along the northern boundary would require a road bridge over the intermittent creek, removal of vegetation (trees and shrubs), and significant amount of grading on steep slopes to create switch backs that meet the 15% grade standard. With or without the LLA, the applicant has the ability to design access to Easement #1 in order to avoid these impacts. The proposed LLA reduces the driveway

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length and thereby minimizes tree removal. The existing driveway access from San Remo Road (Easement #1) is 12 feet wide and currently serves Lots 6, 243-181-009 (Hoxie), and 243-181-010 (Whitney). By adding another parcel to Easement #1, access to San Remo would be considered substandard for fire use due to its width of 12-feet, several 90-degree turns and grade between 16 to 25 percent from San Remo Drive. Although Easement #1 has a 30-foot wide driveway easement that would technically allow the driveway to be expanded for an 18-foot wide road, any expansion would result in significant grading on steep slopes and the access would greatly exceed road standards for a maximum grade of 15% and difficult turns. Carmel Highlands Fire Protection District (Reviewing Agency) developed an alternative standard that allows the LLA with Lot 5 by (1) using Easement #1 for primary use, (2) Easement #2 for emergency access only, and (3) creating a new driveway connection. *See Finding 1*

- j) As an exclusion to the Subdivision Map Act, no map is recorded for a Lot Line Adjustment. In order to appropriately document the boundary changes, a Certificate of Compliance for each new lot is required **(Condition 10)**.
- k) The project planner conducted site inspections to verify that the project would not conflict with zoning or building ordinances.
- l) The application, plans and supporting materials for the proposed development are found in Project File PLN060251.

9. **FINDING:** **LOT LINE ADJUSTMENT** – The lot line adjustment is between two or more existing adjacent parcels

- EVIDENCE:**
- a) The lot line adjustment is between more than one and less than four existing adjacent parcels. Two contiguous separate legal parcels of record will be adjusted and no new parcels will be created.
 - b) Proposed LLA would change Lot 5 and Lot 6 from a north/south orientation to an east/west orientation (longest dimension); however, both parcels will retain their original acreage of 0.85 acres for Lot 6 and 0.61 acres for Lot 5.
 - c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN060251.

10. **FINDING:** **LOT LINE ADJUSTMENT** – A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.

- EVIDENCE:**
- a) The lot line adjustment is between more than one and less than four existing adjacent parcels. Two contiguous separate legal parcels of record will be adjusted and two adjacent contiguous separate legal parcels of record will result from the adjustment.
 - b) The lot line adjustment will not create a greater number of parcels than originally existed. Two contiguous separate legal parcels of record will be adjusted and two contiguous separate legal parcels of record will result

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from the adjustment. No new parcels will be created.

- c) The application, plans and supporting materials for the proposed development are found in Project File PLN060251.

11. **FINDING:** **TREE REMOVAL** – The subject project minimizes tree removal in accordance with the applicable goals and policies of the applicable land use plan and the Coastal Implementation Plan.

- EVIDENCE:**
- a) A total of 9 Monterey pines, 6 coast live oaks, and 3 clusters of coast live oaks are proposed for removal. 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 authority to grant said permit has been met.
 - b) An initial Forest Management Plan was prepared for the project by Forest City Consulting, dated January 27, 2004, and addendum dated April 5, 2004, as well as supplemental report dated September 3, 2003 (reports contained in Project File PLN040050). This FMP addressed impact of development for both Lots 5 and 6. Lot 6 is currently being developed and Lot 5 is undeveloped. During the past few years, trees on Lots 5 and 6 deemed as fire hazards to neighboring structures have been removed per direction from the Fire District. Storm-damaged trees and dead trees were also cleared. All of the tree removal/clearing activities are exempted from Coastal Development Permit requirements. The Forest Management Plan was updated/amended September 14, 2006 and March 20, 2007 to reflect these changes and on-going maintenance of the forest resources. The FMP concludes that removal is the minimum necessary and that there is no feasible alternative. Specifically, the FMP states that the *“proposed design reflects the desire to protect trees, especially the larger Monterey Pines; however, it was decided that some large tree needed to be removed to insure protection of others.”*
 - c) The subject project, as conditioned, minimizes tree removal in accordance with the applicable goals and policies of the Carmel Area Land Use Plan and the Regulations for Development in the Carmel Area Land Use Plan (Coastal Implementation Plan, Part 4). On the westerly lot (as adjusted), two (2) landmark Monterey pine trees are proposed for removal along with 3 other pines greater than 12” in diameter-at-breast height (DBH) and 3 pines less than 12” DBH. Six (6) coast live oaks measuring 6” DBH or less and three (3) clusters of oaks with trunks measuring 4” or less are also proposed for removal on the westerly lot (as adjusted). Four dead or damaged trees north of the proposed residence are proposed for removal, and one 23” Monterey pine (#24) in the southern portion of the lot is uprooting and therefore proposed for removal.
No alternatives to development (such as resiting, relocation, or reduction in development area) exist whereby removal can be avoided for the two landmark Monterey pine trees (#s 26 & 34 of the forester's report). Tree #31 is located within the footprint of the proposed

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residence and in the forester's latest assessment of the project, dated April 5, 2004, he states that, "*Tree #26 cannot be reasonably retained within falling distance of any structure or high use area.*" Therefore, a total of nine (9) Monterey pines may be removed (#s 3, 5, 6, 7, 24, 26, 32, 33, 34). The coast live oaks allowed for removal are #s 27, 28, 29, 30, 31, plus the three unnumbered clusters of small oaks indicated in the forester's report. This action does not allow for trees of any type or size to be removed on the undeveloped easterly lot (as adjusted). Pursuant to the requirements of Section 20.146.060.D.6 of the Regulations for Development in the Carmel Area Land Use Plan, trees to be removed shall be replaced at a 1: 1 ratio and shall be included as part of the required landscaping plan (**Condition 17**). A fuel management plan shall require balancing protection of the structures with the forest resource (**Condition 28**).

- d) Measures for tree protection during construction have been incorporated as conditions and include tree protection zones, trunk protection, hand excavation and bridging roots (**Condition 16**).
- e) Staff conducted site inspections 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.
- f) The application, plans and supporting materials for the proposed development are found in Project File PLN060251.

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

- EVIDENCE:**
- a) This project can be appealed to the Board of Supervisors pursuant to Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20), Coastal Implementation Plan (CIP).
 - b) This project can be appealed to the California Coastal Commission pursuant to Section 20.86.080.A.2 CIP.

DECISION

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

- A. Adopt a Mitigated Negative Declaration prepared for PLN060251 September 21, 2009;
- B. Approve PLN060251, in general conformance with the attached sketch (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.
- C. Adopt the Condition Compliance and/or Mitigation Monitoring and Reporting Program matrix (**Exhibit 1**)

PASSED AND ADOPTED this 9th day of December, 2009 upon motion of xxxx, seconded by xxxx, by the following vote:

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AYES:
NOES:
ABSENT:
ABSTAIN:

Mike Novo, Planning Commission Secretary

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]

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.

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<p align="center">RESOLUTION ### - EXHIBIT 1</p> <p align="center">Monterey County Resource Management Agency Planning Department</p> <p align="center">Condition Compliance and/or Mitigation Monitoring Reporting Plan</p>	<p>Project Name: <u>Moeller</u></p> <p>File No: <u>PLN060251</u> APNs: <u>243-181-005-000, 243-181-006-000</u></p> <p>Approved by: <u>Planning Commission</u> Date: <u>December 9, 2009</u></p>
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Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.

Permit and Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verifica- tion of Compli- ance (name/ date)
RMA – Planning Department					
1.	<p>PD001 - SPECIFIC USES ONLY</p> <p>This Combined Development Permit (PLN060251) allows Project Description. The property is located at 192 and 194 San Remo Drive (Assessor's Parcel Number 243-181-005-000, 243-181-006-000), Carmel Area Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Any use or construction not in substantial conformance with the terms and conditions of this permit is a</p>	<p>Adhere to conditions and uses specified in the permit.</p> <p>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.</p>	<p>Owner/ Applicant</p> <p>RMA - Planning</p>	<p>Ongoing unless otherwise stated</p>	

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Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		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. (RMA-Planning Department)	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.	WRA RMA - Planning		
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution #) was approved by the Planning Commission for Assessor's Parcel Number 243-181-005-000, 243-181-006-000 on December 9, 2009 . The permit was granted subject to ## conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)	Obtain appropriate form from the RMA-Planning Department. The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner/ Applicant RMA- Planning	Prior to the issuance of grading and building permits or commencement of use.	
3.		PD032(A) - PERMIT EXPIRATION The permit shall be granted for a time period of three (3) years, to expire on December 9, 2012 unless use of the property or actual construction has begun within this period. (RMA - Planning Department)	The 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.	Owner/ Applicant	As stated in the conditions of approval	

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Permit and Number	Mitig Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/ date)
4.	<p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>The property owner agrees as a condition and in consideration of the 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. 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 the 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)</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the LLA map, whichever occurs first and as applicable		

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Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/ date)
5.		<p>PD005 - FISH AND GAME FEE-NEG DEC/EIR Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning Department)</p>	<p>The applicant shall submit a check, payable to the <i>County of Monterey</i>, to the Director of the RMA - Planning Department.</p> <p>If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i>, to the Director of the RMA - Planning Department.</p>	Owner/ Applicant	<p>Within 5 working days of project approval.</p> <p>Prior to the recordation of the LLA map, the start of use or the issuance of building or grading permits</p>	
6.		<p>PD006 - MITIGATION MONITORING PROGRAM The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public</p>	<p>Enter into agreement with the County to implement a Mitigation Monitoring Program.</p>	Owner/ Applicant	<p>Within 60 days after project</p>	

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Permit and Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verifica tion of Compli ance (name/ date)
	<p>Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. (RMA - Planning Department)</p>	<p>Monitoring Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.</p>		<p>approval or prior to the issuance of grading and building permits, whichever occurs first.</p>	

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Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/ date)
7.		<p>PD015 - NOTE ON MAP-STUDIES</p> <p>A note shall be placed on the LLA map or a separate sheet to be recorded with the final map stating that: "The following technical reports have been prepared on this property and are on file in the Monterey County RMA - Planning Department:</p> <ul style="list-style-type: none"> - Geotechnical report prepared by Pacific Crest Engineering Inc. Watsonville, California. (dated April 2003). - Slope Stability Evaluation prepared by Pacific Crest Engineering Inc. Watsonville, California. (dated September 2008). - Soil Analysis, prepared by Biosphere Consulting, dated April 23, 2008. - Additional Percolation Tests and Addendum to Geotechnical and Percolation Investigation Report prepared by Soils Surveys, Inc. dated November 2, 2001. - Preliminary Archaeological Reconnaissance prepared by Mary Doane, B.A., and Trudy Haversat, SOPA, of Archaeological Consulting, dated December 2, 2002. - Biological Survey prepared by Verne Yadon, dated March 14, 2003. - Forest Management Plan, 194 San Remo Road, prepared by Forest City Consulting, Matt Horowitz and Glenn C. Flamik. Dated September 14, 2006. - Forest Management Plan, 194 San Remo Road, prepared by Forest City Consulting, Matt Horowitz. Dated March 20, 2007. <p>The recommendations contained in said report shall be followed in all further development of this property." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (RMA - Planning Department)</p>	<p>Final recorded map with notes shall be submitted to the RMA - Planning Department and Public Works for review and approval.</p>	Owner/ Applicant	Prior to recording of LLA map	

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Permit Bond Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
8.		PD007 – GRADING-WINTER RESTRICTION 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)	Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.	Owner/ Applicant	Ongoing	
9.		PD043 – GRADING PERMITS REQUIRED A grading permit is required for new private single family access driveways greater than fifty (50) feet in total length that require 100 cubic yards or more of earthwork. An over the counter (OTC) grading permit may be issued for new private single family access driveways greater than fifty (50) feet in total length that require less than 100 cubic yards of earthwork. (RMA – Planning Department and Building Services Department)	If applicable, apply and receive the appropriate grading permit from Monterey County RMA – Building Services Department.	Owner/ Applicant/ Engineer	Prior to the issuance of grading or building permits	
10.		PD045 – CERTIFICATES OF COMPLIANCE (LOT LINE ADJUSTMENTS) The applicant shall request unconditional certificates of compliance for the newly configured parcels. (RMA – Planning Department)	The Surveyor shall prepare legal descriptions for each newly configured parcel. The legal descriptions shall be entitled "Exhibit A". The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the legal descriptions with a check, payable to the <i>Monterey County Recorder</i> , for the appropriate fees to record the certificates.	Owner/ Applicant/ Surveyor	Concurrent with recording the Record of Survey	

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Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
11.		<p>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</p> <p>If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)</p>	<p>Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.</p>	Owner/Applicant/Archaeologist	Ongoing	
12.		<p>PD035 - UTILITIES - UNDERGROUND</p> <p>All new utility and distribution lines shall be placed underground via Easement #1. (RMA - Planning Department; Public Works)</p>	<p>Install and maintain utility and distribution lines underground.</p>	Owner/Applicant	Ongoing	
13.		<p>PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN</p> <p>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 3 copies of an</p>	<p>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.</p>	Owner/Applicant	Prior to the issuance of building permits.	

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Permit Ord. Number	Mitig. Number	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<p>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)</p>	<p>The lighting shall be installed and maintained in accordance with the approved plan.</p>	<p>Owner/ Applicant</p>	<p>Prior to Occupancy/ Ongoing</p>	
14.		<p>PDSP001 - EXTERIOR DESIGN ELEMENTS (NON-STANDARD) Site structures and other exterior elements, such as fencing, shall be subordinate to and blended into the environment, using appropriate materials that will achieve that effect. All exterior finishes shall consist of muted, earthtone colors and non-reflective materials that blend with the surrounding environment. Building walls shall be designed and surfaced to blend with the surroundings and reduce the visual mass and minimize their visual prominence.</p>	<p>Final plans shall include a color board and project elevations that identify the type and color of all finished materials.</p>	<p>Owner/ Applicant Architect</p>	<p>Prior to the issuance of grading or building permits</p>	
15.		<p>PD041 - HEIGHT VERIFICATION The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and</p>	<p>1) The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of grading or building permits</p>	

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Permit Code Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (RMA – Planning Department and Building Services Department)</p>	<p>2) The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of first finished floor from the benchmark is consistent with what was approved on the building permit.</p> <p>3) The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.</p>	<p>Owner/Applicant</p>	<p>Prior to the foundation pre-pour inspection</p>	
16.		<p>PD011 – TREE AND ROOT PROTECTION Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by a certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of the 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 a certified arborist. Should any additional trees not included in</p>	<p>Submit evidence of tree protection to the RMA - Planning Department for review and approval.</p> <p>Submit on-going evidence that tree protection measures are in place throughout grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.</p>	<p>Owner/Applicant</p>	<p>Prior to the issuance of grading and/or building permits During Construction</p>	

**EXHIBIT C
DRAFT RESOLUTION**

Permit Condition Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
	<p>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)</p>	<p>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.</p>	<p>Owner/Applicant</p>	<p>Prior to final inspection</p>	
17.	<p>PD012(F) - LANDSCAPE PLAN AND MAINTENANCE (NON-STANDARD) The site shall be landscaped, restored and maintained in coordination with the Forest Management Plan, Biological Assessment, and Fuel Management Plan for this project. Said Plan shall include:</p> <ul style="list-style-type: none"> - Sufficient detail to identify the location, species, and size of the proposed landscaping materials - Irrigation plan including temporary irrigation to start native plants and then be removed. - A nursery or contractor's estimate of the cost of installation of the plan. - Recommendations from the Forest Management Plan and/or Biological Survey as applicable. - Fuel Management for the entire site including easement areas. - Areas within and abutting the resource conservation easement shall be limited to Monterey pine forest species. - Limited areas around the immediate house footprint may be planted with non-invasive plant species native to the area. - Site improvements such as walkways, fences, etc. (RMA – Planning Department) 	<p>Submit three (3) copies of a Plan that illustrates proposed landscaping, forest restoration, and fuel management to the Director of the RMA - Planning Department for review and approval. A landscape plan review fee is required at the time of landscape plan submittal. <i>Also see Conditions 16, 18, 28, 30</i></p> <p>Plant and Landscape materials 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.</p> <p>All vegetated 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.</p>	<p>Owner/Applicant/ Licensed Landscape Contractor / Licensed Landscape Architect</p> <p>Owner/Applicant/ Licensed Landscape Contractor / Licensed Landscape Architect</p> <p>Owner/Applicant</p>	<p>Prior to issuance of Building Permits</p> <p>Prior to Occupancy</p> <p>Ongoing</p>	

**EXHIBIT C
DRAFT RESOLUTION**

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land-Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
18.		<p>PDSP002 - RESTORATION OF NATURAL MATERIALS (NON-STANDARD) Upon completion of the development, the area disturbed shall be restored to a condition to correspond with the adjoining area, subject to the approval of the Director of the RMA - Planning Department. The Plan shall provide for the immediate revegetation of all portions of the site surrounding the approved residence that are disturbed during construction with native vegetation appropriate for the area. The Plan shall also specify methods for removing, controlling and preventing the introduction or spread of invasive exotic plants such as ice plant, French and Scotch broom, cape ivy, pampas grass, kikuyu grass, acacias, eucalyptus, etc. (RMA - Planning Department)</p>	<p>Submit restoration plans to the RMA - Planning Department for review and approval. <i>Also see Condition 17</i></p> <p>Restoration areas shall be continuously maintained by the owner in a litter-free, weed-free, and healthy native growing condition. <i>Also see Condition 30</i></p>	Owner/ Applicant	Prior to commencement of use. On-going	
19.		<p>PDSP003 - CONSERVATION EASEMENT / HABITAT PROTECTION AND ENHANCEMENT AREA (NON-STANDARD) A resource conservation easement shall be conveyed to the County over those portions of the property outside of the building footprints on Lots 5 and 6. The easement shall be developed in consultation with certified professional. No development shall occur within the easement area with the following exceptions:</p> <ul style="list-style-type: none"> - Habitat restoration/enhancement (Conditions 18 and 33) - Fuel management activities (Condition 17 and 31) - Wastewater treatment (Condition 20) - Drainage controls (Conditions 21 and 25) 	<p>Submit the LLA map illustrating the exact location of the conservation and scenic easement on the property along with the metes and bound description developed in consultation with a certified professional, to the RMA - Planning Department for review and approval. Record the deed and map showing the approved conservation and scenic easement. Submit a copy of the recorded deed and map to the RMA - Planning Department.</p>	Owner/ Applicant Surveyor	Prior to Recordation of Record of Survey Prior to issuance of grading and building permits	

**EXHIBIT C
DRAFT RESOLUTION**

Permit Condition Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		An easement deed shall be submitted to, reviewed and approved by, the Director of the RMA - Planning Department prior to issuance of grading and building permits. (RMA – Planning Department)	The easement(s) and proposed grading shall be staked with 18” stakes at intervals as necessary to clearly delineate the easement and grading. The staking shall be consistent with easement lines and proposed grading to the satisfaction of Monterey County RMA – Planning Department.	Owner/ Applicant	At presite inspection by the grading inspector	
20.		PDSP004 - DEED RESTRICTION – USE For the 0.61 acre lot, that is currently identified as APN 243-181-005-000: The lot line adjustment map shall include a note that states, “Any development on Parcel 2 that generates wastewater shall be limited to a maximum of a three-bedroom single-family dwelling, and shall meet the standards pursuant to RWQCB Waiver Resolution No. R3-2008-0060 or until the property connects to an approved sanitary sewer.”	Submit signed and notarized document to the Director of RMA – Planning Department for review and signature by the County.	Owner/ Applicant	Prior to the issuance of grading or building permits	
			Proof of recordation of the document shall be submitted to the RMA – Planning Department.	Owner/ Applicant	Prior to occupancy or commencement of use	

EXHIBIT C DRAFT RESOLUTION

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted	Responsible Party for Compliance	Timing	Verific ation of Compl ance (name/ date)
21.		<p>PD010 - EROSION CONTROL PLAN AND SCHEDULE</p> <p>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 Director of 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 and Department and RMA - Building Services Department)</p>	<p>An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.</p> <p><i>Also see Condition 24</i></p> <p>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.</p>	<p>Owner/ Applicant</p> <p>Owner/ Applicant</p>	<p>Prior to the issuance of grading and building permits</p> <p>Ongoing</p>	
RMA - Public Works Department						
22.		<p>PW0034 - LOT LINE ADJUSTMENT</p> <p>Obtain a survey of the new line and have the line monumented. (Public Works)</p>	<p>Owner shall have a surveyor monument the new lines. Evidence of completion of monumentation shall be submitted to DPW for review and approval.</p>	<p>Owner/ Applicant/ Surveyor</p>	<p>Prior to Recordation of Record of Survey</p>	

**EXHIBIT C
DRAFT RESOLUTION**

Permit Condition Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
23.	PW0035 – RECORD OF SURVEY File a Record of Survey showing the new line and its monumentation. (Public Works)	Owner's Surveyor to prepare record of survey and submit to DPW for review and approval.	Owner/ Applicant/ Surveyor	Prior to Recordation of Record of Survey		
Health Department Environmental Health Division						
Monterey County Water Resources Agency						
24.	WR2 - STORMWATER CONTROL The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Stormwater runoff from impervious surfaces shall be dispersed at multiple points, away from and below any septic leach fields, over the least steep available slopes, with erosion control at outlets. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval. Said Plan shall be coordinated with other plans (e.g. grading, erosion control, landscape, wastewater, etc) <i>Also see Condition 21</i>	Owner/ Applicant/ Engineer WRA	Prior to issuance of any grading or building permits		

**EXHIBIT C
DRAFT RESOLUTION**

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
25.		<p>WR40 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:</p> <ul style="list-style-type: none"> a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system. b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. <p>(Water Resources Agency)</p>	<p>Compliance to be verified by building inspector at final inspection</p>	<p>Owner/ Applicant WRA</p>	<p>Prior to final building inspection/occupancy</p>	
<p>Fire Agency Carmel Highlands Fire Protection District</p>						
26.		<p>FIRE SP001- ROAD ACCESS (NON-STANDARD) The project site is located with a State Responsibility Area for fire suppression. Emergency access roads shall be required for every building under emergency access pursuant to Section 18.56.060 Monterey County Code as interrelated by the Reviewing Authority. The Reviewing</p>	<p>A. Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans as required by the Reviewing Authority.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of grading and/or building permit.</p>	

EXHIBIT C
DRAFT RESOLUTION

Permit and number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>Authority has agreed to the following improvements to meet the requirements of Section 18.56.060:</p> <ul style="list-style-type: none"> • widening the driveway along Lots 5 and 6 and reducing the turn radius of the driveway, thus, creating an additional driveway connection; • installing a fire hydrant; and • providing automatic fire sprinklers for the proposed development. <p>Unless otherwise noted, all roads shall be constructed to provide a minimum of two nine-foot traffic lanes with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name. Access from Mentone Road will serve for emergency access and follow the easement and design described in the Lot Line Adjustment map (dated July 21, 2009 by Bestor Engineers). Carmel Highlands Fire District.</p>	<p>B. Applicant shall schedule fire dept. clearance inspection for each phase of development.</p>	<p>Applicant or owner</p>	<p>Prior to final building inspection</p>	

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DRAFT RESOLUTION**

Permit Cond. Number	Mitig. Number	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verifica tion of Compli ance (name/ date)</i>
27.		<p>FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. Carmel Highlands Fire District.</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of building permit.	
28.		<p>FIRE019 - DEFENSIBLE SPACE REQUIREMENTS Manage combustible vegetation within a minimum of 30 feet of structures (or to the property line). Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide</p>	<p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	Prior to final building inspection	
		<p>Applicant shall incorporate specification into a Fuel Management Plan subject to review and approval of the Reviewing Authority.</p>	Applicant or owner	Applicant or owner	Prior to issuance of grading and/or building permit.	

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DRAFT RESOLUTION**

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		reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning. Carmel Highlands Fire District.	<i>Also see Conditions 17 and 30</i>			
29.		FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM 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 District.	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
			Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection	
			Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	

**EXHIBIT C
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Permit Condition Number	Mitigation Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
30.	1	<p>In order to mitigate the loss of sensitive plants, a landscape plan shall require the use of plant materials that are consistent with the Monterey pine-coast live oak habitat for those areas that are disturbed by construction and within open space areas. Existing native trees and vegetation shall be retained and incorporated into the landscaping and fire fuel management planning.</p>	<p>The Applicant shall submit a Landscape/Fuel Management Plan to the Director of Planning for review and approval. Said plan shall include:</p> <ul style="list-style-type: none"> A weed control program to be carried out during construction. Appropriate native grasses and vegetation shall be planted on exposed or bare areas to prevent erosion. Use of plant materials compatible with the Monterey pine habitat to avoid contamination of the local Monterey pine community's gene pool. <p>The plan shall be prepared in consultation with a County approved Forester and/or Biologist.</p>	<p>Applicant/ Owner County approved Forester and/or Biologist Planning Director</p>	<p>Prior to the issuance of building or grading permits</p>	
Mitigation Measures						
			<p>Install required planting and maintenance in accordance with the approved Landscape / Fuel Management Plan. The applicant shall submit documentation of compliance and success (planting and weed control) to the Director of Planning and Fire Agency for approval.</p>	<p>Applicant / Owner Planning Director Fire Agency</p>	<p>Prior to final occupancy</p>	

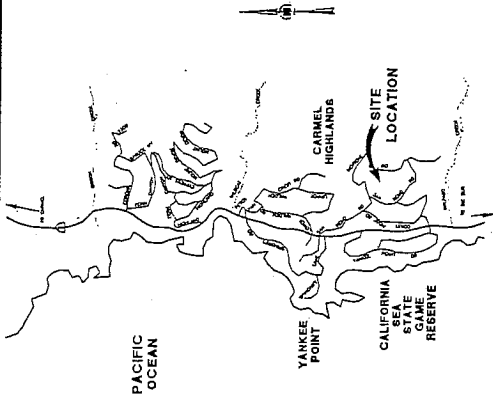
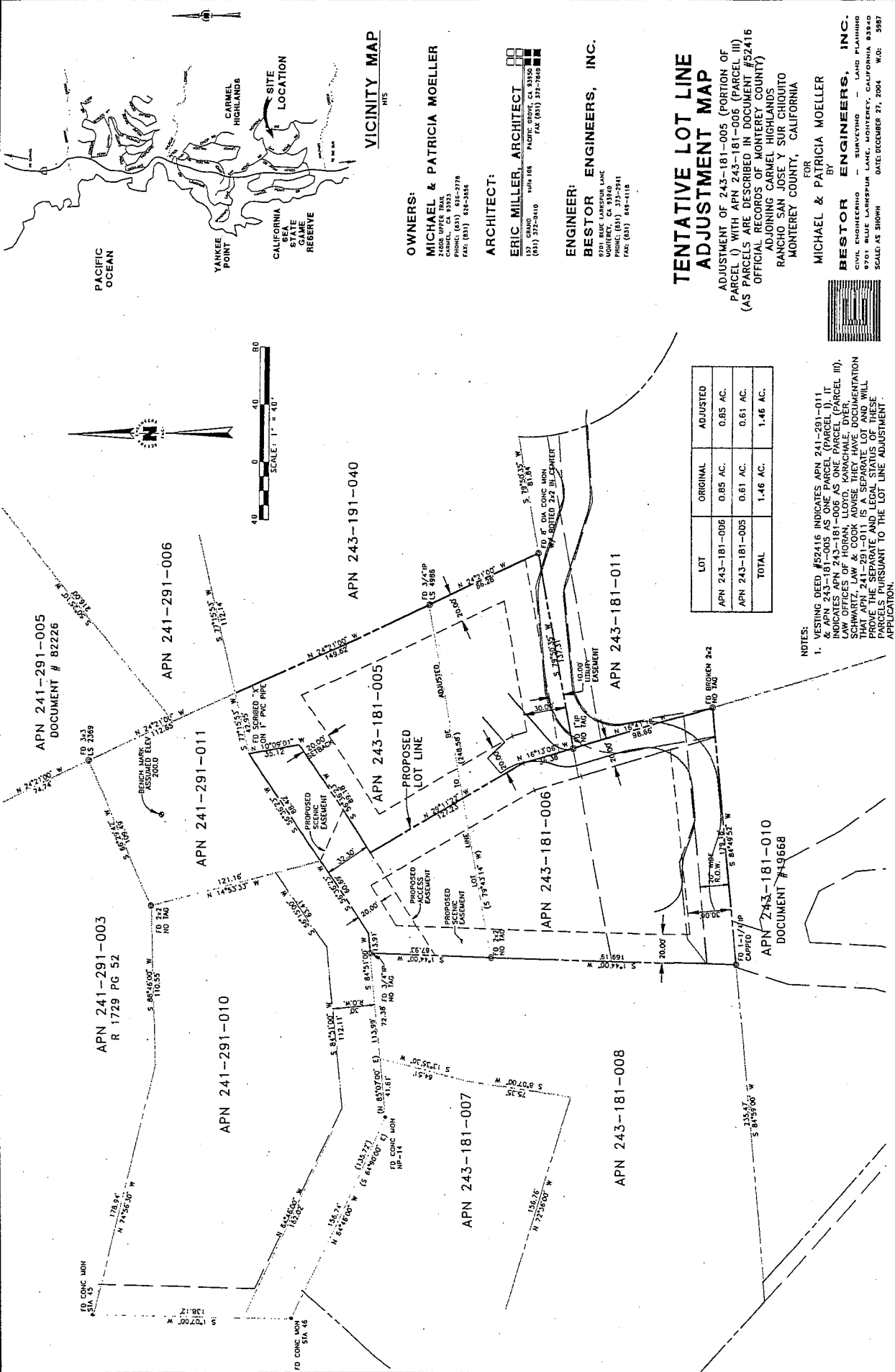
**EXHIBIT C
DRAFT RESOLUTION**

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			<p>The applicant shall submit a monitoring report prepared by a County approved Forester and/or Biologist to the Director of Planning for review and approval. The update shall evaluate revegetation and establish success criteria including any additional or ongoing measures necessary to establish the habitat. If after five years, the habitat is not established and weeds are not controlled, further restoration and monitoring may be required by the Director of Planning.</p>	<p>Applicant/ Owner County approved Forester and/or Biologist Planning Director</p>	<p>At the first, third and fifth years after final approval of building permits.</p>	

**EXHIBIT C
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31.	2	<p>In order to protect sensitive habitat and trees from inadvertent damage caused by construction activities, a Construction Management Plan shall be submitted for review and approval by the Planning Department. A qualified biologist shall identify the minimum area of disturbance for a stock pile area and staging area for construction equipment within this envelope. Construction activities and development shall be restricted to the development envelope to be shown on the Construction Management Plan. The development envelope where construction, stockpiling and staging work is approved shall be clearly delineated with staked orange fencing and maintained during construction. Stockpiling, grading and construction activities shall not occur outside of the fenced area. Native trees along the access road where grading will occur shall be protected from damage and protection zones around the trees shall be established. Where feasible, the protection zones marked by orange fencing shall include the entire dripline under the canopy of the tree or cluster of trees.</p>	<p>The developer shall installation of protective fencing to be used during construction shall be installed and demonstrated to the satisfaction of the Director of Planning.</p>	Applicant/ Owner Planning Director	Prior to the issuance of building or grading permits	

END OF CONDITIONS (12/9/2009)



VICINITY MAP

OWNERS:
MICHAEL & PATRICIA MOELLER
 2608 UPPER TRAIL
 MONTEREY, CA 93940
 PHONE: (831) 932-2778
 FAX: (831) 932-2856

ARCHITECT:
ERIC MILLER ARCHITECT
 1000 MARINA DRIVE, SUITE 108
 MONTEREY, CA 93940
 PHONE: (831) 372-9410
 FAX: (831) 374-1690

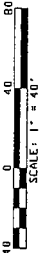
ENGINEER:
BESTOR ENGINEERS, INC.
 9701 BLUE LAKESHORE LANE
 MONTEREY, CA 93940
 PHONE: (831) 372-9411
 FAX: (831) 849-1118

TENTATIVE LOT LINE ADJUSTMENT MAP

ADJUSTMENT OF 243-181-005 (PORTION OF PARCEL I) WITH APN 243-181-006 (PARCEL III) (AS PARCELS ARE DESCRIBED IN DOCUMENT #52416 OFFICIAL RECORDS OF MONTEREY COUNTY) ADJOINING CARMEL HIGHLANDS RANCHO SAN JOSE Y SUR CHIGUITO MONTEREY COUNTY, CALIFORNIA

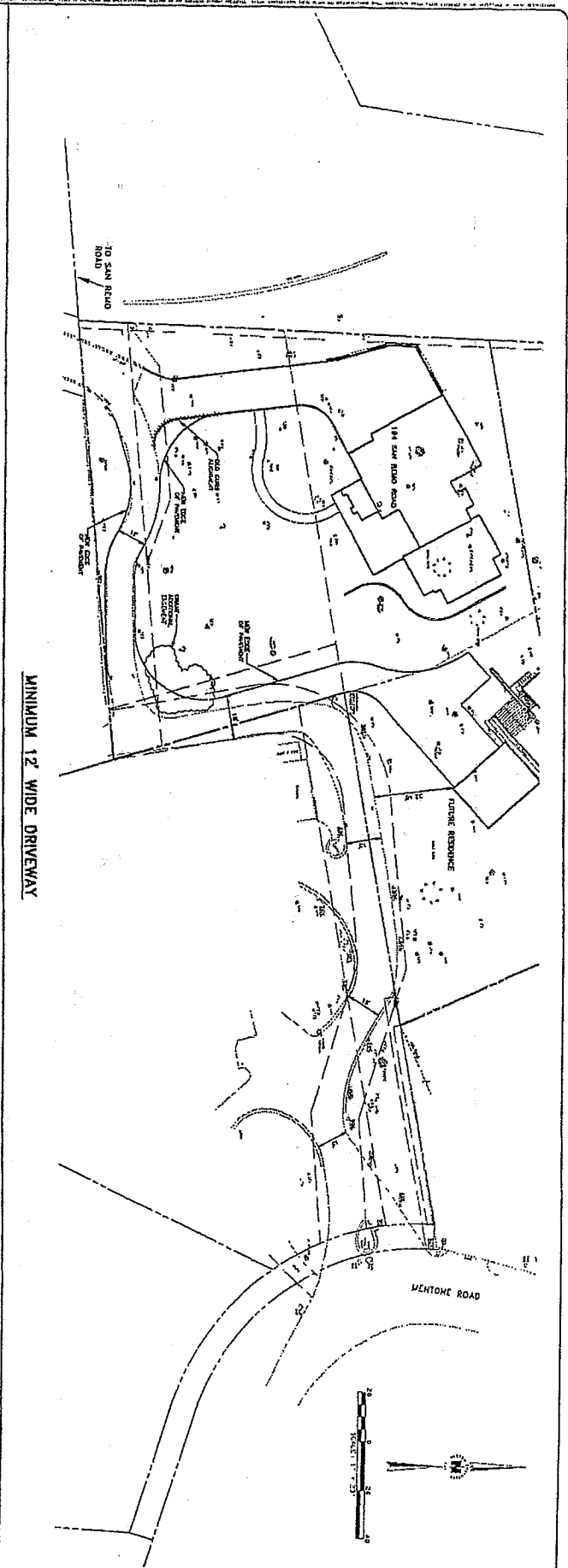
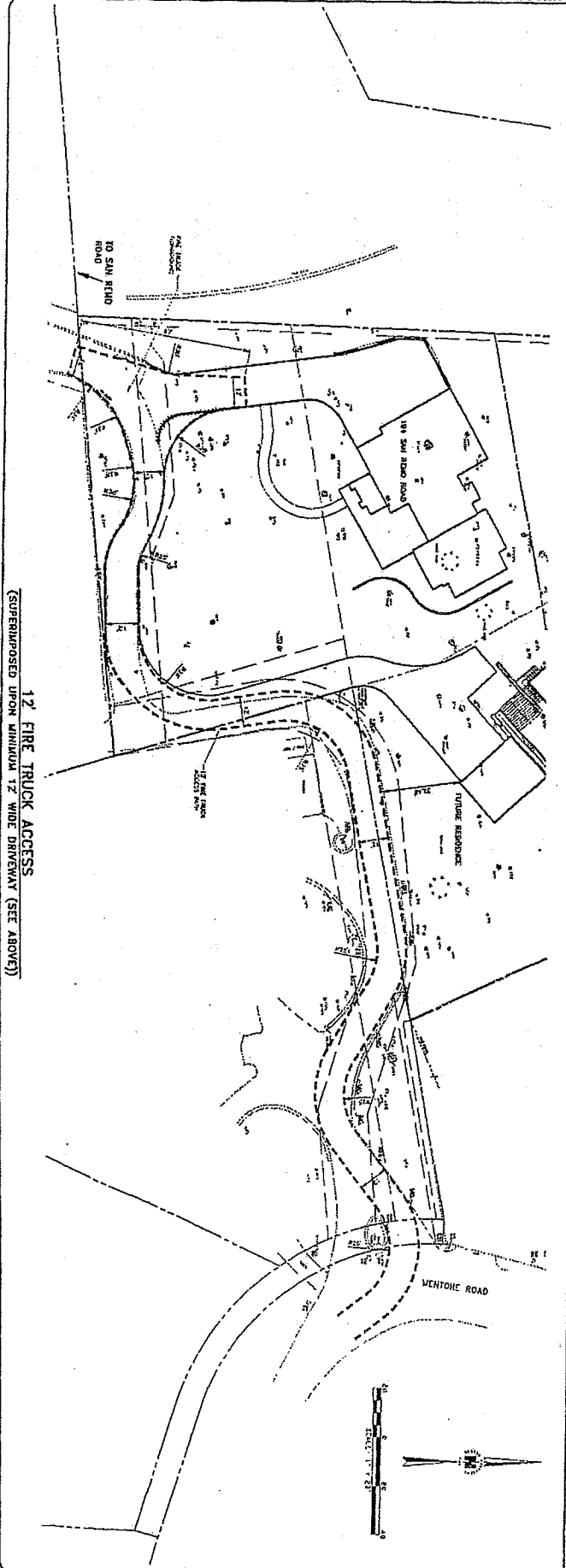
FOR
MICHAEL & PATRICIA MOELLER
 BY

BESTOR ENGINEERS, INC.
 CIVIL ENGINEERING - SURVEYING - LAND PLANNING
 9701 BLUE LAKESHORE LANE, MONTEREY, CALIFORNIA 93940
 SCALE: AS SHOWN DATE: DECEMBER 27, 2004 W.C. 3987

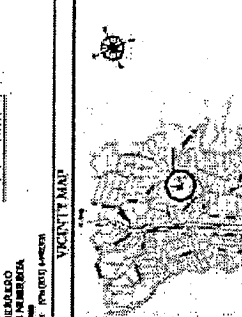


LOT	ORIGINAL	ADJUSTED
APN 243-181-006	0.85 AC.	0.85 AC.
APN 243-181-005	0.61 AC.	0.61 AC.
TOTAL	1.46 AC.	1.46 AC.

NOTES:
 1. VESTING DEED #52416 INDICATES APN 241-291-011 & APN 243-181-005 AS ONE PARCEL (PARCEL I). IT IS HEREBY STATED THAT THE APN 243-181-006 (PARCEL II) AND APN 243-181-005 (PARCEL III) ARE SEPARATE PARCELS OF HORSE LANDING. SCHWARTZ, LAW & COOK ADVISE THEY HAVE DOCUMENTATION THAT APN 241-291-011 IS A SEPARATE LOT AND WILL PROVE THE SEPARATE AND LEGAL STATUS OF THESE PARCELS PURSUANT TO THE LOT LINE ADJUSTMENT APPLICATION.



MOELLER RESIDENCE
192 SAN REMO ROAD
CARMEL, HI 96701



MOELLER RESIDENCE
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CARMEL, HI 96701

MOELLER RESIDENCE
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CARMEL, HI 96701

MOELLER RESIDENCE
192 SAN REMO ROAD
CARMEL, HI 96701

PROJECT TEAM

OWNER: MOELLER RESIDENCE
192 SAN REMO ROAD
CARMEL, HI 96701

ARCHITECT: MICHAEL J. GARDNER
192 SAN REMO ROAD
CARMEL, HI 96701

GENERAL CONTRACTOR: MICHAEL J. GARDNER
192 SAN REMO ROAD
CARMEL, HI 96701

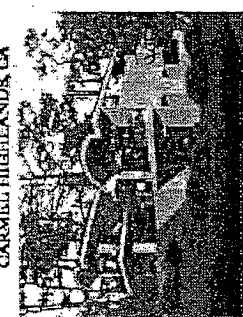
GENERAL CONTRACTOR: MICHAEL J. GARDNER
192 SAN REMO ROAD
CARMEL, HI 96701

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CARMEL, HI 96701

GENERAL CONTRACTOR: MICHAEL J. GARDNER
192 SAN REMO ROAD
CARMEL, HI 96701

NO.	DESCRIPTION	DATE	STATUS
1	FOUNDATION	10/15/01	COMPLETE
2	FLOORING	10/15/01	COMPLETE
3	ROOFING	10/15/01	COMPLETE
4	MECHANICAL	10/15/01	COMPLETE
5	ELECTRICAL	10/15/01	COMPLETE
6	PLUMBING	10/15/01	COMPLETE
7	PAINTING	10/15/01	COMPLETE
8	LANDSCAPING	10/15/01	COMPLETE
9	FINISHES	10/15/01	COMPLETE
10	GENERAL	10/15/01	COMPLETE

MOELLER RESIDENCE
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MOELLER RESIDENCE
192 SAN REMO ROAD
CARMEL, HI 96701

MOELLER RESIDENCE
192 SAN REMO ROAD
CARMEL, HI 96701

Design

RESIDENCE HOUSE
 2714 LORAIN DRIVE, CLEVELAND, OHIO 44115

Client:
 Michael J. Trushka, Resident

Architect:
 Michael J. Trushka, Resident

General Site Plans
 Drawing Title: GENERAL SITE PLAN (including Survey) and proposed driveway
 Title: TREE PLAN

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


Sheet: A-001 of 001

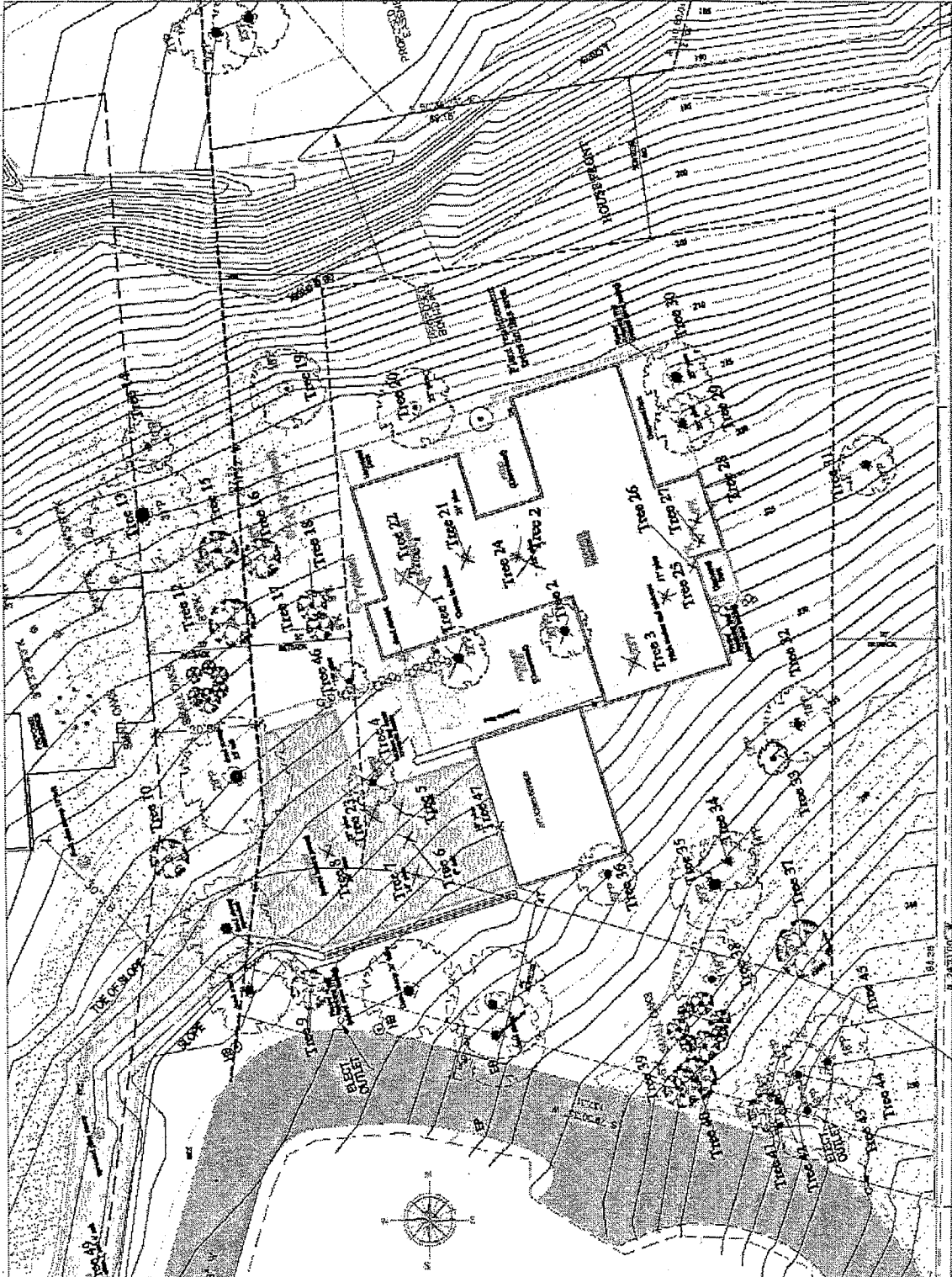
Project Description:
 This drawing shows the general site plan for the proposed residence. It includes the location of the house, driveway, and other structures on the site. The drawing also shows the proposed driveway and the location of the trees to be planted on the site.

Notes:
 1. All dimensions are in feet and inches.
 2. All elevations are in feet above sea level.
 3. All bearings are in degrees, minutes, and seconds.
 4. All areas are in square feet.
 5. All volumes are in cubic feet.

General Notes:
 1. The site plan is based on a survey of the property.
 2. The site plan is subject to the approval of the local planning commission.
 3. The site plan is subject to the approval of the local zoning board.



 <p>Design: Michael A. ... Residence House</p>	<p>Project Name: RESIDENCE HOUSE</p> <p>Client: Michael A. ...</p>	<p>Scale: 1/8" = 1'-0"</p> <p>Sheet: A-001b</p>
---	---	--



<p>General Site Plan</p> <p>Drawing Title: 1/8" Res. Home Tree Plan</p>	<p>Project Name: RESIDENCE HOUSE</p> <p>Client: Michael A. ...</p>	<p>Scale: 1/8" = 1'-0"</p> <p>Sheet: A-001b</p>
---	--	--

RESIDENCE HOUSE
 12345 Main Street
 Anytown, CA 90000

Client: Michael & Patricia Johnson

Project Name: Residence House

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

Sheet: A-001c

Project: General Site Plans

Author: [Name]

Date: [Date]

Project No.: [Number]

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

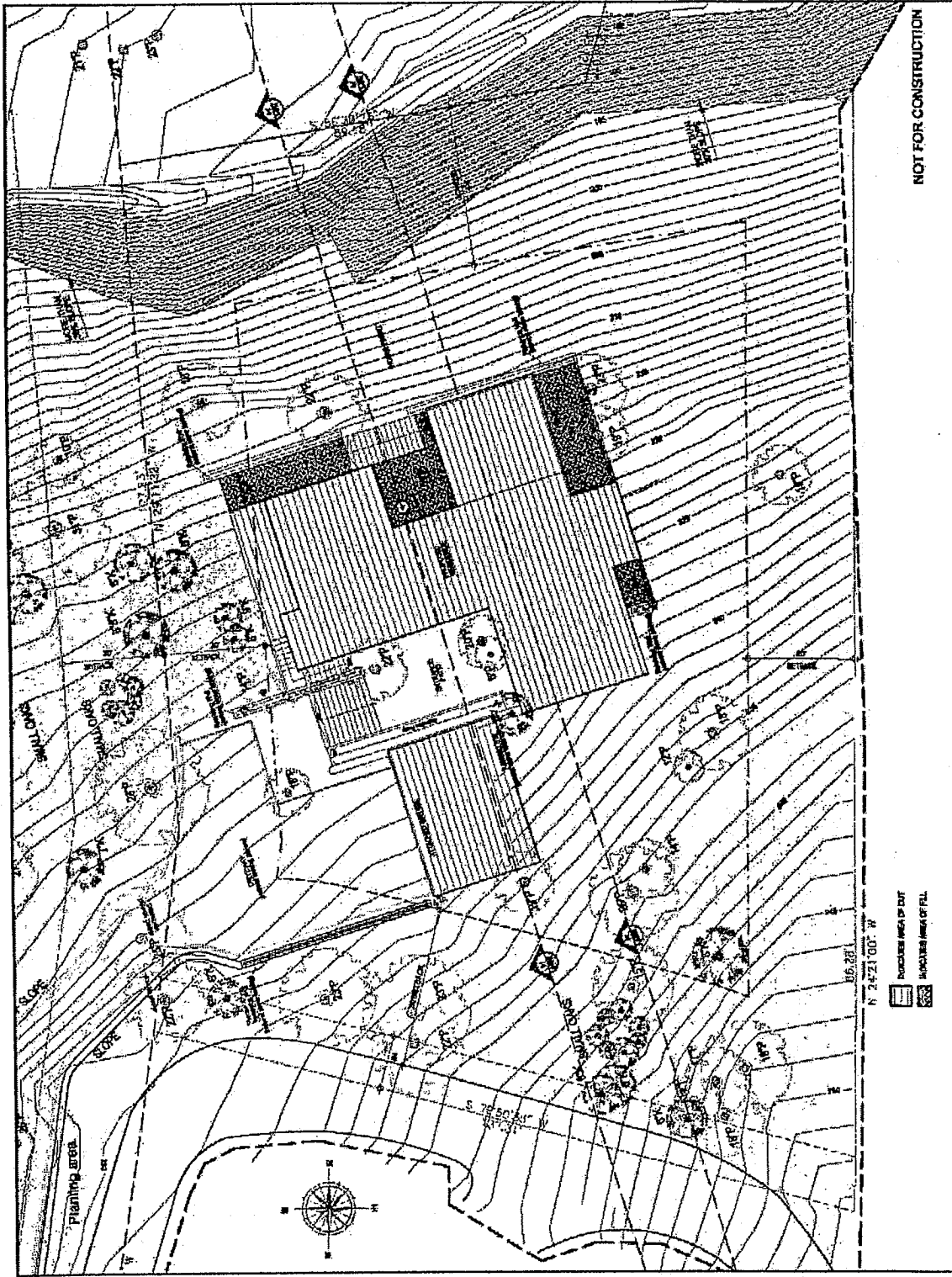
Sheet: A-001c

Project: General Site Plans

Author: [Name]


Date: [Date]

Project No.: [Number]



NOT FOR CONSTRUCTION

Excavation Area (to Cut)
 In-Fill Area (to Fill)

Design:  Michael Baker Corporation
 1000 North 17th Street
 Suite 1000
 Fort Worth, Texas 76102
 Phone: (817) 339-2000
 Fax: (817) 339-2001
 Website: www.mbc.com

Project: RESIDENCE HOUSE
 1000 North 17th Street
 Fort Worth, Texas 76102

Owner: Michael A. Parkhill, Manager

Scale: 1/4" = 1'-0"

Sheet: A-001d
 OF 001

General Site Plans
 Showing: **THIR**
 Grading - General Site Section

Revised: _____
Checked: _____
Drawn: _____
Date: _____

Symbol Legend

1 1/4" = 1'-0"

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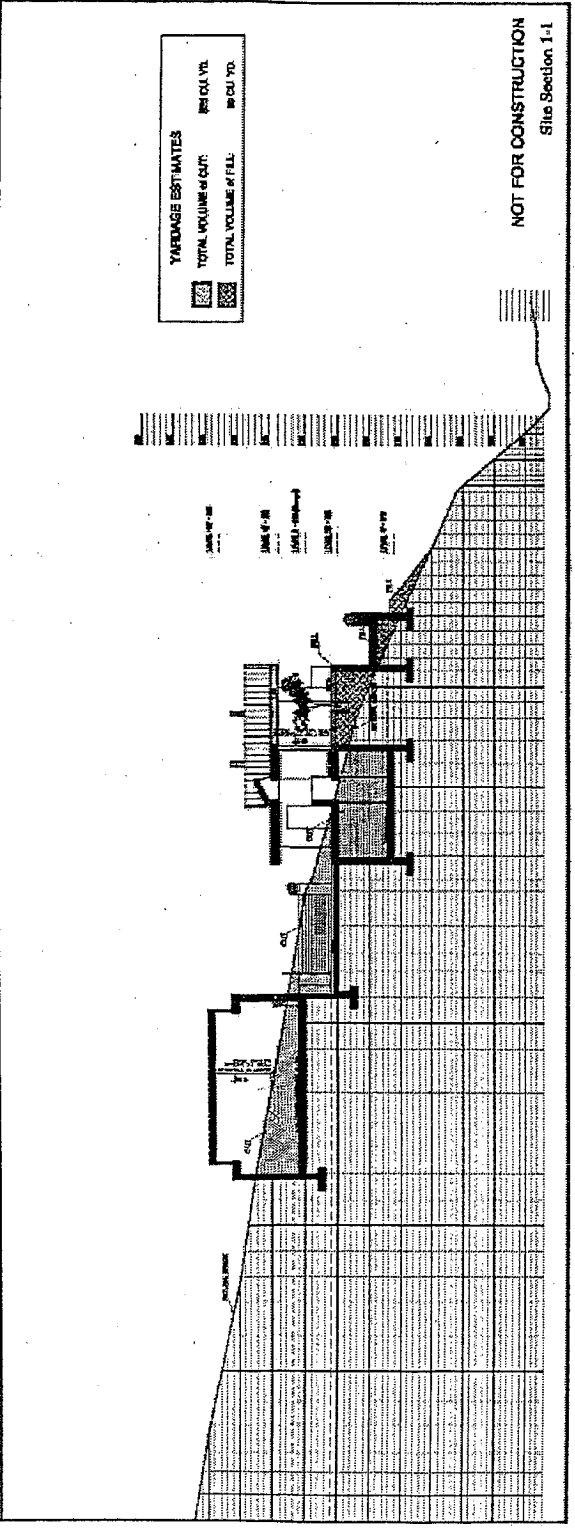
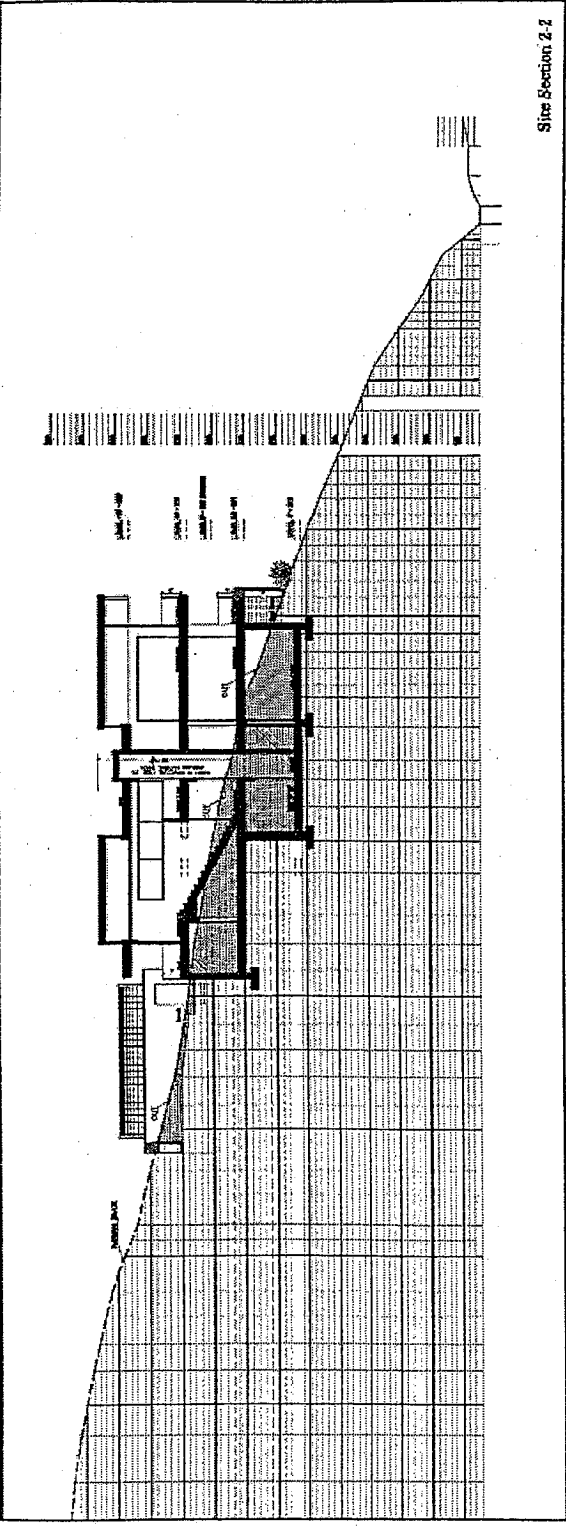
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Design: [Logo] [Text]

RESIDENCE HOUSE
 [Text]

Owner: [Text]

Architect: [Text]

Symbol Legend

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General Site Plans
 Drawing Title
 Proposed Septic & Water Pans

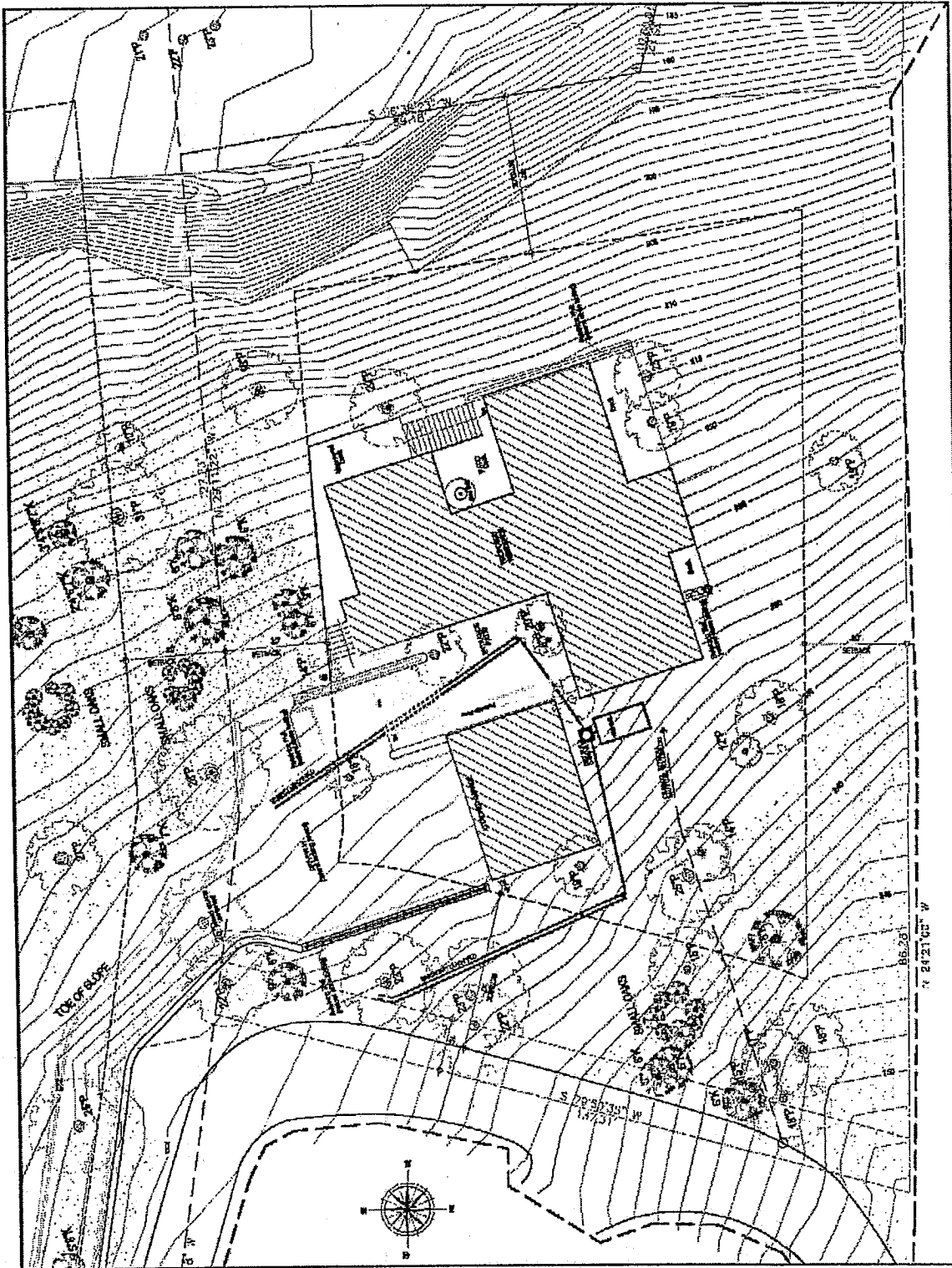
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Sheet: A-001c
 of 100

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Drawn by: [Text]
Checked by: [Text]
Title: [Text]





RESIDENCE HOUSE

 12345 Main Street, N.

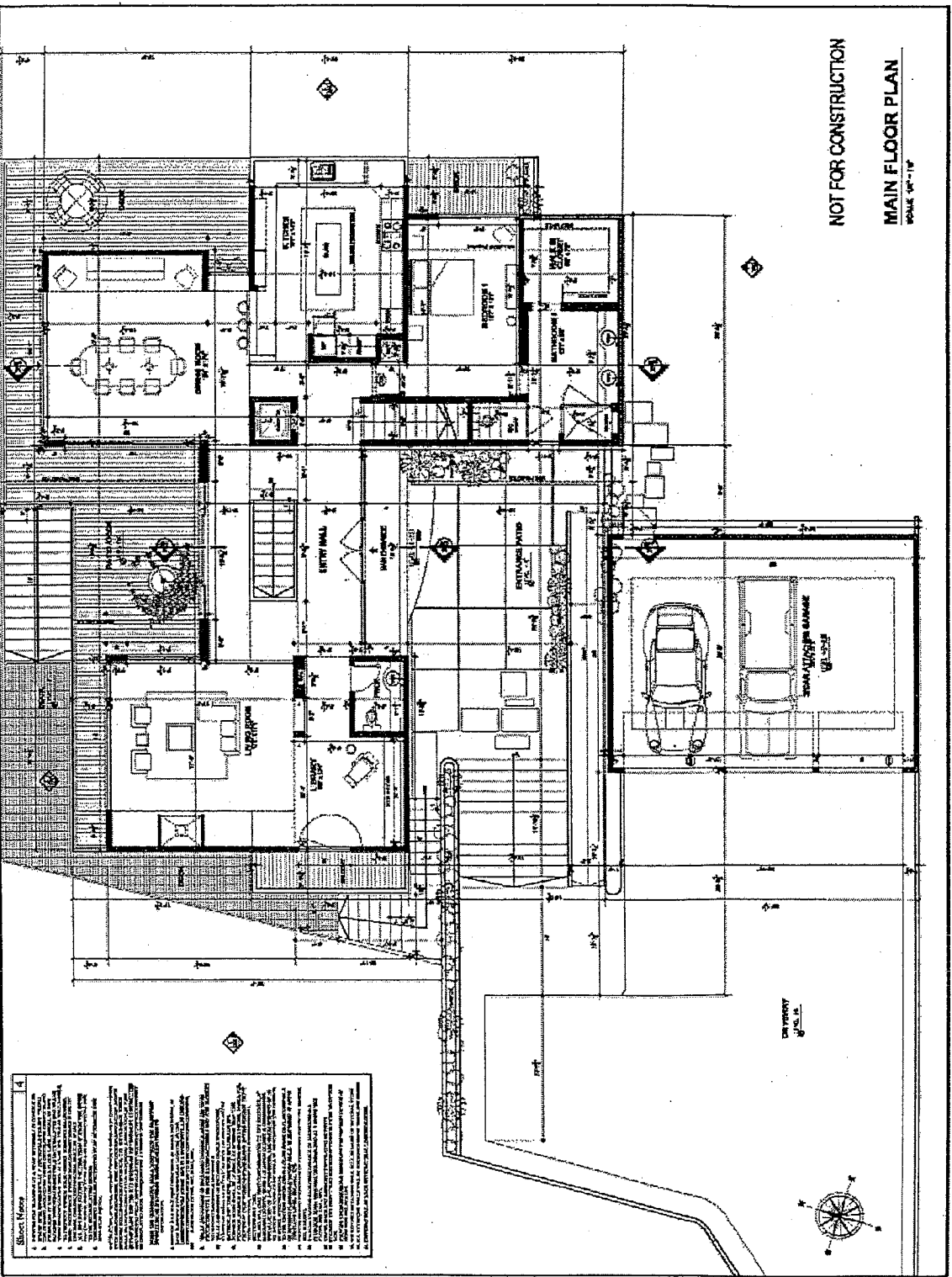
 City, State, Zip

 Architect:

 Manuel & Patricia Mueller


Symbols Legend	
	1. General Notes
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General Proposed Plans
 Drawing Title
 Main Floor Plan
 Sheet
 100-10
 A-002
 of 1000
 Date
 10/10/10



Notes

1. All work shall be in accordance with the latest editions of the Building Code of the City of [City Name].
2. The owner is responsible for obtaining all necessary permits and approvals from the local authorities.
3. The contractor shall be responsible for obtaining all necessary permits and approvals from the local authorities.
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20. The contractor shall be responsible for obtaining all necessary permits and approvals from the local authorities.



RESIDENCE HOUSE
 1234 Main Street
 City, State, Zip

Owner:
 Mr. & Mrs. J. Doe

General Proposed Plans

Project No. **A-003**

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

Drawn by: [Name]

Checked by: [Name]

Date: [Date]

Project Name: RESIDENCE HOUSE

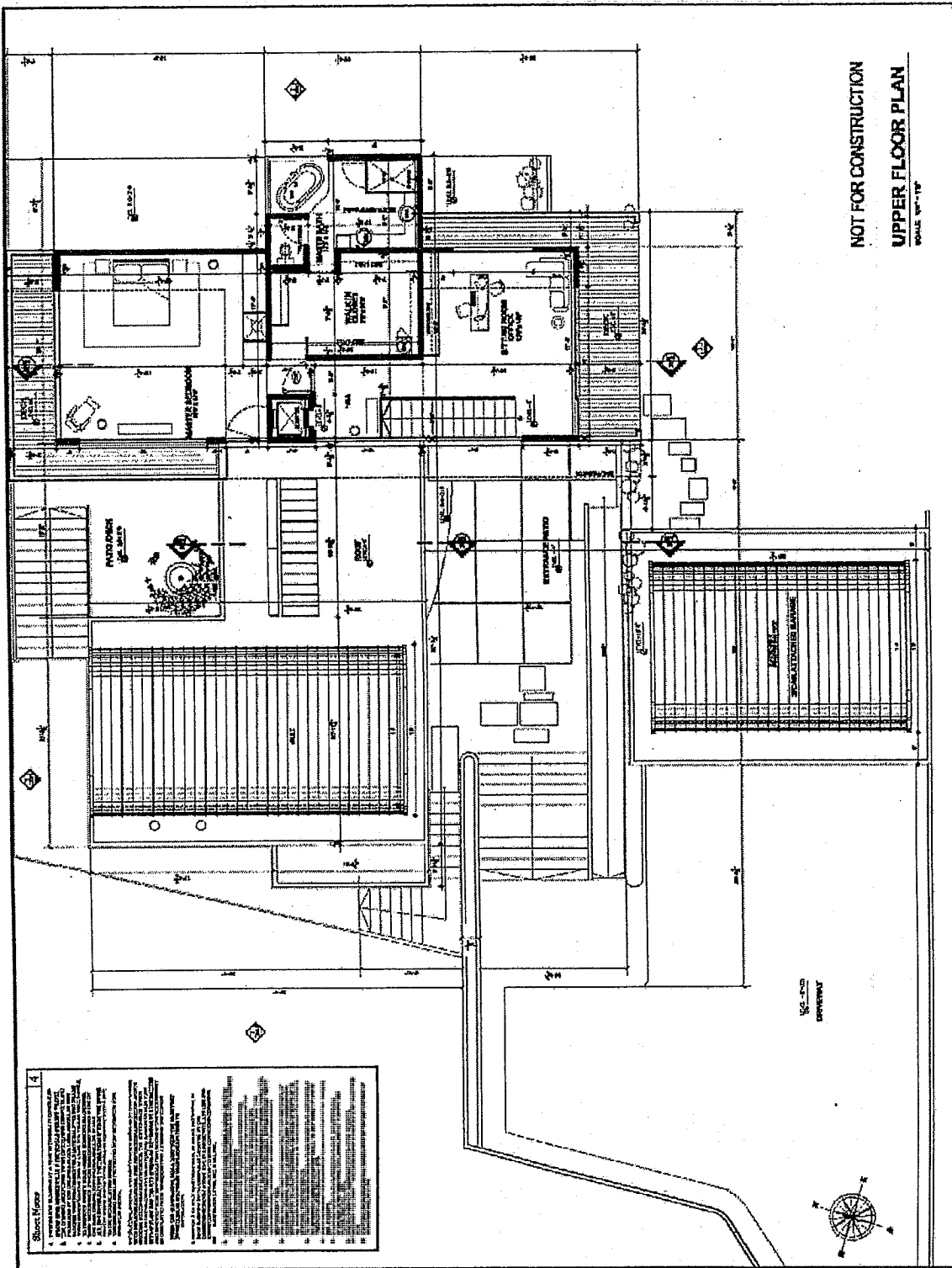
Project No: A-003

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

Drawn by: [Name]

Checked by: [Name]

Date: [Date]



NOT FOR CONSTRUCTION
UPPER FLOOR PLAN
 WALLS 1/8" = 1'-0"

Notes:

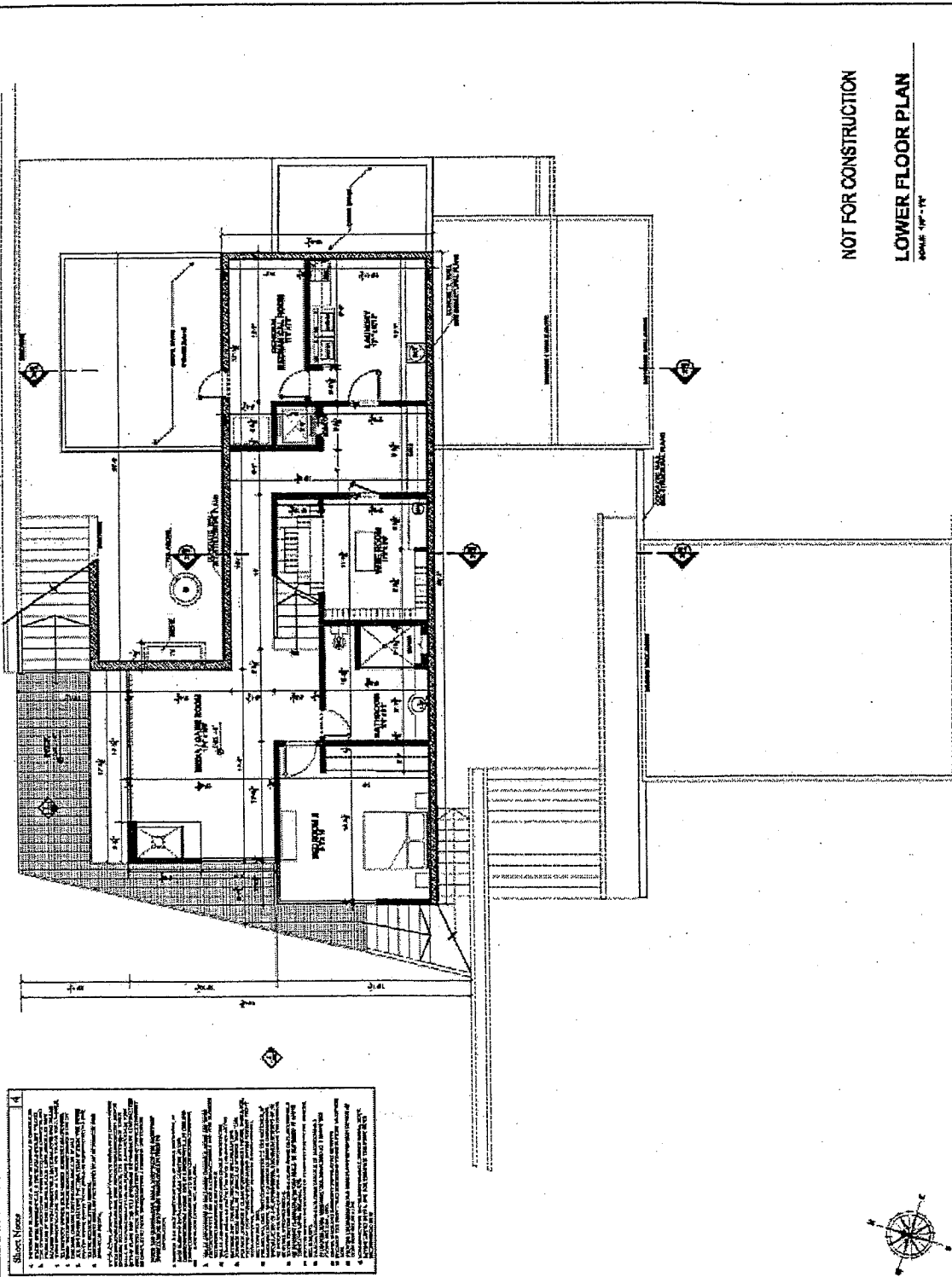
1. All dimensions are in feet and inches.
2. All walls are 1/2" thick unless otherwise noted.
3. All doors are 36" wide unless otherwise noted.
4. All windows are 60" wide unless otherwise noted.
5. All stairs are 11" wide unless otherwise noted.
6. All electrical outlets are 15' on center.
7. All lighting fixtures are 6' on center.
8. All plumbing fixtures are 15' on center.
9. All structural elements are to be in accordance with the local building code.
10. All materials are to be of standard quality unless otherwise noted.
11. All finishes are to be in accordance with the local building code.
12. All work is to be in accordance with the local building code.
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RESIDENCE HOUSE
 12345 MAIN STREET
 LOS ANGELES, CA
 Client: Mr. & Mrs. J. Doe


General Notes
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODES.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 4. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
 6. THE CONTRACTOR SHALL MAINTAIN THE EXISTING LANDSCAPE AND PLANTINGS.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DISPOSAL OF ALL DEBRIS AND WASTE MATERIALS.
 8. THE CONTRACTOR SHALL MAINTAIN A SAFE WORKING ENVIRONMENT AT ALL TIMES.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.

General Proposed Plans
 Drawing Title: Lower Floor Plan
 Scale: 1/8" = 1'-0"
 Sheet: A-004
 Date: 10/15/11
 Architect: J. Doe & Associates
 Designer: J. Doe
 Checker: J. Doe



NOT FOR CONSTRUCTION
LOWER FLOOR PLAN
 SCALE: 1/8" = 1'-0"

Sheet Notes
 1. THIS DRAWING IS A PART OF A SET OF ARCHITECTURAL DRAWINGS FOR THE RESIDENCE HOUSE.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 4. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
 6. THE CONTRACTOR SHALL MAINTAIN THE EXISTING LANDSCAPE AND PLANTINGS.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DISPOSAL OF ALL DEBRIS AND WASTE MATERIALS.
 8. THE CONTRACTOR SHALL MAINTAIN A SAFE WORKING ENVIRONMENT AT ALL TIMES.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.



RESIDENCE HOUSE
 PROJECT NO. 100-100
 ARCHITECTS
 MICHAEL R. PARKIN MOELLER

General Proposed Plans
 Drawing Title
 Roof Plan

Sheet: **A-005**
 of **005**

Date: 08/20/2017
 Asst. drawing

Symbol Legend

1. WALLS
 2. DOORS
 3. WINDOWS
 4. STAIRS
 5. ROOF
 6. FLOOR FINISH
 7. CEILING FINISH
 8. LIGHT FIXTURES
 9. VENTILATION
 10. MECHANICAL EQUIPMENT
 11. PLUMBING
 12. ELECTRICAL

General Notes

1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.

2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL MECHANICAL AND ELECTRICAL CODE BOOK (IMC/IEC).

3. THE ROOF SHALL BE A GABLE ROOF WITH A 12/12 PITCH.

4. THE ROOF SHALL BE COVERED WITH 30-YEAR WARRANTY ASPH/FLT SHINGLES.

5. THE ROOF SHALL BE INSULATED WITH R-19 INSULATION.

6. THE ROOF SHALL BE VENTED WITH UNBLOCKED GABLE ENDS.

7. ALL ROOF FLASHINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.

8. THE ROOF SHALL BE DRAINAGE TO THE EXTERIOR.

9. THE ROOF SHALL BE MAINTAINED FREE OF DEBRIS AND GUTTERS SHALL BE CLEANED REGULARLY.

10. THE ROOF SHALL BE PROTECTED FROM DAMAGE BY NEARBY TREES AND BRANCHES.

11. THE ROOF SHALL BE PROTECTED FROM DAMAGE BY ICE AND SNOW.

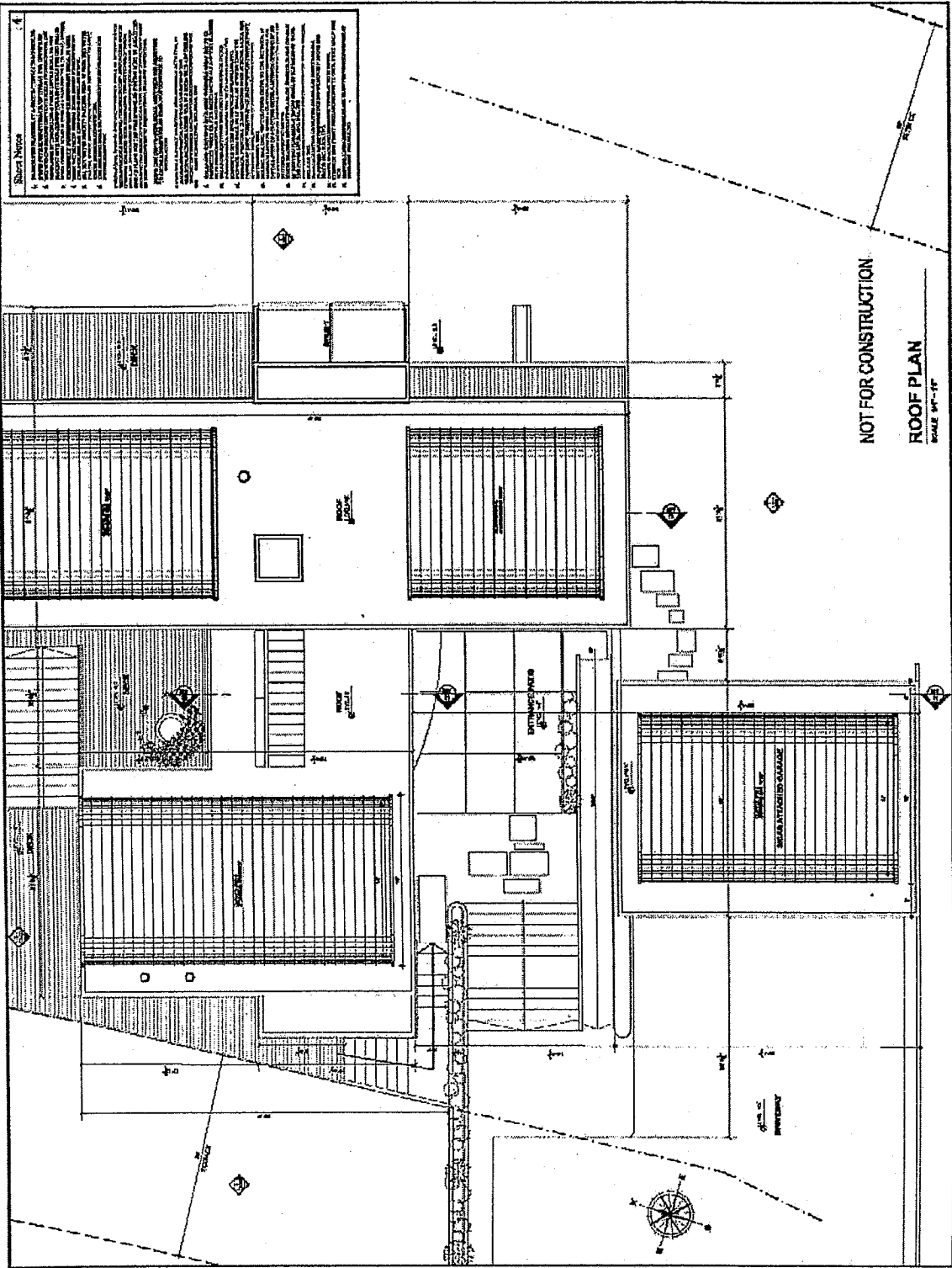
12. THE ROOF SHALL BE PROTECTED FROM DAMAGE BY HAIL.

13. THE ROOF SHALL BE PROTECTED FROM DAMAGE BY WIND.

14. THE ROOF SHALL BE PROTECTED FROM DAMAGE BY FIRE.

15. THE ROOF SHALL BE PROTECTED FROM DAMAGE BY LIGHTNING.

16. THE ROOF SHALL BE PROTECTED FROM DAMAGE BY OTHER CAUSES.





RESIDENCE HOUSE
 10000 S. RAY BLVD. #100
 LOS ANGELES, CA 90048
 PROJECT NO. 10000
 ARCHITECTS
 Michael & Patricia Mueller

Project Legend

1. EXISTING CONSTRUCTION
 2. NEW CONSTRUCTION
 3. EXISTING LANDSCAPE
 4. NEW LANDSCAPE

Notes:
 1. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL RESIDENTIAL CODE AND THE 2008 INTERNATIONAL ENERGY CONSERVATION CODE.
 2. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL PLUMBING CODE AND THE 2008 INTERNATIONAL MECHANICAL AND ELECTRICAL CODE.
 3. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL FIRE AND SAFETY CODE.
 4. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL BUILDING DEPARTMENT CODE.
 5. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES BUILDING DEPARTMENT CODE.
 6. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES PLUMBING DEPARTMENT CODE.
 7. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES MECHANICAL AND ELECTRICAL DEPARTMENT CODE.
 8. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES FIRE DEPARTMENT CODE.
 9. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS CODE.
 10. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER CODE.
 11. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES DEPARTMENT OF HEALTH SERVICES CODE.
 12. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES DEPARTMENT OF SOCIAL SERVICES CODE.
 13. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES DEPARTMENT OF CULTURAL AFFAIRS AND HERITAGE CODE.
 14. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES DEPARTMENT OF COMMUNITY DEVELOPMENT CODE.
 15. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES DEPARTMENT OF ENVIRONMENTAL AFFAIRS CODE.
 16. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES DEPARTMENT OF FINANCIAL AFFAIRS CODE.
 17. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES DEPARTMENT OF GENERAL AFFAIRS CODE.
 18. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES DEPARTMENT OF HUMAN SERVICES CODE.
 19. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES DEPARTMENT OF INFORMATION TECHNOLOGY CODE.
 20. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES DEPARTMENT OF LABOR RELATIONS AND EMPLOYMENT AFFAIRS CODE.
 21. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES DEPARTMENT OF LAW AND PUBLIC SAFETY CODE.
 22. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES DEPARTMENT OF LIBRARIES AND CULTURAL AFFAIRS CODE.
 23. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES DEPARTMENT OF POLICE AND FIRE CODE.
 24. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES DEPARTMENT OF PUBLIC SAFETY CODE.
 25. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS CODE.
 26. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER CODE.
 27. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES DEPARTMENT OF HEALTH SERVICES CODE.
 28. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES DEPARTMENT OF SOCIAL SERVICES CODE.
 29. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES DEPARTMENT OF CULTURAL AFFAIRS AND HERITAGE CODE.
 30. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES DEPARTMENT OF COMMUNITY DEVELOPMENT CODE.

General Proposed Plans

Living Title
 Elevations 1 and 2

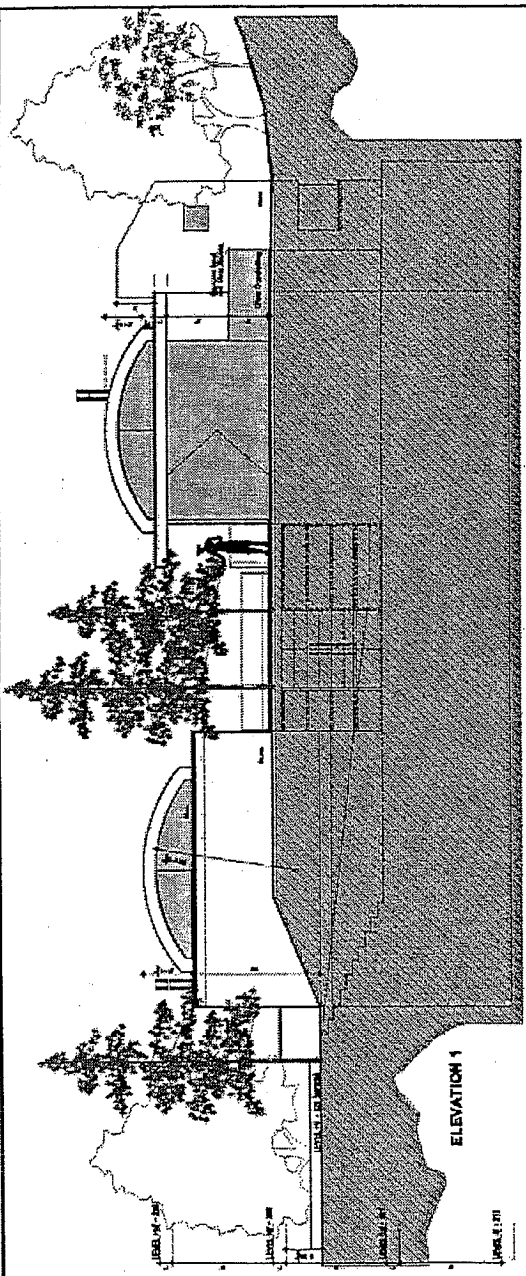
Sheet
 A-006
 of
 006

Revision
 1. 10/10/08

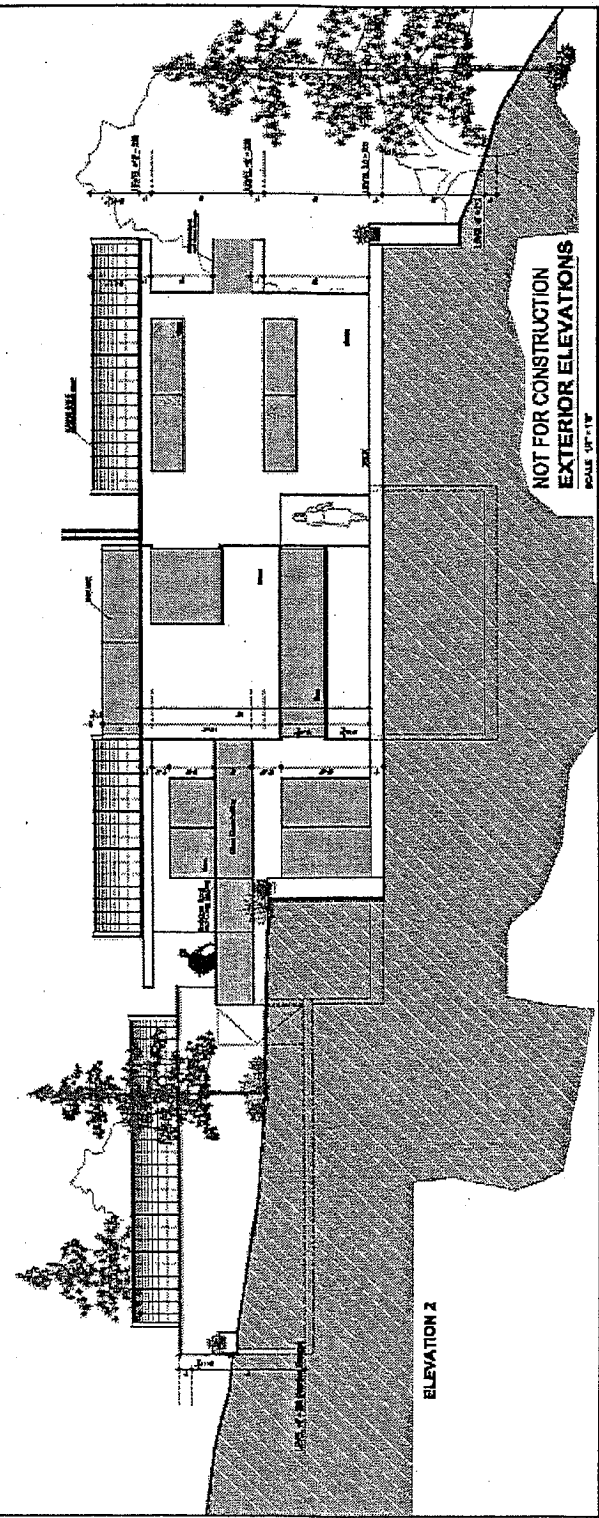
Drawn
 JLM

Checked
 JLM

Approved
 JLM



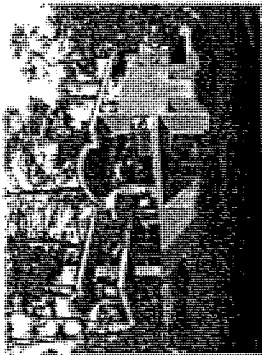
1.4
 1. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL RESIDENTIAL CODE AND THE 2008 INTERNATIONAL ENERGY CONSERVATION CODE.
 2. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL PLUMBING CODE AND THE 2008 INTERNATIONAL MECHANICAL AND ELECTRICAL CODE.
 3. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL FIRE AND SAFETY CODE.
 4. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL BUILDING DEPARTMENT CODE.
 5. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES BUILDING DEPARTMENT CODE.
 6. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES PLUMBING DEPARTMENT CODE.
 7. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES MECHANICAL AND ELECTRICAL DEPARTMENT CODE.
 8. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES FIRE DEPARTMENT CODE.
 9. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS CODE.
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 14. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 INTERNATIONAL CITY OF LOS ANGELES DEPARTMENT OF COMMUNITY DEVELOPMENT CODE.



**NOT FOR CONSTRUCTION
 EXTERIOR ELEVATIONS**
 SCALE: 1/8" = 1'-0"

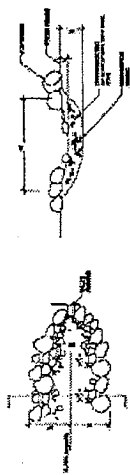
MOELLER RESIDENCE

192 SAN REMO ROAD
CARMEL HIGHLANDS, CA

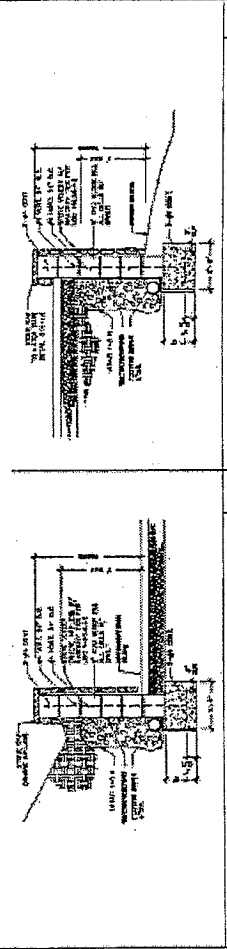


GENERAL SITE NOTES

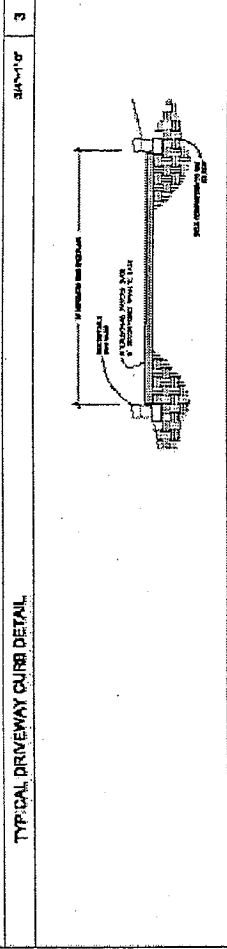
1. ALL LOCAL DRAINAGE CHANNELS AND LEGAL LATERALS ARE TO BE MAINTAINED AS PART OF THE PLANS AND INSTALLATIONS. IF THERE ARE ANY CONFLICTS OR OBSTRUCTIONS ON EXISTING LATERALS OR LEGAL LATERALS, THE LATTER SHALL GOVERN.
2. IN THE EVENT THAT CERTAIN DETAILS OF THIS CONSTRUCTION ARE NOT FULLY SHOWN OR NOTED ON THE DRAWINGS, THE CONTRACTOR SHALL BE RESPONSIBLE TO MAKE THEM UP WITHIN A REASONABLE PERIOD OF TIME AFTER THE CONTRACTOR HAS BEEN ADVISED BY THE ARCHITECT.
3. CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS OF THE FIELD BEFORE THE COMMENCEMENT OF WORK AND TO REPORT ANY DISCREPANCIES TO THE ARCHITECT IMMEDIATELY TO CORRECT THE WORK ACCORDING TO THE DRAWINGS AND SPECIFICATIONS.
4. GENERAL CONSTRUCTION DETAILS ARE TO BE CONFORMED TO THE DETAILS SHOWN ON THE DRAWINGS AND TO THE FOLLOWING:
 - A. EXISTING FOUNDATION SHALL BE REINFORCED WITH REBAR AND CONCRETE TO BE CAST IN PLACE AT THE TIME OF THE FOUNDATION CONSTRUCTION.
 - B. FOUNDATION SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE DRAWINGS AND SPECIFICATIONS.
 - C. FOUNDATION SHALL BE CONSTRUCTED IN THE EXISTING FOUNDATION AND SHALL BE CAST IN PLACE.
 - D. ALL FOUNDATION REINFORCEMENT SHALL BE CAST IN PLACE.
 - E. ALL FOUNDATION REINFORCEMENT SHALL BE CAST IN PLACE.
 - F. ALL FOUNDATION REINFORCEMENT SHALL BE CAST IN PLACE.
 - G. ALL FOUNDATION REINFORCEMENT SHALL BE CAST IN PLACE.
 - H. ALL FOUNDATION REINFORCEMENT SHALL BE CAST IN PLACE.
 - I. ALL FOUNDATION REINFORCEMENT SHALL BE CAST IN PLACE.
 - J. ALL FOUNDATION REINFORCEMENT SHALL BE CAST IN PLACE.
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18. ALL FOUNDATION REINFORCEMENT SHALL BE CAST IN PLACE.
19. ALL FOUNDATION REINFORCEMENT SHALL BE CAST IN PLACE.
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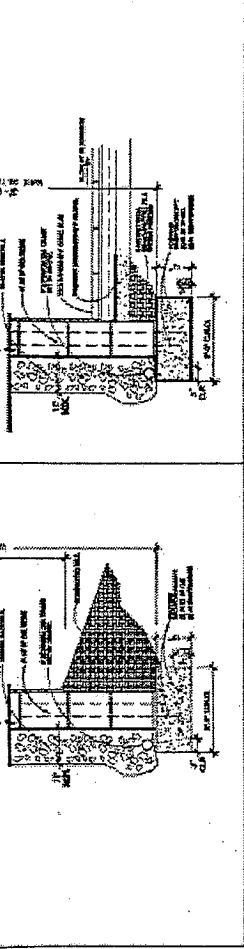
RIVER ROCK DRAINAGE DITCH DETAIL NO SCALE 4



RETAINING WALL @ DRIVEWAY 3/4\"/>



TYPICAL DRIVEWAY CURB DETAIL NO SCALE 3



RETAINING WALL DETAIL NO SCALE 6
PLANTER WALL AT PATIO DETAIL NO SCALE 5

Michael J. Moore & Associates, Inc.
10000 El Camino Real, Suite 100
San Diego, CA 92121
Tel: 619-594-1100
Fax: 619-594-1101
www.mjma.com

RESIDENCE HOUSE

Owner: Michael & Elizabeth Mueller

192 SAN REMO Rd
Carmel, CA

DESCRIPTION:
COMPLETION OF A NEW HOUSE FOOTING AND FOUNDATION FOR A HOUSE.

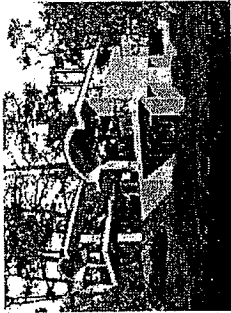
Drawing Title: **GENERAL SITE DETAILS**

Sheet: **D-001**
of 1

Date: 11/11/03

MOELLER RESIDENCE

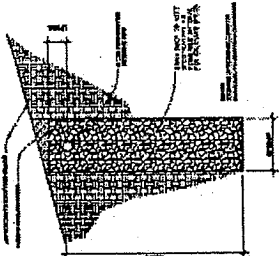
192 SAN REMO ROAD
CARMEL HIGHLANDS, CA



GENERAL NOTES

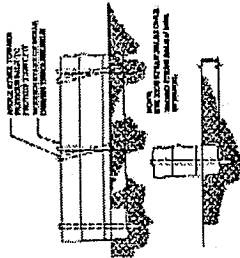
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
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10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

TYPICAL DRY WELL TRENCH



NO SCALE

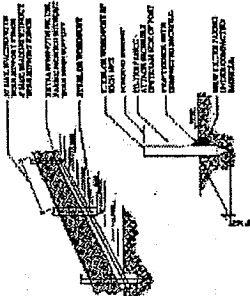
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STRAW BALE DIKE DETAIL

NO SCALE

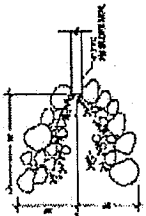
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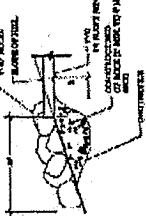
SILT FENCE DETAIL

NO SCALE

5



PLAN

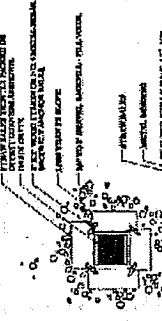


SECTION

PVC OUTFALL DETAIL

NO SCALE

1



PLAN



SECTION

STRAW BALE SEDIMENT BARRIER

NO SCALE

2

RESIDENCE HOUSE
192 SAN REMO ROAD
CARMEL HIGHLANDS, CA

Contractor: **Alford & Purdie, Inc.**

192 SAN REMO Rd
Carmel, CA

DESCRIPTION: CONSTRUCTION OF A NEW TRENCH AND SEDIMENT BARRIER.

CONSTRUCTION OF A CURB GUARD

Drawing Title: **GENERAL SITE DETAILS EROSION & SEDIMENT CONTROL NOTES**

Scale: **D-002**

Date: **1/20/04**

Sheet: **1** of **1**

EXHIBIT D

VICINITY MAP

PLN060251-Moeller LLA & SFR
Planning Commission
December 9, 2009

CARMEL AREA

Pacific Ocean

YANKEE PT

HIGHLANDS
COURT

Wildcat Creek

Garrapata Beach State Park

PROJECT SITE

SAN

MENTONER D.

FREMONT


YANKEE PT DR


Malpaso Creek


APPLICANT: MOELLER

APN: 243-181-005-000 & 243-181-006-000

FILE # PLN060251

 300' Limit

 2500' Limit

 City Limits



CARMEL HIGHLANDS



APPLICANT: MOELLER

APN: 243-181-005-000 & 243-181-006-000

FILE # PLN060251

--- Intermittant stream

----- Easement

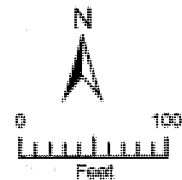


EXHIBIT E

LUAC MINUTES

PLN060251-Moeller LLA & SFR
Planning Commission
December 9, 2009

MINUTES

Carmel Unincorporated/Highlands Land Use Advisory Committee
Monday, June 4, 2007

- 1. Meeting called to order 4:00 site visit
5:30 back at Fin House
- 2. Members Present: Weber, Berry, Wald, Rainer
- 3. Members Absent: Davis, Oxford, Jack Melchen not excused

4. Approval of Minutes:
Minutes of May 21 Motion: no action taken (LUAC Member's Name)
Second: _____ (LUAC Member's Name)

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

5. Public Comments:
None

6. Other Items: A) Preliminary Courtesy Presentations by Applicants Regarding Potential
Projects/Applications:
None

Action by Land Use Advisory Committee

Project Referral Sheet

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

Advisory Committee: Carmel Unincorporated/Highlands

Please submit your recommendations for this application by Monday, June 04, 2007.

Project Title: MOELLER MICHAEL & PATRICIA

Item continued from 5/21/07 meeting

File Number: PLN060251

File Type: PC

Planner: GREENE

Location: 192 SAN REMO DR CARMEL

Project Description:

COMBINED DEVELOPMENT PERMIT CONSISTING OF: (1) A COASTAL ADMINISTRATIVE PERMIT AND DESIGN APPROVAL TO ALLOW THE CONSTRUCTION OF A THREE-STORY 3,994 SQUARE FOOT SINGLE FAMILY DWELLING WITH A 643 SQUARE FOOT THREE-CAR GARAGE, 858 SQUARE FEET OF DECK AREA, AND GRADING (APPROXIMATELY 523 CUBIC YARDS OF CUT AND 89 CUBIC YARDS OF FILL); (2) A COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT ON SLOPES IN EXCESS OF 30%; (3) A COASTAL DEVELOPMENT PERMIT FOR THE REMOVAL OF 15 MONTEREY PINE TREES AND 7 COASTAL LIVE OAK TREES; (4) A COASTAL DEVELOPMENT PERMIT TO ALLOW A LOT LINE ADJUSTMENT FOR AN EQUAL EXCHANGE OF LAND BETWEEN TWO CONTIGUOUS LEGAL LOTS OF RECORD (LOT SIZE REMAINS THE SAME APN 243-181-005-000 .61 ACRES AND APN 243-181-006-000 .85 ACRES). THE PROPERTY IS LOCATED AT 192 SAN REMO ROAD, CARMEL (ASSESSOR'S PARCEL NUMBER 243-181-005-000), EAST OF HIGHWAY ONE, CARMEL HIGHLANDS AREA, COASTAL ZONE.

Was the Owner/Applicant/Representative Present at Meeting? Yes No
owners M & M. Moeller

PUBLIC COMMENT:

- ① David Garnham - questioned if all set back comply with the proposed new lot line adjustment. Design of house is very modern and should be more rustic in character to blend with the site.
- ② Suzi Olsen - 186 San Remo - lives adjacent to Moeller property. Concern for lot line adjustment granted by Monterey County in April 19, 2005. Coastal Commission has not approved of lot line adjustment, and Suzi agrees with Coastal Commission decision.
- ③ Mary Whitney, 195 San Remo. She stated that the Moeller application will be the third house on the driveway which should have triggered the required widening of the existing driveway and it did not. She suggested the Moellers combine the two parcels and design one house.

AREAS OF CONCERN (e.g. traffic, neighborhood compatibility, visual impact, etc.):

Access road from San Remo will have to be widened to county standards which requires additional grading and additional run-off from rain water. Hillside stability concerns.

Proposed residence is very modern in architectural style and not rustic in character. It will not be subordinate to wooded hillside location. Color of stucco & glass exteriors make house very visible - Blue Springs color chip.

ADDITIONAL PAGE FOR PROJECT: 5-21-07 - Moeller - PLN060251

Public Comment:
cont comments from the public:

(4) Brian Cael - legal representative for Mary Whitney comments
that fire trucks cannot use the road downhill from
Moeller project. The only access for fire truck is from
Martine Drive above the Moeller parcel. Mr. Cael also questions
the removal of 15 ^{pine and 5 coast live oaks} trees, which forester's report states are
diseased or dying. They appear healthy to other persons
living in that area.

(5) Mr. Hoxie at 193 San Remo states that the proposed
project will cause major disruption to his property if
the existing road was to be widened. The road easement has
been landscaped and there is an oak tree that would
have to be removed.

(6) Steve Wilson, engineer representing Mr. Hoxie. He questioned
whether the two properties (adjacent to each other) owned
by Moeller could accommodate two septic systems. The

ADDITIONAL PAGE FOR PROJECT: S-21-07-Moeller-PLN 060251

cont. public comment:

The plans, as circulated, are too vague in showing where and how the grazing of the access road from San Remo will occur.

- ⑦ Betsy Collins, 195 San Remo, states the house design is not appropriate for the location. Other homes in this area are subordinate to the site and far more rustic in character. She expressed concern for traffic as the plans show a 3 car garage. Three cars added to the Hoxie 3 car garage indicate at least six cars using the access road, and another 3 car garage planned for the other Moeller property or a total of 9 cars.

RECOMMENDED CHANGES/CONDITIONS (e.g. reduce scale, relocate on property, reduce lighting, etc.):

The entrance patio could be reduced in size. Presently shown it is approximately 513 sq ft. The patio deck is approx. 228 sq ft (12' x 19') along with uncovered deck by living room which is 170 sq ft (17' x 10') could also be removed or reduced in size. This reduction would eliminate the need to remove some of the trees. Also removal of rear deck would take the footprint away from the 30% slope - (this is in the N.E. corner of the house.)

As recommended in the C.A. LUP, 20.146.120, Land Use and Development Standards #6. As a condition of development approval, all areas of a parcel in slopes of 30% or greater shall be required to be placed in "Scenic Easement." This policy should be applied to Modular application.

ADDITIONAL LUAC COMMENTS:

The LUAC also recommends as stated in CML Pg. 56 that "A. General Development Standards, be. development shall be in keeping with the present rural character of the area." The modern architectural design is not rustic in character, nor does it blend with the forested hillside location. (20.146.120 Land Use and Development Standards.)

Committee feels there are concerns for the access driveway across another parcel which could possibly be a real problem for future property owners of these two parcels. - potential conflicts are a possibility

RECOMMENDATION (e.g. recommend approval; recommend denial; recommend continuance):

Rainer - motion to deny plans as submitted.

Weber - second motion

CONCUR WITH RECOMMENDATION:

AYES: 4 (Weber, Berry, Wald, Rainer)

NOES: None - 0

ABSENT: 2 - Davis, Meheen

ABSTAIN: None - 0

MEETING ADJOURNED AT: 6:45 pm



MONTEREY COUNTY

Planning and Building Inspection Department

230 Church St Bldg 1, Salinas, Ca 93902 (831) 755-5025; Fax (831) 755-5487
 2620 First Avenue, Marina, CA 93933 (831) 883-7500; Fax (831) 384-3261
 http://www.co.monterey.ca.us/pbi

DESIGN APPROVAL REQUEST FORM

ASSESSOR'S PARCEL NUMBER: 243-181-005-000

PROJECT ADDRESS: 192 San Remo Dr.

PROPERTY OWNER: Michael + Patricia Moeller Telephone: 831 626 2778
 Address: 24808 Upper Trail Fax: SAMIN call 415 415
 City/State/Zip: Carmel CA 93923 Email: mmoe692008@ya.com

APPLICANT: Same Telephone: _____
 Address: _____ Fax: _____
 City/State/Zip: _____ Email: _____

AGENT: _____ Telephone: _____
 Address: _____ Fax: _____
 City/State/Zip: _____ Email: _____

PROJECT DESCRIPTION: (see scope of work) Construct A 3994 SF Single Family Dwelling Tr-Level and a 642 SF Attached Garage.

MATERIALS TO BE USED: Stone, Plaster, Steel
 COLORS TO BE USED: _____

You will need a building permit and must comply with the Monterey County Building Ordinance. Additionally, the Zoning Ordinance provides that no building permit 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.

PROPERTY OWNER/AGENT SIGNATURE: Michael Moeller DATE: 10/18/06

FOR DEPARTMENT USE ONLY

ZONING: LDR/1-D(CZ)
 GENERAL/AREA PLAN: Carmel LUP
 ADVISORY COMMITTEE: Carmel/C. Highlands
 RELATED PERMITS: _____
 LUAC REFERRAL: YES NO
 ADMINISTRATIVE APPROVAL: YES NO
 PUBLIC HEARING: YES NO
 DOES THIS CORRECT A VIOLATION? YES NO
 LEGAL LOT: TBD YES NO

GIVEN OUT BY: Savage DATE: 11 Oct 06
 ACCEPTED BY: Savage DATE: 31 Oct 06

COMMENTS: _____

ADVISORY COMMITTEE RECOMMENDATION

APPROVAL DENIAL

For: 4 Against: 0 Abstain: 0
 Absent: 2 (Davis, Mehen)

Was the Applicant Present? YES NO

Recommended Changes: Reduce footprint of residence to permit 30% slope development; lot line needs to be reconsidered due to access concerns; loss of 15 pines (not all diseased) and 7 live oaks not necessary.

Signature: Barbara Rainey Seely
 Date: 6-4-07

APPROPRIATE AUTHORITY: DIRECTOR OF P&BI ZONING ADMINISTRATOR PLANNING COMMISSION
 ACTION: APPROVED DENIED

CONDITIONS: _____

APPROVED BY: _____ DATE: _____

PROCESSED BY: _____ DATE: _____

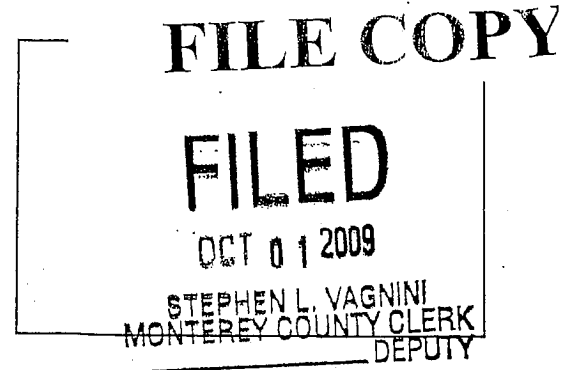
EXHIBIT F

MITIGATED NEGATIVE DECLARATION

PLN060251-Moeller LLA & SFR
Planning Commission
December 9, 2009

County of Monterey, State of California
**MITIGATED NEGATIVE
DECLARATION**

Project Title: MOELLER MICHAEL & PATRICIA
File Number: PLN060251
Owner: MOELLER MICHAEL & PATRICIA
24808 UPPER TRL
CARMEL CA 93923-8388



Project Location: 192 SAN REMO DR CARMEL
Primary APN: 243-181-005-000-M
Project Planner: CARL HOLM
Permit Type: Combined Development Permit

Project Description: COMBINED DEVELOPMENT PERMIT CONSISTING OF: (1) COASTAL DEVELOPMENT PERMIT FOR A LOT LINE ADJUSTMENT CONSISTING OF AN EQUAL EXCHANGE OF LAND BETWEEN TWO LEGAL LOTS OF RECORD RESULTING IN NO CHANGE OF AREA: LOT 5 (APN: 243-181-005-000/192 SAN REMO ROAD) HAS 0.61 ACRES AND LOT 6 (APN: 243-181-006-000/194 SAN REMO ROAD) HAS 0.85 ACRES; (2) COASTAL ADMINISTRATIVE PERMIT AND DESIGN APPROVAL TO ALLOW THE CONSTRUCTION OF A THREE-STORY 3,994 SQUARE FOOT SINGLE FAMILY DWELLING WITH A 643 SQUARE FOOT THREE-CAR GARAGE, 858 SQUARE FEET OF DECK AREA, AND GRADING (APPROXIMATELY 523 CUBIC YARDS OF CUT AND 89 CUBIC YARDS OF FILL); (3) COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT ON SLOPES IN EXCESS OF 30%; (4) COASTAL DEVELOPMENT PERMIT FOR THE REMOVAL OF 9 MONTEREY PINE TREES AND 8 COASTAL LIVE OAK TREES. THE PROPERTIES ARE LOCATED AT 192 & 194 SAN REMO ROAD, CARMEL (ASSESSOR'S PARCEL NUMBER 243-181-005-000 AND 243-181-006-000, EAST OF HIGHWAY ONE, CARMEL HIGHLANDS AREA, COASTAL ZONE.

THIS PROPOSED PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS IT HAS BEEN FOUND:

- a) That said project will not have the potential to significantly degrade the quality of the environment.
 - b) That said project will have no significant impact on long-term environmental goals.
 - c) That said project will have no significant cumulative effect upon the environment.
 - d) That said project will not cause substantial adverse effects on human beings, either directly or indirectly.
-

Project Title: MOELLER MICHAEL & PATRICIA
File Number: PLN060251
Owner: MOELLER MICHAEL & PATRICIA
24808 UPPER TRL
CARMEL CA 93923-8388

Project Location: 192 SAN REMO DR CARMEL
Primary APN: 243-181-005-000-M
Project Planner: CARL HOLM
Permit Type: Combined Development Permit

Decision Making Body (check one):

- | | |
|---|---|
| <input checked="" type="checkbox"/> Planning Commission | <input type="checkbox"/> Subdivision Committee |
| <input type="checkbox"/> Zoning Administrator | <input type="checkbox"/> Chief of Planning Services |
| <input type="checkbox"/> Board of Supervisors | <input type="checkbox"/> Other: _____ |

Responsible Agency: County of Monterey
Review Period Begins: 10/05/2009
Review Period Ends: 11/06/2009

Further information, including a copy of the application and Initial Study are available at the Monterey County Planning Department, 168 West Alisal St, 2nd Floor, Salinas, CA (831) 755-5025

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY – PLANNING DEPARTMENT
168 WEST ALISAL, 2ND FLOOR, SALINAS, CA 93901
(831) 755-5025 FAX: (831) 755-9516



NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION MONTEREY COUNTY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Monterey County Resource Management Agency – Planning Department has prepared a draft Mitigated Negative Declaration, pursuant to the requirements of CEQA, for a Combined Development Permit (Moeller, File Number PLN060251) at 192 and 194 San Remo Drive, Carmel Highlands (APN 243-181-005-000, 243-181-006-000) (see description below). The Mitigated Negative Declaration and Initial Study, as well as referenced documents, are available for review at the Monterey County Resource Management Agency – Planning Department, 168 West Alisal, 2nd Floor, Salinas, California. The Planning Commission is tentative scheduled to consider this proposal at a meeting on November 18, 2009 in the Monterey County Board of Supervisors Chambers, 168 West Alisal, 2nd Floor, Salinas, California. Written comments on this Negative Declaration will be accepted from **October 5, 2009 to November 6, 2009**. Comments can also be made during the public hearing.

Project Description: Combined Development Permit consisting of: (1) Coastal Development Permit for a Lot Line Adjustment consisting of an equal exchange of land between two legal lots of record resulting in no change of area: Lot 5 (APN: 243-181-005-000/192 San Remo Road) has 0.61 acres and Lot 6 (APN: 243-181-006-000/194 San Remo Road) has 0.85 acres; (2) Coastal Administrative Permit and Design Approval to allow the construction of a three-story 3,994 square foot single family dwelling with a 643 square foot three-car garage, 858 square feet of deck area, and grading (approximately 523 cubic yards of cut and 89 cubic yards of fill); (3) Coastal Development Permit for development on slopes in excess of 30%; (4) Coastal Development Permit for the removal of nine Monterey pine trees and eight coastal live oak trees. The properties are located at 192 and 194 San Remo Road, Carmel (assessor's parcel number 243-181-005-000 and 243-181-006-000, east of Highway One, Carmel Highlands Area, coastal zone.

All written comments on the Initial Study should be addressed to:

County of Monterey
Resource Management Agency – Planning Department
Attn: Mike Novo, Director of Planning
168 West Alisal, 2nd Floor
Salinas, CA 93901

From: Agency Name: _____
Contact Person: _____
Phone Number: _____

- ___ No Comments provided
- ___ Comments noted below
- ___ Comments provided in separate letter

COMMENTS: _____

We welcome your comments during the 30-day public review period. You may submit your comments in hard copy to the name and address above. The Department also accepts comments via e-mail or facsimile but requests that you follow these instructions to ensure that the Department has received your comments. To submit your comments by e-mail, please send a complete document including all attachments to:

CEQAcomments@co.monterey.ca.us.

An e-mailed document should contain the name of the person or entity submitting the comments and contact information such as phone number, mailing address and/or e-mail address and include any and all attachments referenced in the e-mail. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please send a second e-mail requesting confirmation of receipt of comments with enough information to confirm that the entire document was received. If you do not receive e-mail confirmation of receipt of comments, then please submit a hard copy of your comments to ensure inclusion in the environmental record or contact the Department to ensure the Department has received your comments.

Facsimile (fax) copies will be accepted with a cover page describing the extent (e.g. number of pages) being transmitted. A faxed document must contain a signature and all attachments referenced therein. Faxed document should be sent to the contact noted above at (831) 757-9516. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please contact the Department to confirm that the entire document was received.

For reviewing agencies: The Resource Management Agency – Planning Department requests that you review the enclosed materials and provide any appropriate comments related to your agency's area of responsibility. The space below may be used to indicate that your agency has no comments or to state brief comments. In compliance with Section 15097 of the CEQA Guidelines, please provide a draft mitigation monitoring or reporting program for mitigation measures proposed by your agency. This program should include specific performance objectives for mitigation measures identified (CEQA Section 21081.6(c)). Also inform this Department if a fee needs to be collected in order to fund the mitigation monitoring or reporting by your agency and how that language should be incorporated into the mitigation measure.

DISTRIBUTION

1. State Clearinghouse (15 compact disks of full document and Notice of Completion)
2. Attached List

FULL DOCUMENT		
Carmel Highlands Fire Protection District 73 Fern Canyon Road Carmel, CA 93923 Attn: Capt Mondragon	Monterey County Environmental Health Division Attn: MaryAnn Dennis	Monterey County Water Resources Agency Attn; Tom Moss
Monterey County Public Works Department Attn: Rick Sauerwein	Monterey County Clerk's Office	Monterey Bay Unified Air Pollution Control District 24580 Silver Cloud Court Monterey, CA 93940
California Coastal Commission Central Coast Area Office 725 Front Street, Suite 300 Santa Cruz, CA 95060 Attn: Katie Morange	Regional Water Quality Control Board, Region 3 895 Aerovista Place, Suite 101 San Luis Obispo, CA 93401 Attn: Matt Keeling	Department of Fish and Game, Region #4 1234 East Shaw Ave Fresno, CA 93710 Attn: Linda Connolly
California Department of Water Resources P. O. Box 942836, Sacramento, CA 94236	Horan Lloyd Karachale Dyer Schwartz Law & Cook PO Box 3350 Monterey, CA 93942 Attn: Pam Silkwood	Michael and Patricia Moeller 24808 Upper Trail Carmel, CA 93923
Brian Call 500 Camino El Estero, Suite 200 Monterey, CA 93940	Heisler, Stewart & Daniels 563 Figueroa Street Monterey, CA 93942 Attn: William Daniels	

NOTICE OF INTENT ONLY		
Carmel Unified School District 4380 Carmel Valley Road P.O. Box 222700 Carmel, CA 93923	Carmel Riviera Mutual Water Company P.O. Box 22288 Carmel, CA 93922	Carmel Area Wastewater District 3945 Rio Road Carmel, CA 93922
Property Owners within 300 feet	Permit Plus Peoples List for PLN070629	

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT

168 WEST ALISAL ST., 2nd FLOOR, SALINAS, CA 93901

PHONE: (831) 755-5025 FAX: (831) 757-9516



INITIAL STUDY

I. BACKGROUND INFORMATION

Project Title: MOELLER

File No.: PLN060251 (PLN070629)

Project Location: 192 and 194 San Remo Drive

Between San Remo and Mentone Roads, east of Highway 1

Carmel Highlands, Coastal Zone

Name of Property Owner: Michael Moeller

Name of Applicant: Pam Silkwood, Representative

Assessor's Parcel Number(s): 243-181-005-000, 243-181-006-000

Acreage of Property: 0.61 acres (Lot 5) and 0.85 acres (Lot 6)

General Plan Designation: Low Density Residential, 5-1 acre per unit

Zoning District: Low Density Residential, 1 acre per unit with Design Control (Coastal Zone) [LDR/1-D (CZ)]

Lead Agency: Monterey County, RMA-Planning Department

Prepared By: Carl P. Holm, AICP

Date Prepared: September 21, 2009

Contact Person: Carl P. Holm, AICP, Assistant Director of Planning

Phone Number: (831) 755-5103

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Project Description:

Michael and Patricia Moeller own two lots that abut each other in a north-south orientation:

- 1) Lot 5: APN: 243-181-005-000, 192 San Remo Road (0.61 acres)
- 2) Lot 6: APN: 243-181-006-000, 194 San Remo Road (0.85 acres)

The project proposes a lot line adjustment of approximately 0.27 acres between a 0.85-acre lot (Lot 006) and a 0.61-acre lot (Lot 005) resulting in no net-change in acreage for either parcel. The purpose of the lot line adjustment is to reduce development constraints and minimize impacts to the environment from the development of Lot 5. Parcel 5 is constrained by existing site topography, which slopes steeply towards an intermittent creek at its north boundary.

In addition to the lot line adjustment, the proposed project includes construction of a single family residence on the reconfigured Lot 5. Access to both lots is provided by private access easements that connect to San Remo and Mentone Roads, which are private roads. The vicinity map attached provides an aerial view of these conditions (**Figure 1, Aerial Map**).

On April 19, 2005, Monterey County Board of Supervisors approved a project consisting of this same lot line adjustment (LLA) proposal between Lot 5 and Lot 6 and development of a new SFR on Lot 6 (PLN040050/Moeller). The development proposal for Lot 6 included construction of a two story 3,588 square foot single family residence with a 1,164 square foot attached garage, septic system, and circular driveway on 0.85 acres.

Neighbors appealed this County action to the California Coastal Commission (CCC). On August 10, 2005, the CCC found that the County permit raised a substantial issue regarding the project's consistency with the Monterey County Local Coastal Program (LCP), and thereby took jurisdiction over the Moeller application. The CCC raised several questions as to access:

1. Access for the potentially developable areas was limited.
2. Future development would require an increase in the width of the shared driveway to 18-feet.
3. Roadway construction would require the removal of native vegetation, development on steep slopes or conflict with riparian habitats.

CCC subsequently approved the SFR (MCO-05-033), but conditionally removed the lot line adjustment from the Coastal Development Permit subject to further review of the emergency access for development on Lot 5. Notwithstanding the CCC's decision to remove the lot line adjustment from its approval, the CCC recognized that some adjustment to the boundary between the two lots may be an effective way to minimize the environmental impacts of developing Lot 5. However, the CCC stated that there must be a comprehensive analysis of the impacts and alternatives and that it was premature to approve the proposed lot line adjustment at that time. The Coastal Development Permit issued for the residential development on Lot 6 was subject to these conditions:

CARMEL HIGHLANDS



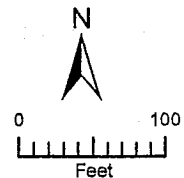
APPLICANT: MOELLER

APN: 243-181-005-000 & 243-181-006-000

FILE # PLN060251

--- Intermittant stream

----- Easement



1. Limit the amount of new driveway.
 2. Protect and restore native plants outside of the approved development envelope.
- Lot 6 is currently being developed with the approved home.

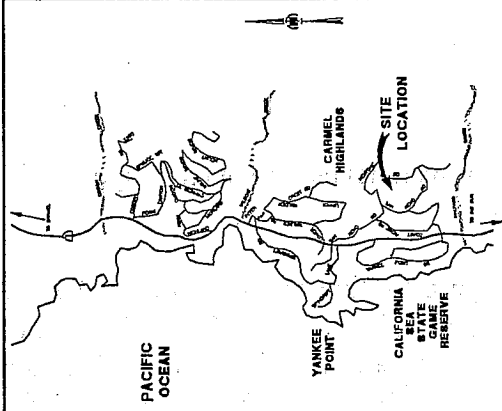
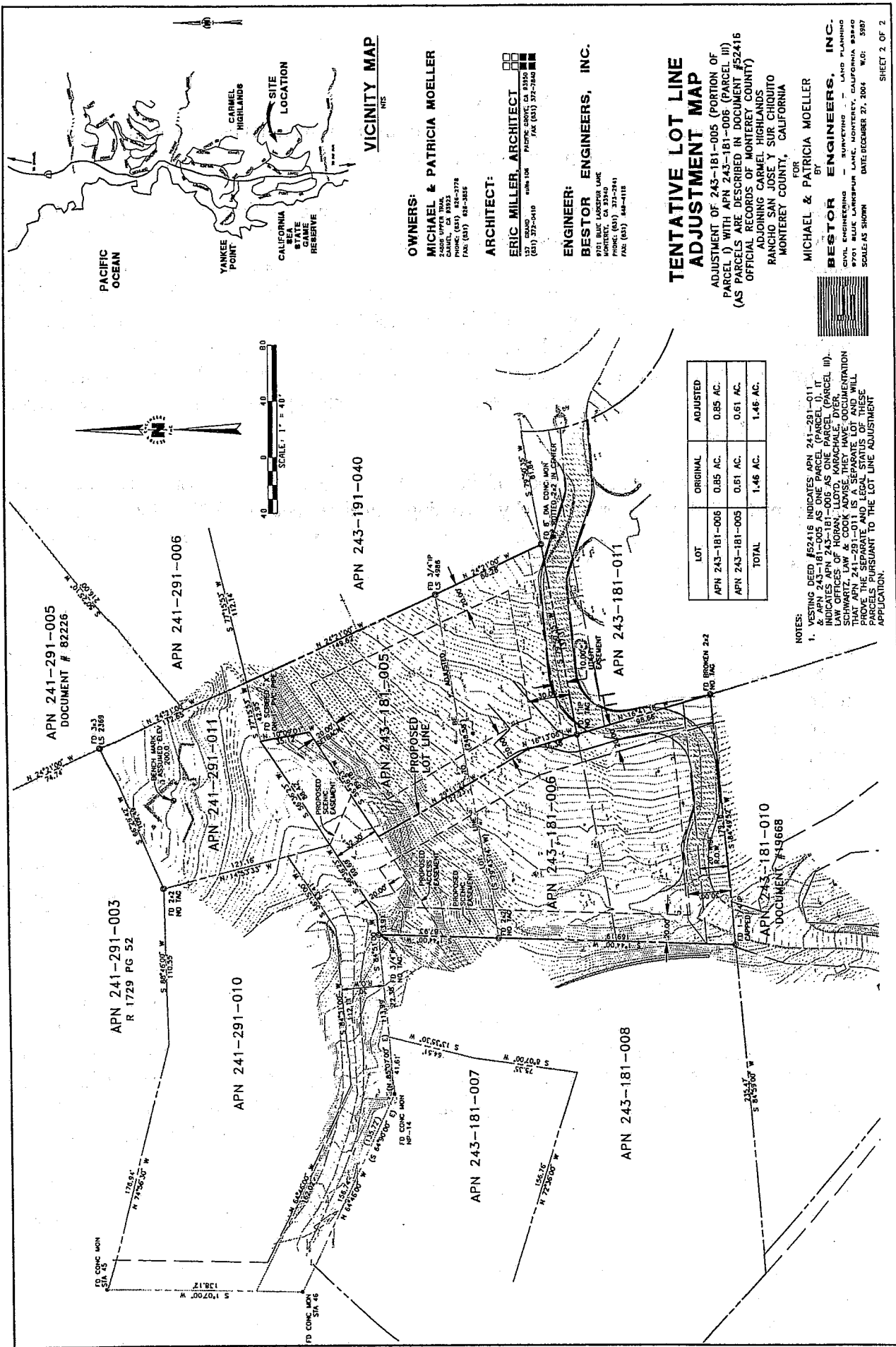
Subsequently, Dr. Moeller submitted a new application for a lot line adjustment (LLA) and new residence on the second lot (**Attachment 1, Project Plans**). This new application's LLA is the same as the previously County-approved LLA, i.e., the exchange would change the orientation of the lot to an east-west configuration, but the lot sizes would remain exactly the same (**Figure 2, LLA Map**). Proposed development of the new Lot 5 configuration would consist of a new 3-bedroom, 3,994 square foot single family dwelling and 643 square foot, 3-car garage. Upon receipt of this application, Monterey County conducted a comprehensive analysis of the alternatives for emergency access. Relevant parts of Monterey County's analysis are included in this Initial Study.

Lot 5 is designed on an upper bench of the new lot (currently part of Lot 6) with access on the higher part of the property, thereby avoiding development on 30% slopes and avoiding development impacts to the intermittent creek located across the lower portion of Lot 5 (see discussion of Environmental Setting below).

Improvements made to the access from the existing driveway from San Remo Road, which is referred to as Easement #1, would create one additional driveway connection with general access to San Remo Road. An emergency access easement connecting to Mentone Road, which is referred to as Easement #2, also connects to Easement #1, thus, providing both ingress and egress routes to the project area. Easement #2 would be limited to a 12-foot wide emergency vehicle access only (**Figure 3, Fire Access Plan**). The use of Easement #2 to the new driveway connection for access by emergency vehicles makes sense since it is more direct, flatter, requires the least amount of grading and site disturbance, and provides minimal impacts to vegetation, tree, and riparian habitat. Access using the lower portion of the driveway of Easement #2 to San Remo Road would remain available for evacuation by residents during emergencies. In summary, this design concept allows for the ingress of emergency vehicles through Easement #1 to the new driveway connection and egress by the residents using Easement #2 during emergencies.

This combination emergency access road and driveway design concept was developed in coordination with and approval from the Carmel Highlands Fire Protection District. The Carmel Highlands Fire Protection District is the Reviewing Authority for the project application. Section 18.56.04 of the Monterey County Code requires the Reviewing Authority to review and make fire protection recommendations for project application. The Reviewing Authority has the sole discretion to impose specific alternative measures or standards on a development.

Given that both parcels are legal lots of record with development rights, the lot line adjustment minimizes development constraints and better achieves the goals, policies and objectives of the Monterey County Local Coastal Program because it minimizes tree removal, avoids development envelope on steeper areas of the parcel, and poses the least amount of impact to the intermittent creek.



OWNERS:
MICHAEL & PATRICIA MOELLER
2405 WYFFA TRAIL
CARMEL, CA 93922
PHONE: (831) 322-3778
FAX: (831) 821-2857

ARCHITECT:
ERIC MILLER ARCHITECT
1371 33RD AVE. 108
PHILIPPO DRIVE
CARMEL, CA 93922
(831) 322-0410 FAX: (831) 322-2848

ENGINEER:
BESTOR ENGINEERS, INC.
9701 BLUE LARKSPUR LANE
MONTEREY, CA 93940
PHONE: (831) 372-0841
FAX: (831) 348-0116

**TENTATIVE LOT LINE
ADJUSTMENT MAP**

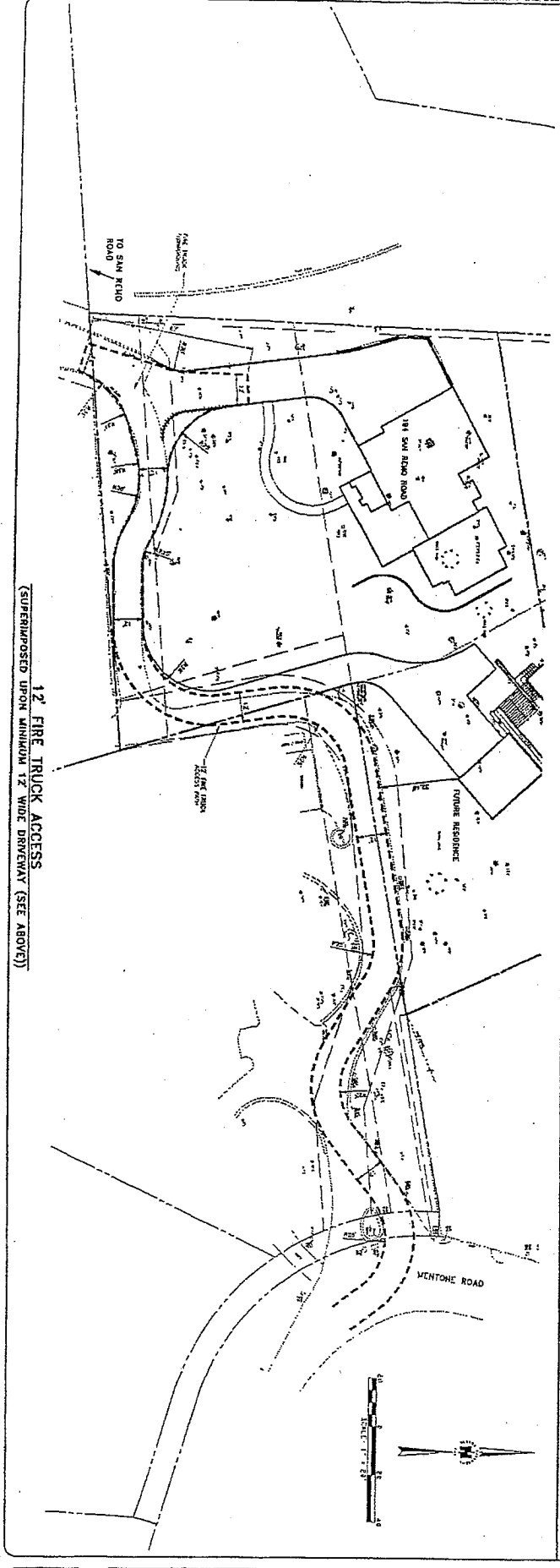
ADJUSTMENT OF 243-181-005 (PORTION OF PARCEL I) WITH APN 243-181-006 (PARCEL II) (AS PARCELS ARE DESCRIBED IN DOCUMENT #52416 OFFICIAL RECORDS OF MONTEREY COUNTY) ADJOINING CARMEL HIGHLANDS RANCHO SAN JOSE Y SUK CHIGUITO MONTEREY COUNTY, CALIFORNIA

FOR
MICHAEL & PATRICIA MOELLER
BY
BESTOR ENGINEERS, INC.
CIVIL ENGINEERING - SURVEYING - LAND PLANNING
9701 BLUE LARKSPUR LANE, MONTEREY, CALIFORNIA 93940
SCALE AS SHOWN DATE: DECEMBER 27, 2004 W.D. 5987

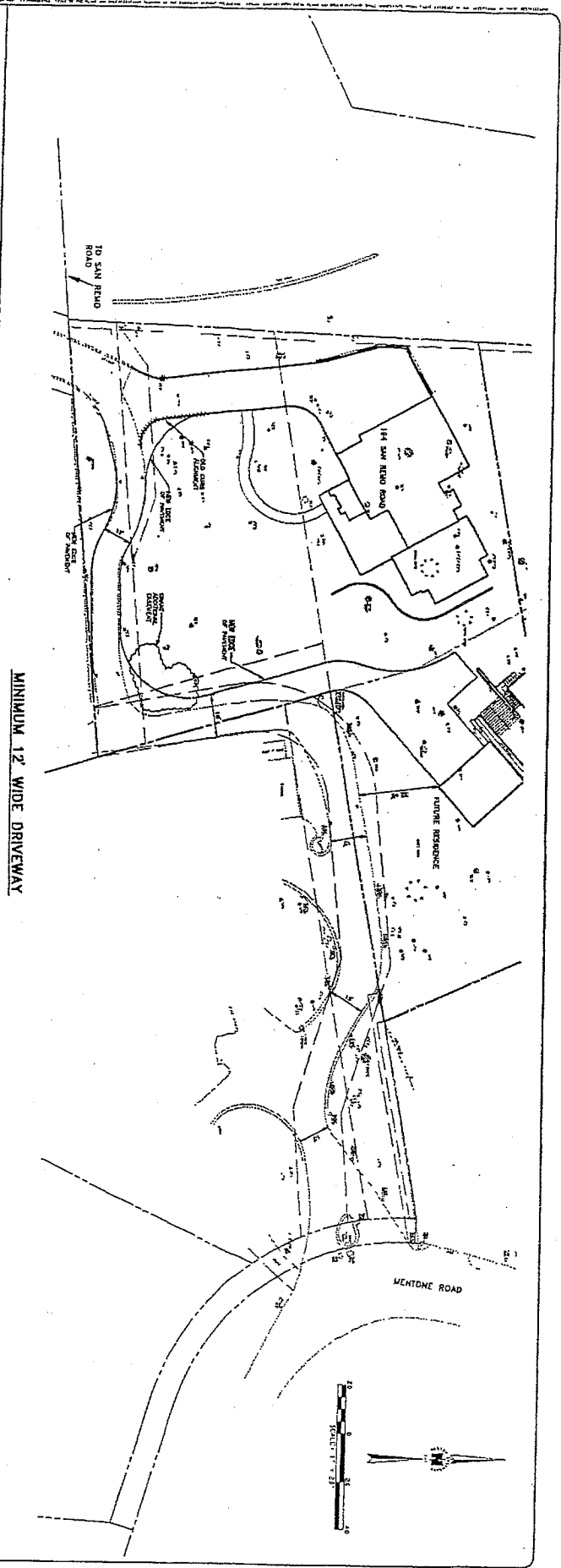
LOT	ORIGINAL	ADJUSTED
APN 243-181-006	0.85 AC.	0.85 AC.
APN 243-181-005	0.61 AC.	0.61 AC.
TOTAL	1.46 AC.	1.46 AC.

NOTES:

- VESTING DEED #52416 INDICATES APN 241-291-011 & APN 243-181-005 AS ONE PARCEL (PARCEL I). IT INDICATES APN 243-181-006 AS ANOTHER PARCEL (PARCEL II). SCHWARTZ LAW & COOK ADVISE THEY HAVE DOCUMENTATION THAT APN 241-291-011 IS A SEPARATE LOT AND WILL PROVE THE SEPARATE AND LEGAL STATUS OF THESE PARCELS PURSUANT TO THE LOT LINE ADJUSTMENT APPLICATION.



12' FIRE TRUCK ACCESS
(SUPERIMPOSED UPON MINIMUM 12' WIDE DRIVEWAY (SEE ABOVE))



MINIMUM 12' WIDE DRIVEWAY

B. Environmental Setting and Surrounding Land Uses:

The project is located in the Carmel Highlands area of unincorporated Monterey County. This area consists of native Monterey pine-coast live oak forest on the hillsides east of Highway 1 that has been fragmented by residential development on lots averaging one acre or smaller lots in size. Natural drainage courses provide the primary drainage system for water runoff. San Remo Road and Mentone Road provide the primary access to this area, and are private roads. Secondary access is provided by various private easements connecting to these primary roads.

The two subject lots currently abut each other in a north-south orientation between easement #1 and Easement #2. Slopes on the lower portion of Lot 5 are generally greater than 30% and an intermittent creek runs along the lower boundary of Lot 5. The proposed LLA would change the configuration of Lot 5 and Lot 6 to an east-west orientation, which would allow development on the upper bench away from the intermittent creek.

As owner of both parcels (Lot 5 and Lot 6), Dr. Moeller could design access using Easement #1, Easement #2, and/or an easement from the private driveway located along the northern boundary of the parcels, which is referred to as Easement #3. Design of any access involves evaluation of impacts to traffic, biology, and public services (fire). Lot 6 is under construction with access via an existing access easement connecting from San Remo Road to Mentone Road (Easement #1). Access for Lot 5 proposes also using Easement #1, which would intensify the planned use of this access road. As a result, the applicant must complete upgrades to meet the fire standards set forth by the Carmel Highlands Fire Protection District. Any upgrades to these easements must also take into consideration oak and pine trees along the easement alignments.

III. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL AND STATE PLANS AND MANDATED LAWS

Use the list below to indicate plans applicable to the project and verify their consistency or non-consistency with project implementation.

General Plan/Area Plan	<input type="checkbox"/>	Air Quality Mgmt. Plan	<input type="checkbox"/>
Specific Plan	<input type="checkbox"/>	Airport Land Use Plans	<input type="checkbox"/>
Water Quality Control Plan	<input checked="" type="checkbox"/>	Local Coastal Program-LUP	<input checked="" type="checkbox"/>

Local Coastal Program. Development of a single family residence is consistent with the Carmel Area Land Use Plan, Local Coastal Program, which designates the site as suitable for residential development. The project as designed and mitigated is consistent with visual policies controlling the construction of structures on ridgelines and in public viewshed areas, as well as biological policies concerning development in environmentally sensitive areas. CONSISTENT.

Water Quality Control Plan. On December 5, 2008, the Regional Water Quality Control Board approved Waivers of Waste Discharge Requirements for Alternative Onsite wastewater Disposal

Systems for both lots (**Attachment 2, Resolutions No. R3-2008-0060 and R3-2008-0061**). These two permits are valid for five years through December 2013. CONSISTENT.

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

The environmental factors checked below would be potentially affected by this project, as discussed within the checklist on the following pages.

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Hazards/Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality | <input checked="" type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input checked="" type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Utilities/Service Systems | | |

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist; and/or potential impacts may involve only a few limited subject areas. These types of projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. For the environmental issue areas where there is no potential for significant environmental impact (and not checked above), the following finding can be made using the project description, environmental setting, or other information as supporting evidence.

- Check here if this finding is not applicable

FINDING: For the above referenced topics that are not checked off, there is no potential for significant environmental impact to occur from either construction, operation or maintenance of the proposed project and no further discussion in the Environmental Checklist is necessary.

EVIDENCE:

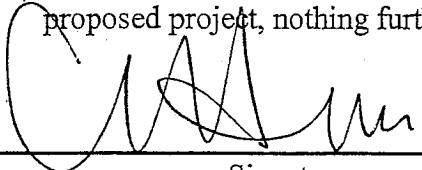
1. Agricultural Resources. No agricultural resources exist on the property and the property is not designated for agricultural use. (Project Description; Reference # 1, 2, 3)

2. Cultural Resources. A "Preliminary Archaeological Reconnaissance" prepared for the project by Archaeological Consulting Inc dated December 2, 2002, reports no known archaeological or cultural resources present in the project area. A standard archaeological condition includes the requirement to halt work if any potential archaeological resource is uncovered. (Project Description; Reference #1, 2, 10)
3. Geology/Soils. According to the Planning Department's Geographic Information System (GIS), the project is located in a moderate seismic zone (Zone III). Landslide risk is low to moderate and potential liquefaction is low. Erosion risk is high, but standard erosion control practices (a.k.a. Best Management Practices) are required for the grading permit in order to fulfill the requirements of the County's Grading and Erosion Control Ordinances (Chapters 16.08 and 16.12 MCC). Geotechnical reports prepared by Pacific Crest Engineering Inc. Watsonville, California in April 2003 and September 2008 concluded that there are adequate sites based on soil conditions on Lots 5 and 6 for potential development. Future development can also be placed in areas where there are no steep slopes with limited tree removal and minimal disturbance to sensitive plants or environments. As such, geotechnical conditions of the site are suitable for development and no geological hazard exists relative to CEQA. (Project Description; Reference #1, 2, 3, 8, 9)
4. Hazards/Hazardous Materials. The project will not involve the use or transport of hazardous materials. There are no known hazards associated with this project. (Project Description; Reference #1)
5. Mineral Resources. The project site does not have any significant mineral resources. (Project Description; Reference #1, 2)
6. Noise. The project does not contribute excessive noise to the area. No sensitive receptors are found in the immediate area. A new noise source will be created with developing a single family residence, but it is compatible with the surrounding single family residential and open space land uses according to the Monterey County noise standards. Noise from construction traffic and activity will be temporary and take place during daylight hours. However, the temporary noise from this construction will be no different than those from normal construction work and will be in accordance with Monterey County noise standards. (Project Description; Reference #1, 2)
7. Population/Housing. The project does not affect population or housing. It does not destroy any housing or affect the population anticipated in the approved County General Plan. (Project Description; Reference #1)
8. Recreation. The project does not create any additional need for recreation facilities nor does it disturb any existing facilities. (Project Description; Reference #1, 3)

B. DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

September 21, 2009

Date

Carl P. Holm, AICP

Assistant Director of Planning

V. EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general

standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).

- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and

- b) The mitigation measure identified, if any, to reduce the impact to less than significance.

VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Have a substantial adverse effect on a scenic vista? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: 1,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

The proposed project is located on slopes of the Carmel Highlands that overlook public areas such as Highway One, Point Lobos State Park and Carmel River State Beach. Visual Resource policies of the Carmel Area Land Use Plan (LUP) are designed to protect the public viewshed, which is defined as areas visible from major public use areas such as Highway One and Point Lobos State Park. Development in these areas is regulated to ensure minimum visual impact based on the visual policies, which also serve as guidance for thresholds of significance.

The overriding Key Policy for Visual Resources (Policy 2.2.2) states that "all future development within the viewshed must harmonize and be clearly subordinate to the natural scenic character of the area" and that it "must conform to the basic viewshed policy of minimum visibility except where otherwise stated in this plan." Supporting policies are noted below.

- Policy 2.2.3.1: "design and siting of structures...shall not detract from the natural beauty of...the undeveloped ridgelines and slopes in the public viewshed."
- Policy 2.2.3.3: "structures shall not be sited on non-forested slopes or silhouetted ridgelines. New development in the areas of Carmel Highlands and Carmel Meadows must be carefully sited and designed to minimize visibility. In all cases, the visual continuity and natural appearance of the ridgelines shall be protected."
- Policy 2.2.3.4: "The portion of a parcel least visible from public viewpoints and corridors shall be considered the most appropriate site for the location of new structures. Consistency with other plan policies must be considered in determining appropriate siting."

- Policy 2.2.3.6: “Structures shall be subordinate to and blended into the environment, using appropriate material that will achieve that effect.”
- Policy 2.2.3.8: “Landscape screening and restoration shall consist of plant and tree species consistent with the surrounding vegetation. Screening on open grassy slopes and ridges should be avoided.”

An assessment of the visual impact is guided by conformance to the relevant visual policies mentioned above. However, interpretation of those policies as well as other related policies, such as biological, are also factors. The overall intent of the relevant visual policies raises questions of whether the design harmonizes and is subordinate to the environment, whether colors, materials and landscaping are appropriate, whether the project’s visibility is minimized and whether it constitutes ridgeline development. To the extent that the project is consistent with these visual policies within the context of other plan policies, then the impacts can be said to be minimized and thus be considered less than significant.

Potential Impacts

The project site is not located within the scenic viewshed as identified in Map A of the Carmel Area Land Use Plan. The LCP is most restrictive of development that occurs within the scenic viewshed; however, specific visual resource protection policies still apply to parcels outside the viewshed.

Potential visual impacts of developing a house are based on the staking and flagging of the proposed structures and site visits. Other potential visual impacts include grading and vegetation removal for the structures and the access road.

Policies require siting structures on the “portion of the parcel that is least visible from public viewpoints” and “visually unobtrusive.” The proposed project (PLN060251) includes a lot line adjustment that would result in locating a new home on Lot 5 approximately 40 feet higher on the slope. However, this area is pretty heavily forested so the LLA would not increase visibility of development on Lot 5 from the public viewshed. There is also no potential for creating a ridgeline silhouette. To subordinate to the environment and to be consistent with the rural character of the area, the house is designed with earthtone colors and natural materials, which will reduce its visibility.

Other plan policies must also be considered in determining appropriate siting. The parcel is located on a hillside that slopes down towards Easement #2 where there is a blue line intermittent creek across the lower boundary. Locating the proposed building site within a forested area serves to screen development. Other sites, with or without the LLA, would have a similarly low visibility from public viewpoints in the area.

LUP policies dictate “minimum visibility” development “subordinate to the environment.” Lighting, landscaping, color and materials are components of a project that have potential visual impacts. They are addressed in the LUP policies which require appropriate materials and landscaping that minimize visibility. The LLA adjustment relocates the potential building location from a steep slope to a flatter bench area. To further screen the development,

landscaping will be designed using native plant materials for Monterey pine understory, while at the same time keeping fire fuel modification in mind. The proposed lot line adjustment, which would result in locating a new building site on a flatter bench area of Lot 5 and screened by Monterey pines and other native vegetation, better meets LCP policies for development.

Conclusion:

1(a), (b): No Impact. Locating a new building site 40 feet higher up a slope does not increase potential visibility in the public viewshed. The site is heavily forested and colors, materials, landscaping and height of the structure would reduce its visibility and subordinate and harmonize the development to the natural scenic character. No landforms (e.g. rock outcroppings) or views of landforms are proposed to be altered. The proposed project will not adversely impact or alter a scenic resource.

1(c) and (d): Less than significant. The parcel is currently undeveloped except for existing access easements/roads. The proposed project is consistent with surrounding development. Natural materials and colors are proposed as part of this project. Existing disturbed areas that are not developed will be restored and enhanced with native plants and landscaping around the development, which will further screen the structures and blend/subordinate the development in with the environment.

The proposed project will individually have a less than significant adverse impact as a source of light or glare with mitigation. However, cumulative effects of lighting could negatively impact the night time visual resources of the hillsides. The new home would add lighting on a hillside that was not there before, although as was previously discussed, the area is already developed with single family residential dwellings. Landscaping will be used to screen the structures and lighting. Standard lighting requirements for Monterey County, which include fixtures hooded, downcast, limited wattage, and removal of any exterior lights found to be obtrusive after construction, would lessen the light or glare from the development.

2. AGRICULTURAL RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2. AGRICULTURAL RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Sections II and IV.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in significant construction-related air quality impacts? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: Grading for the proposed single family home amounts to approximately 523 cubic yards cut and 89 cubic yards fill. An additional 100 cubic yards are designed to be placed on site

plus another 100 yards for the required road work. As a result, export of soil would result in approximately 230 cubic yards or 23 truck-related trips during construction. The trips will be spread out over an estimated period of two months, which is an average of about four trips per day.

Conclusion:

3(a-c, e,f): No Impact. Due to the site restrictions (on both ends), small trucks would be used to haul dirt. Exported soil is anticipated to be taken to a receiver site at Palo Colorado, and there are no sensitive receptors (e.g. schools) along the haul route. Construction related dust will be controlled pursuant to Monterey County standards.

3(d): Less Than Significant Impact. This activity is within the Monterey Bay Unified Air Pollution Control District guidelines; and therefore, the potential impact to air quality is less than significant. On-site grading occurs over a one acre area and is within acceptable standards for construction according to the local air quality guidelines and has a less than significant impact.

4. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source:)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

A biological survey prepared for the project by Vern Yadon, (LIB070207) dated March 14, 2003 reports that coast live oak are the only statutorily-protected species found on-site. Monterey pines, also found onsite, are locally protected and considered a sensitive species. A Coastal Development Permit is required prior to removal of native trees in this area, and in issuing the permit, Monterey County must find that removal is the minimum necessary and that there is no feasible alternative.

A number of LUP policies, which regulate development in environmentally sensitive areas, serve as thresholds of significance. The Key Policy for environmentally sensitive habitat in the Carmel Area states that sensitive habitat “shall be protected, maintained and, where possible, enhanced and restored.” Specific policies are listed below:

- Policy 2.3.3.1: “Development, including vegetation removal, excavation, grading, filling, and the construction of roads and structures, shall be avoided in critical and sensitive habitat areas,...sites of known rare and endangered species of plants and animals.”
- Policy 2.3.3.2: “Land uses adjacent to locations of environmentally sensitive habitats shall be compatible with the long-term maintenance of the resource. New lands uses shall be considered compatible only where they incorporate all site planning and design features needed to prevent habitat impacts.”
- Policy 2.3.3.4: “To protect environmentally sensitive habitats and the high wildlife values associated with large areas of undisturbed habitat, the County shall retain significant and where possible, contiguous areas of undisturbed land in open space use....On parcels adjacent to sensitive habitats or containing sensitive habitats as part of their acreage, development shall be clustered to avoid habitat impacts.”
- Policy 2.3.3.7: “Where development is permitted in or adjacent to environmentally sensitive habitats, the County, through the development review process, shall restrict the removal of indigenous vegetation and land disturbance (grading, excavation, paving, etc.) to that needed for the structural improvements themselves.”
- Policy 2.3.3.8: “The County shall require the use of appropriate native species in proposed landscaping.”

The proposed project is located within an area of native Monterey pine that has been fragmented over time by residential development on lots averaging one or less acre in size. The project is located on a property that contains native Monterey pine-coast live oak habitat over the entire site. The above policies are intended to limit impact of sensitive areas, create design (land use)

that is compatible with the resource, cluster development and retain contiguous undeveloped areas, limit vegetation removal and land disturbance, and utilize native landscaping. Project goals include reducing impacts as much as possible and restoring and enhancing degraded areas.

Potential Impacts

The location of the proposed residence with the lot line adjustment avoids the most forested area of the property in 30% slopes, and is sited as close as possible to the existing access driveway. Siting of this development takes into account visual as well as biological considerations to minimize visibility, while also minimizing grading and new disturbance. The limited tree removal associated with project construction will provide light and room for forest regeneration in areas outside of the development footprint, and thereby provide an opportunity to protect and restore the native plant communities supported by the site. Moreover, the proposed development with the lot line adjustment would avoid impacts to the intermittent creek.

Lot 5 is a legal lot of record with development rights. Without the lot line adjustment, much of the existing Lot 5 consists of slopes of 30% or greater. While there remains a suitable area for development on Lot 5 in its current configuration, any complete development, including grading for an access road, could not avoid slopes of 30% or greater and would have a much larger impact on the biological resources.

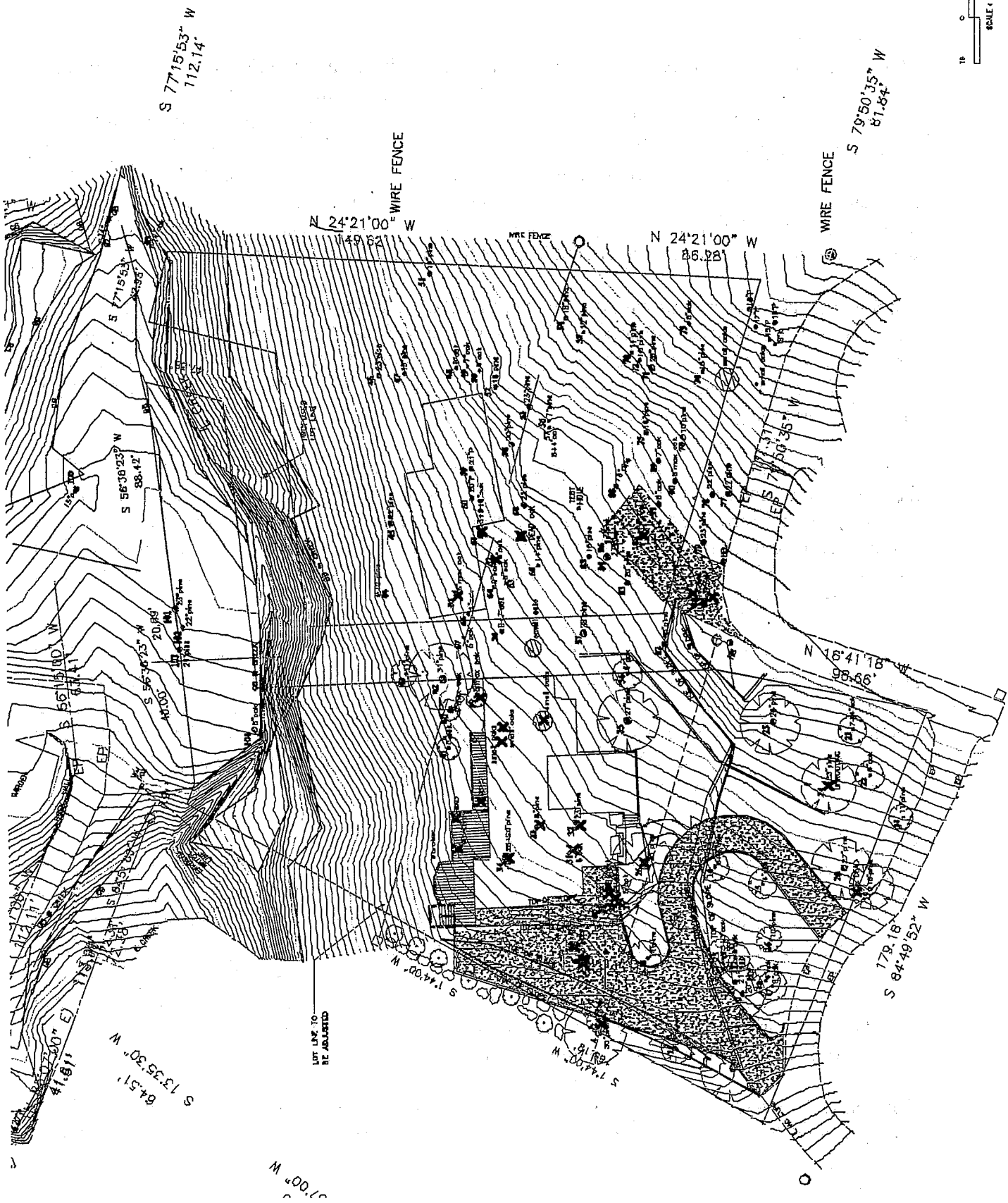
The residential use is low-intensity and compatible with protection of the resources, provided that adequate measures are taken and biological recommendations are incorporated. Landscaping and forest restoration planning are required to utilize native vegetation appropriate to the area, to prevent the spread of exotic invasive plant species, and avoid contamination of the local Monterey pine community's gene pool. This planning is designed to restore and enhance the surrounding habitat.

Building footprint proposed on Lot 5 includes the structures, driveway, septic and leachfield area. A forest management plan shows the proposed development of Lot 5 would impact eight oak trees ranging in size from five to eight inches in diameter and nine Monterey pine trees ranging in size from nine to 30 inches in diameter (**Figure 4, Tree Impact**). The new building site (after the proposed LLA) is more level and as such would require less grading and less impact to biological resources.

Conclusion:

4(a): Less than significant. The site is currently undeveloped so development with or without the proposed LLA would impact Monterey pine and coast live oak habitat. Lot 5 with the LLA is designed closer to the southern driveway from San Remo Drive. This results in significantly less disruption of biological resources, including avoiding impacts to the intermittent creek by creating a new driveway connection at the northern access area from San Remo Drive (Easement #1) for Lot 5. In addition, this LLA reduces the amount of required grading for the building site and its access driveway. Limiting the fire access from Mentone Road to a maximum 12-foot width avoids impacts to those trees within the easement alignment.

4(b-d and f): No impact. Potential impacts to an intermittent creek located at the bottom of Lot 5 are avoided through the proposed project design, which includes the LLA. The LLA would



S 77°15'53" W
112.14'

N 24°21'00" W
49.62'

N 24°21'00" W
86.28'

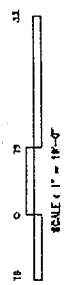
S 79°50'35" W
81.84'

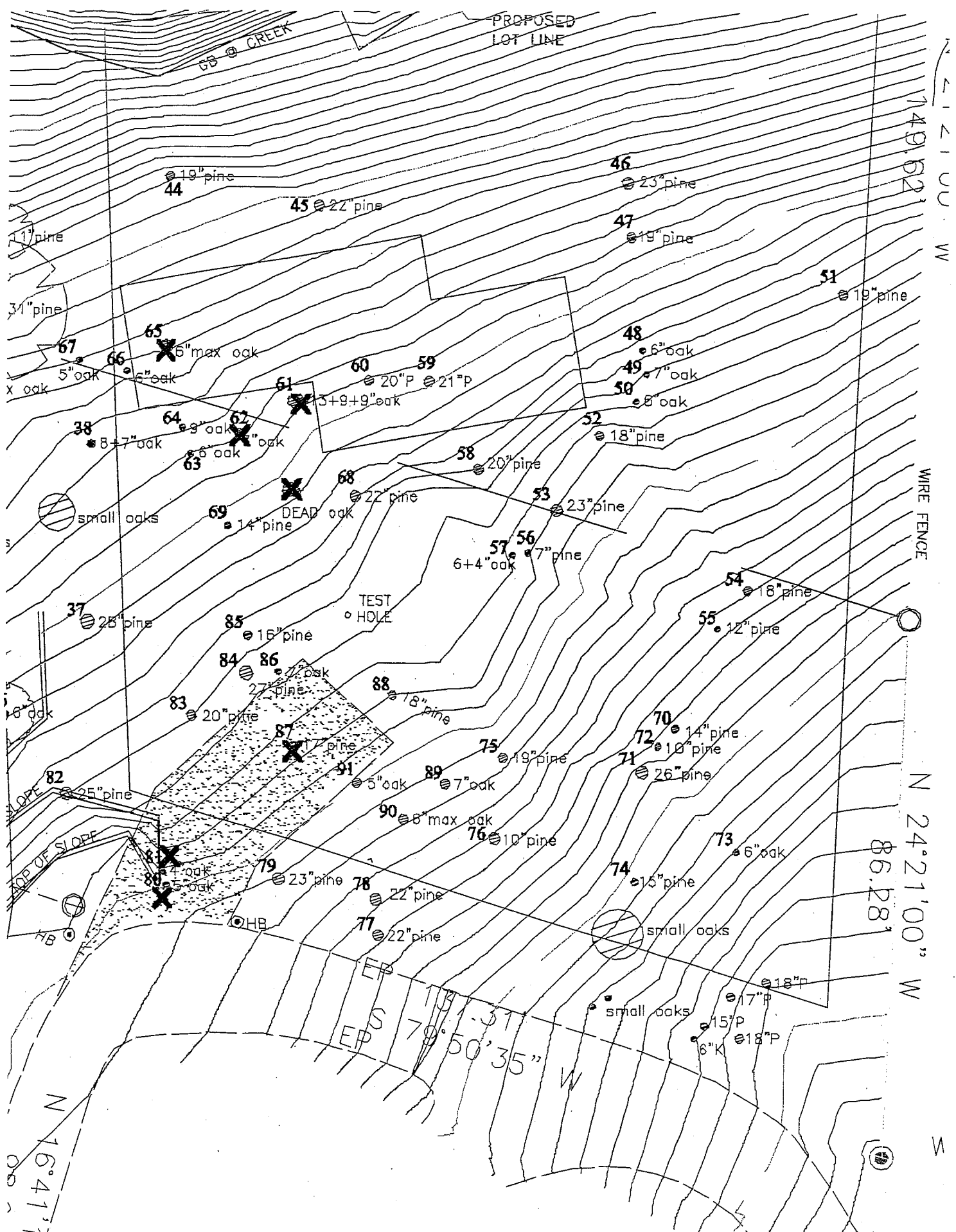
N 16°41'18" W
98.66'

S 84°49'52" W
179.16'

S 13°35'30" W
64.51'

LOT LINE TO
BE ADJUSTED





149.62
W

WIRE FENCE

N 24° 21' 00" W
86.28'

W

N 16° 41' 1'

EP
S
79° 50' 35" W

PROPOSED
LOT LINE

CREEK

TEST
HOLE

SLOPE
SLOPE

HB

HB

small oaks

small oaks

small oaks

W

11" pine

31" pine

5" oak

8" oak

25" pine

4" oak

5" oak

19" pine

22" pine

46

23" pine

47

19" pine

51

19" pine

65

5" max oak

60

20" P 21" P

5+9+9" oak

48

6" oak

49

7" oak

50

8" oak

38

8+7" oak

64

9" oak

62

11" oak

63

6" oak

52

18" pine

58

20" pine

53

23" pine

69

14" pine

68

DEAD oak

68

22" pine

57

6+4" oak

56

7" pine

54

18" pine

55

12" pine

37

28" pine

85

16" pine

84

22" oak

86

27" pine

88

18" pine

83

20" pine

87

11" pine

91

5" oak

89

7" oak

75

19" pine

70

14" pine

72

10" pine

71

26" pine

90

8" max oak

76

10" pine

73

6" oak

74

15" pine

79

23" pine

78

22" pine

77

22" pine

small oaks

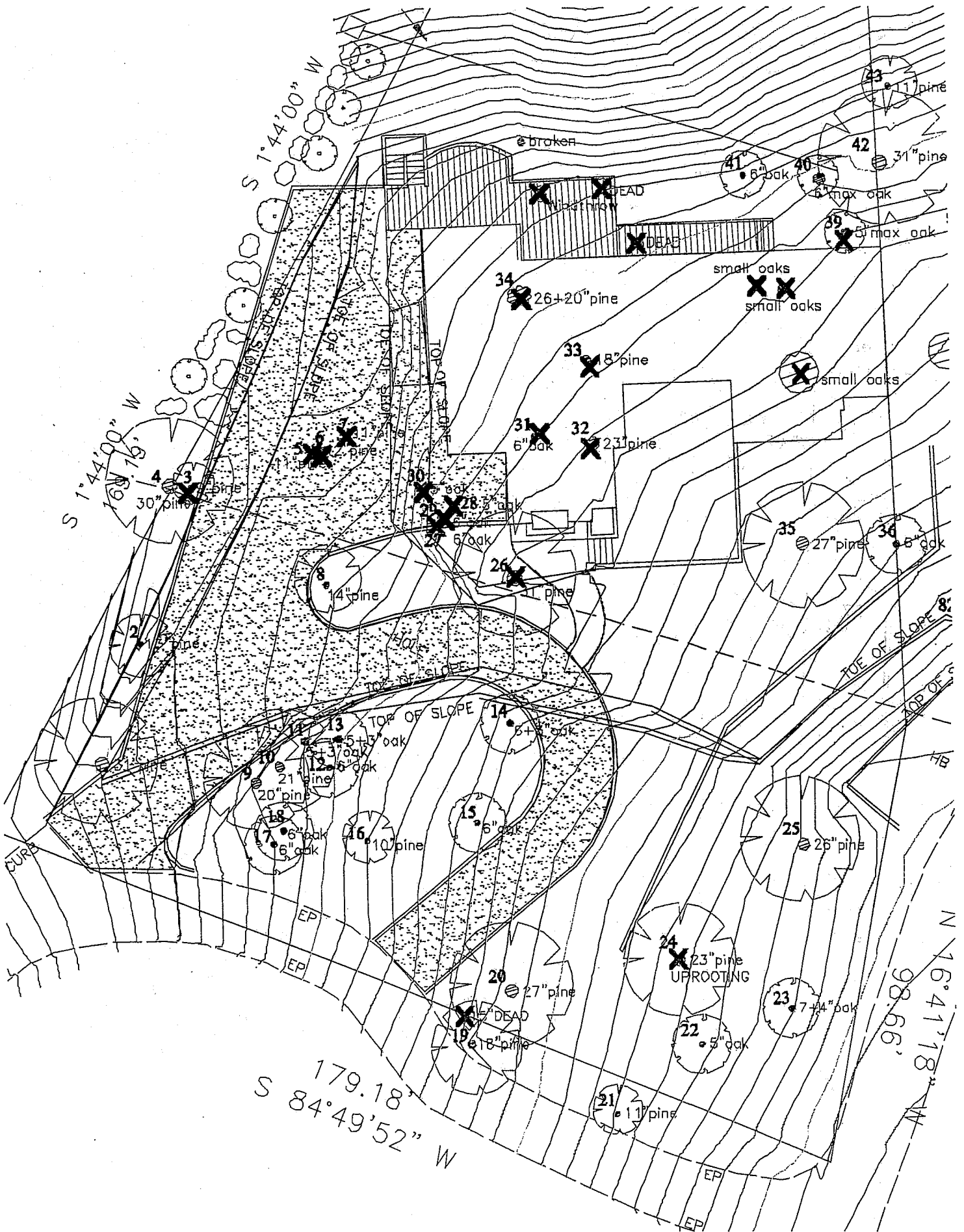
18" P

17" P

15" P

6" K 18" P

N 16° 41' 1'



increase of distance of the development from the intermittent creek by about 40 feet. Water quality of the intermittent creek would be improved by providing greater natural filtering through retention, restoration and enhancement of the vegetation on steeper slopes below the house. No Habitat Conservation Plan exists, nor is one required. The proposed project would pose no significant impacts to the intermittent creek.

4(e): Less than significant with mitigation. The Carmel Area Land Use Plan (LUP) incorporates habitat conservation measures as part of its resource protection policies. The project is designed and mitigated to minimize conflicts with the habitat protection and biological resources policies. Because Monterey pine-coast live oak habitat encompasses the whole property, development can not completely avoid sensitive habitat. However, location and limitation of development, restoration of disturbed areas and appropriate landscaping ensure that the project meets the relevant LUP policies. With the mitigation measures set forth below, the project has less than significant impact to biological resources.

Mitigation Measures:

Mitigation #1: In order to mitigate the loss of sensitive plants, a landscape plan shall require the use plant materials that are consistent with the Monterey pine-coast live oak habitat for those areas that are disturbed by construction and within open space areas. Existing native trees and vegetation shall be retained and incorporated into the landscaping and fire fuel management planning.

Monitoring Action 1A: *Prior to the issuance of building or grading permits*, a Landscape/Fuel Management Plan shall be submitted that includes:

- A weed control program to be carried out during construction. Appropriate native grasses and vegetation shall be planted on exposed or bare areas to prevent erosion.
- Use of plant materials compatible with the Monterey pine habitat to avoid contamination of the local Monterey pine community's gene pool.

The plan shall be prepared in consultation with a County approved Forester and/or Biologist.

Monitoring Action 1B: *Prior to final or occupancy*, required planting and maintenance shall occur in accordance with the approved Landscape/Fuel Management Plan. The applicant shall submit documentation of compliance and success (planting and weed control) to the Director of Planning and Fire Agency for approval.

Monitoring Action 1C: *At the first, third and fifth years after final*, the applicant shall submit a monitoring report prepared by a County approved Forester and/or Biologist to the Director of Planning for review and approval. The update shall evaluate revegetation and establish success criteria including any additional or ongoing measures necessary to establish the habitat. If after five years, the habitat is not established and weeds are not controlled, further restoration and monitoring may be required by the Director of Planning.

Mitigation #2: In order to protect sensitive habitat and trees from inadvertent damage caused by construction activities, a Construction Management Plan shall be submitted for review and approval by the Planning Department. A qualified biologist shall identify the minimum area of

disturbance for a stock pile area and staging area for construction equipment within this envelope. Construction activities and development shall be restricted to the development envelope to be shown on the Construction Management Plan. The development envelope where construction, stockpiling and staging work is approved shall be clearly delineated with staked orange fencing and maintained during construction. Stockpiling, grading and construction activities shall not occur outside of the fenced area. Native trees along the access road where grading will occur shall be protected from damage and protection zones around the trees shall be established. Where feasible, the protection zones marked by orange fencing shall include the entire dripline under the canopy of the tree or cluster of trees.

Monitoring Action 2: *Prior to the issuance of building or grading permits, installation of protective fencing to be used during construction shall be installed and demonstrated to the satisfaction of the Director of Planning.*

5. CULTURAL RESOURCES				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Sections II and IV.

6. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source:) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Sections II and IV.

7. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Sections II and IV.

8. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

Proposed development and improvements will increase the amount of structural and impervious surface coverage on the parcel and potentially increase runoff and erosion. The project area drains north down to an intermittent drainage creek that carries water west toward Highway 1 and the Pacific Ocean. The proposed project includes a lot line adjustment to move the development on Lot 5 away from the intermittent creek and avoid construction, including the access driveway, on steep slopes. In addition, recommendation to address runoff and erosion and recommendation on drainage infrastructure are included in a Geotechnical and Geological Hazards Report prepared for the project. A standard condition of approval requires a drainage plan that disperses runoff at multiple points and includes measure to dissipate water at outlets in order to minimize runoff and sedimentation. Standard erosion control measures for construction are also required by the County Grading Ordinances (Chapter 16.08 and 16.20). Biological mitigation measures (Section VI.4) that require immediate revegetation of bare soil and exposed areas would further minimize potential erosion and runoff.

Water quality of the intermittent creek would be improved by providing greater natural filter through restoration and enhancement of vegetation on steeper slopes below the house. Moreover, placing the residence on a flat bench area and restoring and enhancing the vegetation coverage along the steep slopes would reduce erosion hazards.

Conclusion:

8(a and f): Less than significant. This area has limited water supply due to the geologic conditions. The proposed residence would be served by a mutual water system, and Carmel Riviera Mutual Water Company has issued the applicant a can and will serve letter indicating it has the capacity to serve this project.

This area of Carmel Highlands is located within an area affected by Interim Ordinance 5086, which is a moratorium limiting development that impacts septic density for the area. The new home is located within the affected area so the application was originally deemed “incomplete” because of septic system feasibility (Chapter 15.20 MCC Septic Ordinance) with requirements to submit “...an engineered wastewater disposal system design to the Director of Environmental Health...” The Moeller project was listed as an exception to Interim Ordinance 5086, pending approval of their septic system from the Central Coast Regional Water Quality Control Board (RWQCB) before they could move forward on the house design. On December 5, 2008, the RWQCB approved a Waiver of Waste Discharge Requirements for Alternative Onsite Wastewater Disposal Systems. This permit is valid for five years through December 2013.

The proposed onsite wastewater system consists of an advanced treatment system with ultraviolet disinfection and subsurface drip irrigation as the primary mode of disposal with shallow pressurized gravel-filled dispersal trenches as secondary disposal. Both the primary and secondary disposal systems are designed to handle 100% of the design flow for the proposed residence. As part of its decision to approve this system, the RWQCB findings included:

Finding 19: the waiver is consistent with the Water Quality Control Plan for the Central Coast Region (Basin Plan); and

Finding 21: operation of the proposed system is not anticipated to degrade groundwater and is consistent with State Water Resources Control Board Resolution 68-16 (“Policy for Maintenance

of the High Quality of Waters of the State.”) because the proposed system is designed to treat the domestic wastewater to secondary standards (85% reduction of biochemical oxygen demand and total suspended solids), remove 65% of total influent nitrogen, and disinfect the effluent prior to disposal via ultraviolet treatment.

8(b-e, g-j): No impact. The project would not significantly alter the drainage pattern of the site to substantially increase erosion or runoff. Geotechnical investigations identified no potential hazard related to drainage or hydrology. The project would not add substantial sources of polluted runoff or degrade water quality. The parcel is heavily vegetated and otherwise undeveloped. Runoff from new development will be adequately controlled and dispersed and erosion minimized. Water quality would be improved by providing greater natural filter through restoration and enhancement of vegetation on steeper slopes below the house. Placing the residence on a flat bench area and restoring and enhancing the vegetation coverage along the steep slopes would reduce erosion hazards. The proposed project has a less than significant impact.

9. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

The Moeller parcels (APN: 243-181-005-000 and 243-181-006-000) are in the Highlands area of the Carmel Area Land Use Plan. The project is for lot line adjustment and development of a single family residence. Development of a single family home is consistent with the Carmel Areas Land Use Plan and zoning ordinance which designate the parcel for residential use (LDR/1-D (CZ), Low Density Residential zoning). However, there are potential conflicts with policies protecting scenic and biological resources. As previously discussed in the biological analysis section, the proposed project may potentially impact native Monterey pines. As also previously discussed in the aesthetics section, the proposed project may pose potential visual impacts due to grading and vegetation removal. Mitigation measures that address biological and visual resources issues will reduce the potential impact to a less than significant level.

The proposed lot line adjustment will comply with Titles 19 and 20 rules in that the LDR District allows lot line adjustments as conditional uses. For lots that were lawfully created under the state

Subdivision Map Act, Monterey County allows lot line adjustments for properties that do not meet minimum lot size (1) when there is no way to adjust the lot lines so that the resulting lots become conforming as to size under the Monterey County Code; (2) there is no net change in acreage between the lots, and (3) no new parcel is created. The proposed lot line adjustment meets all three requirements.

The proposed development will be able to meet setback, slope, and biological resource requirements. Much of the existing Lot 5 consists of slopes that are greater than 30%, and the lot has an intermittent creek located on the lower portion of the property where access would be located without the proposed lot line adjustment. Although there is potentially suitable area for development on the existing Lot 5 for a small building envelope, any development of this area, including grading for an access road, could not avoid slopes of 30% or greater. Given that both parcels are legal lots of record with development rights, the lot line adjustment minimizes development constraints and better achieves the goals, policies and objectives of the Monterey County Local Coastal Program because it avoids development on steeper areas and minimizes impacts to the intermittent creek.

Conclusion:

9(a and c): No Impact. The area is designated for residential development and there is no conservation plan that would be impacted by the proposed development.

9(b): Less than significant. New development in Carmel Highlands is governed by the *Carmel Area Land Use Plan* segment of Monterey County's certified Local Coastal Program (LCP) and the LCP's Coastal Implementation Plan (CIP), including *Regulations for Development in the Carmel Planning Area*. The area is designated LDR/1(CZ), which requires a minimum of one acre of land per residence. Although Lot 5 is 0.61 acre and Lot 6 is 0.85 acres, they are both legal non-conforming lots of record having been created prior to zoning ordinances establishing the minimum size standard. As legal lots of record, both parcels have development right for a single family home. The proposed lot line adjustment would change the orientation of the lot to an east-west configuration, but the lot sizes would remain exactly the same. In addition, the minimum lot size allowed by zoning (6,000 square feet) continues to be met.

Mitigation:

See Section VI.4 (Biological).

10. MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Sections II and IV.

11. NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Sections II and IV.

12. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Sections II and IV.

13. PUBLIC SERVICES

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

When the California Coastal Commission (CCC) considered the proposed lot line adjustment and a single family residence for Lot 6 in 2006, the Commission expressed concerned about the lack of a comprehensive analysis of the impacts and alternatives for the project's emergency access.

In its decision, the Commission stated that “until such details are more fully understood and addressed, it [was] premature to approve the proposed lot configuration” at this time.

The project site is located within a State Responsibility Area (SRA) for fire suppression. Chapter 18.56 of the Monterey County Code, entitled Wildfire Protection Standards in State Responsibility Areas, sets forth standards for development within the SRA. SRA is defined in Section 4102 of the state Public Resources Code as the areas of the state in which the financial responsibility of preventing and suppressing fires has been determined by the California Department of Forestry and Fire Protection (CAL FIRE) to be primarily the responsibility of the state.

The Carmel Highlands Fire Protection District has jurisdiction over the SRA of the project property and is the Reviewing Authority for the project application. Section 18.56.040 requires the Reviewing Authority to review and make fire protection recommendations for project applications. Section 18.56.050 of the Monterey County Code allows for exceptions from the standards of Chapter 18.56, if no other practical alternative project or site design exists, as determined by the Reviewing Authority. According to Section 18.56.050, if the Reviewing Authority determines no other practical alternative project or site design exists to accommodate the minimum fire safe requirements of Chapter 18.56, the Reviewing Authority shall consider alternative standards or measures. Alternative standards or measures include, but are not limited to, automatic sprinkler systems, non-combustible construction, and alternative roadway modifications (Section 18.56.050.B). The Reviewing Authority has the sole discretion to impose specific alternative measures or standards on a development.

Pursuant to Monterey County Code section 18.56.060, *Emergency Access*, an emergency access road serving three or more buildings must be at least 18-feet in width. According to the Section 18.56.030.J, a driveway is defined as a vehicular access that serves two or less buildings. Section 18.56.060.12 requires driveways to be not less than 12 feet in width.

San Remo Road and Mentone Road provide the primary access to this area, and are private roads. Secondary access is created via various private easements connecting to the primary roads. The easements are described below:

Easement #1 - A 30-foot wide driveway easement for the benefit of Lot 243-181-010 (Whitney), Lot 243-181-009 (Hoxie), and Lot 6 (Moeller). Primary access for this driveway is from San Remo Road.

Easement # 2 - A 20-foot wide emergency access easement granted to the Carmel Highlands Fire Protection District across Lot 243-181-011 (Lewis). Primary access to this easement, which is used by Lot 11, is from Mentone Road.

Easement #3 - A 30-foot wide driveway easement for the benefit of Lot 241-291-010 (de la Rosa) and Lots 5 and 241-291-011 (Moeller) follows the northern boundary of Lot 7 (de la Rosa) and terminates when it reaches the boundaries of Lots 5 and 241-291-011 (Moeller). The lower portion of Lot 5 consists of steep slopes and is heavily forested. An intermittent creek runs

along this northern boundary of Lot 5. Primary access to this easement, which is used by Lots 241-291-010 (de la Rosa) and 241-291-011 (Moeller), is from San Remo Road.

In following the specific direction from the CCC, Monterey County conducted a comprehensive review of the alternatives and impacts for the proposed project's emergency access. The following alternatives and their associated impacts were evaluated as part of this comprehensive review:

Easement #1:

The existing driveway access from San Remo Road is 12 feet wide and currently serves Lots 6, 243-181-009 (Hoxie), and 243-181-010 (Whitney). As it currently exists, Easement #1 to San Remo is substandard for fire use due to its width of 12-feet, several 90-degree turns and grade between 16 to 25 percent from San Remo Drive. As allowed under the 30-foot wide driveway easement, the driveway can be expanded to create two 9-foot wide lanes (i.e., 18-foot wide road), however, the expansion would not address the road standard for a maximum grade of 15% as set forth in Section 18.56.060.4. Carmel Highlands Fire Protection District, as the Reviewing Authority, preferred a different access due to the driveway's steep slopes and difficult turns. However, the District also recognizes the importance of this driveway for use as an evacuation route by the residents during emergencies.

Easement #2:

The easement from Mentone Road is currently used for emergency access. Based on the number of residences, Easement #2 would require constructing a minimum of two, 9-foot traffic lanes (18 feet) providing two-way traffic flow for emergency access. There is sufficient area within the 20-foot easement to develop an 18 foot wide paved road, with sufficient radius to allow a fire truck to make a turn.

Planning staff and the Carmel Highlands Fire Protection District prefer this Mentone emergency access for use by emergency vehicles because of its flatter gradient and its easier entry and exit as compared to access from San Remo Drive. While the owner of Lot 243-181-011 (Lewis) has contested the ability to have general access to Mentone Road; he does not contend that emergency access is allowed through this 20-foot easement. In addition, several trees on the Moeller property as well as some landscaping and a small retaining wall on the Lewis property would be impacted by the expansion of the driveway to an 18-foot paved road.

Easement #3:

Access to Lot 5 from this easement along the northern boundary would require a road bridge over the intermittent creek, removal of vegetation (trees and shrubs), and significant amount of grading on steep slopes to create switch backs that meet the 15% grade standard.

Upon being informed of the results of the comprehensive evaluation, the applicant submitted a request to the Carmel Highlands Fire Protection District and Monterey County to consider alternative standards or measures as allowed under Section 18.56.050. Upon several meetings with the applicant and surrounding neighbors, the District and Monterey County developed an alternative standard that includes: (1) widening the driveway along Lots 5 and 6 and reducing

the turn radius of the driveway, thus, creating an additional driveway connection; (2) installing a fire hydrant; and (3) providing automatic fire sprinklers for the proposed development. The applicant agreed to incorporate these standards as part of their proposed project.

Conclusion:

13(a): Less than significant. In following the specific direction from the CCC, Monterey County staff, along with the Carmel Highlands Fire Protection District staff, evaluated three alternatives for emergency access. Upon completing a comprehensive analysis of these three alternatives and their associated impacts, Monterey County and the District developed a project access alternative that retains the emergency access from Mentone Road; provides a new driveway connection from San Remo Road for general access by residents; and improves fire protections in and around the proposed development. Using this approach, emergency vehicles can enter the area via Mentone Road to the new driveway connection and residents can evacuate via San Remo Drive. The applicant agreed to incorporate this design as part of their proposed plan.

13(b-e): No Impact. The area is designated for residential development and the project proposes development of existing lots of record. Therefore, there would be no increase of intensity beyond the planned use.

14. RECREATION	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Sections II and IV.

15. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

As the owner of both parcels, Dr. Moeller could design access from northern and southern driveways of Lots 5 and 6. However, access for Lot 5 via Easement #3 would require a bridge over the intermittent creek, vegetation removal, and a significant amount of grading to create switchbacks to maintain a road standard grade of 15%.

Conclusion:

15(a, d, f, g): No Impact. The project does not change or affect air patterns, parking capacity or alternative transportation. The proposed project has no impact.

15(b, c, e): Less than significant. Additional traffic resulting from the single family residential use is not a significant increase and is accounted for as part of the County's projected population and housing growth. See prior discussion in VI.13 (Public Services).

16. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See prior discussion in Sections VI.4 (Biological Resources), VI.8 (Hydrology and Water Quality), and VI.9 (Land Use).

VII. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? (Source:) ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion:

(a) The proposed project is located within an area of native Monterey pines that has been fragmented over time by residential development on lots averaging one or less acre in size. The project is located on a property that contains native Monterey pine-coast live oak habitat over the entire site. The proposed project would pose less than significant adverse impact on the environment as a result of the project design and the mitigation measures imposed on the project. Although the project does impact individual Monterey pines and coast live oaks, it does not significantly degrade the quality of the environment, substantially reduce the habitat of any species, or significantly impact or restrict the range of any species. Restoration and enhancement of all areas outside of the development area using native plants will reduce impacts to a level of less than significant.

(b) The proposed project would pose less than significant cumulative impact on biological resources with the project design and the mitigation measures imposed on the project. The project is for a single family dwelling in an area that allows and already contains residential uses. Although it will disturb individual Monterey pines and coast live oaks, the lot line adjustment would substantially reduce the impacts to trees and other vegetation, intermittent creek habitat, and steep slopes. Restoration and enhancement of all disturbed areas of the property will occur, along with other measures, to reduce the cumulative impact to hydrological and biological resources by this project to less than significant.

(c) The project has been designed to address public safety access. As designed, the project would not result in a significant adverse impact to public services.

VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES

Assessment of Fee:

The State Legislature, through the enactment of Senate Bill (SB) 1535, revoked the authority of lead agencies to determine that a project subject to CEQA review had a “de minimis” (minimal) effect on fish and wildlife resources under the jurisdiction of the Department of Fish and Game. Projects that were determined to have a “de minimis” effect were exempt from payment of the filing fees.

SB 1535 has eliminated the provision for a determination of “de minimis” effect by the lead agency; consequently, all land development projects that are subject to environmental review are now subject to the filing fees, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.

To be considered for determination of “no effect” on fish and wildlife resources, development applicants must submit a form requesting such determination to the Department of Fish and Game. Forms may be obtained by contacting the Department by telephone at (916) 631-0606 or through the Department’s website at www.dfg.ca.gov.

Conclusion: The project will be required to pay the fee.

Evidence: Based on the record as a whole as embodied in the Planning Department files pertaining to PLN060251 and the proposed Mitigated Negative Declaration.

IX. REFERENCES

1. Project Application and Plans for Monterey County File No. PLN060251
2. Monterey County General Plan
3. Area Plan/Land Use Plan (Carmel Area Land Use Plan)
4. Title 20 of the Monterey County Code (Zoning Ordinance)
5. Coastal Implementation Plan, Part 4
6. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised June 2004.
7. 2000 Air Quality Management Plan for the Monterey Bay Region
8. Geotechnical report prepared by Pacific Crest Engineering Inc. Watsonville, California. (dated April 2003).

9. Slope Stability Evaluation prepared by Pacific Crest Engineering Inc. Watsonville, California. (dated September 2008).
10. Preliminary Archaeological Reconnaissance prepared by Mary Doane, B.A., and Trudy Haversat, SOPA, of Archaeological Consulting, dated December 2, 2002.
11. Biological Survey prepared by Verne Yadon, dated March 14, 2003.
12. Forest Management Plan, 194 San Remo Road, prepared by Forest City Consulting, Matt Horowitz and Glenn C. Flamik. Dated September 14, 2006.
13. Forest Management Plan, 194 San Remo Road, prepared by Forest City Consulting, Matt Horowitz. Dated March 20, 2007.

X. EXHIBITS

1. Vicinity Map (Following Page 2)
2. LLA Map (Following Page 3)
3. Fire Access Plan (Following Page 3)
4. Tree Impact (Following Page 15)

XI. ATTACHMENTS

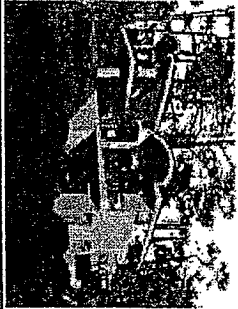
1. Project Plans
2. CRWQCB Resolution R3-2008-0600
3. Application for Waiver of Wastewater Discharge

ATTACHMENT

1

MOELLER RESIDENCE

192 SAN REMO ROAD
CARMEL HIGHLANDS, CA



ANALYSIS/NOTATIONS

NO.	DESCRIPTION	DATE	BY
1	FOUNDATION	1/20/59	WJ
2	CONCRETE	1/20/59	WJ
3	ROOFING	1/20/59	WJ
4	PLUMBING	1/20/59	WJ
5	ELECTRICAL	1/20/59	WJ
6	MECHANICAL	1/20/59	WJ
7	PAINTING	1/20/59	WJ
8	LANDSCAPE	1/20/59	WJ
9	INTERIORS	1/20/59	WJ
10	EXTERIORS	1/20/59	WJ
11	GENERAL CONTRACTING	1/20/59	WJ
12	STRUCTURAL	1/20/59	WJ
13	MECHANICAL	1/20/59	WJ
14	ELECTRICAL	1/20/59	WJ
15	PAINTING	1/20/59	WJ
16	LANDSCAPE	1/20/59	WJ
17	INTERIORS	1/20/59	WJ
18	EXTERIORS	1/20/59	WJ
19	GENERAL CONTRACTING	1/20/59	WJ
20	STRUCTURAL	1/20/59	WJ
21	MECHANICAL	1/20/59	WJ
22	ELECTRICAL	1/20/59	WJ
23	PAINTING	1/20/59	WJ
24	LANDSCAPE	1/20/59	WJ
25	INTERIORS	1/20/59	WJ
26	EXTERIORS	1/20/59	WJ
27	GENERAL CONTRACTING	1/20/59	WJ
28	STRUCTURAL	1/20/59	WJ
29	MECHANICAL	1/20/59	WJ
30	ELECTRICAL	1/20/59	WJ
31	PAINTING	1/20/59	WJ
32	LANDSCAPE	1/20/59	WJ
33	INTERIORS	1/20/59	WJ
34	EXTERIORS	1/20/59	WJ
35	GENERAL CONTRACTING	1/20/59	WJ
36	STRUCTURAL	1/20/59	WJ
37	MECHANICAL	1/20/59	WJ
38	ELECTRICAL	1/20/59	WJ
39	PAINTING	1/20/59	WJ
40	LANDSCAPE	1/20/59	WJ
41	INTERIORS	1/20/59	WJ
42	EXTERIORS	1/20/59	WJ
43	GENERAL CONTRACTING	1/20/59	WJ
44	STRUCTURAL	1/20/59	WJ
45	MECHANICAL	1/20/59	WJ
46	ELECTRICAL	1/20/59	WJ
47	PAINTING	1/20/59	WJ
48	LANDSCAPE	1/20/59	WJ
49	INTERIORS	1/20/59	WJ
50	EXTERIORS	1/20/59	WJ

STREET INDEX

NO.	STREET NAME	NO.	STREET NAME
1	192 SAN REMO ROAD	1	192 SAN REMO ROAD
2	194 SAN REMO ROAD	2	194 SAN REMO ROAD
3	196 SAN REMO ROAD	3	196 SAN REMO ROAD
4	198 SAN REMO ROAD	4	198 SAN REMO ROAD
5	200 SAN REMO ROAD	5	200 SAN REMO ROAD
6	202 SAN REMO ROAD	6	202 SAN REMO ROAD
7	204 SAN REMO ROAD	7	204 SAN REMO ROAD
8	206 SAN REMO ROAD	8	206 SAN REMO ROAD
9	208 SAN REMO ROAD	9	208 SAN REMO ROAD
10	210 SAN REMO ROAD	10	210 SAN REMO ROAD

GENERAL NOTES:

1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL AUTHORITIES.

4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.

5. ALL UTILITIES SHALL BE PROTECTED AND DEEPLY REPAIRED OR REPLACED AS NECESSARY.

6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING UTILITIES AND STRUCTURES.

7. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

8. THE CONTRACTOR SHALL MAINTAIN A NEAT AND SAFE WORK SITE AT ALL TIMES.

9. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.

10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING UTILITIES AND STRUCTURES.

PROJECT DATA:

PROJECT LOCATION: 192 SAN REMO ROAD, CARMEL, CA 95008

CLIENT: MR. & MRS. J. MOELLER

DATE: 1/20/59

PROJECT ESTIMATES:

FLOOR AREA: 6,251 S.F.

LOWRIN FLOOR (Finished area): 4,878 S.F.

UPPER FLOOR: 1,373 S.F.

TOTAL RESIDENCE: 6,251 S.F.

ACR: As Shown on Drawings: 6,251 S.F.

TOTAL: 6,251 S.F.

26,572 S.F. (6.01 ACRES)

1,321 S.F.

NO.	DESCRIPTION	DATE	BY
1	FOUNDATION	1/20/59	WJ
2	CONCRETE	1/20/59	WJ
3	ROOFING	1/20/59	WJ
4	PLUMBING	1/20/59	WJ
5	ELECTRICAL	1/20/59	WJ
6	MECHANICAL	1/20/59	WJ
7	PAINTING	1/20/59	WJ
8	LANDSCAPE	1/20/59	WJ
9	INTERIORS	1/20/59	WJ
10	EXTERIORS	1/20/59	WJ
11	GENERAL CONTRACTING	1/20/59	WJ
12	STRUCTURAL	1/20/59	WJ
13	MECHANICAL	1/20/59	WJ
14	ELECTRICAL	1/20/59	WJ
15	PAINTING	1/20/59	WJ
16	LANDSCAPE	1/20/59	WJ
17	INTERIORS	1/20/59	WJ
18	EXTERIORS	1/20/59	WJ
19	GENERAL CONTRACTING	1/20/59	WJ
20	STRUCTURAL	1/20/59	WJ
21	MECHANICAL	1/20/59	WJ
22	ELECTRICAL	1/20/59	WJ
23	PAINTING	1/20/59	WJ
24	LANDSCAPE	1/20/59	WJ
25	INTERIORS	1/20/59	WJ
26	EXTERIORS	1/20/59	WJ
27	GENERAL CONTRACTING	1/20/59	WJ
28	STRUCTURAL	1/20/59	WJ
29	MECHANICAL	1/20/59	WJ
30	ELECTRICAL	1/20/59	WJ
31	PAINTING	1/20/59	WJ
32	LANDSCAPE	1/20/59	WJ
33	INTERIORS	1/20/59	WJ
34	EXTERIORS	1/20/59	WJ
35	GENERAL CONTRACTING	1/20/59	WJ
36	STRUCTURAL	1/20/59	WJ
37	MECHANICAL	1/20/59	WJ
38	ELECTRICAL	1/20/59	WJ
39	PAINTING	1/20/59	WJ
40	LANDSCAPE	1/20/59	WJ
41	INTERIORS	1/20/59	WJ
42	EXTERIORS	1/20/59	WJ
43	GENERAL CONTRACTING	1/20/59	WJ
44	STRUCTURAL	1/20/59	WJ
45	MECHANICAL	1/20/59	WJ
46	ELECTRICAL	1/20/59	WJ
47	PAINTING	1/20/59	WJ
48	LANDSCAPE	1/20/59	WJ
49	INTERIORS	1/20/59	WJ
50	EXTERIORS	1/20/59	WJ

RESIDENCE HOUSE

192 SAN REMO ROAD
CARMEL, CA

DATE: 1/20/59

BY: WJ

PROJECT DATA:

PROJECT LOCATION: 192 SAN REMO ROAD, CARMEL, CA 95008

CLIENT: MR. & MRS. J. MOELLER

DATE: 1/20/59

PROJECT ESTIMATES:

FLOOR AREA: 6,251 S.F.

LOWRIN FLOOR (Finished area): 4,878 S.F.

UPPER FLOOR: 1,373 S.F.

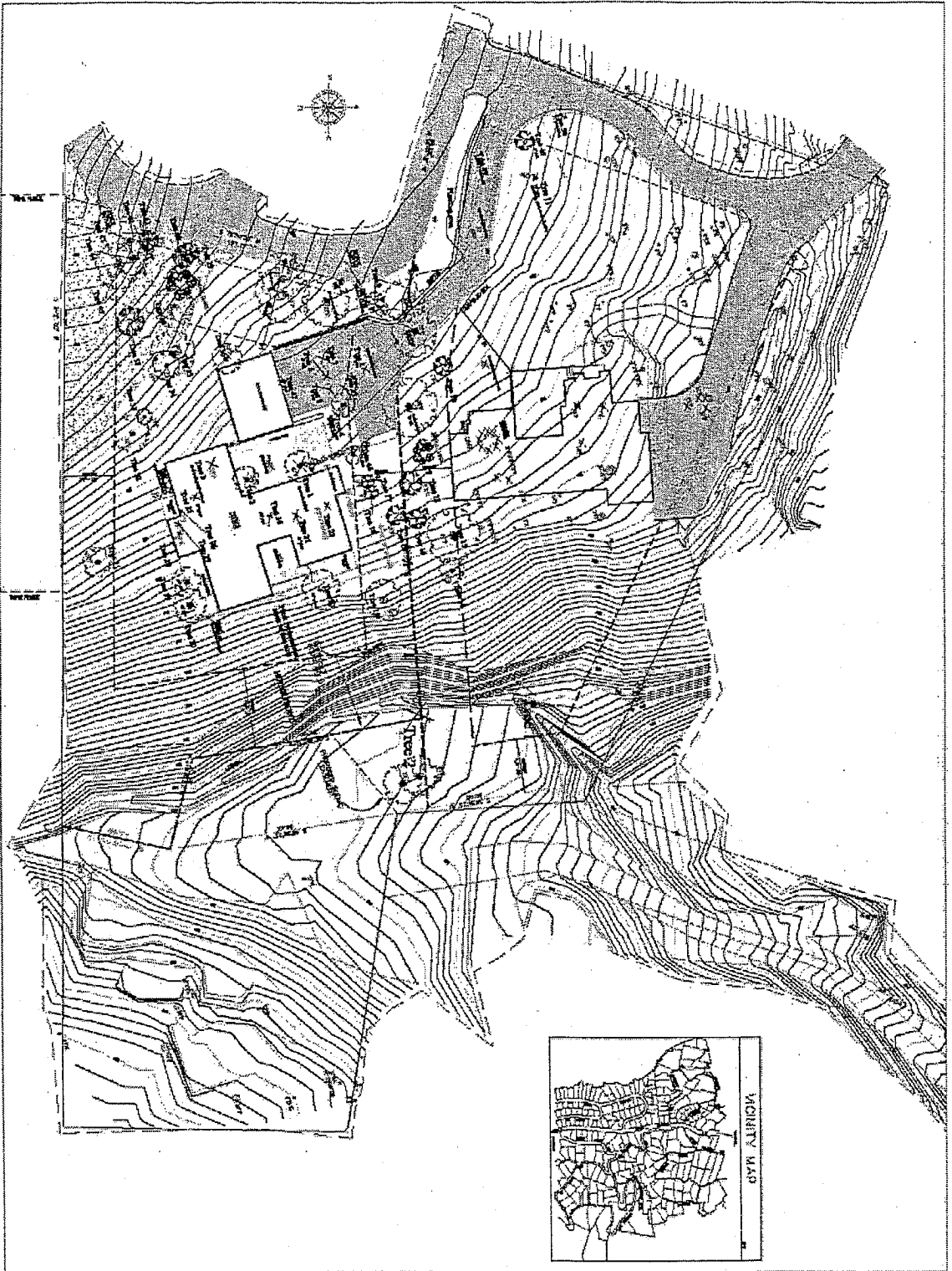
TOTAL RESIDENCE: 6,251 S.F.

ACR: As Shown on Drawings: 6,251 S.F.

TOTAL: 6,251 S.F.

26,572 S.F. (6.01 ACRES)

1,321 S.F.



Project
 RESIDENCE HOUSE
 12345 Main Street
 City, State 12345
 1/20/2024

Client:
 Mr. & Mrs. J. Doe

Scale:
 1" = 20'

Sheet:
 A-001

Original Site Plan
 Proposed Site
 ORIGINAL SITE PLAN (including
 TIE-IN PLAN)

Notes:
 1. All dimensions are in feet and inches.
 2. The site is shown as a series of contours.
 3. The building footprint is shown as a solid black area.
 4. The site plan shows the proposed building and landscaping.
 5. The site is shown as a series of contours.
 6. The building footprint is shown as a solid black area.
 7. The site plan shows the proposed building and landscaping.

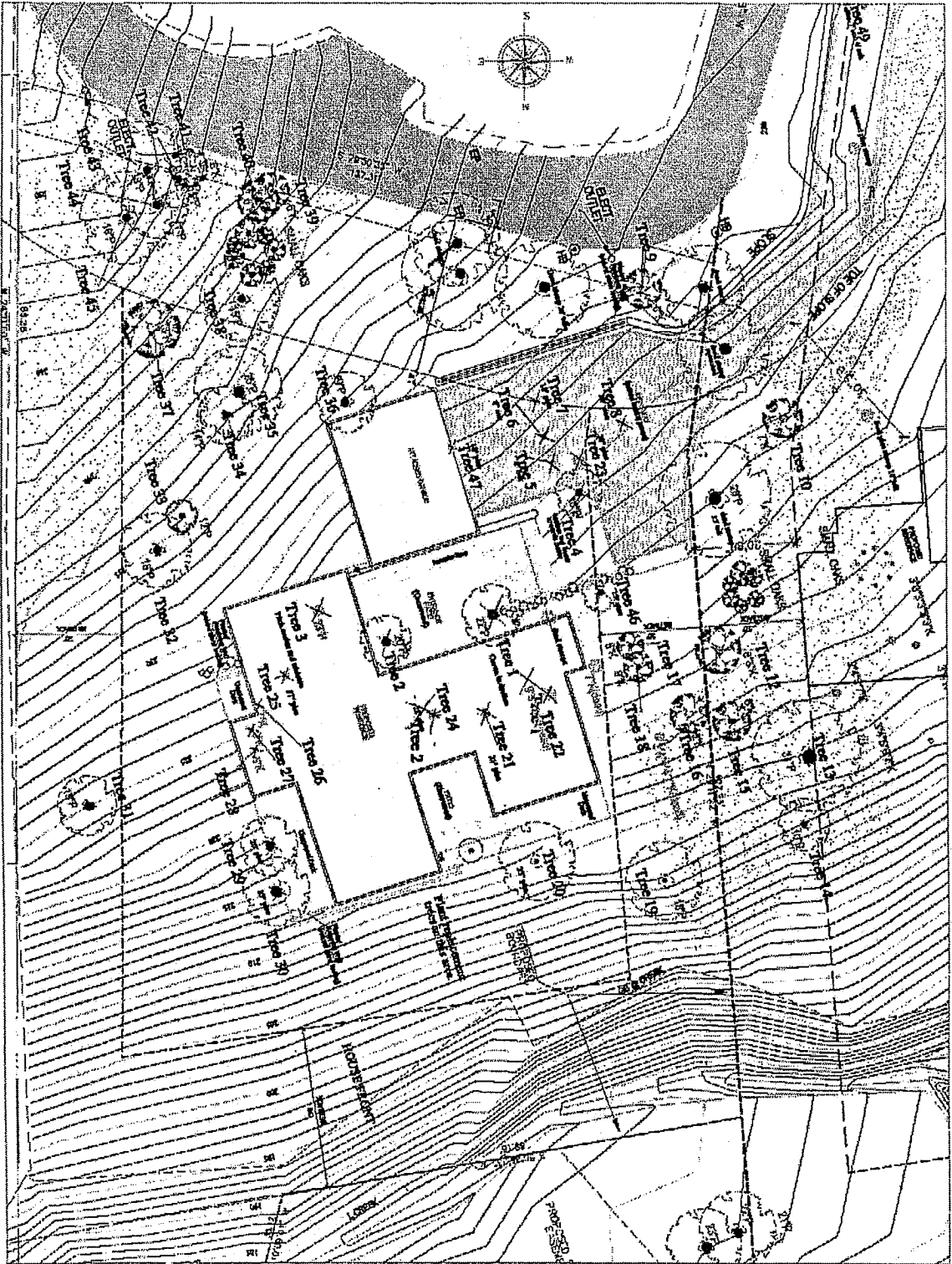
Legend:
 Contour Lines: Elevation
 Building Footprint: Solid Black Area
 Site Plan: Dashed Lines

Scale:
 1" = 20'

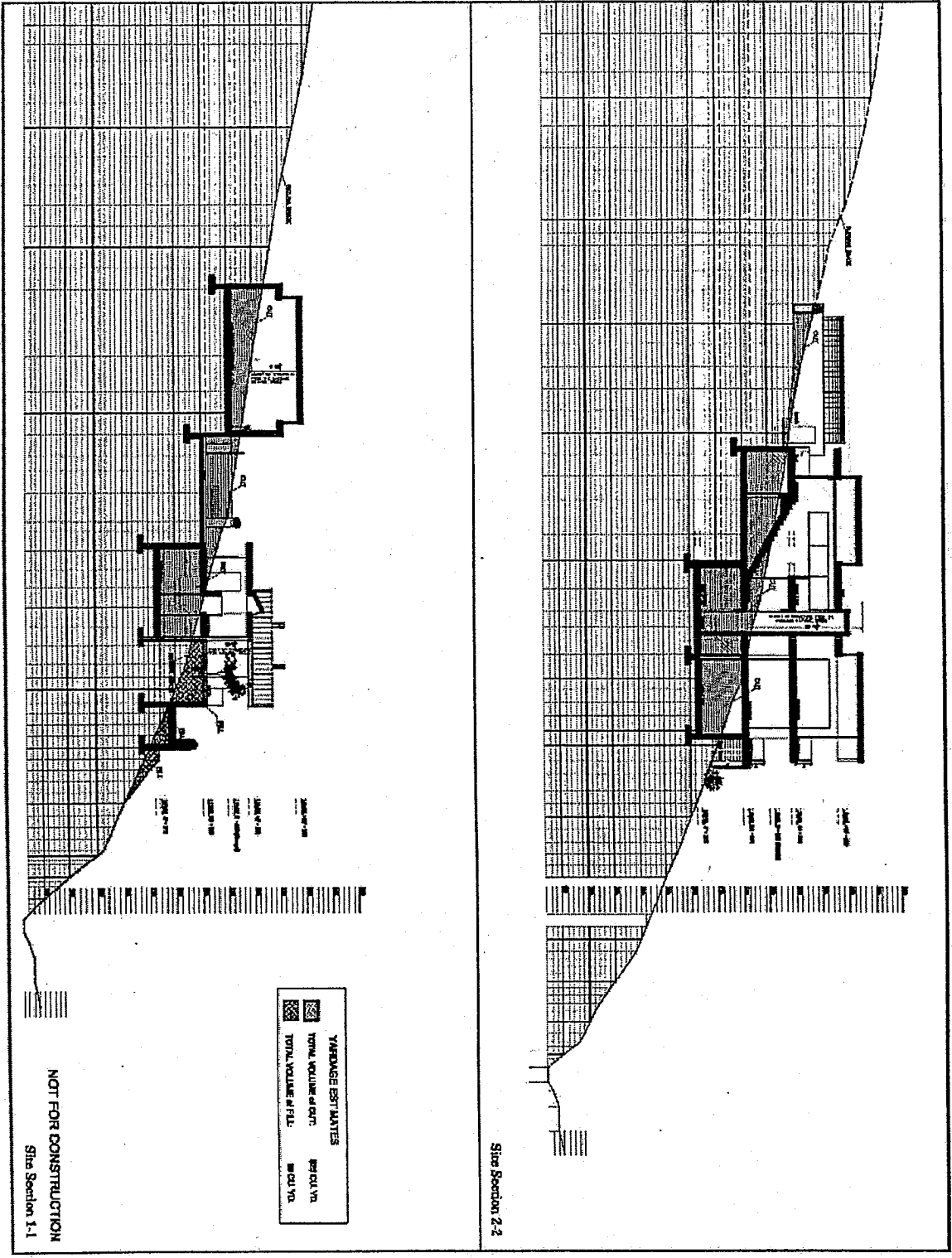
Sheet:
 A-001

Original Site Plan
 Proposed Site
 ORIGINAL SITE PLAN (including
 TIE-IN PLAN)

Notes:
 1. All dimensions are in feet and inches.
 2. The site is shown as a series of contours.
 3. The building footprint is shown as a solid black area.
 4. The site plan shows the proposed building and landscaping.
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 6. The building footprint is shown as a solid black area.
 7. The site plan shows the proposed building and landscaping.



RESIDENCE HOUSE 2114 1/2 1st Avenue, San Francisco, CA 94133 415-775-1111 415-775-1112	
OWNER: MARSHALL & EMERSON SIMONAK	
DATE: 12/15/2011	
SCALE: 1/8" = 1'-0"	
PROJECT NO.: A-001b	
DATE: 12/15/2011	
DESIGNER: MARSHALL & EMERSON SIMONAK	
GENERAL NOTES: 1. SEE ARCHITECTURAL DRAWINGS FOR DETAILS. 2. SEE CIVIL ENGINEERING DRAWINGS FOR DETAILS. 3. SEE LANDSCAPE ARCHITECTURAL DRAWINGS FOR DETAILS.	
GENERAL SITE PLAN Showing: Site 197 1st Avenue, San Francisco, CA	



Design:

Architect: [Logo] [Name]

Residence House

Owner: [Name]

Location: [Address]

Scale: 1/4" = 1'-0"

Sheet: A-001d

General Site Plans

Notes:

1. All dimensions are in feet and inches.
2. All dimensions are to the centerline of the structure.
3. All dimensions are to the finished ground surface.
4. All dimensions are to the centerline of the structure.
5. All dimensions are to the finished ground surface.
6. All dimensions are to the centerline of the structure.
7. All dimensions are to the finished ground surface.
8. All dimensions are to the centerline of the structure.
9. All dimensions are to the finished ground surface.
10. All dimensions are to the centerline of the structure.

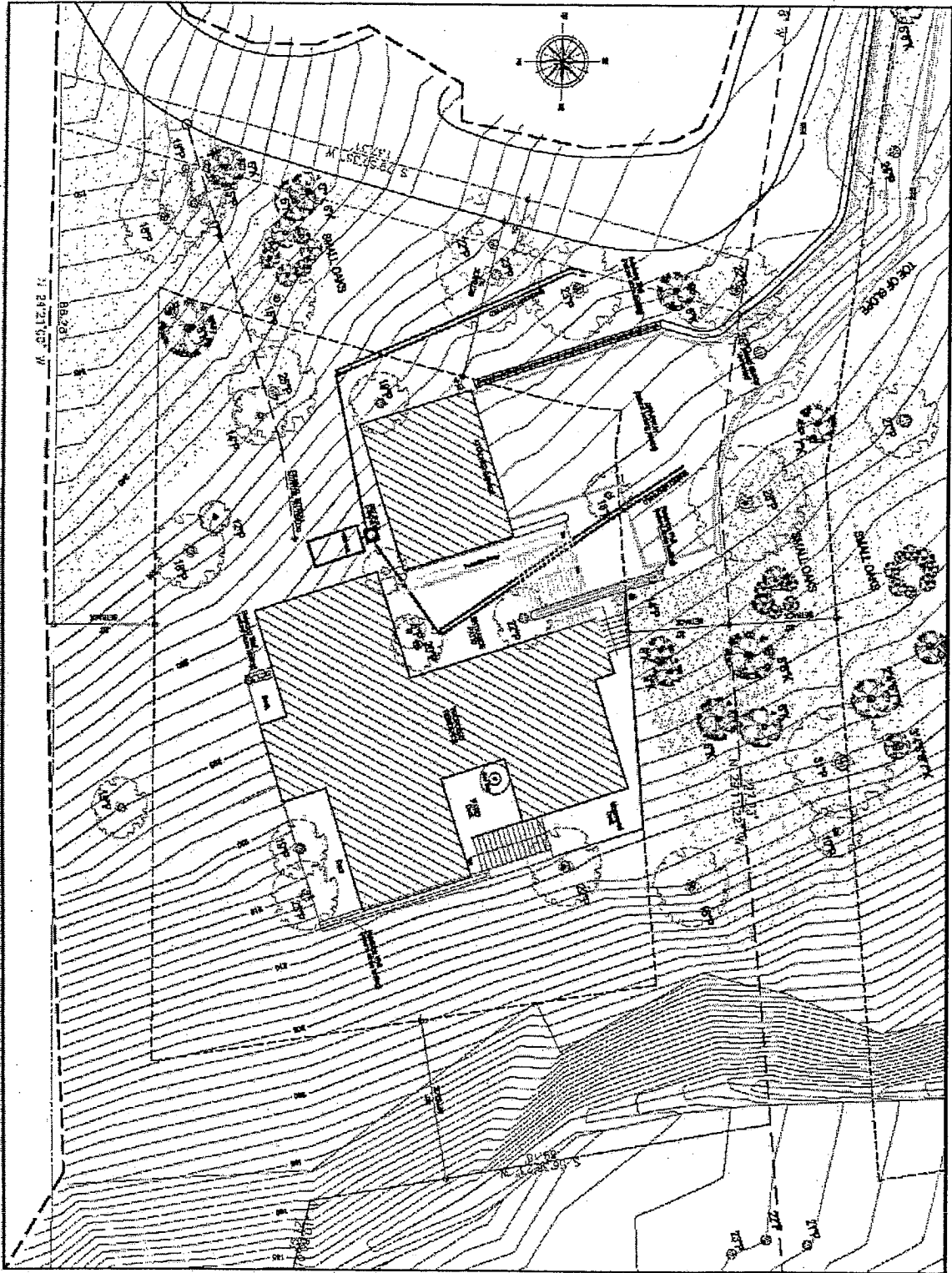
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- 2. [Symbol] [Description]
- 3. [Symbol] [Description]
- 4. [Symbol] [Description]
- 5. [Symbol] [Description]
- 6. [Symbol] [Description]
- 7. [Symbol] [Description]
- 8. [Symbol] [Description]
- 9. [Symbol] [Description]
- 10. [Symbol] [Description]

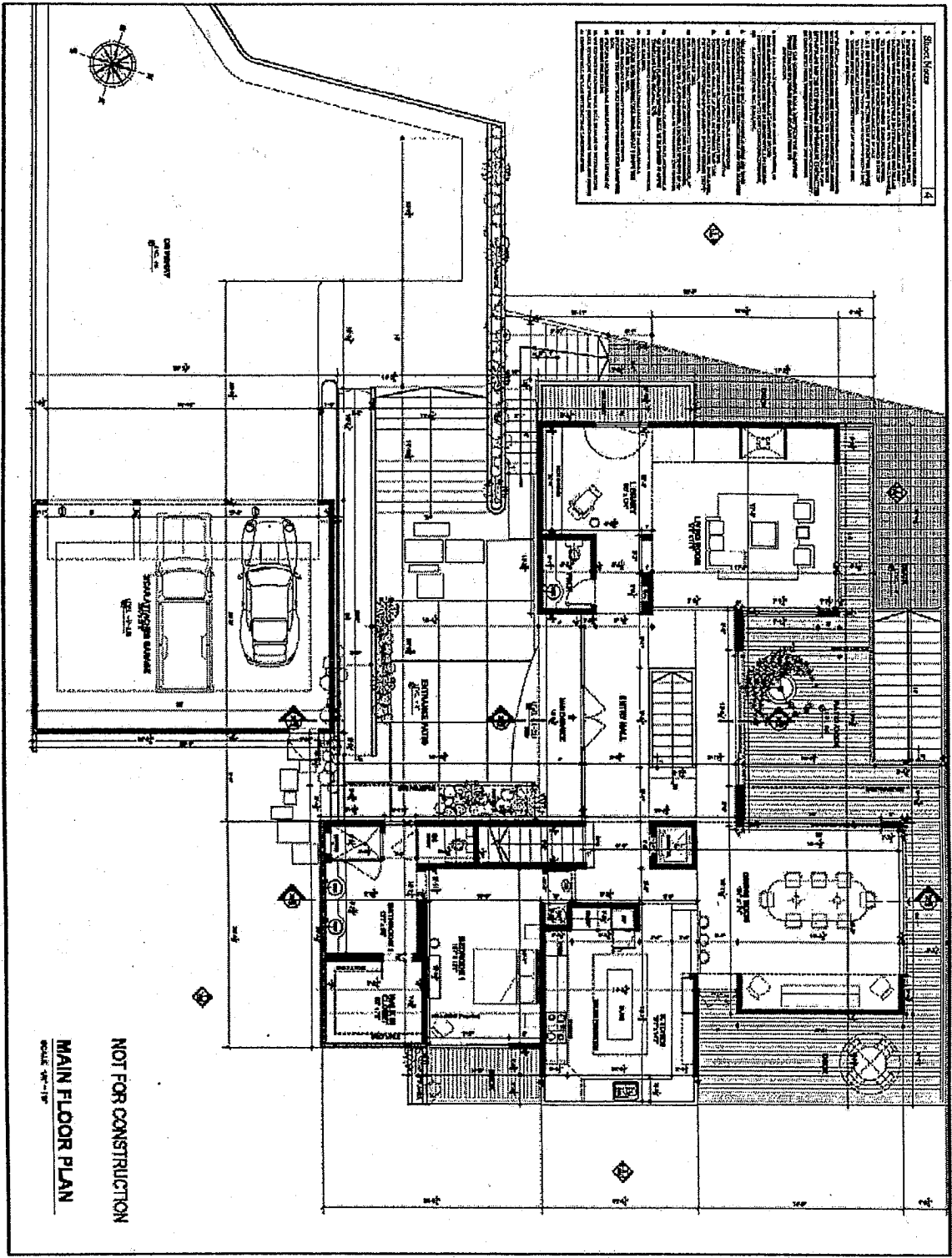
Drawn by: [Name]

Checked by: [Name]

Date: [Date]



<p>Client:</p> <p>Michael & Pamela Medina</p> <p>Project:</p> <p>Residence House</p> <p>Location:</p> <p>11' 24' 21' 100' W</p>	<p>Scale:</p> <p>1/4" = 1'-0"</p> <p>Sheet:</p> <p>A-001c</p> <p>Date:</p> <p>11/20/2008</p>	<p>General Site Plans</p> <p>Detail Title:</p> <p>Proposed Single & Two-Floor</p>	<p>Symbol Legend:</p> <p>1 Proposed Building Footprint</p> <p>2 Proposed Building Footprint</p> <p>3 Proposed Building Footprint</p> <p>4 Proposed Building Footprint</p> <p>5 Proposed Building Footprint</p> <p>6 Proposed Building Footprint</p> <p>General Notes:</p> <p>1. All dimensions are in feet and inches.</p> <p>2. All dimensions are rounded to the nearest inch.</p> <p>3. All dimensions are subject to field verification.</p> <p>4. All dimensions are subject to engineering review.</p> <p>5. All dimensions are subject to final approval.</p>
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Notes

1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
2. FINISH FLOOR IS 1/2" ABOVE FINISH GRADE UNLESS OTHERWISE NOTED.
3. ALL WALLS ARE 1/2" THICK UNLESS OTHERWISE NOTED.
4. ALL DOORS ARE 3'0" WIDE UNLESS OTHERWISE NOTED.
5. ALL WINDOWS ARE 6'0" WIDE UNLESS OTHERWISE NOTED.
6. ALL STAIRS ARE 8'0" WIDE UNLESS OTHERWISE NOTED.
7. ALL CEILING HEIGHTS ARE 8'0" UNLESS OTHERWISE NOTED.
8. ALL FLOOR FINISHES ARE AS NOTED.
9. ALL WALL FINISHES ARE AS NOTED.
10. ALL CEILING FINISHES ARE AS NOTED.
11. ALL ELECTRICAL SYMBOLS ARE AS NOTED.
12. ALL MECHANICAL SYMBOLS ARE AS NOTED.
13. ALL PLUMBING SYMBOLS ARE AS NOTED.
14. ALL STRUCTURAL SYMBOLS ARE AS NOTED.
15. ALL OTHER SYMBOLS ARE AS NOTED.

NOT FOR CONSTRUCTION
MAIN FLOOR PLAN
 SCALE: 1/8" = 1'-0"

General Proposed Plans

Drawing Title: Main Floor Plan

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

Sheet: A-002

Project: RESIDENCE HOUSE

Date: 08/15/2022

Symbol Legend

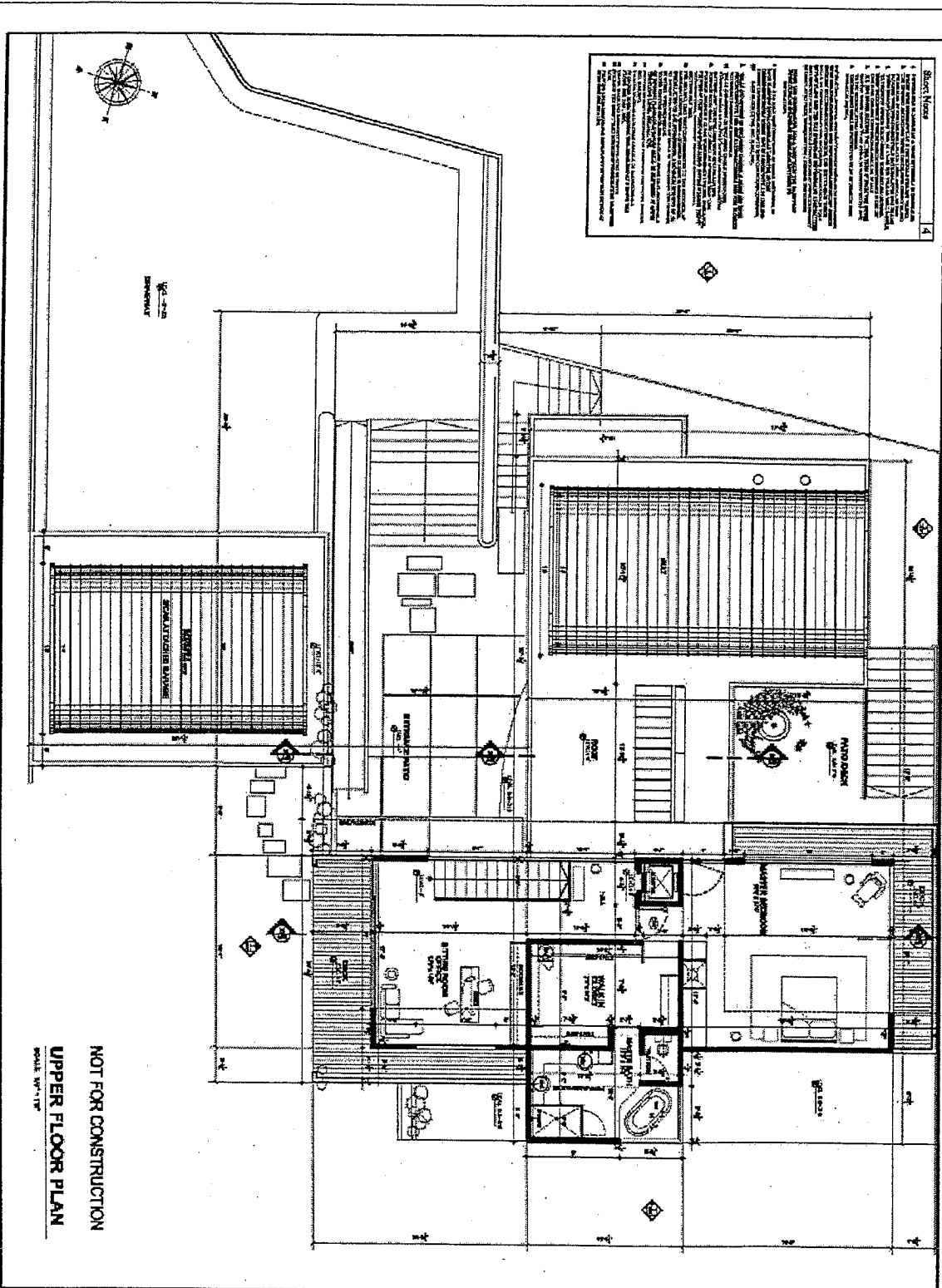
- 1. WALL
- 2. WINDOW
- 3. DOOR
- 4. STAIR
- 5. ELEVATOR
- 6. MECHANICAL
- 7. ELECTRICAL
- 8. PLUMBING
- 9. STRUCTURAL
- 10. OTHER

RESIDENCE HOUSE

12345 Main Street, City, State, Zip

Owner: Michael & Patricia Mueller

Architect: [Firm Name]



- Block Notes**
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 2. ALL WALLS ARE 1/2\"/>

NOT FOR CONSTRUCTION
UPPER FLOOR PLAN
 SCALE: 1/8" = 1'-0"

Architect
 Michael & Pamela Mueller

Client
 RESIDENCE HOUSE
 10006
 10006
 10006

Project Location
 10006
 10006
 10006

Project Name
 RESIDENCE HOUSE

Project No.
 A-003

Scale
 1/8" = 1'-0"

Drawn by
 [Name]

Checked by
 [Name]

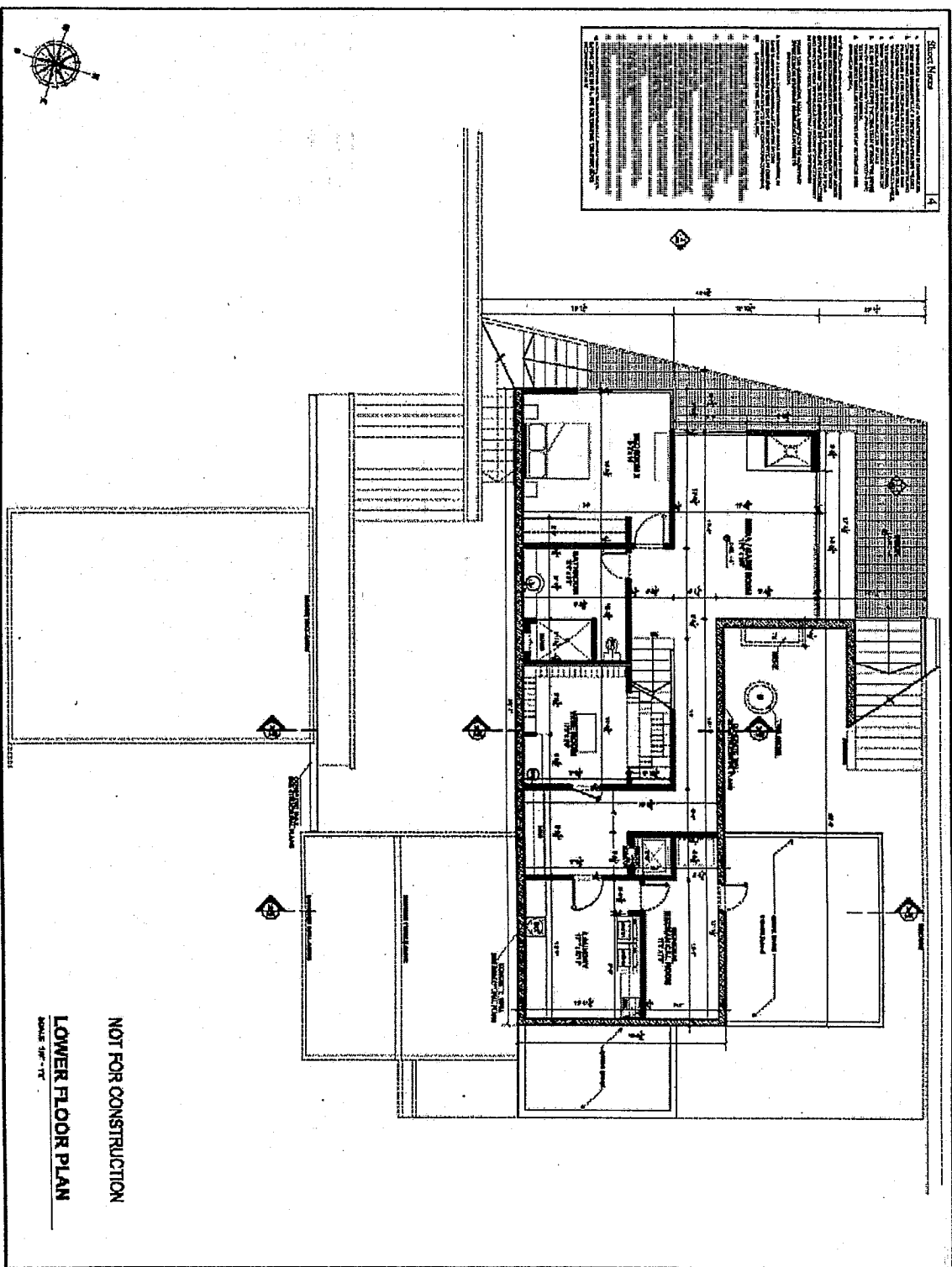
Date
 [Date]

Sheet No.
 [Number]

Project Title
 Upper Floor Plan

General Notes

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL WALLS ARE 1/2\"/>



Sheet Notes

1. This set of plans is to be used for the construction of the residence house shown on the drawings.
2. All dimensions are in feet and inches unless otherwise noted.
3. The owner is responsible for obtaining all necessary permits and approvals from the local authorities.
4. The contractor is responsible for obtaining all necessary permits and approvals from the local authorities.
5. The contractor is responsible for obtaining all necessary permits and approvals from the local authorities.
6. The contractor is responsible for obtaining all necessary permits and approvals from the local authorities.
7. The contractor is responsible for obtaining all necessary permits and approvals from the local authorities.
8. The contractor is responsible for obtaining all necessary permits and approvals from the local authorities.
9. The contractor is responsible for obtaining all necessary permits and approvals from the local authorities.
10. The contractor is responsible for obtaining all necessary permits and approvals from the local authorities.

NOT FOR CONSTRUCTION

LOWER FLOOR PLAN

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

Architect
RESIDENCE HOUSE
 1234 Main Street
 Anytown, CA 90001
 Owner: **Michael & Pamela Mueller**

Scale: 1/8" = 1'-0"
Sheet: A-004
Title: Lower Floor Plan

General Notes

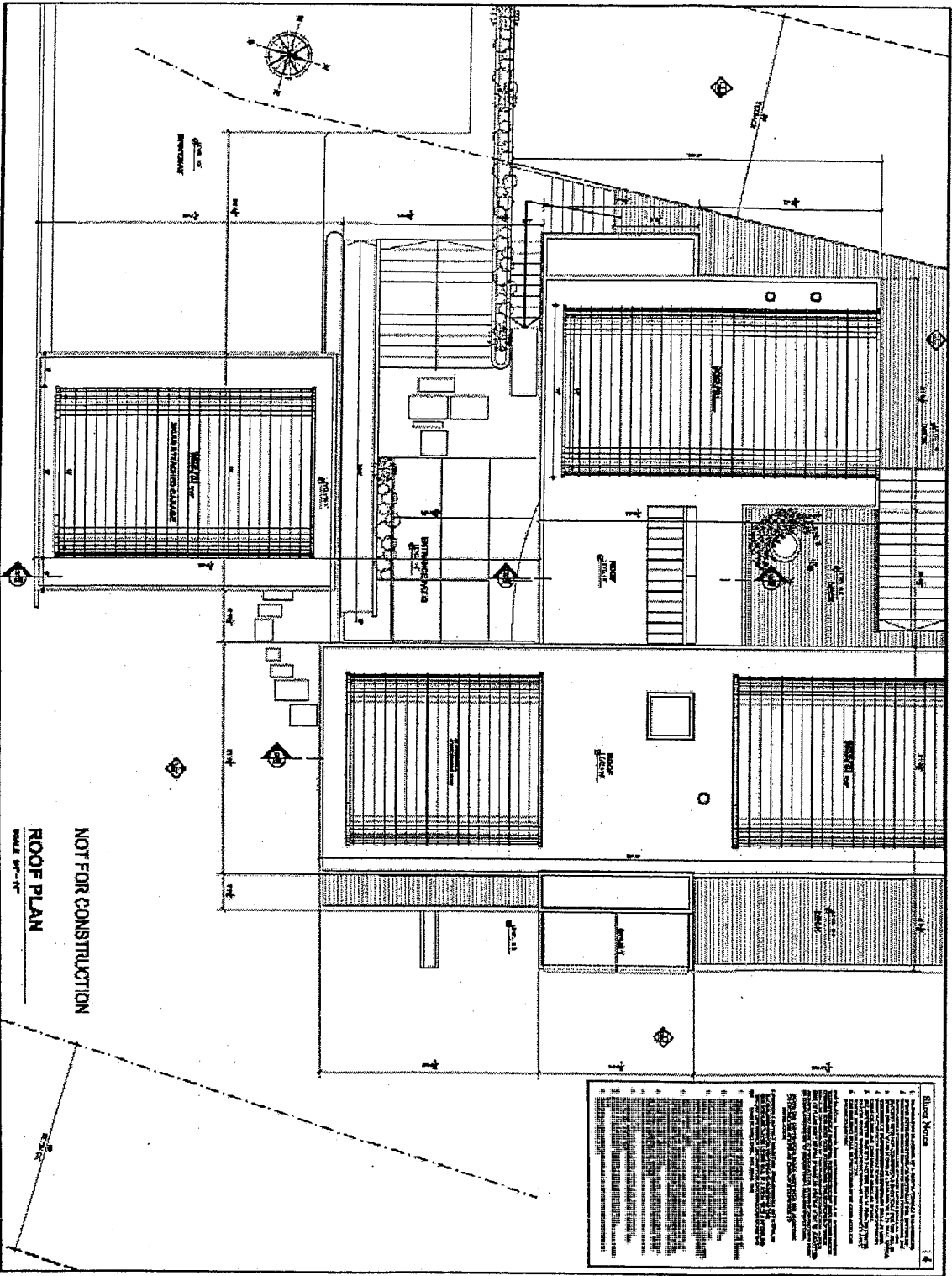
1. This set of plans is to be used for the construction of the residence house shown on the drawings.
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4. The contractor is responsible for obtaining all necessary permits and approvals from the local authorities.
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9. The contractor is responsible for obtaining all necessary permits and approvals from the local authorities.
10. The contractor is responsible for obtaining all necessary permits and approvals from the local authorities.

Legend

Symbol Legend

1:1

DATE: _____
BY: _____
SCALE: _____



NOT FOR CONSTRUCTION
 ROOF PLAN
 SCALE 1/8" = 1'-0"

Sheet Notes

1. ALL ROOFING SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ROOFING CONTRACTORS ASSOCIATION (N.R.C.A.) MANUALS AND SPECIFICATIONS.
2. ALL ROOFING SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ROOFING CONTRACTORS ASSOCIATION (N.R.C.A.) MANUALS AND SPECIFICATIONS.
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Residence House
 1234 Main Street
 Anytown, CA 90000
 Project No. 12345
 Date: 10/15/2023

Architect
 J. Doe
 5678 Elm Street
 Anytown, CA 90000
 Phone: (555) 123-4567
 Fax: (555) 987-6543
 Email: j.doe@architect.com

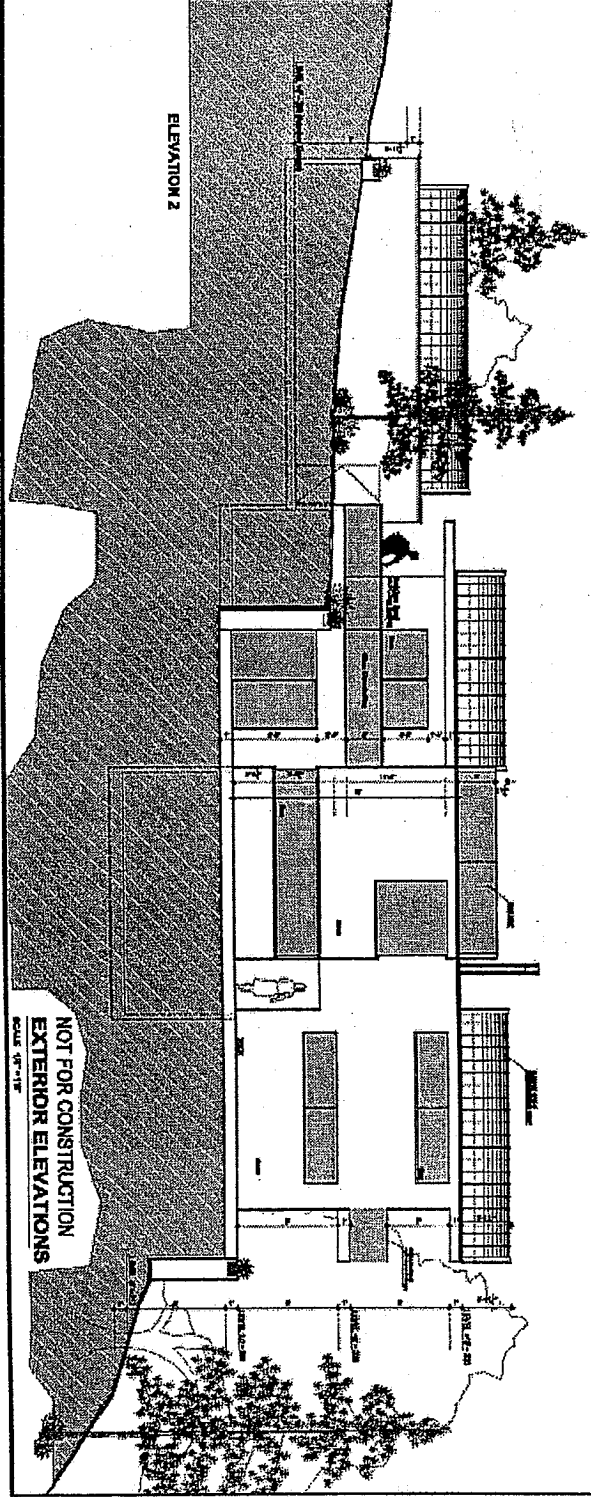
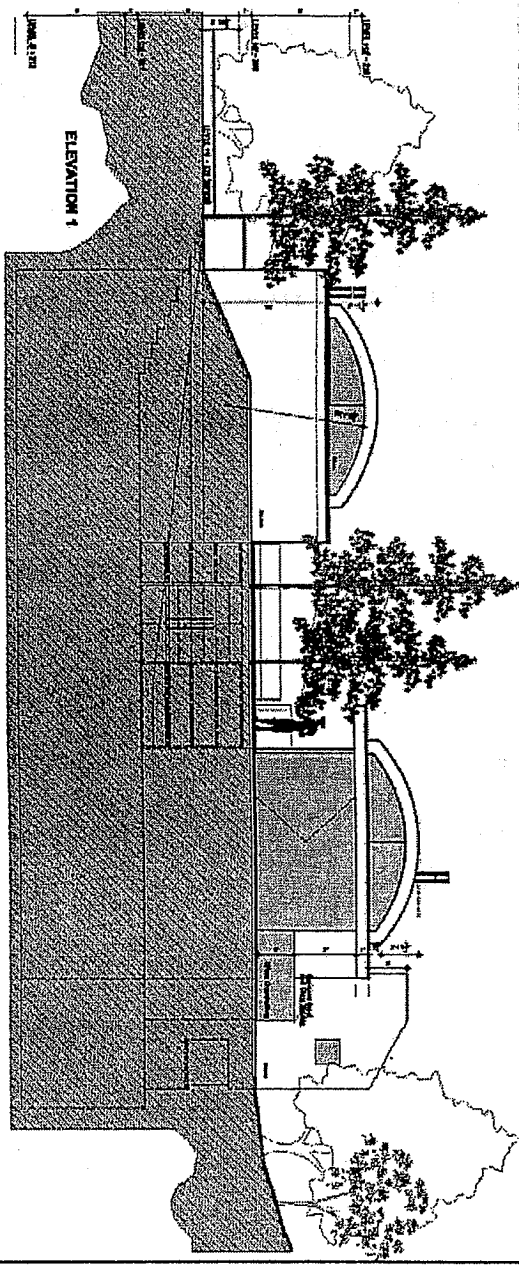
Contractor
 ABC Construction
 1111 Market Street
 Anytown, CA 90000
 Phone: (555) 234-5678
 Fax: (555) 345-6789
 Email: info@abcconstruction.com

General Notes

1. ALL ROOFING SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ROOFING CONTRACTORS ASSOCIATION (N.R.C.A.) MANUALS AND SPECIFICATIONS.
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General Proposed Plans
 Drawing Title: Roof Plan
 Project: Residence House
 Date: 10/15/2023
 Scale: As Shown
 Author: J. Doe
 Checker: A. Smith

- 1** General Notes
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 2. ALL MATERIALS AND FINISHES ARE TO BE AS SHOWN ON THE DRAWINGS.
 3. ALL WORK IS TO BE ACCORDING TO THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
 4. ALL WORK IS TO BE ACCORDING TO THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE AND THE NATIONAL MECHANICAL CODE.
 5. ALL WORK IS TO BE ACCORDING TO THE LATEST EDITIONS OF THE NATIONAL PLUMBING CODE AND THE NATIONAL GAS CODE.
 6. ALL WORK IS TO BE ACCORDING TO THE LATEST EDITIONS OF THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES.
 7. ALL WORK IS TO BE ACCORDING TO THE LATEST EDITIONS OF THE NATIONAL ASSOCIATION OF HOME BUILDERS (NAHB) CODES.
 8. ALL WORK IS TO BE ACCORDING TO THE LATEST EDITIONS OF THE NATIONAL ASSOCIATION OF ARCHITECTS (NAAB) CODES.
 9. ALL WORK IS TO BE ACCORDING TO THE LATEST EDITIONS OF THE NATIONAL ASSOCIATION OF PROFESSIONAL ENGINEERS (NAPE) CODES.
 10. ALL WORK IS TO BE ACCORDING TO THE LATEST EDITIONS OF THE NATIONAL ASSOCIATION OF PROFESSIONAL ARCHITECTS (NAPA) CODES.
 11. ALL WORK IS TO BE ACCORDING TO THE LATEST EDITIONS OF THE NATIONAL ASSOCIATION OF PROFESSIONAL LANDSCAPE ARCHITECTS (NALA) CODES.
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 20. ALL WORK IS TO BE ACCORDING TO THE LATEST EDITIONS OF THE NATIONAL ASSOCIATION OF PROFESSIONAL LANDSCAPE ARCHITECTS (NALA) CODES.



NOT FOR CONSTRUCTION
EXTERIOR ELEVATIONS
SCALE 1/8" = 1'-0"

National Association of Professional Engineers
 1111 North 17th Street
 Tallahassee, Florida 32310
 Phone: (904) 487-1111
 Fax: (904) 487-1112
 Website: www.nape.org

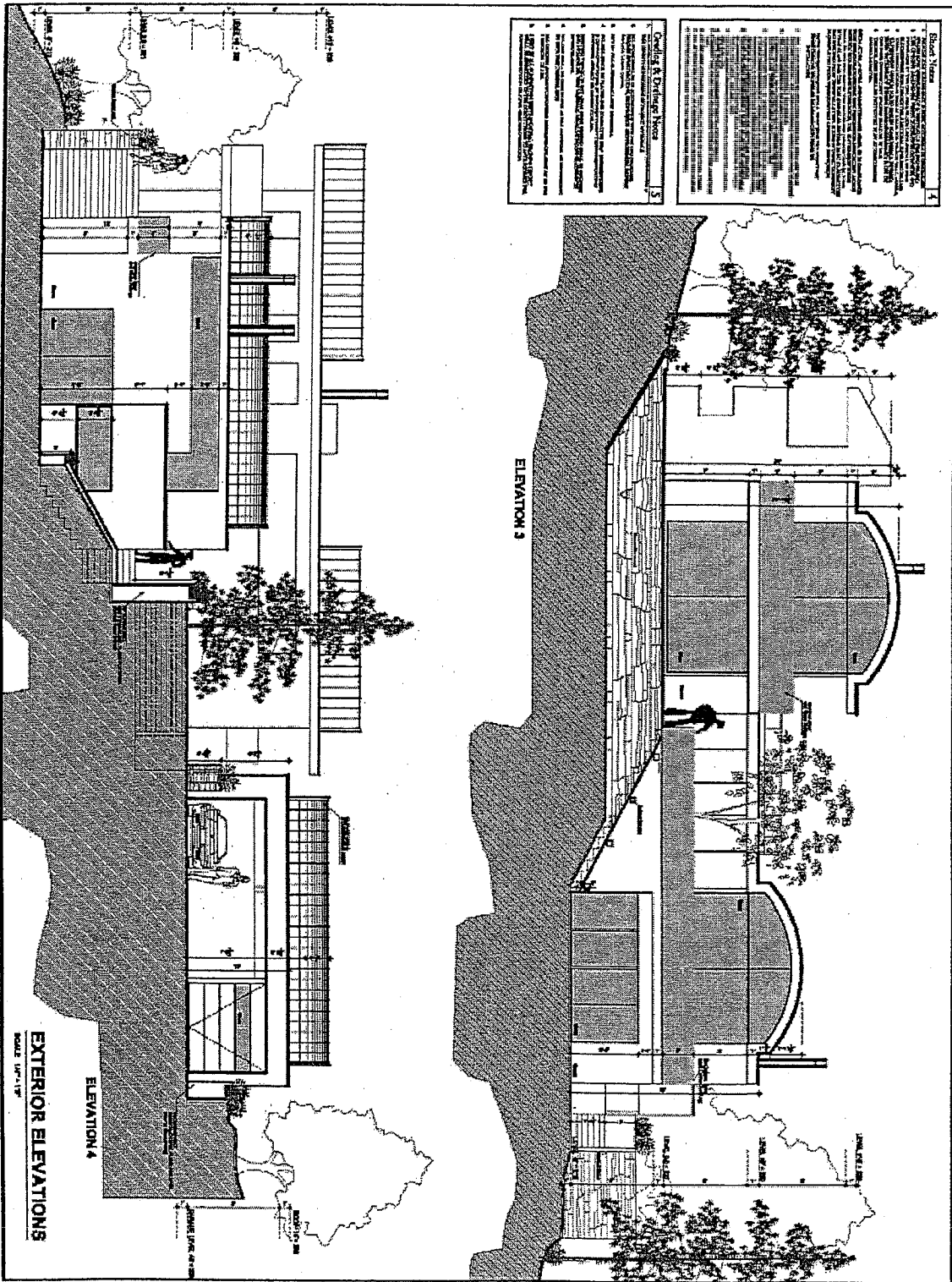
RESIDENCE HOUSE
 1111 North 17th Street
 Tallahassee, Florida 32310
 Phone: (904) 487-1111
 Fax: (904) 487-1112
 Website: www.nape.org

Architect
 Michael R. Parker, M.Arch
 Michael R. Parker Architects, Inc.
 1111 North 17th Street
 Tallahassee, Florida 32310
 Phone: (904) 487-1111
 Fax: (904) 487-1112
 Website: www.mrparker.com

Contractor
 [Name and address information for the contractor, partially obscured]

General Notes
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 2. ALL MATERIALS AND FINISHES ARE TO BE AS SHOWN ON THE DRAWINGS.
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General Proposed Plans
 Drawing Title:
 Elevation 1 and 2
 Scale:
 1/8" = 1'-0"
 Date:
 April 1996
 Project:
 Residence House



Material Schedule

1. EXTERIOR WALLS - CONCRETE BLOCK WITH STUCCO FINISH
2. EXTERIOR WALLS - BRICK WITH STUCCO FINISH
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EXTERIOR ELEVATIONS
SCALE 1/4" = 1'-0"

Project Information

Residence House
1234 Main Street
City, State, Zip

Architect
Michael & Patricia Mueller

Client
John & Jane Doe

Site
1234 Main Street, City, State, Zip

Scale
1/4" = 1'-0"

Sheet
A-007

Date
12/15/2023

Author
Michael Mueller

Checker
Patricia Mueller

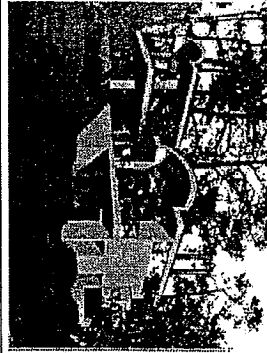
Project Number
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Revision

Rev.	Description
1	Initial Issue
2	Revised

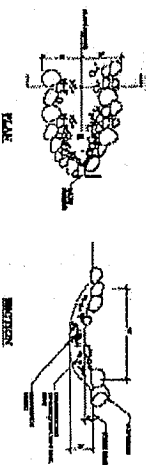
MOELLER RESIDENCE

192 SAN REMO ROAD
CARNEL HIGHLANDS, CA

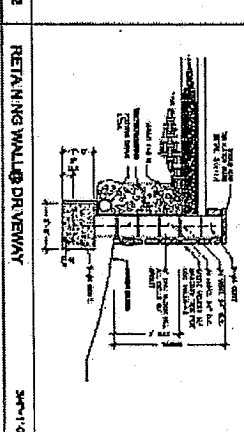
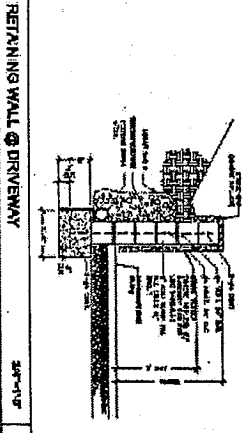


GENERAL SITE NOTES

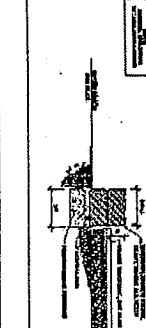
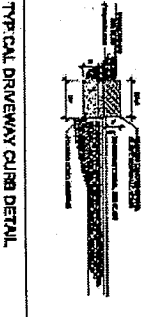
1. ALL LOCAL GOV. DEPARTMENTS AND AGENCIES SHOULD BE CONTACTED FOR THE PLAN AND PERMITTING PROCESS. THESE ARE NOT CONSIDERED TO BE THE FINAL APPROVALS OF THE LOCAL GOV. DEPARTMENTS.
2. IN THE EVENT THAT THE SITE IS TO BE DEVELOPED, THE CONTRACTOR SHALL NOT BE RESPONSIBLE FOR THE STRENGTH OR DURATION OF THE EXISTING FOUNDATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ANY NEW FOUNDATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ANY NEW FOUNDATION.
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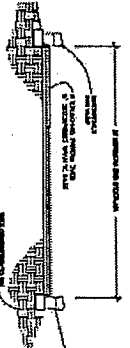
RIVER ROCK DRAINAGE DITCH DETAIL NO SCALE 4



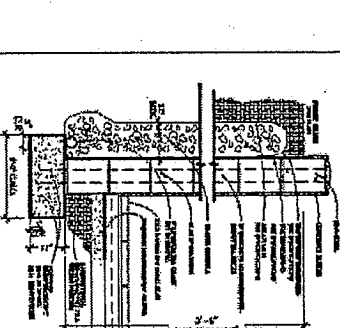
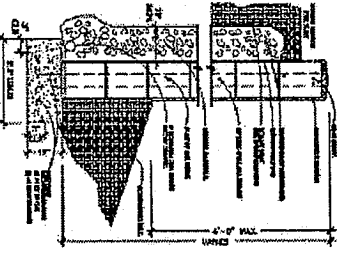
RETAINING WALL @ DRIVEWAY NO SCALE 2



TYPICAL DRIVEWAY CURB DETAIL NO SCALE 3



TYPICAL DRIVEWAY SECTION NO SCALE 7



RETAINING WALL DETAIL NO SCALE 6

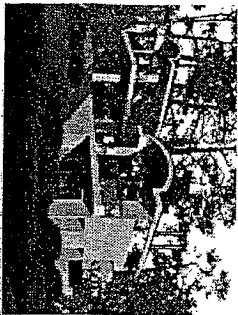
RETAINING WALL DETAIL NO SCALE 6

PLANTER WALL AT PATIO DETAIL NO SCALE 5

Designer: **ICOM**
 Architect: **ICOM**
 192 SAN REMO RD
 CARNEL HIGHLANDS, CA
 PROJECT NO: **D-001**
 DRAWING NO: **GENERAL SITE DETAILS**
 DATE: **07/20/14**
 DRAWN BY: **STANLEY**

MOELLER RESIDENCE

192 SAN REMO ROAD
CARMEL HIGHLANDS, CA



GENERAL NOTES

1. ALL OF THE WORKING DRAWINGS AND SPECIFICATIONS ARE TO BE CONSIDERED AS PARTS OF THE CONTRACT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES.
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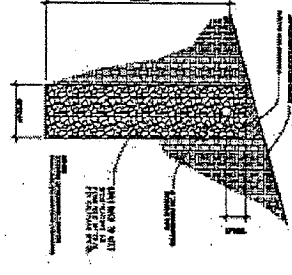
INSTALLATION NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES.
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SITE NOTES

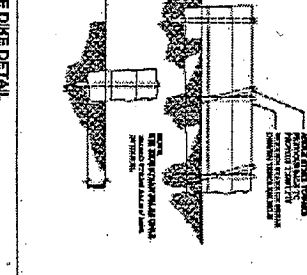
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES.

TYPICAL DRY WELL TRENCH



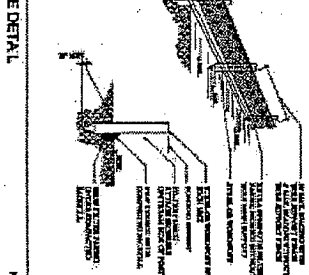
NO SCALE 3

STRAW BALE DIKE DETAIL



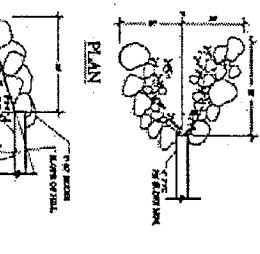
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SILT FENCE DETAIL



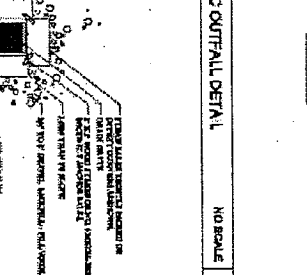
NO SCALE 5

PVC OUTFALL DETAIL



NO SCALE 1

STRAW BALE SEDIMENT BARRIER



NO SCALE 2

192 SAN REMO RD
CARMEL, CA

RESIDENCE HOUSE

MOELLER & PUGH ARCHITECTS

DATE: 10/15/02

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

PROJECT: 192 SAN REMO RD, CARMEL, CA

CLIENT: MOELLER & PUGH ARCHITECTS

DESIGNER: MOELLER & PUGH ARCHITECTS

DATE: 10/15/02

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

PROJECT: 192 SAN REMO RD, CARMEL, CA

CLIENT: MOELLER & PUGH ARCHITECTS

DESIGNER: MOELLER & PUGH ARCHITECTS

ATTACHMENT

2



California Regional Water Quality Control Board
Central Coast Region



Linda S. Adams
Secretary for
Environmental
Protection

Internet Address: <http://www.waterboards.ca.gov/centralcoast>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906
Phone (805) 549-3147 • FAX (805) 543-0397

Arnold
Schwarzenegger
Governor

December 9, 2008

Certified Mail No. 7003 0500 0004 9151 6784

Michael Moeller
24808 Upper Trail
Carmel, CA 93923

Dear Mr. Moeller:

192 SAN REMO RD, CARMEL HIGHLANDS (APN: 243-181-005), MONTEREY COUNTY; TRANSMITTAL OF WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR ALTERNATIVE ONSITE WASTEWATER DISPOSAL SYSTEMS (RESOLUTION NO. R3-2008-0060)

Waiver of Waste Discharge Requirements Resolution No. R3-2008-0060 for your on-site wastewater disposal system was approved by the Regional Board at its December 5, 2008 meeting in San Luis Obispo. We received your waiver of waste discharge requirements fee of \$400 on July 28, 2008 as required to complete your application.

The final approved Waiver Resolution No. R3-2008-0060 is enclosed for your records.

Please note that the final Resolution contains two additional conditions added pursuant to the hearing discussion regarding the certification of the system as-built conditions and approval of the lot line adjustment. The two conditions are contained within paragraphs 1.s) and 1.t) found on page 7 of the Resolution.

Questions regarding this matter may be directed to **Matthew Keeling at (805) 549-3685 or mkeeling@waterboards.ca.gov**, or Burton Chadwick at (805) 542-4786.

Sincerely,

Roger W. Briggs
Executive Officer

Enclosure: Waiver Resolution No. R3-2008-0060

Michael Moeller

2

December 9, 2008

cc:

Richard LeWarne
County of Monterey
Division of Environmental Health
1270 Natividad Road
Salinas, CA 93906

Carl Holm
County of Monterey
Planning Department
168 W. Alisal Street
Salinas, CA 93901

Andrew Brownstone
BioSphere Consulting
1315 King Street
Santa Cruz, CA 95060

Pamela Silkwood
Horan, Lloyd Law Offices
499 Van Buren Street
P.O. Box 3350
Monterey, CA 93942-3350

Paper File: Monterey County Basin Plan Exception/Waiver Resolution folders
Electronic File: S:\WDR\Basin Plan Exemptions\Monterey Co\ISDS\192 San Remo\R3-2008-0060 trans.doc
Task Code: 126-01

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 AEROVISTA PLACE, SUITE 101
SAN LUIS OBISPO, CALIFORNIA**

RESOLUTION NO. R3-2008-0060

Waiver of Waste Discharge Requirements

For

**ENGINEERED ONSITE DISPOSAL SYSTEM
MOELLER RESIDENCE, 192 SAN REMO ROAD
CARMEL HIGHLANDS
(APN 243-181-005)
Monterey County**

The California Regional Water Quality Control Board, Central Coast Region (hereinafter Water Board) finds that:

1. California Water Code Section 13260(a) requires that any person discharging waste, or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate Regional Water Board a report of the discharge ("report of waste discharge" or "ROWD") or other report containing such information and data as may be required by the Regional Board.
2. California Water Code section 13263 authorizes the Water Board to prescribe waste discharge requirements that implement the Water Board's Water Quality Control Plan.
3. California Water Code Section 13269 authorizes the Water Board to waive the issuance of waste discharge requirements provided that the waiver of waste discharge requirements is consistent with applicable water quality control plans and is in the public interest. In addition, any waiver must be conditional, may not exceed five years in duration, and may be terminated at any time. The waiver must also require monitoring unless the Regional Board determines that the discharges do not pose a significant threat to water quality.
4. The Water Quality Control Plan for the Central Coast Region (Basin Plan) designates the beneficial uses of waters within the Region, specifies the water quality objectives to protect the beneficial uses, establishes prohibitions, and establishes implementation policies to implement the water quality objectives. Pursuant to Chapter 2 of the Basin Plan, present and potential beneficial uses of groundwater (both shallow and deeper water-bearing zones) underlying the property include domestic and municipal water supply, agricultural water supply, and industrial water supply. The Basin Plan incorporates the state's drinking water standards adopted by the California Department of Public Health as water quality objectives.

BACKGROUND

5. The Monterey County Board of Supervisors adopted Ordinance No. 5093 on November 17, 2007. Ordinance No. 5093 extends Interim Ordinance No. 5086, adopted on October 2, 2007, which temporarily limits new development in the Carmel Highlands that has the potential to generate wastewater and temporarily limits the construction of new wells pending an area-wide study and consideration of an Onsite Wastewater Management Plan by the County. Ordinance No. 5093 also contains an exemption to allow a limited number of pending applications to be processed subject to specified standards as outlined in Ordinance No. 5093. The proposed project is one of the pending applications (listed in Exhibit 2 to Attachment 1 of Ordinance No. 5093). Interim Ordinance No. 5086 and Ordinance No. 5093 are attached hereto as Exhibits 1 and 2, respectively, and incorporated herein by reference.
6. The subject site consists of a 0.61-acre residential property located in the Carmel Highlands. The property is within an unincorporated portion of Monterey County and is not within a sewer services district and requires an onsite wastewater disposal system. However, the subject property is within the Carmel Riviera Mutual Water Company service area and does not require an onsite water supply well. The property owner, Michael Moeller (hereafter Discharger), applied for a permit with the Monterey County Division of Environmental Health (County) to install an engineered onsite wastewater disposal system. The proposed onsite disposal system consists of an advanced treatment system with ultraviolet disinfection and subsurface drip irrigation as the primary mode of disposal with shallow pressurized gravel-filled dispersal trenches as secondary disposal. Both the primary and secondary disposal systems are designed to handle 100% of the design flow for the proposed residence.
7. The Basin Plan and July 1979 Memorandum of Understanding between the Central Coast Water Board and County specifically prohibit the County from approving engineered onsite disposal systems for sites unsuitable for standard systems. The Basin Plan allows that the Water Board or Executive Officer may grant exemptions for engineered onsite disposal systems given sufficient justification that the continued operation of such systems in a particular area will not individually or collectively, directly or indirectly, result in pollution or nuisance, or affect water quality adversely.
8. An application containing a Report of Waste Discharge: Supplemental Form for Regional Board Subsurface Disposal Exemption Submittal and associated design documents for the proposed engineered system was submitted to the Water Board by the County on behalf of the Discharger. The Monterey County Department of Health certified (signed) the Supplemental Form on June 4, 2008. The onsite disposal system design was prepared by Andrew Brownstone, BioSphere Consulting, and is dated May 14, 2008. The geotechnical investigation report

(percolation tests) was prepared by Richard Dante, Soil Surveys, Inc., and is dated November 2, 2001. Additional soil percolation and 24-hour infiltration test results are contained within a September 25, 2008 report prepared by Andrew Brownstone of Biosphere Consulting.

9. The secondary disposal system (shallow pressurized rock filled-dispersal trenches) was designed using a loading rate of 0.8 gallons per day per square foot (gpd/ft²). The Basin Plan recommends a loading rate of 0.25 gpd/ft² for the observed [average] onsite percolation rate of 50 minutes per inch (mpi) as determined from eleven percolation tests conducted at various depths on the subject property and adjacent parcel at 194 San Remo Road. Monterey County Standards and Specifications contained within Title 15 of the County Code recommends a maximum loading rate of 0.3 gpd/ft² based on a pass/fail percolation test. The primary subsurface drip irrigation disposal system was designed using a loading rate of 0.4 gpd/ft² per manufacturer specifications as based on the observed onsite soil profile and characteristics. The higher design loading rate for the secondary disposal system is based on the observation of multiple onsite soil borings conducted by the system designer, shallow (near surface) soil infiltration testing conducted in similar soils within the Carmel Highlands area (220 Upper Walden Road) and follow-up onsite 24-hour infiltration tests conducted on September 3, 2008. The 24-hour infiltration tests more closely approximate actual loading conditions for the shallow disposal trenches than standard percolation tests. In addition, both the primary and secondary disposal systems are designed to handle 100% of the design flow for the proposed residence.
10. Aside from the 0.8 gpd/ft² loading rate for the secondary disposal system, disposal area slopes and setbacks to slopes, design criteria and site conditions meet the recommended numeric Basin Plan criteria for a conventional onsite wastewater disposal system. However, County Ordinance 5093 requires the implementation of an engineered [or advanced] onsite wastewater treatment and disposal system.
11. The proposed onsite disposal system meets the applicable requirements of County Ordinance No. 5086 and No. 5093. Monterey County exempted the project applicant from conducting the "Soils Study" requirements contained within Section 2 of Ordinance No. 5093 in a letter dated June 30, 2008. The Soils Study requirement is intended to gather additional site data for establishing appropriate setbacks of disposal systems from water supply wells. The County did not require the Soils Study because the subject site is within the Carmel Riviera Mutual Water Company service area and there are no water supply wells within 250 feet of the subject site.
12. The proposed system will also be subject to nonstandard permit conditions applied by the County prior to issuing a building permit. The nonstandard permit conditions require an operations and maintenance contract and deed notification. The nonstandard permit conditions and deed notification (June 27, 2007 template) are attached hereto as Exhibits 3 and 4, respectively, and incorporated herein by

reference.

13. The Executive Officer approved the Basin Plan exemption and notified the Discharger of the proposed Waiver on July 21, 2008.
14. The Water Board has considered the design information provided in the application package and has required the Discharger, as a condition of this waiver, to comply with all Monterey County Ordinances and permit requirements.
15. Individual subsurface disposal systems for domestic residences are categorically exempt from the California Environmental Quality Act as set forth in California Code of Regulations, Title 14, Section 15303.
16. The Water Board finds that if the onsite disposal system is properly operated and maintained in accordance with the conditions of this Resolution this waiver of waste discharge requirements is in the public interest and consistent with the Basin Plan.
17. This waiver of waste discharge requirements is in the public interest because:
 - a) The discharge is already regulated by another governmental entity;
 - b) This Waiver requires the discharger to observe reasonable practices to minimize the deleterious effects of the discharge;
 - c) This Waiver requires the discharger to implement feasible treatment methods to control the waste constituents in the discharge; and
 - d) This Waiver includes conditions that will adequately protect beneficial uses while allowing the Water Board to use more of its resources to conduct field oversight, public outreach and, where necessary, enforcement.
18. The proposed onsite disposal system is regulated by Monterey County, which requires the Discharger to implement design and operational controls, maintenance activities, regular monitoring and reporting, and deed restrictions to prevent water quality impacts.
19. This waiver is consistent with the Basin Plan because it:
 - a) Prohibits pollution, contamination or nuisance;
 - b) Requires monitoring and compliance with applicable Basin Plan prohibitions and Monterey County Ordinances and permit requirements; and
 - c) Requires the Discharger to grant access to Water Board and Monterey County staff to perform inspections.
 - d) Requires the onsite disposal system to comply with the Basin Plan's criteria for onsite systems.
20. Pursuant to California Water Code Section 13269, this action waiving the issuance of waste discharge requirements for this on-site domestic wastewater disposal

system: (a) is conditional, (b) may be terminated at any time, (c) does not permit an illegal activity, (d) does not preclude the need for permits which may be required by other local or governmental agencies, and (e) does not preclude the Water Board from administering enforcement remedies (including civil liability) pursuant to the California Water Code.

21. Operation of the proposed onsite disposal system consistent with this Resolution is not anticipated to degrade groundwater and is consistent with State Water Resources Control Board Resolution 68-16 ("Policy for Maintenance of the High Quality of Waters of the State"). State Water Board Resolution No. 68-16 requires the Regional Board to maintain the high quality of waters of the state unless the Regional Board determines that some degradation of waters is consistent with maximum benefit to the people of the state, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than set forth in the Basin Plans. The Regional Boards must ensure that waste discharge requirements will result in best practicable treatment or control of the discharge necessary to ensure that pollution or nuisance will not occur and the highest water quality is maintained. In short, the degradation may not violate water quality objectives and must not unreasonably affect existing and designated beneficial uses. Operation of the proposed system is consistent with Resolution 68-16 because it is designed to treat the domestic wastewater to secondary standards (85% reduction of biochemical oxygen demand and total suspended solids), remove 65% of total influent nitrogen, and disinfect the effluent prior to disposal via ultraviolet treatment.
22. The monitoring and reporting requirements of this Resolution [pursuant to Section 2 of Monterey County Ordinance 5093] are imposed pursuant to CWC Section 13267. The monitoring and reporting are necessary to ensure compliance with the conditions of this Resolution and to verify the adequacy and effectiveness of the conditions.
23. The Regional Board provided an opportunity for a public hearing on October 17, 2008, in Santa Barbara, California, and considered all comments and evidence concerning this matter.
24. Any person aggrieved by this action of the Central Coast Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of the order, except that if the thirtieth day following the date of the order falls on a Saturday, Sunday, or state holiday, the petition must be received by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the internet at http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

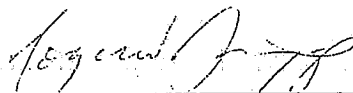
THEREFORE BE IT RESOLVED:

1. In accordance with California Water Code Sections 13267 and 13269, waste discharge requirements for the proposed onsite domestic wastewater disposal system are hereby waived subject to the following conditions:
 - a) The onsite treatment and disposal system shall be installed under the oversight of Monterey County and the designer per the April 4, 2008 (or more recent approved version) Alternative Onsite Wastewater System Design by Andrew Brownstone, BioSphere Consulting, and be operated and maintained in accordance with applicable Monterey County Ordinances and permit conditions, the Basin Plan criteria and manufacturer specifications.
 - b) The Discharger shall comply with all applicable Monterey County Ordinances and Permit Conditions [including Section 2 of County Ordinance No. 5093 and nonstandard permit conditions].
 - c) The Discharger and future property owners shall be subject to the requirements of the County's pending Onsite Wastewater Management Plan.
 - d) Utility trenches in the vicinity of the disposal areas shall be backfilled pursuant to geotechnical engineering specifications to prevent channeling of effluent
 - e) Additional subsurface drains (french or curtain) are prohibited within 50 feet downslope and 20 feet upslope of the disposal areas.
 - f) Peak daily flow shall not exceed 900 gallons per day.
 - g) Use of the individual sewage disposal system shall not create a condition of pollution, contamination, or condition of nuisance, as defined by CWC Section 13050.
 - h) Only domestic wastewater shall be discharged to the individual sewage disposal system.
 - i) The use of self-regenerating water softeners is prohibited; water softening devices shall be of off-site regenerated cartridge type only.
 - j) The Discharger shall install and use low flow plumbing fixtures on all appurtenances such as toilets, showers and faucets. Low flow dishwashers and frontloading clothes washing machines are also strongly recommended.
 - k) The Discharger shall immediately notify the Water Board and Monterey County of any proposed change(s) in discharge volume, nature, or location.
 - l) The Discharger shall immediately notify the Water Board and Monterey County of any discharges threatening water quality or public health.
 - m) The Discharger shall allow the Water Board and Monterey County to inspect the onsite disposal system at any time to evaluate compliance with this Waiver.
 - n) Operation of the sewage disposal system shall not result in the daylighting (surfacing) of effluent from the disposal area or other portions of the system.

- o) The Discharger and future property owners shall also provide copies of all monitoring data per County requirements to the Water Board.
 - p) The Discharger shall inspect the sewage disposal system every two years, at a minimum, for solids buildup and have it pumped out as required by a licensed septic tank contractor.
 - q) The Discharger shall have the shallow pressurized trench laterals manually flushed once every six months by a qualified technician.
 - r) If the Discharger transfers the property, the Discharger shall notify the new owner of this Waiver of Waste Discharge Requirements and shall notify the Water Board of the transfer within 30 days of transfer.
 - s) The Discharger shall submit one of the following to the Monterey County Division of Environmental Health: 1) a letter signed by the onsite wastewater system designer certifying the system was installed pursuant to the approved system design plans, or 2) as-built plans highlighting all approved changes¹.
 - t) This waiver is contingent upon and will only become effective upon the final approval by the County of Monterey of a lot line adjustment for the subject property (APN 243-181-005) and adjacent property (APN 243-181-006) such that all conditions and setbacks regarding the onsite wastewater treatment and disposal system are at least as protective as the project descriptions described within the pending Coastal Development Permit (PLN070629) and May 14, 2008 Alternative Onsite Wastewater System Design prepared by BioSphere Consulting.
2. This Waiver shall not create a vested right to discharge and all such discharges shall be considered a privilege, as provided for in CWC Section 13263.
 3. The Executive Officer or Water Board may terminate the applicability of the Waiver described herein at any time.
 4. This Waiver shall become effective on **December 5, 2008**, and shall expire on **December 5, 2013**.
 5. The Discharger may be subject to enforcement actions for violations of this Waiver pursuant to Division 7 of the California Water Code. As provided by California Water Code Section 13350(a), the Discharger may be civilly liable if in violation of a waiver condition or causes waste to be deposited where it is discharged, into the waters of the State and creates a condition of pollution or nuisance.

¹ This condition does not authorize the Discharger or his agents to make modifications to the system design, layout or location without prior approval by Monterey County and the Central Coast Water Board.

I, Roger W. Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Coast Region, on December 5, 2008.



Roger W. Briggs
Executive Officer

Interim Ordinance No. 5086

AN INTERIM ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, OF LIMITED DURATION, ADOPTED PURSUANT TO GOVERNMENT CODE SECTION 65858, IMPOSING TEMPORARY PROHIBITIONS ON SPECIFIED NEW DEVELOPMENT THAT CAUSES GENERATION OF WASTEWATER AND ON THE CONSTRUCTION OF WELLS IN A SPECIFIED AREA OF THE CARMEL HIGHLANDS PENDING THE COUNTY'S STUDY AND CONSIDERATION OF AN ONSITE WASTEWATER MANAGEMENT PLAN FOR THE AREA.

County Counsel Summary

This interim ordinance, adopted pursuant to Government Code Section 65858, takes effect immediately to protect the public health and safety by temporarily limiting new development that has the potential to generate wastewater and limiting the construction of new wells in a specified area of the Carmel Highlands, pending the County's study and consideration of an Onsite Wastewater Management Plan for the area. This ordinance contains limited exemptions. This ordinance contains the standard enforcement and severability provisions. Based upon the threat to public health and safety, this is an urgency ordinance requiring a four-fifths vote of the Board of Supervisors for adoption.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. FINDINGS AND DECLARATIONS

- A. Pursuant to Article XI of the California Constitution, the County of Monterey ("County") may adopt and enforce ordinances and regulations to protect and promote the public health, safety, and welfare of its citizens.
- B. Pursuant to Section 13260 of the California Water Code, the Regional Water Quality Control Board (Central Coast Region) (RWQCB or Regional Board) is authorized to regulate all discharges, which could affect the quality of the waters in the state, including discharges from individual sewage disposal systems.
- C. Pursuant to Section 13269 of the California Water Code, the Regional Board has waived immediate regulatory oversight of individual sewage systems and has entered into a Memorandum of Understanding (MOU) with the County that designates the County Director of Health or his or her authorized representative as the administrator of the individual sewage disposal system regulations. Under the MOU, the County may not permit individual sewage disposal systems unless they are in conformity with the Water Quality Control Plan, Central Coast Region (September 8, 1995) (hereafter the "Basin Plan") and applicable County regulations. These requirements include certain numeric (setback) requirements and narrative prohibitions relating to on-site individual wastewater disposal systems.

D. In letters dated March 7, 2007 and May 7, 2007, the Regional Board alerted County to the immediate potential threat to the public health, safety, and welfare posed by permitting additional on-site wastewater disposal systems on individual lots in the Carmel Highlands, given existing site conditions such as: density of on-site wastewater systems; and domestic water supply wells. The RWCB then directed the County to conduct an area wide study of the Carmel Highlands Area in order to prepare a sufficiently detailed wastewater management plan that addresses the capacity of the area to handle additional on-site wastewater disposal systems.

E. The specified area of concern is that portion of the Carmel Highlands that is designated as Low Density Residential in the Carmel Area Land Use Plan of Monterey County and served by individual sewage disposal systems, further delineated as "Carmel Highlands Study Area" in the map attached as Exhibit A to this ordinance (hereafter "Carmel Highlands Area").

F. The Regional Water Quality Control Board has informed the County that continued permitting of on-site individual wastewater disposal systems, in the absence of individual project level full mitigation or an area wide study, may not comply with the Prohibitions section of the Basin Plan, which prohibits the following:

17. *Lot sizes, dwelling densities or site conditions causing detrimental impacts to water quality.*
18. *Any area where continued use of onsite systems constitutes a public health hazard, an existing or threatened condition of water pollution, or nuisance.*

(Basin Plan, Section VIII.D.3.i, paras. 17 and 18.)

G. The Regional Board has directed the County to develop and implement an Onsite Wastewater Management Plan for the Carmel Highland Area. The Plan is to be based on an onsite wastewater disposal study conducted to identify basin specific criteria to prevent water quality degradation and public health hazards and to provide an evaluation of the effects of existing and proposed developments and changes in land use. The Regional Board directed the County to submit a timeline and schedule by August 1, 2007, to outline the tasks and milestones necessary to develop and implement an Onsite Wastewater Management Plan for the Carmel Highlands Area. The Environmental Health Division has requested an extension from RWQCB to extend the date to December 1, 2007 due to the complexities of this issue. RWQCB staff indicated verbally that an extension was reasonable. County staff intends to bring to the Board of Supervisors in the near future for its consideration a plan of action for conducting the area wide evaluation that would be the basis for a Wastewater Management Plan that would determine the appropriate engineering and institutional controls to protect water quality and public health in the Carmel Highlands Area.

H. The potential threat to public health and water quality posed by certain types of new development and new well construction in the Carmel Highlands Area results from a variety of factors, including the following:

1. A high density of small lots under one acre in size with an existing or a potential individual sewage disposal system.
2. The growing well densities in an area of high-density individual sewage disposal systems.
3. The fractured granitic geology of the Carmel Highlands.
4. Filtering of wastewater effluent through fractures is minimal.
5. The sole source of recharge of groundwater found in the fractures of the specified area of the Carmel Highlands is precipitation, which percolates through the subsurface. Therefore, any effluent from a wastewater disposal system introduced into the subsurface will find its way into the groundwater.
6. A high density of individual wastewater disposal systems disposing sewage effluent into this fractured granite has the potential to result in surfacing effluent and potential impacts to existing domestic water supply wells in the area that are pumping groundwater from the fractured bedrock.
7. The need for an area wide study to determine the appropriate setbacks from individual sewage disposal systems to wells, given the geological shortcomings of this area, that would be sufficiently protective of public health and water quality in the Carmel Highlands Area.

I. As a result of the factors affecting the Carmel Highlands Area, temporary regulations to limit new development that has the potential to generate wastewater and to limit the construction of new wells are necessary to protect the public health and water quality for existing and future residents, pending study and consideration of an Onsite Wastewater Management Plan. In the interim period while this ordinance is in effect, it is necessary to limit new land uses that have the potential to cause the generation of wastewater such as bedroom additions, new dwelling units, new guest houses, and new or proposed expansion of commercial activities, and it is also necessary to limit construction of wells because wells have the potential to serve as a conduit for groundwater contamination.

J. The correspondence from the Regional Board, beginning with the RWQCB letter of March 7, 2007, arose in the context of the Board of Supervisors' consideration of an appeal from the County Zoning Administrator's approval of a project application (PLN050447/Reynolds (Kashfi)). The Regional Board has distinguished between the pending appeal and additional on-site wastewater disposal systems in the Carmel Highlands area, deferring to the County to determine whether that project application pending on appeal is protective of public health and water quality, taking into account site conditions and other factors, while not supporting other additional permits until a sufficiently detailed wastewater management plan is prepared. The County also desires to accord all parties the opportunity to be heard on the pending appeal.

Accordingly, this ordinance allows the continued processing of applications on appeal before the Board of Supervisors as of March 7, 2007, provided that the application proposes and the County evaluates engineering design for on-site sewage treatment and well construction design to ensure the proposal will not affect the public health or water quality.

K. There is a current and immediate threat to the public health, safety, and welfare, and the approval of additional ministerial permits and discretionary development entitlements, except as provided under this Ordinance, would result in further threats to public health, safety, and welfare. Such a threat would be forestalled with the application of interim restrictions contained in this ordinance during the County's development of an Onsite Wastewater Management Plan for the Carmel Highlands Area.

L. This Ordinance is intended to be of limited duration of up to two years if extended pursuant to existing law; accordingly, nothing in this Ordinance is intended to effect or be construed to effect an unconstitutional taking of any property affected during its duration.

SECTION 2. APPLICABILITY.

A. The regulations set forth in this Ordinance shall apply to properties located in the unincorporated area of Monterey County designated as Low Density Residential in the Carmel Highlands in the Carmel Area Land Use Plan, delineated as the "Carmel Highlands Study Area" in Exhibit A attached hereto and incorporated herein by reference.

B. In the event of a conflict between this Ordinance and any other existing County ordinance or regulations, the provisions of this Ordinance shall prevail.

SECTION 3. DEFINITIONS.

For purposes of this Ordinance, the terms below have the definitions set forth herein:

A. **Discretionary Development Entitlement.** "Discretionary Development Entitlement" shall mean any County action, permit, or approval pursuant to an application for a permit for development as that term is defined under the Monterey County Code, which requires the exercise of judgment, deliberation, or a decision, and which contemplates the imposition of revisions or conditions by the County, including by any board, commission, or department of the County and any official or employee of the County, in the process of approving or disapproving any such application, as distinguished from a County action, permit, or approval which merely required the County, including any board, commission, or department of the County and any official or employee of the County, to determine whether there has been compliance with applicable statutes, ordinances, regulations, or conditions of approval. For the purposes of this Ordinance, the term "discretionary development entitlement" shall include, but is not limited to, zoning and plan amendments, conditional use permits, combined development permits, lot line adjustments, special use permits, administrative permits, variances, site plan reviews, tentative subdivision maps, and tentative parcel maps.

B. **Dwelling Units.** "Dwelling Unit" means a place of human habitation that is self sufficient (i.e. bedrooms(s), bathroom(s), kitchen with sink, oven/stove, refrigerator, and storage of food) and conforms to the most recent edition of the Uniform Building Code and the Uniform Housing Code. Examples include but are not limited to: a primary dwelling unit, a caretaker unit, a senior citizen unit, and second dwellings.

C. **Onsite Wastewater Management Plan.** "Onsite Wastewater Management Plan" (Plan) is a comprehensive planning tool to specify onsite disposal system limitations to prevent ground or surface water degradation, in accordance with section VIII.D.2.b of the Basin Plan.

D. **Filed.** An application is "filed" with the County within the meaning of this ordinance if the applicant has submitted the application to the County and paid the required application fees.

E. **Ministerial Permits.** "Ministerial Permit" shall mean any County action, permit, or approval which merely requires the County, including any board, commission, or department of the County and any official or employee of the County, to determine whether there has been compliance with applicable statutes, ordinances, regulations, or conditions of approval.

F. **Wastewater.** "Wastewater" includes sewage, graywater, and any and all other contaminated liquid associated with human habitation.

G. **Well.** "Well" is an artificial excavation or structure put down by any method such as digging, driving, boring, or drilling for the purposes of withdrawing water from underground aquifers and for the purposes of this ordinance includes test wells, production wells, and bore holes.

SECTION 4. REGULATIONS.

A. During the term of this ordinance, unless exempted under the terms of this ordinance, the County will not process or approve any application for ministerial permits or discretionary development entitlement for a new land use or intensification of use in the Carmel Highlands Area as defined herein if the new land use or intensification of use has the potential to cause the generation of wastewater. Examples include but are not limited to bedroom additions, new dwelling units, new habitable accessory or second units, new guesthouses, and new or expanded commercial activities.

B. During the term of this ordinance, unless exempted under the terms of this ordinance, the County will not process or approve any application for a ministerial permit or discretionary development entitlement for the construction of a new well, whether a test well or a production well, in the Carmel Highlands Area.

SECTION 5. EXEMPTIONS

The following applications for a ministerial permit or discretionary development entitlement in the Carmel Highlands Area are exempt from the limitations on processing set forth above. The applications below may be processed in accordance with County regulations and the specifications set forth below:

- A. Applications on appeal before the Board of Supervisors as of March 7, 2007,
 - 1. Such applications will be required to propose engineering and sewage treatment designs for individual sewage disposal systems and/or well construction design to ensure that the proposal will not affect the public health or water quality. Applicant will be required to demonstrate that the project will have less than significant direct and cumulative impacts to surface and ground water resources. Such applications will be subject to environmental review under the California Environmental Quality Act.
- B. Applications for new or existing uses that do not have the potential to cause the generation of wastewater.
 - 1. Examples of such applications include but are not limited to non-habitable accessory structures such as garages, sheds, gazebos, and fences.
- C. Applications affecting existing uses that do not affect the design of the individual wastewater disposal system such as the repair of an existing onsite wastewater disposal system; repair of a well; or remodel of an existing house, provided that the proposed change to the existing house does not increase the number of existing bedrooms.

SECTION 6. ENFORCEMENT.

- A. It shall be the duty of the Director of Health and the Director of the Resource Management Agency of the County of Monterey and all officers and employees of said County herein charged by law with the enforcement of this Ordinance, to enforce all provisions of this Ordinance.
- B. Any person, firm, or corporation, whether as principal or agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable for a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the County Jail of said County for a term not exceeding 180 days or by both such fine and imprisonment. Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each day during any portion of which any violation of this Ordinance is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

C. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained, contrary to the provisions of this Ordinance, and/or any use of any land, building, or premises, established, conducted, operated, or maintained, contrary to the provisions of this Ordinance, shall be, and the same is hereby declared to be, a violation of this Ordinance and a public nuisance.

D. The County may summarily abate the public nuisance and the County Counsel or the District Attorney may bring civil suit, or other action, to enjoin or abate the nuisance.

E. Each day any violation of this Ordinance continues shall be regarded as a new and separate offense. The remedies provided in this Ordinance shall be cumulative and not exclusive.

F. Any person, firm, or corporation, who creates or maintains a public nuisance in violation of this Ordinance shall be liable for the costs of abatement which shall include, but not be limited to:

- a. Costs of investigation;
- b. Court costs;
- c. Attorneys fees;
- d. Costs of monitoring compliance.

G. Upon a continuation of the public nuisance after notice from the County to cease the nuisance, any person, firm, or corporation shall be liable for the costs of abatement set forth above plus a civil penalty of fifty percent (50%) of those costs payable to the County in addition to any other costs of enforcement imposed by the Court.

SECTION 7. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 8. ACTIONS HELD IN ABEYANCE.

Should any person, firm, or corporation violate the terms of this Ordinance and any action is authorized either by the Board of Supervisors, County Counsel, or District Attorney, or is in fact filed by said agencies for said violation, no other action shall be taken on any application filed by or on behalf of said person, firm, or corporation, until the litigation has been resolved.

SECTION 9. EFFECTIVE DATE.

In light of the recitals in this Ordinance, the Board declares that this Ordinance is necessary as an emergency measure for preserving the public health and safety. This Ordinance shall take effect immediately for the reasons set forth herein and shall expire 45 days thereafter unless extended pursuant to law.

SECTION 10. NO TAKING OF PROPERTY INTENDED.

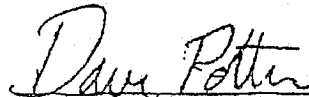
Nothing in this Ordinance shall be interpreted to effect an unconstitutional taking of property of any person. If the Board of Supervisors determines, based on specific evidence in the administrative record, that the application of one or more of the provisions of this Ordinance to a proposed project would effect an unconstitutional taking of private property, the Board shall disregard such provision or provisions to the extent necessary to avoid such unconstitutional taking.

SECTION 11. PUBLIC HEARING.

The Board hereby sets, and the Clerk to the Board shall notice, a public hearing for Board consideration of an extension of this Ordinance or a modification or amendment to this Ordinance for November 6, 2007 at 10:30 a.m. or as soon thereafter as practical, in the Board Chambers of the County.

PASSED AND ADOPTED this 2nd day of October, 2007, by the following vote:

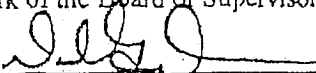
AYES: Supervisors Armenta, Calcagno, Salinas and Potter
NOES: None
ABSENT: Supervisor Smith



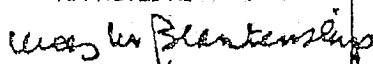
DAVID POTTER
Chair, Board of Supervisors

ATTEST:

LEW C. BAUMAN
Clerk of the Board of Supervisors

By 

DARLENE DRAIN
Clerk to the Board of Supervisors

APPROVED AS TO FORM:

LERoy W. BLANKENSHIP
Assistant County Counsel

Before the Board of Supervisors In and for the
County of Monterey, State of California

- a. Adopt an ordinance to modify and extend Interim Ordinance No. 5086 for)
an additional 10 months and 15 days, until and through October 1, 2008,)
pending the County's completion of an Onsite Wastewater Management)
Plan (4/5th vote required);)
- b. Approve staff recommendation to use State Small Water Systems account)
funds as the funding mechanism for development of the Onsite)
Wastewater Management Plan and associated activities; and)
- c. Recommend staff return to the Board with a proposed action to establish a)
fair share fee for the purpose of reimbursement to the State Small Water)
Systems account.)

Upon motion of Supervisor Calcagno, seconded by Supervisor Salinas, and carried by those members present, effective November 13, 2007, the Board hereby:

- a. Adopts an ordinance, (No. 5093), to modify and extend Interim Ordinance No. 5086 for an additional 10 months and 15 days, until and through October 1, 2008, pending the County's completion of an Onsite Wastewater Management Plan (4/5th vote required);
- b. Approves staff recommendation to use State Small Water Systems account funds as the funding mechanism for development of the Onsite Wastewater Management Plan and associated activities; and
- c. Recommends staff return to the Board with a proposed action to establish a fair share fee for the purpose of reimbursement to the State Small Water Systems account.

PASSED AND ADOPTED on this 13th day of November 2007, by the following vote, to wit:

AYES: Supervisor Calcagno, Salinas, Armenta, and Potter

NOES: None

ABSENT: Supervisor Smith

I, Lew C. Bauman, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 74 for the meeting on November 13, 2007.

Dated: November 14, 2007

Lew C. Bauman, Clerk of the Board of Supervisors,
County of Monterey, State of California

By

A. Adamo

Annette D'Adamo, Interim Deputy

ORDINANCE NO. 5093

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, EXTENDING INTERIM ORDINANCE 5086, WITH MODIFICATIONS, IMPOSING TEMPORARY PROHIBITIONS ON SPECIFIED NEW DEVELOPMENT THAT CAUSES GENERATION OF WASTEWATER AND ON THE CONSTRUCTION OF WELLS IN A SPECIFIED AREA OF THE CARMEL HIGHLANDS, PENDING THE COUNTY'S STUDY AND CONSIDERATION OF AN ONSITE WASTEWATER MANAGEMENT PLAN FOR THE AREA.

County Counsel Summary

This Ordinance extends Interim Ordinance No. 5086 with modifications for approximately 10 months 15 days, until and through October 1, 2008. Adopted on October 2, 2007 pursuant to Government Code Section 65858, Interim Ordinance No. 5086 temporarily limits new development that has the potential to generate wastewater and temporarily limits the construction of new wells in a specified area of the Carmel Highlands, pending the County's study and consideration of an Onsite Wastewater Management Plan for the area. Interim Ordinance No. 5086 contains limited exemptions, and this ordinance adds an exemption to allow a limited number of pending applications to be processed subject to specified standards approved by the County Health Department and the California Regional Water Quality Control Board. Based upon the threat to public health and safety, this is an urgency ordinance requiring a four-fifths vote of the Board of Supervisors for adoption.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. FINDINGS AND DECLARATIONS

- A. On October 2, 2007, the Board of Supervisors adopted Interim Ordinance No. 5086 ("Ordinance") pursuant to Government Code section 65858. The Ordinance, with limited exemptions, temporarily limits new development that has the potential to generate wastewater and temporarily limits the construction of new wells in a specified area of the Carmel Highlands, pending the County's study and consideration of an Onsite Wastewater Management Plan for the area. Interim Ordinance No. 5086 is attached hereto as Exhibit 1 and incorporated herein by reference. Absent extension of the Ordinance, the Ordinance will expire on November 16, 2007.
- B. In enacting Interim Ordinance No. 5086, the Board made several findings and declarations constituting the grounds upon which the Ordinance was based. The Board found, among other findings, that there is a current and immediate threat to the public health, safety, and welfare from permitting

additional on-site wastewater disposal systems on individual lots in the Carmel Highlands, given existing site conditions, in the absence of individual project level full mitigation or an area wide study.

- C. On October 2, 2007, the Board also directed staff to consult with the Regional Water Quality Control Board ("RWQCB" or "Regional Board") to determine if Interim Ordinance No. 5086 could be modified with certain stringent interim standards that would allow a limited number of pending projects to be processed through the various planning processes and still protect public health and water quality. As of October 2, 2007, ten applications in the specified Carmel Highlands area were filed with the County and were pending (hereafter "Pending Applications"). The Pending Applications are listed in Exhibit 2 attached hereto and incorporated herein by reference. These Pending Applications are in addition to the project(s) on appeal before the Board as of March 7, 2007, which the Ordinance had already addressed.
- D. The Monterey County Department of Health sent a letter dated October 26, 2007 to the Regional Board that proposed certain interim standards to apply to the limited number of Pending Applications. These interim standards were developed based on the best professional judgment of the Regional Board and Health Department based on knowledge of the specified area of the Carmel Highlands in the absence of an area wide study. The Regional Board sent a letter dated October 29, 2007 that approved certain interim standards that were proposed in the Health Department's letter dated October 26, 2007 in order to provide relief to a limited number of pending applicants. These interim standards have been incorporated into the modification of the Ordinance to apply to the Pending Applications filed on or before October 2, 2007, as listed in Exhibit 2. The exception status would allow the Pending Applications to continue through the planning and permit review process, subject to the interim standards, with no guarantee for approval.
- E. The Board of Supervisors' findings and declarations contained in Interim Ordinance No. 5086, as clarified and amplified herein, remain and continue to be true under the present circumstances and are incorporated herein in their entirety by this reference. In light of said findings and declarations and the findings and declarations contained herein, there continues to exist a current and immediate threat to the public health, safety, and welfare necessitating the extension of Interim Ordinance No. 5086.
- F. On October 23, 2007, more than ten days before the expiration of Interim Ordinance No. 5086, the Board of Supervisors issued a written report pursuant to Government Code 65858(d) describing the measures the County of Monterey has taken and continues to take in order to alleviate the conditions which led to the adoption of said Ordinance.

- G. In light of the above findings and declarations, it is necessary to extend all relevant provisions of Interim Ordinance No. 5086, as modified herein, for approximately 10 months 15 days, until and through October 1, 2008. On November 13, 2007, prior to the expiration of the Ordinance, the Board of Supervisors held a duly noticed public hearing on the proposed extension.
- H. This Ordinance is intended to be of limited duration of up to two years if extended pursuant to existing law; accordingly, nothing in this Ordinance is intended to effect or be construed to effect an unconstitutional taking of any property affected during its duration.

SECTION 2. AMENDMENT TO REGULATIONS.

Section 5.D of Interim Ordinance No. 5086 is added to read in its entirety as follows:

D. Pending Applications, defined as those projects with applications that have been filed with the County on or before October 2, 2007 in the Carmel Highlands Area and that are listed in Exhibit 2 attached hereto and incorporated herein by reference.

1. Pending Applications shall comply with all of the following standards:

a. Such applications must propose engineering and sewage treatment designs for individual sewage disposal systems that meet the following criteria:

1) **The Wastewater Treatment Unit must:**

- a) Have National Sanitation Foundation (NSF) approval;
- b) Reduce biological oxygen demand and total suspended solids by a minimum of 85%;
- c) Reduce the total Nitrogen concentration by a minimum of 65%.
- d) Provide disinfection by means of approved ultraviolet treatment technology prior to the treated wastewater being dispersed into the subsurface dispersal system.
- e) Have a remote monitoring system so that a local service provider may respond in a timely manner to correct system upsets or malfunctions when they are detected.

2) **Sampling Points.** Sampling points shall be part of the design of the individual wastewater system and shall be designed in a manner to sample the influent and the disinfected treated effluent. The sampling ports shall be designed to be easily accessible for sampling.

3) **The Dispersal System.**

- a) Drip irrigation shall be the preferred method for treated wastewater dispersal.
- b) If it is not feasible to design and locate a drip irrigation system so that a drip irrigation system cannot meet the

required setbacks to a well, then a shallow leachfield no deeper than 5 feet below ground surface shall be the next preferred method. If the shallow leach field cannot meet the required setbacks to a well, then a deep trench that is no more than 12 feet below ground surface is the next preferred design and must meet the required setbacks to a well.

4) **Loading Rates.**

- a) Drip irrigation systems. The manufacturer's recommended loading rates for treated wastewater shall be used to design the drip irrigation system. Drip irrigation systems for treated wastewater shall be approved by the Health Department.
- b) Leachfields. Leachfields can be no deeper than 12 feet below the ground surface. The applications rates that shall be used for sizing the side wall area for the leachfields are as follows:

Percolation Rates Minutes/Inch	Loading Rate Gallon per Day/Square Foot
1 - 30	0.8
31 - 60	0.6

5) **Soils Study.** A registered professional engineer, geologist, or hydrogeologist with requisite experience shall perform soils studies and percolation tests in compliance with section 15.20 of the Monterey County Code prior to the construction of a well. In addition there shall be 3 or more soil borings and/or soil corings, as determined by the Health Department to a minimum depth of 70 feet below ground surface (bgs). The purpose of these soil borings/corings is to characterize the soil and determine if there are fractures, cracks, or continuous channels in the soils or formations at these depths.

6) **Setbacks (Well/water courses to onsite wastewater treatment system).**

- a) A 100-foot set back to wells/water courses from onsite wastewater treatment systems will apply if there are no fractures, cracks, or continuous channels less than 70 feet bgs.
- b) A 250-foot setback to wells/water courses from onsite wastewater treatment systems will apply if there are fractures, cracks, or continuous channels in the soils or formations less than 70 feet bgs.

b. **Qualified Design Professional.** A Registered Professional Engineer with requisite onsite wastewater treatment system knowledge and

experience that is acceptable to the Health Department shall prepare the design of the treatment system and dispersal system.

c. **Compliance.** The proposed onsite wastewater treatment system shall be in compliance with:

- 1) The Prohibitions section of the Central Coast Basin Plan; and
- 2) Monterey County Code 15.20 and the standards set forth herein.

d. **Approvals.** The proposed wastewater treatment system design shall be approved by the Regional Water Quality Control Board (Central Coast Region) and the Monterey County Health Department

e. **Maintenance Requirements.**

- 1) The permittee and all future owners of the subject property shall be required to contract with service providers in perpetuity to provide maintenance in accordance with the manufacturer of the wastewater treatment system recommendations and requirements of NSF to maintain the NSF approval of the wastewater treatment unit.
- 2) The applicant or permittee shall provide the Health Department a copy of the contract with the service provider within 10 calendar days upon contracting with a service provider.
- 3) The owner or the service provider acting as an agent of the owner shall provide a copy of their routine maintenance report (format to be determined by the Health Department) to the Health Department within 10 calendar days of providing routine service to the wastewater treatment unit or any portion of the individual wastewater treatment system.
- 4) The service provider and/or owner shall notify the Health Department within 24 hours when a system upset or malfunction has occurred and what corrective actions were taken. A written report that states the problem and the corrective actions taken shall be submitted to the Health Department within 5 days of the occurrence.

f. **Treatment Standards.** The treated effluent shall demonstrate a reduction of:

- 1) 85% of Biological Oxygen Demand and Total Suspended Solids from the influent; and
- 2) 65% of Total Nitrogen from the influent; and
- 3) 95% of Fecal Coliform.

g. **Monitoring Requirements.**

- 1) There shall be quarterly sampling of the treated wastewater for the first 12 months from the date that the wastewater treatment unit is placed into use.
- 2) The service provider and/or the owner shall submit the quarterly sample results to the Health Department from a California state

certified laboratory within 10 calendar days of receiving the sample results.

- 3) If the Health Department notifies the service provider and/or the owner that the sampling results do not meet the treatment standards, the owner must take immediate corrective action and must notify the Health Department within five calendar days as to the corrective action taken. The owner's notification to the Health Department must be followed by a written report by the owner stating what caused the failure to meet standards and what corrective actions were taken within 10 calendar days of the Health Department's notification to the owner of the treated wastewater not meeting standards.
- 4) If the quarterly sampling meets or exceeds the monitoring standards as set in this ordinance the sampling schedule may be reduced to every six months.
- 5) If 50% of the sampling results of a six month sampling schedule fail to meet standards in a year, the Health Department may require the sampling schedule to return to a quarterly sampling schedule or more frequent.
- 6) The owner must perform such other monitoring and provide such other reports as the Health Department may require to ensure the protection of public health and water quality.

h. Well Construction and Design.

- 1) A California certified hydrogeologist shall oversee the drilling of the well and recording of the cuttings from the well drilling operation for the well log.
- 2) After reviewing the soils study and the well log, the hydrogeologist shall propose a well construction design to ensure the protection of groundwater quality from contaminant sources.
- 2) A hydrogeologist shall oversee the well seal and ensure that the seal meets the approved well construction design.

i. Water Softeners. No Self-Regenerating Water Softeners shall be used for treating water.

j. Plumbing Fixtures. Only Low Flow Plumbing Fixtures shall be used.

k. The permittee and future owners shall be subject to the requirements of the Onsite Wastewater Management Plan when it is implemented to the extent permitted by law. Any entitlements issued to permittee which allow individual sewage disposal systems prior to the adoption of the Onsite Wastewater Management Plan shall be conditioned to require permittee and all future owners to comply with the maintenance, monitoring, treatment, and other requirements set forth in this ordinance.

- l. The permittee and future owners shall recompense the County for any oversight, monitoring or enforcement action that is taken.
- m. Applicant will be required to demonstrate that the project will have less than significant direct impacts to surface and ground water resources. Such applications will be subject to environmental review under the California Environmental Quality Act.
- n. A project on the Pending Applications list (See Exhibit 2) may include subsequent applications for further permits such as a Combined Development Permit if necessary to complete the planning process, but all such further permit applications shall be subject to the standards herein.

SECTION 3. EXTENSION.

Based on all of the foregoing findings and declarations, the Board of Supervisors hereby extends Ordinance No. 5086, as amended by Section 2 above, except for its Section 11, until and through October 1, 2008.

SECTION 4. EFFECTIVE DATE.

Pursuant to the findings and declarations set forth in this ordinance and set forth in Interim Ordinance No. 5086 and incorporated by reference, the Board declares that this Ordinance is necessary for the protection of public health, safety, and welfare, and shall take effect immediately. This Ordinance shall be of no further force and effect upon its expiration pursuant to Section 3, unless extended pursuant to law.

PASSED AND ADOPTED this 13th day of November, 2007, by the following vote:

AYES: Supervisors Armenta, Calcagno, Salinas, Potter
 NOES: None
 ABSENT: Supervisor Smith

David Potter

DAVID POTTER
 Chair, Monterey County Board of Supervisors

ATTEST:

LEW C. BAUMAN
 Clerk of the Board of Supervisors

By *A. Adamo*
 Annette D'Adamo, Interim Deputy

APPROVED AS TO FORM: <i>Leroy W. Blankenship</i> LEROY W. BLANKENSHIP Assistant County Counsel

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>Operations and Maintenance Contract</p> <p>Submit a signed operations and maintenance contract from a licensed septic contractor prior to final of building permit. Contract must include:</p> <ul style="list-style-type: none"> • Statement that if either party fails to comply with the contract EHD will be notified. • Effluent quality reports shall be submitted to EHD bi-annually. • EHD shall be notified at each renewal term, and a contract shall be submitted to EHD. • All testing requirements in Interim Ordinance 5093, and other county, state and federal regulations shall be complied with. <p>(Environmental Health)</p>	<p>Submit a signed operations and maintenance contract from a licensed septic contractor to EHD for review and approval, prior to final of building permit.</p> <p>All lab results and service reports shall be submitted to the EHD on a bi-annual basis.</p> <p>All renew contracts shall be submitted to EHD for review and approval.</p>	<p>CA Licensed Engineer /Owner/ Applicant</p>	<p>Submit contract prior to building permit final.</p> <p>Operations and Maintenance Contract is an ongoing condition</p>	
		<p>Deed Notice – Alternative Wastewater Treatment System</p> <p>The applicant shall record a deed notification with the Monterey County Recorder for parcel 241-052-001-000 with the approved language indicating that an alternative onsite wastewater treatment system is installed on the property. Contact EHD for specific wording to be included on the deed notification.</p>	<p>Contact EHD for specific deed notice wording.</p> <p>Record deed notice.</p>	<p>CA Licensed Engineer /Owner/ Applicant</p>	<p>Record deed notice prior to final of building permit.</p>	

WHEN RECORDED MAIL TO:
Monterey County Health Dept.
Division of Environmental Health
Environmental Health Review
1270 Natividad Rd.
Salinas, CA. 93906

THIS SPACE FOR RECORDER'S USE ONLY

TITLE OF DOCUMENT
CONDITIONAL WASTEWATER TREATMENT AND
DISPERSAL SYSTEM AGREEMENT

Document Instructions:

Property owner to provide required information below and sign document before a Notary Public.

Document is to be notarized on the form below.

The signed document is to be recorded with the County of Monterey Recorder's Office. Recorder's copies of the document shall be distributed to property owner, Monterey County Health Department and the manufacturer's authorized servicing agent.

Subject Parcel: Monterey County Assessors Parcel Number _____

The Monterey County Health Department, Environmental Health Division has determined that a standard onsite wastewater system for the subject parcel cannot meet minimum public health requirements. The Environmental Health Division has approved the installation and use of a specific wastewater treatment system suitable for conditions affecting subject parcel. A record of septic permit including the name and model number of the treatment unit is on file with the Environmental Health Division.

Property owner agrees that the subject parcel shall be held, occupied, sold and conveyed subject to the following restrictions and conditions which shall run with the real property and be binding upon all parties having any right, title or interest in said property.

Owner agrees to operate the wastewater treatment system in accordance with the manufacture's instructions and all applicable Monterey County regulations.

Subject parcel shall be subject to future federal, state or local laws and ordinances regarding the permitting, operation and maintenance or monitoring of alternative/enhanced on site wastewater systems.

Owner agrees to enter into and maintain in effect a maintenance contract with the manufacturer of the system or a company certified through the manufacturer for purposes of scheduled inspection and maintenance of the system per manufacturer's specification

and any National Sanitation Foundation (NSF) standards consistent with NSF approval of the treatment system. The maintenance contact shall include an alarm service so that the owner may be notified of any breakdown or failure of the treatment system.

The provisions of this Declaration are declared to be specifically enforceable through this recorded document and applicable Monterey County ordinances adopted pursuant to the permitting and operation of an On-site Advanced Wastewater Treatment System.

In the event that it becomes necessary for the County to commence an action of law to enforce any of the conditions or restrictions contained herein, the County shall be entitled to recover reasonable attorney's fees and costs, as may be determined by the court, from the property owner against whom such action is maintained. This provision shall be deemed to be accepted and agreed to by any person to whom any lot herein described shall be conveyed.

Property Owner's Signature

Date

Print Property Owner's Name: _____

Property Physical Address: _____

Assessor's Parcel Number: _____

STATE OF CALIFORNIA

COUNTY OF MONTEREY } ss.

On _____ before me, _____
(here insert name
and title of the officer), personally
appeared _____

_____, personally known to me (or
proved to me on the basis of satisfactory evidence) to
be the person(s) whose name(s) is/are subscribed to
the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s), or the
entity upon behalf of which the person(s) acted,
executed the instrument.

ATTACHMENT

3

LAURENCE P. HORAN
FRANCIS P. LLOYD
ANTHONY T. KARACHALE
STEPHEN W. DYER
GARY D. SCHWARTZ
MARK A. BLUM
MARK A. O'CONNOR
ROBERT E. ARNOLD III
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September 30, 2008

OUR FILE NO. 4577.01

Via Electronic and Regular Mail

Matthew Keeling, P.E.
CRWQCB - Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

**RE: Application for Proposed Waiver of Waste Discharge Requirements for
Alternative Onsite Wastewater Disposal Systems - 192 & 194 San Remo Road,
Carmel Highlands**

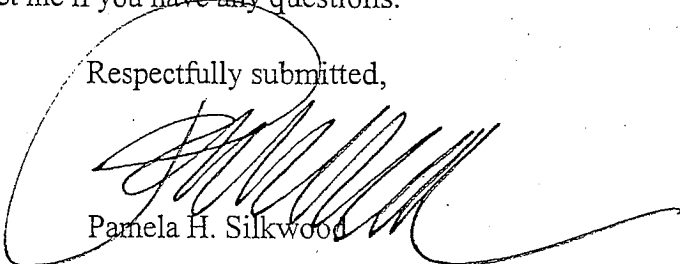
Dear Mr. Keeling:

This firm represents Dr. and Mrs. Michael Moeller, owners of the above referenced properties. Enclosed with this letter, please find the following documents:

- A table that summarizes our responses to the project opponents/neighbors' comments (Exhibit "A");
- BioSphere Consulting's Results of Additional Soil Testing and Discussion of Potential Influence of Rainfall, dated September 25, 2008 (Exhibit "B");
- Pacific Geotechnical Engineering's Progress Report and Scope of Work - Slope Stability Evaluation, dated September 26, 2008 (Exhibit "C");
- Monterey County Resolution No. 05-082, passed and adopted on April 19, 2005 (Exhibit "D"); and
- Revised plan for Lot -005 (Exhibit "E");

Please do not hesitate to contact me if you have any questions.

Respectfully submitted,


Pamela H. Silkwood

PHS:rl
Enclosures
cc: client

Matthew Keeling, P.E.
CRWQCB - Central Coast Region
September 30, 2008
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Carl Holm
Richard LeWarne
Janna Faulk
Andrew Brownstone
William Daniels, Esq.
Brian Call, Esq.
Steve Wilson
Alan J. Smith, Esq.

Exhibit A

Exhibit A
Applicant's Responses to Project Opponent's Comments

Comment No.	Commenter	Comment	Response
1	Brian Call representing Mary Whitney	The alternative onsite wastewater disposal system is designed for a lot configuration that does not exist.	For those projects, like this one, that can proceed under Interim Ordinance No. 5086 as modified by Ordinance No. 5093, Monterey County requires a conditional waiver of waste discharge requirement for any proposed wastewater disposal system <i>before</i> processing a development permit application. The RWQCB approval and permit are required before Dr. Moeller's lot line adjustment and Lot -005 development application ("Project") will be determined complete and processed by Monterey County.
2		The development of any wastewater system on the Lot -005 property is in violation of Monterey County Board of Supervisors Ordinance No. 5093.	The California Coastal Commission approved the development on Lot -006, which includes construction of a standard septic system, and issued a coastal development permit ("CDP"). Dr. Moeller began construction of the residence on this parcel pursuant to the CDP. At the request of the neighbors, Dr. Moeller has volunteered to install this treatment system in lieu of the approved standard septic system to better protect the surrounding environment. The California Coastal Commission has determined that such change to the approved development does not require any further review and approval.
	Brian Call representing Mary Whitney	The proposed ultraviolet disinfection system is currently being reviewed by outside consultants, and Ms. Whitney reserves the right to bring before the Board any deficiencies associated with the system.	Comment noted.
	Brian Call representing Mary Whitney	The geotechnical investigation report is currently being reviewed by outside consultants for Ms. Whitney.	<p>Comment noted.</p> <p>There have been numerous geotechnical and septic investigations conducted on Lots -005 and -006 (collectively, "Subject Properties") including the following:</p> <ol style="list-style-type: none"> 1) Soil Analysis, prepared by BioSphere Consulting, dated April 23, 2008; 2) Geotechnical Investigation for San Remo Properties, prepared by

Comment No.	Commenter	Comment	Response
			<p>Pacific Crest Engineering, dated April 2003; and</p> <p>3) Additional Percolation Tests and Addendum to Geotechnical and Percolation Investigation Report, prepared by Soils Surveys, Inc. dated November 2, 2001.</p> <p>More recently, BioSphere Consulting conducted additional analysis and testing of the shallow soils within the proposed wastewater dispersal areas to provide additional supportive data, even though this work was not specifically required by the RWQCB. BioSphere Consulting's report is included as Exhibit "B". The results of this additional soil testing show that the application rates used as a design basis in sizing the proposed wastewater system are over 200% more conservative than the very lowest soil application rate empirically demonstrated by this testing. The site soils have demonstrated an infiltrative capacity that is more than sufficient for the proposed systems.</p> <p>Additionally, Pacific Geotechnical Engineering will be conducting a slope stability evaluation, and the data will be provided to staff prior to the RWQCB hearing. Pacific Geotechnical Engineering's scope of work and its preliminary evaluation are included as Exhibit "C."</p>
	<p>Brian Call representing Mary Whitney</p>	<p>The proposed engineering wastewater disposal system will require ongoing inspection, maintenance and report, and there is no guarantee that the applicant will sufficiently inspect, maintain, and repair the system.</p> <p>The lot line adjustment could not be granted under state law.</p>	<p>This comment is specifically addressed by the following nonstandard permit conditions imposed by Monterey County: (1) an operations and maintenance contract and (2) deed notification. Both are designed to ensure ongoing inspection, maintenance and reporting of the system. (RWQCB Staff Report, Background, No. 12.) It is improper to assume that the permittee will fail to comply with conditions of approval.</p>
	<p>William B. Daniels representing Mary De La Rosa</p>		<p>This issue is not relevant to the RWQCB's decision on the conditional waiver of waste discharge requirement for the proposed wastewater disposal system. Nevertheless, a response follows for information only.</p> <p>Monterey County allows lot line adjustments for properties that do not meet minimum lot size and when there is no way to adjust the lot lines so that the</p>

Comment No	Commenter	Comment	Response
7	William B. Daniels representing Mary De La Rosa	Development, including waste water systems, will likely have a substantial environmental impact.	<p>resulting lots become conforming as to size under Monterey County Code so long as (1) the lots have been created prior to March 7, 1972 (Gov. Code §66412.6) and in accordance with the relevant County ordinance in effect at that time, or created in accordance with the Subdivision Map Act; (2) a greater number of lots will not be created; and (3) the lot line adjustment is found to be consistent with applicable County policies.</p> <p>The Subject Properties were lawfully created prior to March 7, 1972. There will be no net change in acreage between the Subject Properties, and no new parcel will be created. In Resolution No. 05-082 (Exhibit "D"), which approved the same lot line adjustment, Monterey County determined the lot line to be consistent with the applicable plans and policies of the Monterey County Code, Local Coastal Program, and state Subdivision Map Act. Thus, the lot line adjustment is allowed under the state Subdivision Map Act.</p>
	Alan Smith representing Misaki Olson	A back up generator should be required	<p>In addition to this application, the RWQCB has had an opportunity to review and approve this same alternative wastewater system proposed by BioSphere Consulting as part of the Kashfi application. Unlike the Kashfi project, which proposes an on-site potable well, the Carmel Riviera Mutual Water Company will be providing water service to the Subject Properties. In issuing the waiver of waste discharge requirement through Resolution No. R3-2008-0020 for the Kashfi project, the RWQCB has concluded that the proposed system, with ultraviolet disinfection, is not anticipated to degrade groundwater and thus, would not have an impact to the surrounding environment. Contrary to this comment, the proposed advanced system has proven to often exceed treatment levels achieved by most municipal wastewater treatment plants and is significantly more beneficial to the surrounding environment than the standard septic systems, which are typically found throughout the Carmel Highlands area.</p>
			<p>There is over 250 gallons of surge capacity in the tank which should provide sufficient capacity even when the power is off. Moreover, the proposed system is watertight and thus, the plumbing would back-up in the house and be noticed before there would be any outside overflow. Thus, there is no need for a back-up generator.</p>

Commenter	Comment	Response
Alan Smith representing Misaki Olson	The proposed system is cutting edge experimental, unproven, and not an adequately tested design	The AdvanTex treatment system is not experimental, nor is it unproven.
Alan Smith representing Misaki Olson	Landscaping to block Ms. Olson's privacy may be restricted by this system.	This issue is not relevant to the RWQCB's decision on the conditional waiver of waste discharge requirement for the proposed wastewater disposal system. Nevertheless, the applicant is willing to discuss the landscaping plan with Ms. Olson. The landscaping plan will take into consideration protection of Ms. Olson's privacy.
Alan Smith representing Misaki Olson	The surface and sub-surface drainage system need to be symbiotic.	First, it is important to note that the release from the system will not result in the daylighting of effluent. (RWQCB Staff Report, Condition m.) Second, any stormwater runoff that is not captured by the storm drainage system and instead, infiltrates to groundwater will not only serve to further dilute the treated filtrate, but will also help flush the soil pores and assist in transporting any remaining nutrients in the filtrate through the shallow soils where the highest concentration of microbial populations can further enhance biodegradation. As discussed in response to Comment No. 7, this advanced system has proven to exceed tertiary levels often achieved by most municipal wastewater treatment plants and is significantly more beneficial to water quality than a standard septic system installed throughout the Carmel Highlands area. Please refer to BioSphere Consulting's discussion of "Potential Influence of Rainfall" included as Exhibit "B."
Alan Smith representing Misaki Olson	Request for a third party review of the design/design assumption, during the course of construction, and monitoring after construction	The onsite wastewater disposal system design has been reviewed by qualified professional staff, including professional engineers (P.E.) of the RWQCB and the Monterey County Health Department.
Monterey Bay Engineers, Inc.; client - Dr. & Mrs. Hoxie	Without the approval of lot line adjustment, there is only one parcel of two that is possibly capable of providing septic system	The commenter identified the rationale for supporting this lot line adjustment. Please note that the California Coastal Commission remanded the lot line adjustment back to Monterey County for further review, particularly regarding the emergency access issue, and has recently agreed that this lot line adjustment would provide a more favorable layout for development to better

Comment	Commenter	Comment	Response
		<p>given the requirements for setbacks from water course and from slopes exceeding 30%. The proposed conditions of approval should make it clear that the approval would only be applicable if the property boundaries are actually adjusted.</p>	<p>protect the environment. Even if the lot line adjustment application is denied by Monterey County (which is unlikely since Monterey County originally approved this same lot line adjustment in 2005), the property owner retains the right to develop on Lot -005. If this occurs, the building envelope will be relocated; however, the proposed wastewater disposal system may remain in the same location (with an easement granted to and benefiting Lot -005). Thus, there is no valid nexus to impose the commenter's requested condition on this approval.</p>
4	<p>Monterey Bay Engineers, Inc.; client – Dr. & Mrs. Hoxie</p>	<p>The plans for the proposed for parcel -006 show setbacks of approximately 10 feet to a 6-foot tall retaining wall (cut condition) and to the top of a cut slope. The plans for parcel -005 also do not contain the required minimum setbacks from the proposed leach fields.</p>	<p>The plans meet all the setback requirements. The California Coastal Commission approved the development on Lot -006, which includes construction of a standard septic system, and issued a coastal development permit ("CDP"). Dr. Moeller began construction of the residence on this parcel pursuant to the CDP. At the request of the neighbors, Dr. Moeller has volunteered to install this treatment system in lieu of the approved standard septic system to better protect the surrounding environment. If this treatment system is not approved, the permittee will construct the previously approved standard septic system.</p> <p>The applicant has volunteered to conduct a slope stability evaluation by collecting additional data for geologic and geotechnical suitability of the leachfield sites. The results of this evaluation will be submitted to staff prior to the RWQCB hearing. The scope of work for the slope stability evaluation is described in Exhibit "C."</p>
5	<p>Monterey Bay Engineers, Inc.; client – Dr. & Mrs. Hoxie</p>	<p>The plans for parcel -005 show a portion of a private road easement along the southerly boundary as San Remo Road. This property does not have frontage on San Remo Road as the plans would imply.</p> <p>There is a significant conflict between the leach</p>	<p>The commenter is correct. The revised plan is included as Exhibit "E".</p>
5	<p>Monterey Bay Engineers, Inc.; client – Dr. & Mrs. Hoxie</p>		<p>The commenter is correct. The consultant used the wrong base map for driveway configuration. The corrected, revised plan is included as Exhibit</p>

Comment	Commenter	Comment	Response
	Leland Lewis	<p>field proposed and the driveway for parcel -005.</p> <p>The current configuration of the property, despite its 20 degree slope toward the neighboring property, would provide adequate area for sufficient rock-filled backup dispersal trenches.</p> <p>Reconfiguration of the building site through a lot line adjustment as would nullify the possibility of providing sufficient area for this septic tank.</p>	<p>“E.”</p> <p>As discussed in response to Comment No. 14, the applicant has volunteered to conduct a slope stability evaluation by collecting additional data to further evaluate geologic and geotechnical suitability of the leachfield sites. The results of this evaluation will be submitted to staff prior to the RWQCB hearing. The scope of work for the slope stability evaluation is described in Exhibit “C.”</p>
	Leland Lewis	<p>Influence of heavy surface rain inundating the 20-degree slope of the building site trumps ordinances, requirements and compliance.</p>	<p>As discussed in the response to Comment No. 11 and further discussed in the report prepared by BioSphere Consulting (Exhibit ‘B’), the rain water will further benefit the water quality of the filtrate through dilution and additional cleansing of the soil pores, enhancing the natural microbial degradation.</p> <p>BioSphere Consulting’s report also notes that the proposed system is water tight and equipped with an alarm system which will provide immediate notification if there is a leak in the system. Because the proposed dispersal systems will be pressurized, there is little concern that the trenches will be flooded with near-surface water.</p>

Exhibit B



- Site Evaluation & Mapping
- Soil Analysis & Percolation Testing
- New Development, Upgrades & Repairs
- Residential & Commercial

1315 King Street
Santa Cruz, CA 95060

Tel: (831) 430-9116

Fax: (831) 430-9405

www.biosphere-consulting.com
andrew@biosphere-consulting.com

Alternative Wastewater System Design

September 25, 2008

Dr. Michael and Patricia Moeller
C/o: Pam Silkwood
Horan, Lloyd Law Offices
P.O. Box 3350
Monterey CA, 93942-3350

**SUBJECT: Results of Additional Soil Testing
and Discussion of Potential Influence of Rainfall.**

*REFERENCE: Alternative Onsite Wastewater System Design Plans for New Development
192 & 194 San Remo Rd, Carmel Highlands, California (dated 5/14/08)*

Michael and Patricia,

At your request, we have conducted additional testing and analysis of the shallow soils within the proposed wastewater dispersal areas on the subject property referenced above. We performed this additional soil testing on September 3, 4, 17, and 18, 2008. The purpose of this additional soil testing was to obtain further verification that the soil application rate used as a design basis to size the proposed dispersal systems was appropriate. The initial soil testing we conducted in March, prior to designing the systems, consisted of eight hand-auger soil test borings advanced across the proposed dispersal areas. These test holes exposed relatively loose, sandy loam to sandy clay loam soil textures in the upper 12" to 24". We originally *estimated* that the deeper soil (below 24") would yield moderate to high hydraulic conductivity based on analysis of the soil texture. The additional soil testing we completed this month has determined that this is not the case, but our testing demonstrated that the upper soils proposed for dispersal do yield sufficiently rapid percolation rates.

Our additional soil testing consisted of installing eight percolation test holes and three soil infiltration test trenches across the proposed dispersal areas. The depths of the soil percolation test holes range from 14" to 36" below grade and resulted in percolation rates ranging from 3 to 43 minutes per inch (MPI) in the upper 30" of soil and roughly 60 to 120 MPI in the soils below 30" (see attached Percolation Test Data Sheets). The three soil infiltration test trenches were carefully constructed to a 12" depth to simulate the pressurized trenches proposed as the secondary dispersal systems (see attached Orenco Infiltration Test Kit document). Two test trenches were constructed in the lower (southern) dispersal area and one in the upper (northern) dispersal area. These infiltration tests provided an empirical demonstration of the upper soils Long Term Acceptance Rates (LTAR) through the use of a pump and programmable timer to pressure dose the trenches over a 24-hour period. Two of our tests (one in each of the proposed dispersal areas) resulted in LTARs of 20 to 30 gallons per day per square foot (gpd/ft²) of trench floor area (see attached Soil Infiltration Test Data Sheets). The third test trench, located in the southern portion of the lower (southern) dispersal area resulted in a significantly lower LTAR of around 2 to 5 gpd/ft². The proposed dispersal systems we designed are sized using an

application rate of 0.4 to 0.8gpd/ft². These design basis application rates are over 200% more conservative than the very lowest application rate that the site soils demonstrated during our testing. For this reason we are confident that the native site soils have an infiltrative capacity that is adequate for the proposed onsite wastewater dispersal systems.

Concern has been raised with regard to rainfall affecting the functionality of the proposed onsite wastewater system or influencing the ability of the system to maintain conditions that protect the environment and public health. There are several reasons why this concern is not valid.

- 1) The proposed system is watertight and is equipped with a proven telemetric, visual and audible alarm system that would provide early and redundant notification of any surface or groundwater infiltration that were to occur. This same control system would also provide remote and/or onsite notifications if there were a water leak or stuck fixture within the residence.
- 2) The nature of the soils and topography of the site do not promote accelerated infiltrative recharge. It is our opinion that the majority of the rainfall that falls on the site (average annual rainfall in the area is around 25") does not percolate into the soil, but rather flows off site as surface sheet-flow run-off. The U.S Department of Agriculture lists the ability of various soil types to absorb water based on bare or vegetated slopes with variable gradients. For the soil types observed on the subject site with slopes ranging from 12% to 20%, the USDA predicts a maximum percolation rate of 0.3 inches per hour (or 200 minutes per inch). In addition, the topographic and soil conditions are such to prevent groundwater from bubbling out of the ground. Because the proposed dispersal systems are pressurized, there is little concern about the trenches being occasionally flooded with near-surface water as functionality would not be compromised.
- 3) The lateral subsurface flow that occurs on the site is an ideal mechanism to provide maximum final polishing of filtrate by the soil. Because of the 15% to 30% slope gradient in the proposed dispersal areas, the rain water that does infiltrate into the near surface soils will slowly flow laterally within the upper 24" of the soil column. This is anticipated to occur less than 90% of the year during severe rainfall events and will only serve to further dilute the treated filtrate being dispersed to these soils and help flush the soil pore spaces and assist in transporting any remaining nutrients in the filtrate through the shallow soils where the highest concentration of microbial populations can further digest any contaminants.
- 4) Hundreds of these shallow pressurized wastewater dispersal systems have been in use for many years (some over 30 years!) in similar settings without problems or environmental impacts.

It is important to remember that the quality of the treated filtrate produced from the proposed AdvanTex treatment system has proven to typically exceeds tertiary levels achieved by most municipal wastewater treatment plants. These large municipal plants discharge large volumes of their treated waste directly into streams, lakes and even our local Monterey Bay Marine Sanctuary. This project proposes to discharge very small, controlled doses of higher quality filtrate to near surface soils loaded with microbial bacteria that have demonstrated the ability to provide tremendous treatment of wastewater.

Sincerely,
BioSphere Consulting, Inc.

Andrew Brownstone, PG #7453

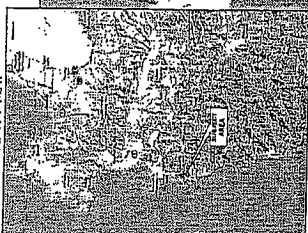
BioSphere Consulting - Soil Infiltration Test Data Sheet

		for Shallow Gravelless Drainfields			
Project:	Moeller APN: 243-181-006				
	TEST #: 2				
Address:	194 San Remo Rd, Carmel Highlands, California [Monterey County]				
Test Location:	southern portion of proposed dispersal area				
Description:	exactly 5'-long, 12"-deep, 6"-wide test trench (5' pressure lateral with 5 1/8" orifices spaced 12" apart)				
Soil Texture:	See soil analysis sheet(s)				
Start date/time:	9/4/2008	4:30pm			
End date/time:	9/5/2008	4:30pm	RESULTS:	~2-5gpd/ft2	
Targeted (estimated) acceptable soil dispersal application rate (LTAR):	15gpd/ft2		CONFIRMED MAXIMUM ACCEPTABLE SOIL LOADING/APPLICATION RATE (LTAR):		
Timer settings					
Pump "ON" Time (seconds):	21				
Pump "OFF" Time (Min.):	30				
Test Load (gpd):	37.5				
Orig. Squirt Height (feet):	5.5				
<i>Length and date of previous battery charge (hrs):</i>	24				
Inspection Data					
Inspection 1	Date: 9/4/2008				
	Time: 4:31pm				
	Minutes until next dose: 29				
	Ponding (yes/no): yes				
	Ponding depth (inches): 0.5				
	<i>ponding immediately before dose (inches): no</i>				
	<i>ponding immediately after dose (inches): 0.5</i>				
	<i>elapsed time to complete infiltration (min.): n/a</i>				
	Re-check squirt height (feet): 5.5				
Notes:					
Inspection 2	Date: 9/5/2008				
	Time: 4:40pm				
	Minutes until next dose: 1				
	Ponding (yes/no): yes				
	Ponding depth (inches): 4" - 4.5"				
	<i>ponding immediately before dose (inches): 4" - 4.5"</i>				
	<i>ponding immediately after dose (inches): 4" - 4.5"</i>				
	<i>elapsed time to complete infiltration (min.): n/a</i>				
	Re-check squirt height (feet): 5.5				
Notes:					

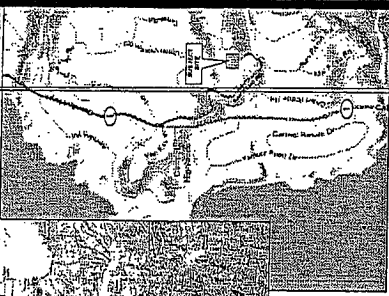
BioSphere Consulting - Soil Infiltration Test Data Sheet

		for Shallow Gravelless Drainfields	
Project:	Moeller APN: 243-181-005		
	TEST #: 1		
Address:	192 San Remo Rd, Carmel Highlands, California (Monterey County)		
Test Location:	near middle of upper (northern proposed dispersal area)		
Description:	exactly 5'-long, 10"-deep, 6"-wide test trench (5' pressure lateral with 5 1/8" orifices spaced 12" apart)		
Soil Texture:	see soil analysis sheet(s)		
Start date/time:	9/3/2008	4:00pm	
End date/time:	9/4/2008	4:00pm	RESULTS: >20gpd/ft2
Targeted (estimated) acceptable soil dispersal application rate (LTAR):	15gpd/ft2	CONFIRMED MAXIMUM ACCEPTABLE SOIL LOADING/APPLICATION RATE (LTAR):	
Timer settings			
Pump "ON" Time (seconds):	21		
Pump "OFF" Time (Min.):	30		
Test Load (gpd):	37.5		
Orig. Squirt Height (feet):	5.5		
Length and date of previous battery charge (hrs):	24		
Inspection Data			
Inspection 1:	Date:	9/3/2008	
	Time:	4:29pm	
	Minutes until next dose:	1	
	Ponding (yes/no):	no	
	Ponding depth (inches):	n/a	
	ponding immediately before dose (inches):	no	
	ponding immediately after dose (inches):	0.5	
	elapsed time to complete infiltration (min.):	n/a	
	Re-check squirt height (feet):	5.5	
Notes:			
Inspection 2:	Date:	9/4/2008	
	Time:	9:53am	
	Minutes until next dose:	1	
	Ponding (yes/no):	no	
	Ponding depth (inches):	n/a	
	ponding immediately before dose (inches):	no	
	ponding immediately after dose (inches):	0.5	
	elapsed time to complete infiltration (min.):	n/a	
	Re-check squirt height (feet):	5.5	
Notes:			
Inspection 3:	Date:	9/4/2008	
	Time:	10:57am	
	Minutes until next dose:	29	
	Ponding (yes/no):	yes	
	Ponding depth (inches):	0.75	
	ponding immediately before dose (inches):	no	
	ponding immediately after dose (inches):	0.5	
	elapsed time to complete infiltration (min.):	15 min	
	Re-check squirt height (feet):	5.5	
Notes:			
Inspection 4:	Date:	9/4/2008	
	Time:	11:26am	
	Minutes until next dose:	1	
	Ponding (yes/no):	no	
	Ponding depth (inches):	n/a	
	ponding immediately before dose (inches):	no	
	ponding immediately after dose (inches):	1.5 - .75	
	elapsed time to complete infiltration (min.):	~15 min.	
	Re-check squirt height (feet):	5.5	
Notes:			
Inspection 5:	Date:	9/4/2008	
	Time:	12:45pm	
	Minutes until next dose:	12	
	Ponding (yes/no):	no	
	Ponding depth (inches):	n/a	
	ponding immediately before dose (inches):	no	
	ponding immediately after dose (inches):	n/a	
	elapsed time to complete infiltration (min.):	~15 min.	
	Re-check squirt height (feet):	5.5	
Notes:			

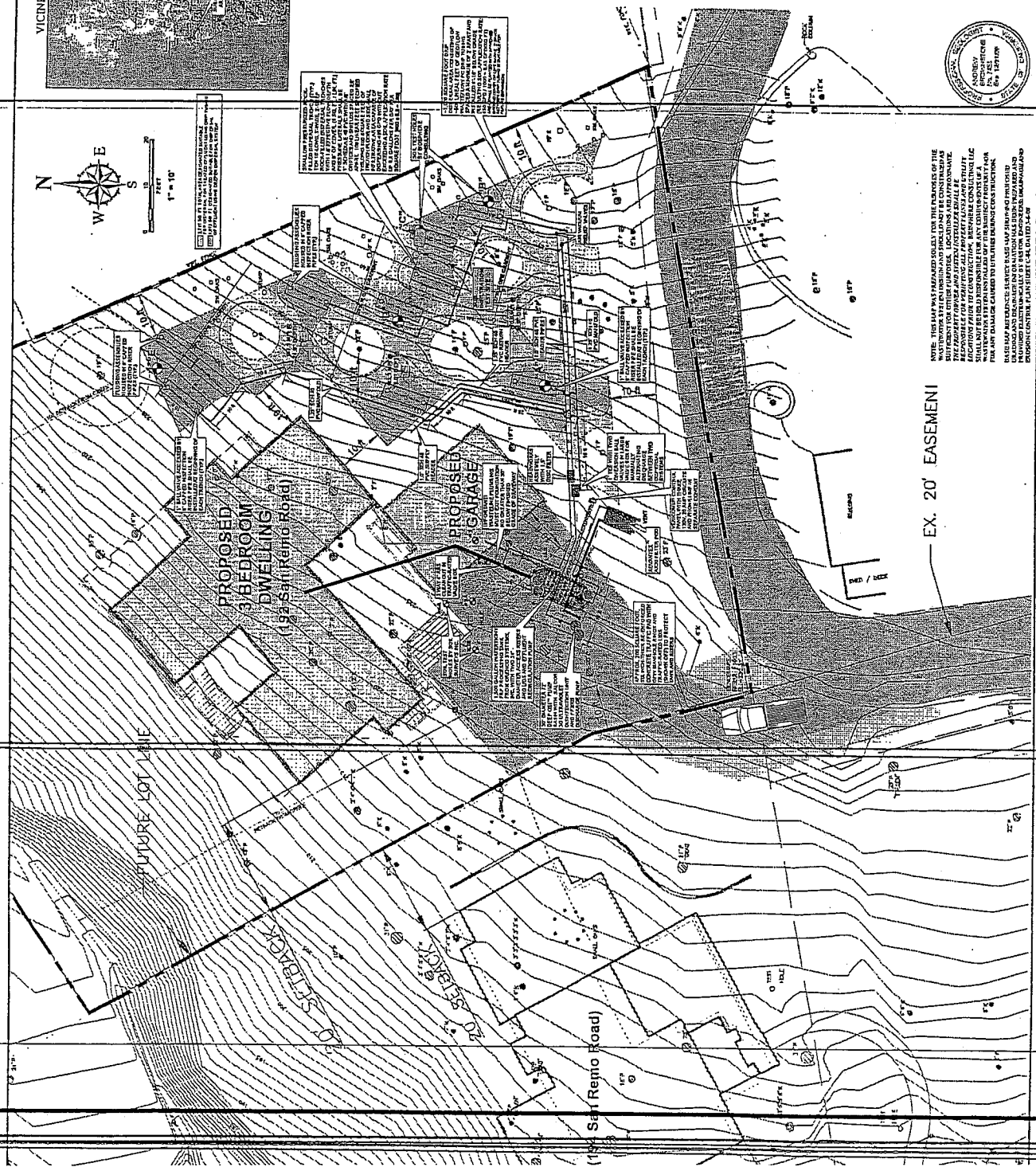
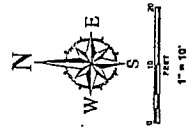
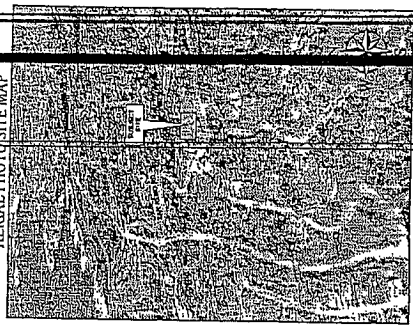
VICINITY MAP



TOPOGRAPHIC LOCATION MAP



AERIAL PHOTO SITE MAP



NOTE: THIS MAP WAS PREPARED SOLELY FOR THE PURPOSES OF THE... (Detailed site notes regarding construction and easements)

NOTE: THE UTILITIES SHOWN ON THIS MAP... (Notes regarding utility lines and easements)

PROPOSED 3-BEDROOM DWELLING (19' x 34' x 40' x 40')

PROPOSED GARAGE (12' x 12')

EX. 20' EASEMENT

NOTE: THIS MAP WAS PREPARED SOLELY FOR THE PURPOSES OF THE... (Detailed site notes regarding construction and easements)

ALTERNATIVE ON-SITE WASTE WATER SYSTEM DESIGN
 FOR REDEVELOPMENT OF A SINGLE FAMILY DWELLING
 PRESSURIZED DISPERSAL TO SUBSURFACE DISPERSED
 SHALLOW PRESSURIZED ROCK-FILLED DISPERSERS
 (TRENCHES)

Project Location: 195 San Remo RE Parcel Highlands, California
 Property Owner: Dr. Michael Noeller
 Mailing Address: 2488 Upper Tink, Carmel, CA 93923
 Owner Phone #: 831-238-2860
 Directions to Site: [Detailed directions to the site]

1315 King Street
 Suite 100
 San Jose, CA 95128
 Phone: 408-298-1000
 Fax: 408-298-1001
 Website: www.burton-watson.com

2 Site Evaluation
 3 Design
 4 Construction

Microclimate Waterworks Systems Design

1315 King Street
 Suite 100
 San Jose, CA 95128
 Phone: 408-298-1000
 Fax: 408-298-1001
 Website: www.burton-watson.com



Exhibit C



16055-D Caputo Drive, Morgan Hill, CA 95037
(408) 778-2818 • FAX (408) 779-6879
info@pacific-geotechnical.com

September 26, 2008
Project P1898

Dr. Michael Moeller
c/o Ms. Pamela Silkwood
Horan, Lloyd Law Offices
P.O. Box 3350
Monterey, CA 93942-3350

BY EMAIL & MAIL

SUBJECT: Progress Report - Slope Stability Evaluation
Proposed Alternative Septic System
192 San Remo Way
APN 243-181-005
Monterey County, California

Dear Dr. Moeller:

As requested, this letter provides you with a status report on our slope stability evaluation, in order that you may update the Regional Water Quality Control Board (RWQCB).

BACKGROUND

Your septic consultant (BioSphere Consulting, Inc.) has prepared the following plan for a proposed enhanced treatment system at the site:

- *Alternative Onsite Wastewater System Design for New Development of a Single Family Dwelling, Proposed Enhanced Treatment System Specifying Pressurized Dispersal to Subsurface Drip Tubing and Shallow Pressurized Rock-filled Dispersal Trenches;* prepared by BioSphere Consulting, rev. date September 25, 2008.

BioSphere has also provided us with various field test data sheets regarding percolation rates and pilot testing of infiltration rates using the proposed leach field system, and a summary letter (Results of Additional Soil Testing and Discussion of Potential Influence of Rainfall, dated September 25, 2008).

You have also provided us with copies of the following previous geotechnical and septic investigations, for use in the course of our evaluation: "Geotechnical and Percolation Investigation" by Soil Surveys, Inc. dated September 15, 1999; "Additional Percolation Tests and Addendum to Geotechnical and Percolation Investigation Report..." by Soil Surveys, Inc. dated November 2, 2001; "Geotechnical Investigation for San Remo Road Properties...", by Pacific Crest Engineering, Inc., dated April, 2003; and "Soil Analysis...192 San Remo Road...", by BioSphere Consulting, dated April 23, 2008.

Since this system would be sited on slopes that exceed 20%, we understand that the RWQCB is requiring a slope stability evaluation of this proposed approach.

Our slope stability evaluation is intended to evaluate this potential concern, and provided findings are positive, to satisfy the RWQCB's requirement. Our aim is to explore and evaluate the engineering properties of on-site soil in the area of the proposed leach lines and to formulate conclusions regarding slope stability in that area under septic loading conditions.

SCOPE OF WORK

The authorized scope of our evaluation consists of the following:

- 1) Review geologic maps, reports, and other pertinent information in our office files.
- 2) Perform geologic reconnaissance of the site and vicinity to evaluate geomorphic features that may be indicative of slope stability or instability.
- 3) Obtain field measurements to supplement a topographic profile to be prepared using the site topographic base that forms the basis for the Biosphere Consulting septic plan.
- 4) Explore subsurface conditions of the site by means of a portable drilling rig. We anticipate drilling 2 holes in the immediate vicinity of the proposed leach field lines. Drill holes are expected to extend up to about 10 feet below ground surface. Samples of soil and bedrock will be recovered for laboratory testing.
- 5) Plot subsurface data acquired from our drilling program onto the field-measured topographic profile, and convert it to a geologic cross section, showing the subsurface materials and our interpretation of their inter-relationships.
- 6) Perform laboratory tests on selected samples recovered from our drilling program to measure pertinent index and engineering properties.
- 7) Analyze the above data and evaluate the geologic and geotechnical suitability of the selected leach field site for the proposed plan from a slope stability standpoint. Develop supplemental recommendations if needed.
- 8) Summarize our findings, conclusions and recommendations in a Septic Leach Field Slope Stability Evaluation report, that will be appended with pertinent map/site plan, our geologic cross section, logs of our exploratory borings, and any supplemental data sheets.

STATUS OF EVALUATION

We have conducted an initial reconnaissance of the property to evaluate geologic conditions as reported by previous investigations, to develop our own observations, and identify potential boring locations. We were fortunate to be able to observe fresh cuts through native soil and subsoil along the perimeter of the house under construction at the adjacent 194 San Remo Way; these cuts provide valuable context for site-specific data on 192 San Remo Way.

We have partially completed our literature review of the site vicinity. Recent detailed geologic and landslide mapping by the California Geological Survey (Wills and others, 2005) maps the site as being underlain by "older debris fans." No landslides are mapped at the site; mapped landsliding is confined to the steeper ground several hundred feet east of the site, and within steep-walled drainages incised into crystalline bedrock terrain still further east. Geomorphically, the site is located within a series of marine terraces into which the modern drainages (such as the swale just north of the site) are cut.

We are slated to perform our own subsurface investigation at the site this coming week (week of September 29, 2008), so data from that part of our scope is not yet available.

September 26, 2008

Project P1898

At this point, we can preliminarily state that based on the information we have reviewed to date, we are not aware of conditions that would preclude the proposed septic system, and do not see any "red flags."

If you have any questions, please contact me.

Sincerely,

PACIFIC GEOTECHNICAL ENGINEERING

G. Reid Fisher
Engineering Geologist

Enc: Agreement for Professional Services (2)
Schedule of Charges - 2007



Exhibit D

Resolution No. 05-082
Before the Board of Supervisors in and for the
County of Monterey, State of California

**FINAL LOCAL
ACTION NOTICE**
REFERENCE # 3-MCO-05-179
APPEAL PERIOD 5/10-5/23/05

Approve a Combined Development Permit)
(PLN040050/Moeller) consisting of a Coastal)
Administrative Permit and Design Approval for a two-)
story 3,588 sq. ft. single family dwelling with a 1,164)
sq. ft. attached garage and grading (approximately 185)
cu. yds. of cut & 195 cu. yds. of fill); a Coastal)
Development Permit for native tree removal (9)
Monterey pines including 2 landmark pines, 6 coast)
live oaks, and 3 clusters of coast live oaks); a Coastal)
Development Permit for development on slopes of 30%)
or greater; and a Coastal Development Permit for an)
equal lot line adjustment of approximately 0.27 acres)
between a 0.85-acre lot (Parcel 1) and a 0.61-acre lot)
(Parcel 2) resulting in no net change in acreage for)
either parcel. The properties are located at and)
adjacent to 194 San Remo Drive, Carmel (Assessor's)
Parcel Numbers 243-181-006-000 & 243-181-005-000),)
Carmel Highlands Area, Coastal Zone.)

RECEIVED

MAY 09 2005

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

In the matter of the application of PLN040050 (Moeller),

WHEREAS: The Monterey County Board of Supervisors pursuant to regulations established by local ordinance and state law, has considered, at public hearing, an application for a Combined Development Permit (PLN040050/Moeller) consisting of a Coastal Administrative Permit and Design Approval for a two-story 3,588 sq. ft. single family dwelling with a 1,164 sq. ft. attached garage and grading (approximately 185 cu. yds. of cut & 195 cu. yds. of fill); a Coastal Development Permit for native tree removal (9 Monterey pines including 2 landmark pines, 6 coast live oaks, and 3 clusters of coast live oaks); a Coastal Development Permit for development on slopes of 30% or greater; and a Coastal Development Permit for an equal lot line adjustment of approximately 0.27 acres between a 0.85-acre lot (Parcel 1) and a 0.61-acre lot (Parcel 2) resulting in no net change in acreage for either parcel. The properties are located at and adjacent to 194 San Remo Drive, Carmel (Assessor's Parcel Numbers 243-181-006-000 & 243-181-005-000), Carmel Highlands Area, Coastal Zone.

NOW, THEREFORE, the Board of Supervisors finds as follows:

1. FINDING: CONSISTENCY - The project, as conditioned, is consistent with applicable plans and policies, including the Monterey County Coastal Subdivision Ordinance (Title 19), the Carmel Area Land Use Plan, the Regulations for Development in the Carmel Area Land Use Plan, Part 6 (Appendices) of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20) which designates this area as appropriate for residential development.

- EVIDENCE:** (a) PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the *Carmel Area Land Use Plan*, the *Regulations for Development in the Carmel Area Land Use Plan*, Part 6 (Appendices) of the Coastal Implementation Plan. PBI staff has reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Coastal Subdivision Ordinance (Title 19) and the Monterey County Zoning Ordinance (Title 20) and has determined that the project is consistent with these plans and ordinances, which designate this area as appropriate for residential development. Application materials in Project File PLN040050.
- (b) Project planner conducted onsite inspections on July 20, 2003, January 15, 2004, and March 17, 2005 to verify that the project on the subject parcel conforms to the plans and ordinances listed above.
- (c) The project, for a lot line adjustment and a single family home, involves a conditional use and an allowed use, respectively, in accordance with Sections 20.14.050.BB and 20.14.040.A of the Zoning Ordinance (Title 20).
- (d) The project is in compliance with Site Development Standards for the Low Density Residential District in accordance with Section 20.14.060.
- (e) **LAND USE ADVISORY COMMITTEE:** The Carmel Area Land Use Advisory Committee heard the project on Monday, April 5, 2004, and recommended denial of the proposed house design by a vote of 4-0 (with 3 members absent), and voted to recommend approval of the proposed lot line adjustment as well as the waiver to allow development on slopes of 30% or greater by the same margin; LUAC meeting minutes dated Monday April 5, 2004.
- (f) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN040050.

2. FINDING: **SLOPES OF 30% OR GREATER** – The project proposes development on approximately 720 sq. ft. of Parcel 1 (currently APN 243-181-006-000) with slopes of 30% or greater. This development proposal better achieves the goals, policies and objectives of the Monterey County Local Coastal Program than other development alternatives because it minimizes tree removal and avoids development on steeper areas of the parcel (as adjusted). Remaining areas of both parcels with slopes of 30% or greater shall be conveyed to the County as a Scenic and Conservation easement, pursuant to the requirements of Section 20.146.120.A.6 of the Regulations for Development in the Carmel Area Land Use Plan.

- EVIDENCE:** (a) Plans and materials contained in Project File PLN040050.
- (b) Forest Management Plan prepared for the project by Forest City Consulting, dated January 27, 2004. Report contained in Project File PLN040050.
- (c) Staff conducted a site visit on January 15, 2004 and March 17, 2005, to verify that the site is suitable for this use.
- (d) Condition 9.

3. FINDING: TREE REMOVAL -A total of 9 Monterey pines, 6 coast live oaks, and 3 clusters of coast live oaks are proposed for removal. The subject project, as conditioned, minimizes tree removal in accordance with the applicable goals and policies of the Carmel Area Land Use Plan and the Regulations for Development in the Carmel Area Land Use Plan (Coastal Implementation Plan, Part 4). No alternatives to development (such as resiting, relocation, or reduction in development area) exist whereby removal can be avoided for the two landmark Monterey pine trees (#s 26 & 34 of the forester's report). Tree #34 is located within the footprint of the proposed residence and in the forester's latest assessment of the project, dated April 5, 2004, he states that, "Tree #26 cannot be reasonably retained within falling distance of any structure or high use area." Therefore, a total of nine (9) Monterey pines may be removed (#s 3, 5, 6, 7, 24, 26, 32, 33, 34). The coast live oaks allowed for removal are #s 27, 28, 29, 30, 31, plus the three unnumbered clusters of small oaks indicated in the forester's report. This action does not allow for trees of any type or size to be removed on the undeveloped easterly lot (as adjusted). Pursuant to the requirements of Section 20.146.060.D.6 of the Regulations for Development in the Carmel Area Land Use Plan, the 6 Monterey pines to be removed that are 12" DBH or greater shall be replaced at a 1: 1 ratio and shall be included as part of the required landscaping plan.

- EVIDENCE:**
- (a) The forester's report states that the "*proposed design reflects the desire to protect trees, especially the larger Monterey Pines; however, it was decided that some large tree needed to be removed to insure protection of others.*"
 - (b) Forest Management Plan prepared for the project by Forest City Consulting, dated January 27, 2004, and addendum dated April 5, 2004, as well as supplemental report dated September 3, 2003 (reports contained in Project File PLN040050).
 - (c) On the westerly lot (as adjusted), two (2) landmark Monterey pine trees are proposed for removal along with 3 other pines greater than 12" in diameter-at-breast height (DBH) and 3 pines less than 12" DBH. Six (6) coast live oaks measuring 6" DBH or less and three (3) clusters of oaks with trunks measuring 4" or less are also proposed for removal on the westerly lot (as adjusted). Four dead or damaged trees north of the proposed residence are proposed for removal, and one 23" Monterey pine (#24) in the southern portion of the lot is uprooting and therefore proposed for removal.
 - (d) Staff conducted a site visit on January 15, 2004 and March 17, 2005 to verify that the site is suitable for this use.
 - (e) Condition 25.

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, and all zoning violation abatement cost, if any, have been paid.

EVIDENCE: Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject property.

5. **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: The project was reviewed by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks and the Carmel Highlands FPD. The respective departments and 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. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions.

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

EVIDENCE: (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks Department and the Carmel Highlands FPD. Conditions recommended have been incorporated.

(b) According to the PBID Geographic Information System (GIS), the project lies in a seismic-hazard zone “III” (i.e., “moderate”), landslide risk is low to moderate, and liquefaction risk is low. Erosion risk is high. However, standard erosion-control practices will be implemented as conditions of the grading permit in order to fulfill the requirements of the County’s Grading and Erosion Control Ordinances (Chapters 16.08 & 16.12 of the County Code).

(c) A biological survey prepared for the project by Vern Yadon, dated March 14, 2003, reports that there are no statutorily-protected species found onsite, although two locally protected species are present onsite, which are native Monterey pine forest and coast live oaks. Report contained in Project File PLN040050.

(d) An archaeological survey prepared by Archaeological Consulting, Inc., dated December 2, 2002, reports no evidence of archaeological or historic resources onsite.

(e) Staff conducted a site visit on January 15, 2004 and March 17, 2005, to verify that the site is suitable for this use.

(f) Necessary public facilities are available and will be provided.

7. **FINDING: CEQA (EXEMPT)** – The project is exempt from environmental review.

EVIDENCE: (a) CEQA Guidelines Sections 15303, 15304, and 15305 allow small structures, minor alterations to land, and minor lot line adjustments, respectively, to be categorically exempted from environmental review.

(b) No adverse environmental effects were identified during staff review of the development application during a site visit on January 15, 2004.

- (c) According to the PBID Geographic Information System (GIS), the project lies in a seismic-hazard zone "III" (i.e., "moderate"), landslide risk is low to moderate, and liquefaction risk is low. Erosion risk is high. However, standard erosion-control practices will be implemented as conditions of the grading permit in order to fulfill the requirements of the County's Grading and Erosion Control Ordinances (Chapters 16.08 & 16.12 of the County Code).
- (d) A biological survey prepared for the project by Vern Yadon, dated March 14, 2003, reports that there are no statutorily-protected species found onsite, although two locally protected species are present onsite, which are native Monterey pine forest and coast live oaks. Report contained in Project File PLN040050.
- (e) An archaeological survey prepared by Archaeological Consulting, Inc., dated December 2, 2002, reports no evidence of archaeological or historic resources onsite.

8. FINDING: PUBLIC ACCESS - The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

EVIDENCE

- (a) The subject property is not described as an area where the Local Coastal Program requires access.
- (b) The subject property is not indicated as part of any designated trails or shoreline access areas as shown in Figure 3, the Public Access Map, of 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) Staff site visit on January 15, 2004 and March 17, 2005.

9. FINDING: LOT LINE (ADJACENT PARCELS) - The lot line adjustment is between two existing adjacent parcels.

EVIDENCE: Application and plans for a lot line adjustment found in the Project File PLN040050.

10. FINDING: LOT LINE (PARCEL CREATION) - A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.

EVIDENCE: Two contiguous separate legal parcels of record will be adjusted and two adjacent contiguous separate legal parcels of record will result from the adjustment.

11. FINDING: LOT LINE (ZONING CONFORMITY) - The parcels resulting from the lot line adjustment conform to the County Zoning and Building Ordinances.

EVIDENCE: The proposed lot line adjustment is consistent with the site development standards for parcels within the LDR/1(CZ) Zoning District, pursuant to

Sections 20.14.060 of the Monterey County Zoning Ordinance (Title 20). The application and plans for a lot line adjustment found in Project File PLN040050.

12. **FINDING:** **APPEALABILITY** – The decision on this project is appealable to the California Coastal Commission.

EVIDENCE: (a) Section 20.86.080 of the Monterey County Coastal Implementation Plan – Part 1 (Coastal Commission). Approved projects involving development permitted as conditional uses are appealable to the Coastal Commission. The project involves conditional use permits for the removal of protected trees, development on 30% slope, and for the lot line adjustment.

FINDINGS FOR THE APPEAL

13. **FINDING:** The County has conducted a fair and impartial public hearing on the application and related approvals.

EVIDENCE: (a) The Minor Subdivision Committee conducted a duly noticed, full, fair, and impartial public hearing on the application and related approvals on November 18, 2004. The hearing was conducted in accordance with state law and the adopted Monterey County Zoning Administrator Rules for the Transaction of Business (“Rules”). All members of the public wishing to speak on the project were afforded the opportunity to speak and to submit written testimony.

(b) Minutes and audio recording of the Minor Subdivision Committee hearing from November 18, 2004.

(c) The Board of Supervisors conducted a duly noticed, full, fair, and impartial *de novo* public hearing on the application and related approvals on February 15, 2005 and April 19, 2005.

(d) Minutes and audio recording of the Board of Supervisors from February 15, 2005 and April 19, 2005.

14. **FINDING:** An appeal of the November 18, 2004, action of the Minor Subdivision Committee approving a Combined Development Permit (PLN040050/Moeller) consisting of a Coastal Administrative Permit and Design Approval for a two-story 3,588 sq. ft. single family dwelling with a 1,164 sq. ft. attached garage and grading (approximately 185 cu. yds. of cut & 195 cu. yds. of fill); a Coastal Development Permit for native tree removal (9 Monterey pines including 2 landmark pines, 6 coast live oaks, and 3 clusters of coast live oaks); a Coastal Development Permit for development on slopes of 30% or greater; and a Coastal Development Permit for an equal lot line adjustment of approximately 0.27 acres between a 0.85-acre lot (Parcel 1) and a 0.61-acre lot (Parcel 2) resulting in no net change in acreage for either parcel, was filed by Pamela Krone-Davis, *et al.* The appeal was timely filed on December 20, 2004.

EVIDENCE: (a) Said appeal has been filed with the Clerk of the Board of Supervisors within the time prescribed by Monterey County pursuant to the Zoning Ordinance (Title 20) Chapter 20.86.

(b) Said appeal has been determined to be complete.

(c) The Board of Supervisors has reviewed, evaluated, and considered, and the appeal.

15. **FINDING:** This appeal is brought on the claim that: (1) the findings or decision or conditions are not supported by the evidence, and (2) the decision was contrary to law.

EVIDENCE: Appellant's Notice of Appeal dated December 20, 2004; files of Clerk of the Board of Supervisors.

16. **FINDING:** Upon consideration of the documentary information in the files, the staff report, the oral and written testimony and other evidence presented before the Zoning Administrator, the Board of Supervisors upholds the appeal and approves the project as proposed.

EVIDENCE: (a) Oral testimony, staff reports, and documents in the administrative record.
(b) Minor Subdivision Committee Resolution No. 04023, dated November 18, 2004.
(c) Minutes and audio recording of the Minor Subdivision Committee hearing from November 18, 2004.
(d) The Board of Supervisors has reviewed, evaluated, and considered the appeal. The above finding is further evidenced by Staff's responses below, as recognized by the Board of Supervisors:

Summary of Appellants' Contentions & Staff Responses

The appeal by Pamela Krone-Davis, Ken Edwards, Misaka Olson, Betsy Collins, and Mary Whitney, of the Minor Subdivision Committee's approval of the Moeller Combined Development Permit (PLN040050) is based on a contention that the findings or decision or conditions are not supported by the evidence and that the decision was contrary to law. These contentions are based on the following issues, as summarized from the neighbors' appeal:

Issue 1: Not a minor lot line adjustment but a major lot line adjustment, and as such is subject to CEQA review.

Staff Response 1: Section 19.02.150 of the Subdivision Ordinance (Coastal Zone) defines a lot line adjustment that results in the relocation of the building area or has the potential to result in the creation of additional lots as "major." A lot line adjustment which does not result in the relocation of the building area is defined as "minor." With regard to the present application, there are no defined or established building areas on the subject parcels. In addition, the northerly lot is bisected from east to west by a natural drainage swale, resulting in steep slopes, riparian habitat, and irregular topography. The combination of these facts indicates that development of this constrained lot (APN 243-181-005-000) in its current configuration would result in more substantial impacts than would occur with the benefit of the proposed lot line adjustment. The application is therefore characterized as a minor lot line adjustment, since, as adjusted, development of the two legal lots of record will minimize the impacts associated with their development to less-than-significant levels. The proposed project can therefore be considered as "self-mitigating," qualifying it for a Class 5 categorical exemption, pursuant to Section 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines.

Issue 2: The lots "created" by the Minor Subdivision Committee (MSC) are contrary to law because a non-buildable land-locked lot will be created that does not have access.

Staff Response 2: The decision by the MSC to approve the subject Combined Development Permit (PLN040050) allowed an equal exchange of acreage between two existing lots of record to allow for an adjustment of property lines that will minimize the impacts associated with their development to less-than-significant levels, but did not create any new lots.

Issue 3: Both the existing and proposed configurations of the subject parcels exceed the maximum-allowable density of the applicable land-use designation.

Staff Response 3: This contention is true. The subject parcels lie within the Low-Density Residential (LDR) land-use designation and zoning district, which allow 1 acre of land per residential unit. Regardless, however, the subject parcels are legal non-conforming lots of record and may be developed pursuant to the issuance of applicable discretionary permits, as granted by the MSC. Development of the subject parcels is found to be preferable as adjusted compared to their existing configuration, since the proposed lot-line adjustment will minimize the impacts associated with their development to less-than-significant levels.

Issue 4: As stated by the appellants, "At an earlier meeting, the applicant stated that one of the lots is vested with a contiguous lot to the north. This vestment needs to be addressed and made clear on the new lot."

Staff Response 4: The owner of the subject lots also owns a third contiguous parcel (APN 241-291-011-000) to the north of the subject parcels. However, this lot is not part of the current Combined Development Permit application and was unaffected by the MSC's action.

Issue 5: As stated by the appellants, "The proposed house is not consistent with the Carmel Area Land Use Plan because it is massive in scale and height, and the materials chosen increase visibility and a massive appearance."

Staff Response 5: Staff finds the proposed house design to be consistent with the site-development standards of the LDR zoning district, which serve to limit the size of the house. Also, the proposed design is not unlike others approved in the vicinity since adoption and certification of the County's *Local Coastal Program*. In addition, Condition 25 requires the planting of at least 6 Monterey pines to replace those removed that are 12" DBH or greater, and the applicant proposes privacy screening along the westerly property line of Parcel 1 (as adjusted) consisting of several 15-gallon coast live oaks. These facts taken together indicate that the structure will be subordinate and blended into the environment consistent with Policy 2.2.3.6 of the *Carmel Area Land Use Plan*.

Issue 6: As stated by the appellants, "The proximity of the proposed driveway to the neighboring property line to the west will create the need for a massive retaining wall on a 30 percent slope, which was not adequately represented on the plans."

Staff Response 6: A retaining wall of the nature described by the appellants is not proposed by the subject application. In fact, the project does propose a small retaining wall along the westerly edge of the proposed driveway, but this wall would face the propose house and would

not be on the downward slope facing the neighboring property to the west. Nevertheless, any additional development not covered by the scope of the present application would require a separate discretionary Permit-Amendment application.

Issue 7: Regarding tree removal, the appellants note that several trees have been removed in the past and that more are proposed for removal. In addition, the appellants contend that, "a condition for removing these landmark pines should be the planting of pines that will grow to equal stature in the future."

Staff Response 7: Staff conducted a site visit to the subject parcels on July 30, 2003 at which time the stumps of 16 trees were noted. As a result, a supplemental forester's report was required to provide more information on this subject (prepared by Glenn Flamik of Forest City Consulting, dated September 3, 2003). The results of the forester's investigation indicate that these trees were removed for reasons including clearing small trees for fuel-load maintenance, clearing storm-damaged trees, and clearing dead trees, all of which are activities exempted from Coastal Development Permit requirements. The random pattern of the stumps throughout the subject parcels lends credence to the forester's analysis in that it is clear that the trees were not removed to create a building pad, for example.

Regarding tree replacement, included in the standard landscaping condition of the MSC Resolution (Condition 23 of that document) was a requirement that the landscaping plan include 6 Monterey pines to replace those allowed for removal, and to maintain consistency with the requirements of the *Regulations for development within the Carmel Area Land Use Plan*.

APPELLANTS' DISAGREEMENT WITH FINDINGS

The neighbors' appeal lists five findings made by the MSC with which they disagree. These are as follow:

Findings 1 (Consistency) & 4 (No Violations): The appellants claim that these finding are "not accurate."

Staff Response: The appeal filed by the neighbors does not elaborate as to how they've determined that Findings 1 & 4 made by the MSC were inaccurate. As a result, staff has no response except to refer to Findings & Evidence 1 & 4, below and to reiterate that staff does find the project to be consistent with the County Code and that no violations of the Code were found with regard to the subject parcels.

Findings 2 (Slopes of 30% or Greater) & 3 (Tree Removal): The appellants contend that these findings wrongly state that the proposed location of the home minimizes tree removal and avoids development on steeper slopes. The appellants also contend that, "There are better alternatives for the building site then that chosen and the house could be made smaller to have less impact."

Staff Response: The effect of the lot line adjustment would be that the development constraints on the northerly lot, including steep slopes and riparian habitat, would be minimized. The northerly lot is bisected from east to west by a natural drainage swale, resulting in steep slopes, riparian habitat, and irregular topography. The combination of these facts indicates that development of this constrained lot (APN 243-181-005-000) in its current configuration would result in more substantial impacts than would occur with the benefit of the proposed lot line

adjustment, since a longer driveway access would be required that would involve more tree removal. Granting the lot line adjustment as proposed allows the development of both lots to avoid the steeper slopes while minimizing tree removal. Approval of the proposed project would allow development on approximately 720 sq. ft. of Parcel 1 (currently APN 243-181-006-000) with slopes of 30% or greater. Staff finds that this proposal better meets the goals and policies of the Local Coastal Program when compared to the potential impacts that may result from developing the lots in their current configuration.

Findings 5 (Health & Safety): The appellants contend that approval of the project may result in a landlocked parcel without adequate access for emergency vehicles.

Staff Response: The project was reviewed by the Carmel Highlands Fire Protection District as part of the County's Interdepartmental Review process. Four conditions recommended by the fire district are included below (#s 21, 22, 23 & 24). The fire district has made no indication to the Planning & Building Inspection Department that the project would result in inadequate access for emergency vehicles for either parcel. Review of this project did not include and does not approve a specific proposal to develop Parcel 2, but staff has determined that access to the parcel is feasible. Any future development on the parcel is subject to additional permits and review, including requirements for emergency access.

DECISION

IN VIEW OF THE ABOVE FINDINGS AND EVIDENCE the Board of Supervisors does hereby approve the subject project (PLN040050/Moeller) as proposed, subject to the conditions that follow.

PASSED AND ADOPTED on this 19th day of April, 2005, upon motion of Supervisor Potter, seconded by Supervisor Calcagno, by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Lindley Potter

NOES: None

ABSENT: Supervisor Smith

I, LEW BAUMAN, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at Page -- of Minute Book 72 , on April 19, 2005 .

Dated: May 5, 2005

LEW BAUMAN, Clerk of the Board of Supervisors, County of Monterey, State of California.

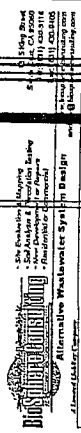
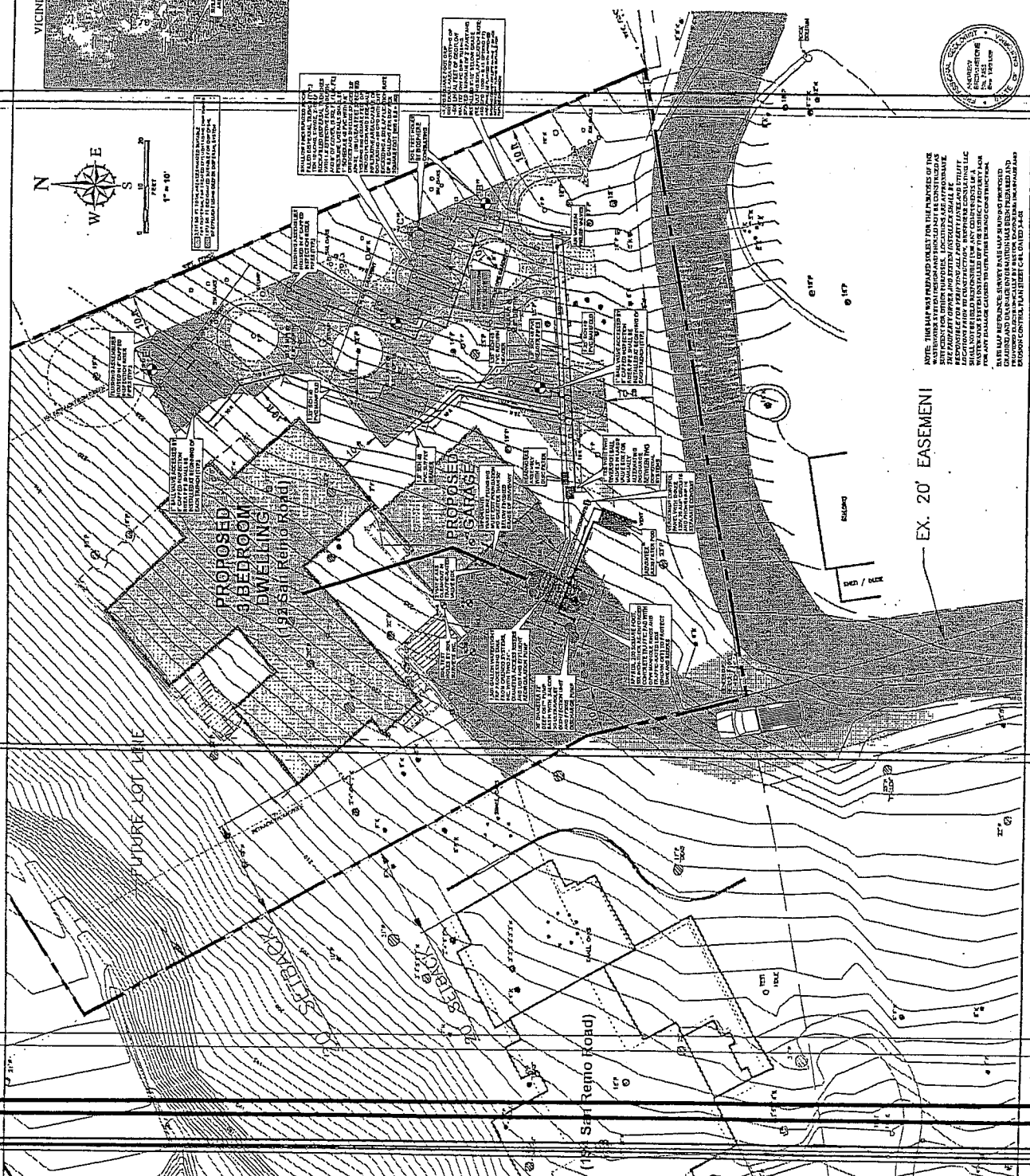
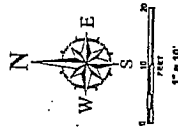
By 
Ann Anderson, Deputy

Exhibit E

VICINITY MAP

TOPOGRAPHIC LOCATION

AERIAL PHOTO SITE MAP



ALTERNATIVE ON-SITE WASTEWATER SYSTEM DESIGN
 FOR NEW DEVELOPMENT OF A SINGLE-FAMILY RESIDENTIAL DWELLING
 PROPOSED ENHANCED TREATMENT SYSTEMS INCLUDING
 PRESSURIZED DISPERSAL TO SUB-SURFACE DRIP
 SLOW LOW PRESSURIZED ROCK-FILLED DIFFUSERS
 TRENCHES

Project Location: 192 San Ramon Rd. Canal, Alameda, Calif.
 Property Owner: Dr. Michael Michler
 Mailing Address: 24085 Upper Trail, Canal, CA 94523
 Owner Phone #: 917.252.1660
 Directions to Site: Highway 88, turn left on Upper Trail, turn right on San Ramon Rd.
 Date: 09/14/08 By: Andrew Brovanski, PE, No. 08111/AP/08



NOTES: THE OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE SITE AND FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY AND COUNTY OF ALAMEDA. THE ENGINEER SHALL NOT BE RESPONSIBLE FOR THE PROTECTION OF THE SITE OR FOR OBTAINING PERMITS AND APPROVALS FROM THE CITY AND COUNTY OF ALAMEDA. THE ENGINEER SHALL NOT BE RESPONSIBLE FOR THE PROTECTION OF THE SITE OR FOR OBTAINING PERMITS AND APPROVALS FROM THE CITY AND COUNTY OF ALAMEDA. THE ENGINEER SHALL NOT BE RESPONSIBLE FOR THE PROTECTION OF THE SITE OR FOR OBTAINING PERMITS AND APPROVALS FROM THE CITY AND COUNTY OF ALAMEDA.

EX. 20' EASEMENT

EXHIBIT G

MND COMMENTS

PLN060251-Moeller LLA & SFR
Planning Commission
December 9, 2009



STATE OF CALIFORNIA

GOVERNOR'S OFFICE of PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER
GOVERNOR

November 4, 2009

CYNTHIA BRYANT
DIRECTOR

Carl P. Holm
Monterey County, RMA-Planning Department
168 W. Alaisal Street, 2nd Floor
Salinas, CA 93908

Subject: PLN060251 (PLN070629) - Moeller
SCH#: 2009101016

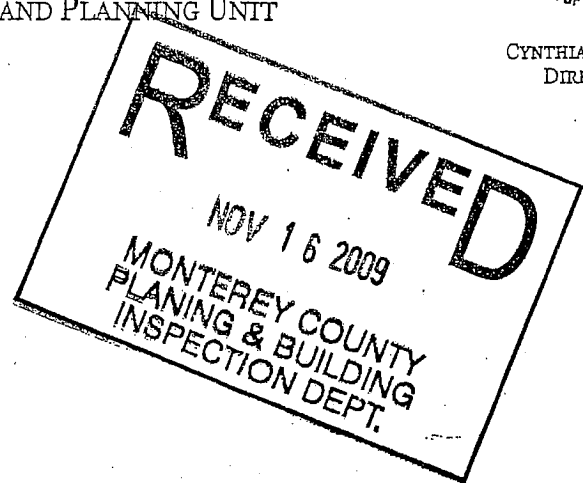
Dear Carl P. Holm:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on November 3, 2009, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

for: Scott Morgan
Acting Director, State Clearinghouse



**Document Details Report
State Clearinghouse Data Base**

SCH# 2009101016
Project Title PLN060251 (PLN070629) - Moeller
Lead Agency Monterey County

Type MND Mitigated Negative Declaration
Description The project proposes a lot line adjustment of ~0.27 acres between 0.85 acre lot (Lot 006) and a 0.61 acre lot (Lot 005) resulting in no net-change in acreage for either parcel. In addition to the lot line adjustment, the proposed project includes construction of a single family residence on the reconfigured Lot 5. Access to both lots is provided by private access easements that connect to San Remo and Mentone Roads, which are private roads.

Lead Agency Contact

Name Carl P. Holm
Agency Monterey County, RMA-Planning Department
Phone 831-755-5103
email
Address 168 W. Alaisal Street, 2nd Floor
City Salinas **State** CA **Zip** 93908
Fax

Project Location

County Monterey
City
Region
Lat / Long
Cross Streets San Remo Rd, east of Highway One
Parcel No. 243-181-005, -006
Township **Range** **Section** **Base**

Proximity to:

Highways 1
Airports
Railways
Waterways Carmel River, Pacific Ocean
Schools Carmel
Land Use Low Density Residential, 1 acre per unit, Design Control

Project Issues Aesthetic/Visual; Air Quality; Biological Resources; Coastal Zone; Cumulative Effects; Drainage/Absorption; Geologic/Seismic; Landuse; Public Services; Septic System; Soil Erosion/Compaction/Grading; Vegetation; Water Quality; Water Supply

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Fish and Game, Region 4; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, District 5; Regional Water Quality Control Board, Region 3; Native American Heritage Commission

Date Received 10/05/2009 **Start of Review** 10/05/2009 **End of Review** 11/03/2009

Monterey Bay Engineers, Inc.

CIVIL ENGINEERING
LAND SURVEYING
SUBDIVISIONS

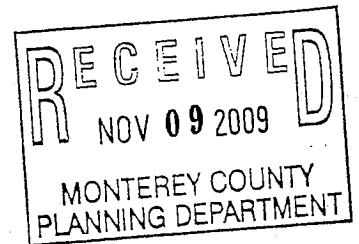
607 CHARLES AVENUE, SUITE B • SEASIDE, CALIFORNIA 93955

PHONE (831) 899-7899
FAX (831) 899-7879
EMAIL mbayengr@mbay.net

STEVE C. WILSON, RCE 25,136, PLS 5,207
BRIAN M. WILSON, PLS 7,771

November 5, 2009

County of Monterey
Resource Management Agency - Planning Department
Attn: Mike Novo, Director of Planning
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901



Re: Monterey County PLN 070629, Lot Line Adjustment Application
Proposed Mitigated Negative Declaration dated September 21, 2009
Assessor Parcels 243-181-005 and 243-181-006

Dear Sir or Madam:

We have been contacted by the property owners of the lands immediately adjacent to the above referenced proposed Moeller development to review the proposed Mitigated Negative Declaration. As stated in my letter to the County of Monterey dated May 7, 2008, the CEQA review is required for a proposed Lot Line Adjustment. This letter is focused only on the accuracy of the findings and conclusions reached in the proposed Mitigated Negative Declaration. There is major concern on behalf the adjacent property owners that the proposed development that would occur once the lot line adjustment is accomplished will result in highly undesirable impacts to the community.

Those adjacent property owners are:

Mary De LaRoza, 188 San Remo Road, APN 241-291-010
Misaki (Susie) Olson, 186 San Remo Road, APN 243-181-008
Russell & Ann Hoxie, 193 San Remo Road, APN 243-181-009
Mary Whitey, 195 San Remo Road, APN 243-181-010
Leland & Judy Lewis, 7 Mentone Drive, APN 243-181-011
David & Carla Garnham, 9 Mentone Drive, APN 243-191-010

Page 3: A statement is made that Easement #1 and Easement #2 would connect. This is not consistent with the annotations on the aerial photograph on the preceding page that shows Easement #2 placed where Easement #3 is described on Page 27, later in the document.

Errata

The summary statement in the middle paragraph is not correct. Ingress of emergency vehicles only (specifically Fire Department) is through Easement #2. Easement #1 is only for ingress and egress of the residents.

Page 4: Last paragraph, item B. The upgrades to the Fire Department access and turn around routes through Easement #2 and the Whitney property will require widening of the existing roads and increasing the radii of the sharp turns. This work will require the removal of protected Oak and Pine trees. The number and sizes of the affected trees, and an estimate of the grading work required to accomplish these requirements must be identified in order to make an assessment of the environmental effects. Contact Mark Mondragon at the Carmel Highlands Fire Protection District for the specific widening requirements. To our knowledge, this information has not been determined, and therefore, it is premature for the county to make any findings relative to the impacts on trees and grading.

Water Quality Control Plan. Although the applicant has obtained permits from the State Water Quality Control Board to allow alternate onsite wastewater systems for two homes, it must be noted that the resulting approval was due to recovery from errors and oversights made by the Monterey County Health Department. The Health Department had signed off on the building permit for the house currently under construction, so it was possible for the applicant to obtain the building permit. We went to the Health Department to view the files in their office because we found it impossible that a septic system could have been approved given the very limited areas of less than 30 percent slope, areas occupied by structures, road cuts, retaining walls, and lack of setbacks required from such features. We found the plans in the Health Department files did not resemble the plans in the Planning and Building Departments. After the Health Department became aware of this major discrepancy, the approval was rescinded, and the applicant was given the direction to apply to the State Water Quality Control Board for an alternate system. This is because the County of Monterey is not empowered to approve non-conventional septic disposal systems. While the resulting approval is technically consistent with the Water Quality Control Plan, it is only the result of blunders made by the county Health Department. These houses are not sited on enough usable real estate to allow conventional septic systems, and it is my opinion that the disposal of the treated septic tank effluent into the limited soil and space available (with consideration given that the effluent is treated and disinfected) will become a problem. It is likely that the ground will become saturated, causing a nuisance to the buyers of these lots. Wet ground will also adversely affect the well being of the native trees.

Common Noted

Errata Page 10: In the next to last paragraph, a statement is made that the parcel slopes down towards Easement #2. This is not correct since Easement #2 is uphill of this site.

Page 12: The grading quantities seem to be under estimated. The more detailed plans prepared for the State Water Quality Control Board application are inconsistent with the plans prepared for Tree Impacts following Page 15, and the site plan shown in Attachment 1. The county should insist that the plans and exhibits be consistent is realistic findings are to be obtained.

Page 13: Truck trip estimate does not make sense given the export stated in the preceding page. It appears to be roughly one-half of the actual truck trips that will be generated. The

receiving site in Palo Colorado Canyon must be identified, and any potential environmental impacts from the disposal of the off hauled soil should be disclosed.

Page 15: The area suitable for development on the existing Lot 005 is grossly mis-represented. There is only 1,600 square feet of suitable area in Lot 005 that is not within the required setbacks and is not in areas over 30 percent in slope. There is no space available for a septic system in the current lot configuration because of the proximity to McDougal Creek.

The tree impact stated is grossly under-estimated. The plan following this page showing the footprint of the proposed house is not consistent with other plans presented in Appendix 1, and is not consistent with the more detailed plan presented to the State Water Quality Control Board. The plan on the tree removal exhibit does not show the house outline correctly, and omits the garage and proposed driveway entirely. Unfortunately, this is consistent with the history of this project, where the plans submitted are intentionally vague and confusing.

Page 18: Item e). The appropriate finding should be "Less than Significant with Mitigation Incorporated". The soil mantle in this area is very shallow, and this site can only be served by a septic system using an advanced shallow effluent disposal system. As stated, it is likely that the ground will become saturated, causing a nuisance to the buyers of these lots. Wet ground will also adversely affect the well being of the native trees. Further study is warranted to mitigate this predictable impact.

Page 20: Item d). The proposed Negative Declaration indicates "No Impact". It should be "Less than Significant Impact". The addition of approximately 8,000 square feet of impervious area will result from the completion of the house on Lot 006 and the new home on Lot 005, should the lot line adjustment be approved. These impervious areas all drain to McDougal Creek. It must be noted that the San Remo Drive crossing of this creek, immediately downstream from these sites, washed out during the 1990s. Since the storm runoff is cumulative, the effects of this development must be analyzed, especially since no storm water detention is proposed to mitigate the peak runoff.

Pages 21 & 22: The discussion regarding water quality of McDougal Creek does not make any sense. The slope to the creek, where the storm water discharge is planned is extremely steep and subject to erosion. This project will increase the erosion hazards. It should be noted that landslides have occurred along this creek channel, and the introduction of additional water to the steep slopes can do nothing but increase the prospects of future problems. No amount of vegetation will solve this problem.


Page 23: Item 9(b). The area available that is suitable for development in Lot 005 as stated earlier is 1,600 square feet. There is no acceptable area for a septic system on Lot 005 as it is presently configured. An explanation of how a 6,000 square foot lot size is allowed by the LDR/1(CZ) zoning designation should be made, since it is most incongruent with a 1-acre minimum and the size of the surrounding properties.

- Page 27: The improvement and extension of Easement #3 would only require one switch-back, which would meet the requirements of fire department access. We have prepared a preliminary design that proves the feasibility of using Easement #3 for access to Lot 005.
- Page 29: Items 15a&d). The increase in traffic should not be assessed as "No Impact". The lower terminus of Easement #1 is a very sharp turn onto San Remo Road. Sight distances are limited, and furthermore, a traffic report should be required to assess the impacts of an additional residence and the associated vehicle trips at this highly undesirable intersection.
- Page 31: Discussion/Conclusion: It is not accurate that this area has been fragmented by development of lots of one or less acres in size. The exception to the one acre minimum are Lots 005, 006 and 011. This lot line adjustment, should it be approved, will have a significant adverse affect because it will create a cluster of homes much denser than the surrounding area. It would be detrimental to the health and well being of the Monterey Pine / Live Oak habitat over these entire sites.

The fact that these sub-standard parcels were created prior to the regulation of land divisions that occurred in 1972 does not make these lots suitable for building, or confer vested rights to develop them. Easement #3 is the deeded access for Lot 005, and it is clear from the chain of title that the intent was to segregate the flatter bench to the south from the slope to the north, and to combine Lot 005 with Lot 011 to the north. Because these properties are historically in separate land tracts, they have remained distinct because of the legal descriptions and the convenience of the county assessor.

Given the foregoing, the county is not required to approve an application for a lot line adjustment for the purpose of reconfiguring the historic parcels. Please contact me if you have any questions or would like to further discuss this matter.

Sincerely yours,


Steve C. Wilson
Civil Engineer & Land Surveyor

cc: List of property owners noted above

HEISLER, STEWART & DANIELS, INC.

ATTORNEYS AT LAW

563 FIGUEROA STREET

MONTEREY, CALIFORNIA 93940

TELEPHONE (831) 372-3361

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November 3, 2009

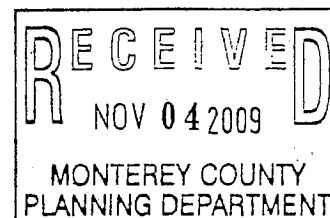
WILLIAM B. DANIELS

FRANCIS HEISLER
(1895-1984)

CHARLES A. STEWART
(1925-1986)

VIA FACSIMILE & U.S. MAIL

Mr. Mike Novo
Director of Planning
County of Monterey
Resource Management Agency – Planning Department
168 West Alisal, 2nd Floor
Salinas, CA 93901



From: William B. Daniels,
Attorney for Mary de La Roza ("Commentator")
Re: Moeller, Michael and Patricia
File No. : PLN060251
194 San Remo Road, Carmel Highlands (APN: 243-181-006) and 192 San Remo Road, Carmel Highlands (APN: 243-181-005)

Dear Mr. Novo:

Please be advised that the undersigned represents Mary De La Roza, (the commentator) who is the owner of APN 241-291-010, which is northwest of APN 243-181-005 and 243-181-006, owned by the applicants. APN 243-181-005 is the focus of the proposed mitigated negative declaration.

The commentator objects to the findings: a) That said project will not have the potential to significantly degrade the quality of the environment; b) That said project will have no significant impact on long-term environmental goals; c) That said project will have no significant cumulative effect upon the environment; and d) That said project will not cause substantial adverse effects on human beings, either directly or indirectly (hereafter, "the findings").

Historically, the applicants' lot line adjustment proposals were the focus of proceedings before the California Coastal Commission and were not approved. Subsequently, the applicants submitted revised applications for a lot line adjustment for Parcels 005 and 006 to the Monterey County Subdivisions/Minor Subdivision Committee. Public opposition to the lot line adjustments was fierce and the application was withdrawn. Subsequently, the applicant made an

application to the California Regional Water Quality Control Board, who approved a septic system on the condition that a lot line adjustment of Lot 005 be approved by the local agency.

The commentator objects to the findings on the following grounds:

1. The lot line adjustments cannot be approved under state law: The lot line adjustment sought by the applicants violate Government Code Section 66412(d), a copy of which is attached hereto as Exhibit A. Subsection (d) is one of four exceptions to the Subdivision Map Act. However, it imposes criteria for local approval of lot line adjustments involving four or fewer adjoining parcels, as is the case here. Subdivision (d) states in part:

A local agency or advisory agency shall limit its review and approval to a determination of whether or not the parcels **resulting from the lot line adjustment will conform to the local general plan, any applicable coastal plan, and zoning and building ordinances.** An advisory agency or local agency shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to the local general plan, any applicable coastal plan, and zoning and building ordinances... [Emphasis added]

Moreover, the adjusted lot APN 243-181-005 cannot be considered a Legal Nonconforming Building Site under Monterey County Ordinance 20.68.060, which defines such sites as follows:

...divisions of property into Parcels when said Parcels were shown on the 1964 – 65 county tax roll under separate ownership, or a division of property into 4 or less Parcels shown on a record of survey recorded prior to March 2, 1964, or record of survey of 4 or less Parcels, each of which is over 2 ½ acres, recorded prior to March 7, 1972, or Parcels of two and one-half acres or over when said Parcels were shown under separate ownership prior to March 7, 1972, when shown on a deed or deeds recorded on or before March 7, 1972, when said Parcels comply with applicable zoning ordinances in effect at the time of division, **or when said Parcels are lots on a recorded subdivision map** approved by the Board of Supervisors of the County of Monterey. [Emphasis added]

Section 20.68.060 limits nonconforming building sites to those configured by an original subdivision. Currently, Parcel 005 is a legal nonconforming building site under this ordinance. However, the applicants seek to invoke the power to approve a lot line adjustment that will produce a configuration **different** from that on the approved subdivision map. Therefore, the proposed adjusted lot is **not** a legal nonconforming building sites under 20.68.060. When the power to adjust lot lines is invoked, state law requires that the resulting lots conform to the local coastal plan, which these lots cannot do given the **one acre minimum** for LDR/1 districts. The proposed adjusted Parcel 006 would consist of 0.85 acres, and adjusted Parcel 005 would consist of 0.61 acres.

Mr. Mike Novo
November 3, 2009
Page 3 of 3

The project offends, not only the local coastal plan created for environmental protection in the public interest, but it would violate state law. In the commentator's opinion an EIR is required.

Yours truly,
HEISLER, STEWART, & DANIELS, INC.


William B. Daniels

cc: Client
Carl Holm

GOVERNMENT CODE
Title 7. Planning and Land Use
Division 2. Subdivisions
Chapter 1. General Provisions and Definitions
Article 1. General Provisions

33C.33[1], 33C.33[3], 33C.121,
33D.121, 34.36[1], 34.43[2],
34.121, 34.145, 34.220[1][b],
34.220[1][c][i], 34.220[1][c][ii],
34E.15[2].

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Cal Gov Code § 66412 (2009)

[Atty General's Opinions](#)

§ 66412. Applicability of division

This division shall be inapplicable to any of the following:

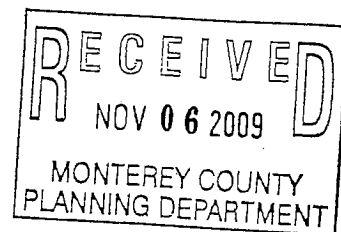
- (a) The financing or leasing of apartments, offices, stores, or similar space within apartment buildings, industrial buildings, commercial buildings, mobilehome parks, or trailer parks.
- (b) Mineral, oil, or gas leases.
- (c) Land dedicated for cemetery purposes under the Health and Safety Code.
- (d) A lot line adjustment between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, if the lot line adjustment is approved by the local agency, or advisory agency. A local agency or advisory agency shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances. An advisory agency or local agency shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances, to require the prepayment of real property taxes prior to the approval of the lot line adjustment, or to facilitate the relocation of existing utilities, infrastructure, or easements. No tentative map, parcel map, or final map shall be required as a condition to the approval of a lot line adjustment. The lot line adjustment shall be reflected in a deed, which shall be recorded. No record of survey shall be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code.
- (e) Boundary line or exchange agreements to which the State Lands Commission or a local agency holding a trust grant of tide and submerged lands is a party.

BRIAN D. CALL

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Sean Flavin
Of Counsel



Telephone (831) 649-3218
Facsimile (831) 649-4705

November 6, 2009

County of Monterey
Resource Management Agency – Planning Department
Attn: Mike Novo, Director of Planning
168 West Alisal, 2nd Floor
Salinas, CA 93901
By Hand Delivery

Re: Project Title: Moeller, Michael & Patricia
File Number: PLN060251
Owner: Moeller, Michael & Patricia
Project Location: 192 San Remo Drive, Carmel
Primary APN: 243-181-005-000-M
Project Planner: Carl Holm
Permit Type: Combined Development Permit

Dear Mr. Novo:

I represent Mary J. Whitney who resides at 195 San Remo Road, Carmel, California 93923.

In April of 2005, the Monterey County Board of Supervisors approved over the objection of my client and numerous other residents in the neighborhood in which the project is located, a Combined Development Permit (PLN040050/Moeller) consisting of:

Coastal Administrative Permit and Design Approval for a two-story 3,588 sq. ft. single family dwelling with a 1,164 sq. ft. attached garage and grading (approximately 185 cu. yds. of cut and 195 cu. yds of fill); a Coastal Development Permit for native tree removal (9 Monterey pines including 2 landmark pines, 6 coast live oaks, and 3 coast live oak clusters); a Coastal Development Permit for development on slopes of 30% or greater; and a Coastal Development Permit for an equal lot line adjustment of approximately 0.27 acres between a 0.85 acre lot (Parcel 1) and a 0.61 acre lot (Parcel 2) resulting in no net change in acreage for either parcel.

Brian D. Call
Attorney at Law

November 6, 2009
Page 2

PLN0400450 affected the same two properties that are the subject of PLN060251 which is the subject of the Mitigated Negative Declaration filed October 1, 2009.

Mary Whitney objects to the Commission's adoption of the Mitigated Negative Declaration in that the proposed project will have a significant effect on long-term environmental goals; including, without limitation: (1) Development on slopes of greater than 30 percent (see Section 20.146.120 of the Regulations for Development in the Carmel Area Land Use Plan); (2) Section 20.146.030.C.1 of the Coastal Implementation Plan which requires that:

"Structures shall be subordinate to and blend into the environment, using appropriate materials that they effect. Where necessary, modification of plan shall be required for siting, structural design, color, texture, building materials, access and screening."

The project will cause substantial adverse effects on human beings in that the proposed development on APN: 243-181-005-000, constitutes a violation of Section 18.56.060 of the Building and Construction Standards contained in Title 18 of Monterey County Ordinance for Wildfire Protection Standards and the State Responsibility Areas.

In addition, the applicant has failed to apply to the California Coastal Commission for an amendment to Coastal Development Permit issued under Permit Application Number A-3-MCO-05-033 to adjust the habitat protection and enhancement area on Parcel 1 (consisting of the existing lot configuration for APN: 243-181-006-000) to reflect its revised configuration as described in the draft Mitigated Negative Declaration for the project (PLN060251). A copy of the Coastal Development Permit Application Number A-3-MCO-05-033 is attached (see specifically item 3 of the permit).

Additionally, the applicant cannot proceed with the project unless an amendment is approved to the Coastal Development Permit for a driveway across Parcel 1 (APN: 243-181-006-000) to access Parcel 2 (APN: 243-181-005-000) as required pursuant to paragraph 3D of the Coastal Development Permit.

Until the applicant complies with the conditions to amendment of the Coastal Development Permit, it would be premature to consider the Mitigated Negative Declaration. Additionally, the Mitigated Negative Declaration should not be adopted by the Commission, on its merits as a result of the aforementioned significant effects on the environment.

Brian D. Call
Attorney at Law

November 6, 2009
Page 3

My client reserves the right to present any further additional arguments with respect to this matter at the hearing tentatively scheduled for November 18, 2009.

Respectfully submitted,



Brian D. Call

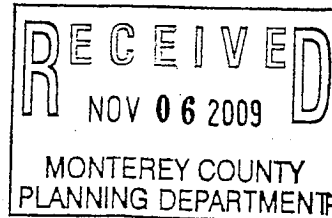
BDC/djv

Enclosures

cc: Carl P. Holm, AICP
Assistant Director of Planning
Mary Whitney
Pamela Silkwood, Esq.
Katie Morange, Coastal Planner
California Coastal Commission

CALIFORNIA COASTAL COMMISSION

Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060
(831) 427-4863



Page 1 of 8

Date: May 22, 2007

Permit Application No.: A-3-MCO-05-033

COASTAL DEVELOPMENT PERMIT

On April 12, 2006, the California Coastal Commission granted to

Dr. Michael & Patricia Moeller

this permit subject to the attached Standard and Special conditions, for development consisting of

Construction of a two-story 3,588 sq.ft. single family residence, a 1,164 sq.ft. attached garage; associated grading and tree removal; development on slopes of 30% or more; more specifically described in the application filed in the Commission offices.

The development is within the coastal zone at

194 San Remo Drive (at and adjacent to), Carmel Highlands (Monterey County)

Issued on behalf of the California Coastal Commission by

PETER M. DOUGLAS
Executive Director

Steve Mondwiz
By: Steve Mondwiz
District Manager

ACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part that: "A Public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

Date

Signature of Permittee

COASTAL DEVELOPMENT PERMIT

Date: May 22, 2007

Permit Application No.: A-3-MCO-05-033

Page 2 of 8

STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

NOTE: IF THE SPECIAL CONDITIONS REQUIRE THAT DOCUMENT(S) BE RECORDED WITH THE COUNTY RECORDER, YOU WILL RECEIVE THE LEGAL FORMS TO COMPLETE (WITH INSTRUCTIONS). IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE DISTRICT OFFICE.

1. Scope of Permit. This permit authorizes the construction of a 3,588 square foot single-family dwelling on APN 243-181-006 (Parcel 1), in accordance with the plans prepared by Eric Miller Architects, Inc., subject to the Standard Conditions above and the Special Conditions identified below. This permit does not authorize any lot line adjustment between Parcels 1 and 2.

2. Final Project Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two sets of Final Project Plans to the Executive Director for review and approval. The Final Project Plans shall be consistent with the following requirements:

- (a) **Site Disturbance Restriction.** The Final Project Plans shall include a revised site plan that eliminates the circular driveway component and restores the original lot line configuration,

COASTAL DEVELOPMENT PERMIT

Date: May 22, 2007

Permit Application No.: A-3-MCO-05-033

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as shown in Exhibit E. Development outside of the project footprint for Parcel 1 shown by the approved final plans is prohibited, except for uses allowed pursuant to Special Conditions 3 and 4 of this permit.

- (b) **Exterior Design Elements.** Site structures and other exterior elements, such as fencing, shall be subordinate to and blended into the environment, using appropriate materials which will achieve that effect. All exterior finishes shall consist of muted, earthen tone colors and non-reflective materials that blend with the surrounding environment. Building walls shall be designed and surfaced to blend with the surroundings and to reduce their visual mass and minimize their visual prominence. Final plans shall include a color board and project elevations that identify the type and color of all finished materials.
- (c) **Restoration Plan.** The submittal of Final Plans shall be accompanied by a Monterey pine forest restoration plan, prepared by a qualified biologist designed to protect and enhance the Monterey pine habitat surrounding the approved development on Parcel 1 in perpetuity. The restoration plan shall include a planting plan designed in conjunction with the Forest Management Plan required by Special Condition 4, and shall be implemented in a manner that will provide maximum protection and enhancement of the site's natural habitat values and biological productivity. All plant materials proposed in the plan shall be selected to be native to Monterey pine habitat, prevent the spread of exotic invasive plant species, and avoid contamination of the local Monterey pine community's gene pool. No non-native invasive plant species shall be planted on the project site, including within the approved development envelope. The plan shall provide for the immediate revegetation of all portions of the site surrounding the approved residence that are disturbed during construction with native vegetation appropriate to the area. The plan shall also specify methods for removing, controlling, and preventing the introduction or spread of invasive exotic plants such as iceplant, French and Scotch broom, cape ivy, pampas grass, kikuyu grass, acacias, etc. The restoration area shall be continuously maintained by the permittee in a litter-free, weed-free, and healthy growing condition.

The Permittee shall undertake development in accordance with the approved Final Project Plans. Any proposed changes to the approved Final Project Plans shall be reported to the Executive Director. No changes to the approved Final Project Plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

- 3. Monterey Pine Forest Habitat Protection and Enhancement Area.** In order to ensure long-term protection of native Monterey pine habitat on the project site, all portions of Parcel 1 located outside the allowable building envelope generally depicted by Exhibit E shall be designated for Monterey pine habitat protection and enhancement. If a lot line adjustment between Parcels 1 and 2 is proposed in the future, the application for the lot line adjustment shall be accompanied by an application for an amendment to this permit to adjust the habitat

COASTAL DEVELOPMENT PERMIT

Date: May 22, 2007

Permit Application No.: A-3-MCO-05-033

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protection and enhancement area on Parcel 1 to reflect its revised configuration. No development, as defined in Section 30106 of the Coastal Act shall occur within the Monterey Pine Forest Habitat Protection and Enhancement Area, as described and depicted in an exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit except for:

- A. Monterey pine habitat restoration, native landscaping, and invasive plant removal conducted in accordance with the Forest Management and Restoration Plans approved pursuant to Special Conditions 2(c) and 4 of this permit.
- B. Construction and post-construction drainage controls approved pursuant to Special Conditions 5 and 6.
- C. Utility connections and septic system located immediately south of the proposed residence on Parcel 1, as shown by the approved plans. Temporary construction staging shall occur within the allowable building envelope to the maximum extent feasible; however, if additional area is necessary, the septic system area may be used for construction staging, pursuant to Special Condition 5.
- D. A future driveway across Parcel 1 to access Parcel 2, only if approved through an amendment to this permit.

PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOTICE OF INTENT TO ISSUE THIS PERMIT (NOI), the Applicant shall submit for review and approval of the Executive Director, and upon such approval, for attachment as an exhibit to the NOI, a formal legal description and graphic depiction of the portion of the subject property affected by this condition, as generally described in Special Condition 2(a) and depicted by Exhibit E of this permit.

4. Forest Management Plan. PRIOR TO ISSUANCE OF A COASTAL DEVELOPMENT PERMIT, the applicant shall submit a Forest Management Plan for Executive Director review and approval. The Permittee shall follow the Forest Management Plan prepared for the project site (prepared by Glenn C. Flamik, with Forest City Consulting. Report dated January 27, 2004). The plan shall be revised with the following additions and deletions. Tree protection measures outlined in this plan shall be implemented PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND AS PRESCRIBED AFTER CONSTRUCTION.

-The FMP shall be revised to remove all references to the reconfigured Parcel 2 and any tree removal or other activities that would be associated with development on Parcel 2.

-Section 3.4 shall be revised to eliminate removal of trees #80, 81, and 87 since the proposed driveway to Parcel 2 is not a part of the approved project.

-Section 3.5 shall be revised to require replacement of the six 12" dbh Monterey pine trees with six Monterey pine trees, not coast live oaks.

COASTAL DEVELOPMENT PERMIT

Date: May 22, 2007

Permit Application No.: A-3-MCO-05-033

Page 5 of 8

- 5. Construction Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit a Construction Plan to the Executive Director for review and approval. The Construction Plan shall identify all measures to be taken to protect Monterey pine habitat and water quality to the maximum extent feasible, and shall, at a minimum, include:
- (a) **Construction Fencing.** The construction plan shall delineate the location of all construction and grading activities, including the storage, stockpile, and staging of construction materials, which shall be contained in the approved development envelope to the maximum degree feasible. Approved construction areas shall delineated on-site by temporary construction fencing and markers. The construction zone fencing shall be maintained in good working order for the duration of the construction. No construction activities shall take place, and no equipment or material storage shall occur, outside of the established construction zone. CONSTRUCTION SHALL NOT COMMENCE UNTIL ALL CONSTRUCTION ZONE FENCING IS COMPLETELY INSTALLED AND OPERATIONAL.
- (b) **Drainage, Erosion, and Sedimentation Control.** No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Executive Director. The construction plan shall identify the type and location of all erosion control/water quality best management practices to be implemented during construction. Silt fences, or equivalent apparatus, shall be installed at the perimeter of the construction zone to prevent construction-related runoff, sediment, and/or debris from entering the intermittent creek to the north or other watercourses. Provisions shall be made for stockpiling and covering any graded soils, equipment, and/or materials. The construction plan shall also include a wet weather contingency plan that clearly states what actions will be taken in the event of precipitation events to avoid off-site impacts due to runoff emanating from the construction zone. ALL EROSION, SEDIMENT, AND OTHER WATER QUALITY CONTROLS SHALL BE IN PLACE PRIOR TO THE COMMENCEMENT OF CONSTRUCTION AS WELL AS AT THE END OF EACH DAY DURING CONSTRUCTION.
- (c) **Good Housekeeping.** The construction plan shall include good construction site housekeeping controls and procedures, and shall indicate that: (1) dry cleanup methods are preferred whenever possible and that if water cleanup is necessary, all runoff shall be collected to settle out sediments prior to discharge from the site; all dewatering operations shall include filtration mechanisms; (2) off-site equipment wash areas are preferred whenever possible; if equipment must be washed on-site, the use of soaps, solvents, degreasers, or steam cleaning equipment shall not be allowed; in any event, such wash water shall not be allowed to enter any natural drainage or existing drain inlet; (3) concrete rinsates shall be collected and properly disposed of off-site and they shall not be allowed to enter any natural drainage areas or existing drain inlet; (4) good construction housekeeping shall be required (e.g., clean up all leaks, drips, and other spills immediately; refuel vehicles

COASTAL DEVELOPMENT PERMIT

Date: May 22, 2007

Permit Application No.: A-3-MCO-05-033

Page 6 of 8

and heavy equipment off-site and/or in one designated location; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); and, (5) all wastes shall be disposed of properly, trash receptacles shall be placed on site for that purpose, and open trash receptacles shall be covered during wet weather.

- (d) **Dewatering.** If any dewatering activities will be required for project construction, the Permittee shall submit a dewatering plan to the Executive Director for review and approval, and provide evidence that the dewatering plan has been approved by the Regional Water Quality Control Board, or that no such approval is necessary.
- (e) **Work Schedule.** All work shall take place during daylight hours with the following exception: any construction that occurs after sunset shall be limited to interior (of structures) work and shall be subject to the same lighting parameters as established for the completed structure by County Condition #8.

The Permittee shall undertake development in accordance with the approved Construction Plan. Any proposed changes to the approved Construction Plan shall be reported to the Executive Director. No changes to the approved Construction Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

- 6. Post Construction Drainage.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit, for Executive Director review and approval, a drainage plan as required by County condition #19 with the following revisions and additions: The drainage plan must identify the specific type, design, and location of all drainage infrastructure and Best Management Practices (BMPs) necessary to ensure that post construction drainage from the project, including runoff from the roof, driveways, parking areas and other impervious surfaces, does not result in erosion, sedimentation, or the degradation of coastal water quality. Drainage features shall be located within the permitted development area to the maximum extent feasible, and shall be limited in size and footprint to the minimum necessary to achieve effective drainage and erosion control. Paved surfaces where vehicles are located shall include a filter runoff system to collect any petroleum products. The drainage plan shall clearly identify a drainage system designed to collect, filter, and treat all runoff prior to its discharge from the site and to remove vehicular contaminants and other typical urban runoff pollutants¹ more efficiently than standard silt and grease traps. The drainage plan shall also comply with the following requirements:

- A. The drainage system shall be designed to filter and treat (i.e., a physical and/or chemical

¹Typical urban runoff pollutants describes constituents commonly present in runoff associated with precipitation and irrigation. Typical runoff pollutants include, but are not limited to: paints, varnishes, and solvents; hydrocarbons and metals; non-hazardous solid wastes and yard wastes; sediment from construction activities (including silts, clays, slurries, concrete rinsates, etc.); ongoing sedimentation due to changes in land cover/land use; nutrients, pesticides, herbicides, and fertilizers (e.g., from landscape maintenance); hazardous substances and wastes; sewage, fecal coliforms, animal wastes, and pathogens; dissolved and particulate metals; and other sediments and floatables.

COASTAL DEVELOPMENT PERMIT

Date: May 22, 2007

Permit Application No.: A-3-MCO-05-033

Page 7 of 8

reduction of pollutants achieved through active filtration) the volume of runoff produced from each and every storm event up to and including the 85th percentile 24-hour runoff event. The drainage system and its individual components (such as drop inlets and filtration mechanisms) shall be sized according to the specifications identified in the California Storm Water Best Management Practice Municipal Handbook (California Storm Water Management Task Force, March 1993);

- B. The drainage system may include natural biologic filtration components such as vegetated filter strips and grassy swales provided that they are populated with native plant species capable of active filtration and treatment (e.g., rushes). If grades require, check-dams may be used in such biologic filters.
- C. The drainage system shall include at least one engineered filtration unit to which all drainage shall be directed prior to any discharge from the site. The engineered filtration unit shall be designed to remove, at a minimum, vehicular contaminants, and shall be appropriately sized to handle all parking lot drainage. Such unit may include media designed to remove expected contaminants.

The applicant shall be responsible for implementing and maintaining drainage, erosion, and sedimentation control measures and facilities for the life of the project. This shall include performing annual inspections, and conducting all necessary clean-outs, immediately prior to the rainy season (beginning October 15), and as otherwise necessary to maintain the proper functioning of the approved system.

The Permittee shall undertake development in accordance with the approved Plans. Any proposed changes to the approved Plans shall be reported to the Executive Director. No changes to the approved Plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

- 7. Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from heavy storm damage, flooding, earth movement; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- 8. Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded a deed restriction, in a form and

COASTAL DEVELOPMENT PERMIT

Date: May 22, 2007

Permit Application No.: A-3-MCO-05-033

Page 8 of 8

content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

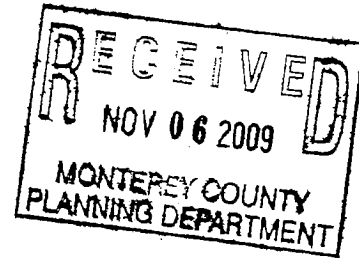
9. County Conditions. County coastal permit PLN040050 Conditions #s 3, 4, 6, 8, 10, 14, 19, 20, 21, 22, 23, 24, and 26 are incorporated as conditions of this coastal permit (see Exhibit C). The applicant shall provide evidence of compliance with the County conditions to the Executive Director at the time period for compliance indicated by the condition. All other conditions of Monterey County's approval pursuant to a planning authority in addition to or other than the Coastal Act continue to apply.

Ieland lewis

BOX 46, CARMEL, CALIFORNIA 93921

4 November 2009

County of Monterey
Resources Management Agency
Planning Department
Attn. Mike Novo, Director of
Planning 168 West Alisal Street
2nd. Floor Salinas, CA 93901



OBJECTION (for substantial cause)
to CEQA Negative Declaration for
Michael & Patricia Moeller &
Combined Development Permit
(1) Coastal Development Permit
for Lot Line Adjustment between
APN 243-181-006 & 243-181-005;
and Coastal Administrative Permit
& Design Approval for 3994 sq.
ft. SFR on one undersize lot, APN
243-181-006. (absent lot line
adjustment) (projected as new lot 005).

The Lot Line Adjustment SHOULD NOT BE
GRANTED as it will throw the access
to a single residential driveway
grossly overloading it with four large
houses each with a three-car garage. This will
potentially result in a critically intolerable
and dangerous congestion of residential traffic.
The proposed building density for one
residential lot APN 243-181-006 (absent lot line ad-
justment) will not conform to zoning codes nor
legally accommodate a second large house
and three-car garage.

The three lots owned by the
developer 005, 006 & 011, all adjacent to one another,
can be developed as lots of record as they are
now situated without a lot-line adjustment.

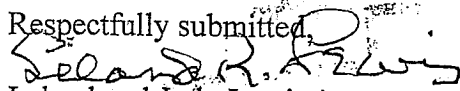
The negative CEQA declaration pro-
posed by the County SHOULD BE REJECTED

as seriously faulted by numerous misleading and erroneous statements that are contrary to facts and which completely ignore the impending potential for major property damage by uncontrolled storm water runoff via McDougall Creek under San Remo Road without mitigation measures by the developer who owns the controlling lots bordering the Creek: APN 243-181 005 and APN 241-291-11.

The County in its statements erroneously declares its comprehensive judgment as benefiting the environment in accordance with LUP directives: This is a misleading premise when examined on the ground in factual detail. Old tree growth screening adjoining residences on APN 243-181- are slated for destruction and removal to accommodate the proposed new SFR on the single lot APN 243-181-006 in preference to some thinning of second growth trees and vegetation in developing APN 243-181-005 as it is presently situated (without lot-line adjustment).

These factors present a serious and SIGNIFICANT IMPACT on the environment and the welfare of the adjacent landowners. As such it demands a full EIR & CEQA analysis. The effort to have the Planning Commission approve the Negative Declaration and the Combined lot-line adjustment and development permit is the third time this proposal has been brought before the County authorities for approval having been rejected by the Coastal Commission on appeal for Cause. This effort is all in a plan to gain an additional 40-feet in height for the developer's third speculative SFR and should be soundly rejected and sent back for redesign.

Respectfully submitted,


Leland and Judy Lewis

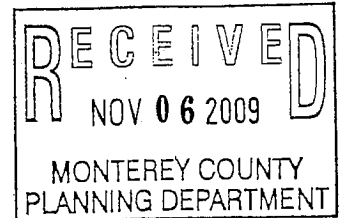
Residents, #7 Mentone Rd. Since 1973

cc: Roger Holm

Richard J. Denier

November 6, 2009

County of Monterey
Resource Management Agency-Planning Department
ATTN: Mike Novo, Director of Planning
168 West Alisal, 2nd floor
Salinas, CA 93901



Subj: Draft mitigated Negative Declaration, pursuant to the requirements of CEQA, for a Combined Development Permit 9Moeller, File Number PLN060351 at 192 and 194 San Remo Drive, Carmel Highlands

Dear Mr. Novo:

My name is Richard Denier. My wife and family live at 6 Mentone Rd in Carmel Highlands.

This letter is to advise you that we are very much opposed to the request by Dr. Moeller for a lot line adjustment permit for his San Remo properties (APN #s 005 and 006).

Why are we opposed to this request? We are opposed for the following reasons:

1. We thought the requirement for lots in our area are 1 acre minimum lots. Dr. Moeller has undersized lots that I understand are 0.61 and 0.85 acres.
2. The above totals about 1.4 acres which is sufficient for one house. He wants a lot line adjustment so he can build a second house. No way. This creates too much urbanization for our area.
3. I have heard that if he is permitted the lot line adjustment and then can build a second home that this then requires widening the Lewis' Mentone to San Remo "escape" route by 18 feet.

In conclusion, the Moellers should build only one home which they are already building. We don't need developers in our nice community that destroy our one acre minimum requirement.

If he is allowed to have a lot line adjustment so he can build a second home, what is our alternative- start a process to have an incorporated city like Carmel Valley tried? I hope not.

Sincerely,

Richard & Kathy Denier
Richard & Kathy Denier

6 Mentone Dr.
Carmel, CA 93923

Tel: 831-626-4519
Fax: 831-626-1240
E-mail: rdenier@sbcglobal.net

WILSON J. BROWN

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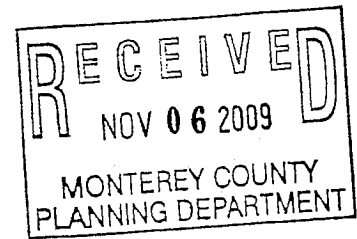
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David Cooper Garnham, Ph.D.

9 Mentone Road
Carmel, CA 93923
831.620.1735



November 6, 2009

County of Monterey
Resource Management Agency – Planning Department
Attn: Mike Novo, Director of Planning
168 West Alisal, 2nd floor
Salinas, CA 93901

Response to: Draft Mitigated Negative Declaration, pursuant to the requirements of CEQA, for a Combined Development Permit (Moeller, File Number PLN060351) at 192 and 194 San Remo Drive, Carmel Highlands

Greetings:

The Moellers are land developers. They're now building their second house in our neighborhood, and they plan at least one more. The neighbors don't dispute their right to develop *the lots they purchased*, but the Moellers want to squeeze two houses on one of the existing lots (006). This would adversely affect all of the adjacent properties.

Why do the Moellers want this lot line adjustment? The County Planning Department's "Description of Project and Environment Setting" repeats the canard that it's about protecting the environment, e.g., the pines & oaks and the intermittent creek. Actually, the Moellers have fought so long to avoid developing *the lots they purchased* because building on higher ground (with better views) translates into higher profits when they sell the houses.

Unfortunately, what's good for the developers is bad for the neighborhood. Our letter will focus on just one of these problems knowing our neighbors will address other issues.

Judging from the "Description of Project and Environment Setting" of the Moeller project, the county's Planning Department lacks basic facts concerning our neighborhood. Repeatedly in this document, e.g., p. 4, p. 14, and p. 31, our area is described as "fragmented by residential development on lots averaging one acre or smaller in size." This is untrue! All of the properties contiguous to lots 005 and 006 are one acre or larger: our lot is 1.5 acres, and some nearby properties on Mentone Road are 5 acres or larger. (The only exception is a third Moeller lot measuring merely 0.25 acre). People move to the Carmel Highlands to enjoy the rural lifestyle. Doubtless, that is one reason why Monterey County now requires that Highlands' lots be at least one acre.

Obviously, development of the Moellers' substandard lots affects the neighborhood, but the lot line adjustment would magnify the problem. The "Description of Project and Environment Setting" includes an aerial photo of the site. If this project is built, going from left to right in this

David Cooper Garnham, Ph.D.

9 Mentone Road
Carmel, CA 93923
831.620.1735

photo (i.e., up the slope) there will be (in a small space) the Olsen residence, the first Moeller house, a second Moeller house, and the Garnham residence (whose garage is only 15 feet from the Moeller lot line). Moreover, a paved driveway parallels and is tangent to these properties to the south, and the Lewis's barn abuts this driveway across from the proposed second Moeller house. This would create one of the most overbuilt areas in the Carmel Highlands.

On p. 9 there is an Environmental Checklist; Item 1 is Aesthetics. The Planning Department asserts that Moeller project would have "Less than significant impact." That is, it would not "Substantially degrade the existing visual character or quality of the site and its surroundings." If our neighborhood was truly "fragmented by residential development on lots averaging one acre or smaller in size" (as the document claims), this conclusion might be credible. In fact, our neighborhood hasn't been ruined yet, but placing a second Moeller house in this congested space would be devastating.

Please deny this lot line adjustment.

Sincerely,

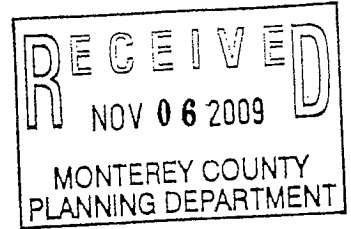


David C. Garnham



Carla T. Garnham

County of Monterey
Resource Management Agency – Planning Department
Attn: Mike Novo, Director of Planning
168 West Alisal, 2nd floor
Salinas, CA 93901



re: Objection to the draft Mitigated Negative Declaration for a Combined Development Permit (Moeller, File Number PLN060351) at 192 and 194 San Remo Drive, Carmel Highlands:

My concerns include:

- 1) density (Dr. Moeller's lots are each undersized: 0.61 and 0.85 acres),
- 2) urbanization (if Dr. Moeller is permitted the lot line adjustment, he plans to build a second home directly east of the home he is currently building; constructing that second home, which the proposed lot adjustment permits, requires widening Leland and Judy Lewis' Mentone to San Remo "escape" road to 18 feet, according to Fire Department requirements. This greatly widened driveway onto San Remo very negatively affects five neighbors directly: Lewis', Whitney's, Hoxie's, Dr. Moeller's house currently under construction, and the new "spec" house that Dr. Moeller hopes to build east of the present construction. In addition, all other neighbors travelling on San Remo will also be negatively affected because the increased traffic exiting from the enlarged driveway will enter near a "blind" curve in San Remo Rd.), and
- 3) waste disposal, water access, and ecological impacts (e.g., McDougall creek and tree removal).

Further, my lot and my neighbors' lots are each 5 and 6 acres, I do not believe this area was intended for less than 1 acre lots.

Sincerely,

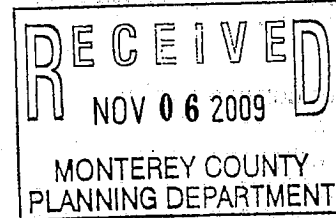
George Zofcin
22 Mentone rd.
Carmel, Ca 93923

Lois & Arthur Weinman wrote:

To Whom It May Concern,

We do not approve of Dr. Moeller's request of a Lot Line Adjustment Permit for his San Remo properties ((APN #s 005 and 006). This request is objectionable due to various ecological and density factors. Residents want to maintain the rural charm of the area. Approvals, like this, might eventually turn Carmel Highlands into a more crowded and urban place; something none of us want.

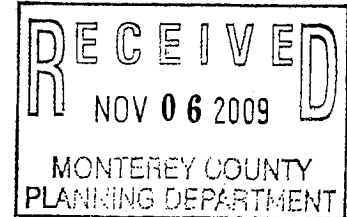
Lois and Arthur Weinman



Diane Duncan

8 Mentone Drive, Carmel, CA 93923

County of Monterey
Resource Management Agency
Planning Department
Attn: Mike Novo, Director of Planning
168 West Alisal, 2nd Floor
Salinas, CA 93901



11/05/09

Subject: draft Mitigated Negative Declaration, pursuant to the requirements of CEQA, for a Combined Development Permit (Moeller, File Number PLN060351) at 192 and 194 San Remo Drive, Carmel Highlands

Dear Mr. Novo:

It has come to our attention that a new community landowner, Dr. Moeller, has requested a Lot Line Adjustment permit for his San Remo properties (APN #s 005 & 006).

While it is not our usual inclination to interfere with another's homestead wishes, and we would most certainly welcome Dr. Moeller and family into the neighborhood, I really must protest this particular plan as it will impact a rather fragile and rustic community, should the permit be approved.

Dr. Moeller's lots are each undersized (0.61 and 0.85 acres), and if he is permitted the lot line adjustment, he plans to build a second home directly east of the home he is currently building. Fully impacted will be a number of clustered homes, in particular a neighbor who has graciously offered his auxiliary driveway as an "escape route" for those of us further up Mentone, which came in very handy this past summer when a power pole domino-collapse occurred and we were all faced with no outlet. Constructing that second home requires widening the aforementioned Mentone to San Remo "escape" road to 18 feet according to Fire Department requirements.

Furthermore, the strain upon resources - waste disposal and water access - and the impacts upon the natural environment - McDougall Creek and tree removal - will be excessive and could potentially ruin an already delicate balance within these Highlands. The area simply would be strained beyond reason with such density.

Please consider those residents who wish to retain the natural beauty as much as possible within these hills.

Thank you.

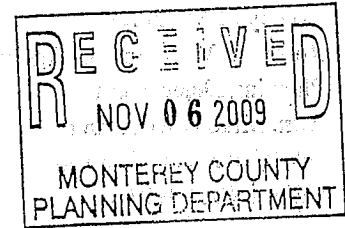
Best Regards,

A handwritten signature in black ink, appearing to read "Diane Duncan", written over a horizontal line.

Diane Duncan

SHELLEY RISK O
20 mentone dr - carmel highlands, ca - 93923
831.238.2101

5 November 2009



County of Monterey
Resource Management Agency - Planning Department
Attn: Mike Novo, Director of Planning
168 West Alisal, 2nd floor
Salinas, CA 93901

Dear Mr. Novo,

I am writing to object to the draft - Mitigated Negative Declaration, pursuant to the requirements of CEQA, for a Combined Development Permit (Moeller, File Number PLN060351) at 192 and 194 San Remo Drive, Carmel Highlands"

My husband and I live at 20 Mentone Drive, just east of the Moeller's property. We have lived here since 1978. During that time the neighborhood has been built out according to plan with each parcel being at least 1 acre (many are larger). The lot line adjustment before you would be the exception. If it is granted, a large second house will be built immediately adjacent to the very large home that is currently in construction.

The density is totally inappropriate for a number of reasons:

Access will negatively impact all of the neighboring homes as the fire regulations require substantially widening the driveway. The terrain is steep and it will mean cutting into the hillside on the property of others. Erosion and property rights will become an issue.

Though the homes in our neighborhood are fairly large, the size of the lots (one acre minimum) and the spacing of the building sites maintain the rural coastal character we all greatly value. Granting the lot line adjustment and the construction it allows, will "cram" the houses together and be completely out of character with the surroundings.

It will negatively impact our health and environment. We are all on septic in this area. The building envelope for even one home is small and two is totally inappropriate. Placement of the two septic systems and the removal of trees on or near the watershed of McDougall Creek should not be allowed.

Again, we strongly object to any lot line adjustment on these parcels.

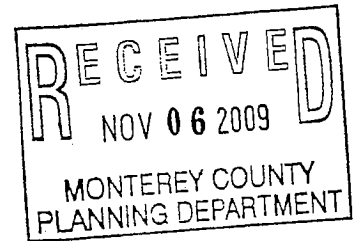
Regards,

Shelley Risko

Richard Risko

November 3, 2009

County of Monterey
Resource Management Agency Planning Department
ATTN: Mike Novo, Director of Planning
168 W. Alisal, 2nd floor
Salinas, CA 93901



Re: Parcel Number 243-181-005-000 and 243-181-006-000
192 and 194 San Remo Road, Carmel Highlands, CA

From: Ann and Russell Hoxie
(831) 626 4560

Dear Mr. Novo:

We are the owners of the home at 193 San Remo Rd. Our property is adjacent to the development proposed by Dr. and Mrs. Moeller. The only access driveway for the Moeller properties is a steep, narrow, driveway off of San Remo Rd. that serves our house and is shared by another neighbor after crossing our property. The home the Moellers are currently building will be the 3rd home on this driveway. If another home is approved, there would be 4 homes on this one driveway.

There have been several attempts to adjust these lot lines so that the Moellers can build a second house. At one time it was approved by the Monterey County, but was then overturned by the California Coastal Commission.

If the County approves the lot line adjustment, making it possible to build another large home on less than an acre, it will overburden the driveway and also cause problems with excessive traffic, questionable drainage issues, and septic problems that go along with overburdening the land.

Sincerely,

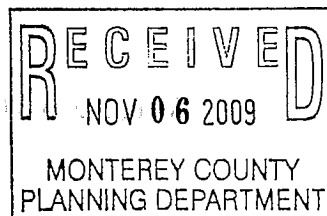
A handwritten signature in cursive script that reads "Dr. Russell E. Hoxie".

Dr. Russell Hoxie

A handwritten signature in cursive script that reads "Ann Hoxie".

Ann Hoxie

SAFWAT MALEK
21 Mentone Drive
Carmel, CA 93923



County of Monterey
Resource Management Agency - Planning Department
Attn: Mike Novo, Director of Planning
168 West Alisal, 2nd floor
Salinas, CA 93901

November 5, 2009

Re: 192 & 194 San Remo, Carmel Highlands - (Moeller, File Number
PLN060351)

Dear Mr. Novo,

I am writing this letter to object to the draft Mitigated Negative
Declaration pursuant to the requirements of CEQA.

In my opinion, development should be limited to the existing lots of
record.

Thank you,

Safwat Malek