

MONTEREY COUNTY PLANNING COMMISSION

Meeting: February 29, 2012	Time: 9:00 A.M.	Agenda Item No.: 1
Project Description: Combined Development Permit consisting of: 1) Coastal Administrative Permit to allow the construction of a four-story 6,779 square foot single family residence, a 1,061 square foot attached four-car garage, a 396 square foot pool equipment room, terraces, patios, a built-in barbecue, underground propane tank, infinity pool and hot tub; grading consisting of approximately 2,900 cubic yards of cut and 300 cubic yards of fill; 2) a Coastal Administrative Permit for a 334 square foot guest house; 3) a Coastal Development Permit for the removal of one 22" double-stem Oak and one 15" Monterey Pine (five Monterey Cypress, all less than 7" in diameter, are also proposed for removal); 4) a Coastal Development Permit for development on slopes in excess of 30%; 5) Coastal Administrative Permit for the conversion of a test well to a permanent well (permitted under PLN060692) and the creation of a 3-connection water system; and 6) a Coastal Development Permit for a Lot Line Adjustment (merger) between two legal lots of record of approximately 0.260 acres (Parcel 1) and 0.292 acres (Parcel 2), resulting in a single lot of .552 acres (Parcel A); and a Design Approval. The properties are located off Highway 1, Carmel (Assessor's Parcel Numbers 241-182-004-000 and 241-182-005-000), northwest of the parcel with an address of 244 Highway 1, Carmel Highlands, Carmel Area Land Use Plan, Coastal Zone.		
Project Location: Highway 1, Carmel Highlands		APN: 009-024-003-000
Planning File Number: PLN110359		Owner: Jeffrey Cappel Agent: Jay Carver
Planning Area: Carmel Area Land Use Plan		Flagged and staked: Yes
Zoning Designation: "LDR/1-D (CZ)" (Low Density Residential, 1 units per acre with Design Control Overlay (Coastal Zone))		
CEQA Action: Categorically Exempt per Section 15303 (a)		
Department: RMA - Planning Department		

RECOMMENDATION:

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

- 1) Categorically exempt PLN110359 per CEQA Guidelines Section 15303 (a); and
- 2) Approve Combined Development Permit and Lot Line Adjustment, based on the findings and evidence and subject to the conditions of approval (**Exhibit B**):

PROJECT OVERVIEW:

The applicant proposes to combine two legal lots of approximately 0.260 acres (Parcel 1) and 0.292 acres (Parcel 2), resulting in a single lot of .552 acres. It is the applicant's intention to create a more developable lot for the purposes of constructing a four-story single-family residence; the garage is located in the first story, Guesthouse second story, main living area third story, and master bedroom on the fourth story. The proposed residence was designed to utilize terracing due to a limited amount of relatively flat usable area. This is due to the amount of septic area required for the residence and because most of the flat areas are contained within the 30 front setback. The remaining area within the front side and rear setbacks is an area approximately 12,900 square feet. 64% of that area is over 30% slope. Therefore, because of the site constraints the proposed residence could be allowed an exception to developing upon slopes cannot be avoided.

This project meets all of the development standards of the Zoning Ordinance and the use of natural materials such as wood and stone is consistent with the Visual Resources policies of the Carmel Area Land Use Plan. The mass of the structure is broken up by modulations in the planes of the structure, with the use of different materials on the upper and lower levels. Carmel Land Use Plan Policy 5.3.3.4.c calls for structures and landscaping placed upon land on the west side of Highway 1

to be sited and designed to retain public views of the shoreline from Highway 1 and roads seaward of the highway. The project

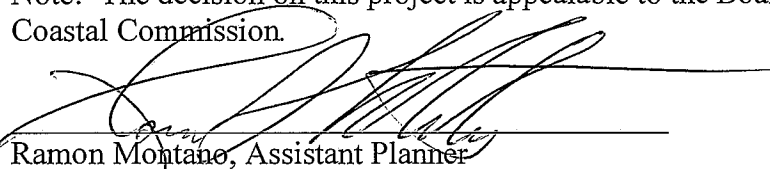
OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

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

Agencies that submitted comments are noted with a check mark. Conditions recommended by the Cypress Fire Protection District, Public Works Department and 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 was heard by the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) at public meetings on September 6, 2011, the LUAC continued the item until the September 19, 2011. The LUAC received comments/concerns from three neighbors. The LUAC received comments supporting the project from two neighbors. The LUAC discussed the project and indicated their concerns regarding the proposed development (see attached minutes and consistency finding in this report), the LUAC addressed concerns and recommended changes to the project. The LUAC incorporated they're suggested changes into the minutes and voted to recommend approval of the project on a 7 to 0 vote as presented in the September 19, 2011 minutes.

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



Ramon Montano, Assistant Planner
(831) 755-5169, montanor@co.monterey.ca.us
February 13, 2012

cc: Front Counter Copy; Planning Commission; Cypress Fire Protection District; Public Works Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Laura Lawrence, Planning Services Manager; Ramon Montano, Project Planner; Carol Allen, Senior Secretary; Jeffrey Cappel, Owner; Jay Auburn, Agent; The Open Monterey Project; LandWatch; Planning File PLN110359.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Discussion
	Exhibit C	Draft Resolution, including: <ul style="list-style-type: none">• Conditions of Approval• Site Plan, Floor Plan and Elevations
	Exhibit D	Carmel Unincorporated/Highlands Land Use Advisory Committee Minutes of September 6, 2011 and September 19, 2011
	Exhibit E	Vicinity Map

This report was prepared by Ramon A. Montano, Assistant Planner and reviewed by Laura Lawrence, Planning Services Manager and Delinda Robinson, Senior Planner

EXHIBIT A

Project Information for PLN110359

Project Information:

Project Name:	CAPPO JEFFREY	
Location:	230 HWY 1 CARMEL	
Permit Type:	Combined Development Permit	
Environmental Status:	Exempt	Final Action Deadline (884): 1/15/2012
Existing Structures (sf):	0	Coverage Allowed: 15%
Proposed Structures (sf):	8236	Coverage Proposed: 14.75%
Total Sq. Ft.:	8236	Height Allowed: 30'
Tree Removal:	1-oak, 1-pine, 5-cypress	Height Proposed: 18.5'
Water Source:	Well	FAR Allowed: N/A
Water Purveyor:	Private	FAR Proposed: N/A
Sewage Disposal (method):	Septic	Lot Size: 24042
Sewer District:	N/A	Grading (cubic yds.): 3200

Parcel Information:

Primary APN:	241-182-004-000	Seismic Hazard Zone:	UNDETERMINED
Applicable Plan:	Carmel LUP	Erosion Hazard Zone:	High
Advisory Committee:	Carmel/Carmel Highlands Advisory Committee	Fire Hazard Zone:	Very High
Zoning:	LDR/1-D(CZ)	Flood Hazard Zone:	N
Land Use Designation:	Residential-Low Density	Archaeological Sensitivity:	High
Coastal Zone:	Y	Viewshed:	Highly Sensitive
Fire District:	Carmel Highlands FPD	Special Setbacks on Parcel:	N

Reports on Project Parcel:

Soils Report #:	LIB120047
Biological Report #:	LIB120041
Geologic Report #:	LIB120046
Forest Management Rpt. #:	LIB120043
Archaeological Report #:	LIB120043
Traffic Report #:	N/A

EXHIBIT B DISCUSSION

Project Description

Combined Development Permit to allow the construction of a four-story 6,779 square foot single family residence, a 1,061 square foot attached four-car garage, a 396 square foot pool equipment room, terraces, patios, a built-in barbecue, underground propane tank, infinity pool and hot tub; grading consisting of approximately 2,900 cubic yards of cut and 300 cubic yards of fill and a 334 square foot guest house the removal of one 22" double-stem Oak and one 15" Monterey Pine (five Monterey Cypress, all less than 7" in diameter, a Coastal Development Permit for development on slopes in excess of 30% the conversion of a test well to a permanent well (permitted under PLN060692) and the creation of a 3-connection water system; and a Lot Line Adjustment (merger) between two legal lots of record of approximately 0.260 acres (Parcel 1) and 0.292 acres (Parcel 2), resulting in a single lot of .552 acres (Parcel A); and a Design Approval.

Development on slopes in excess of 30%

The project parcel is located in an area of Carmel Highlands west of highway 1. The visibility of the property from the highway is limited because the sloped lot where the Cappel residence is proposed is below the highway, therefore difficult to see for any duration as there are not pull-outs along the section of the Highway. The two lots are constrained by sloped areas and individually would not support residential development without variances to setbacks and would significantly limit the size of the residence. The lots are being merged in order to facilitate adequate distance for the water source well from the septic area. There is a limited amount of flat area on each parcel. For that, reason staff supports the merge recommends that, the structure be allowed to be constructed on the sloped areas of the property.

Archaeological Report:

An Archaeological report was prepared for the property. The project is not located within 750 feet of a known archaeological resource, nor was there any archaeological resources identified at the site. The report concludes that no surface evidence of historic archaeological resources was seen in the project area. This report recommended the standard archaeological condition, see condition number 3.

CEQA:

The project as proposed is found to be exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Categorically Exempt per Section §15303 (a), Class 3, which categorically exempts the construction of one single-family residential structure. The project meets the requirements in the Carmel Land Use Plan regarding the removal of vegetation, several of the trees selected for removal were chosen because they were in the footprint of the proposed development however two of those trees were determined to be in poor condition, or not developed to a size or condition that indicated they were exemplary examples of the species. No Landmark trees will be removed or sensitive vegetation. The Landscape condition should improve the condition of the sight by requiring the removal of a significant number of invasive plants found in the project area. No protected or environmentally sensitive species were found to exist on the property or within the area identified as the project area therefore no unresolved issues remain.

Recommendation

The project is found to be consistent with the 1982 Monterey County General Plan, the Carmel Area Land Use Plan, the Carmel Area Coastal Implementation Plan, the Monterey County Zoning Ordinance (Title 20), and is categorically exempt from environmental review. Therefore, staff recommends that the Planning Commission approve the project

EXHIBIT C
DRAFT RESOLUTION

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

In the matter of the application of:

Cappo (PLN110359)

RESOLUTION NO. ----

Resolution by the Monterey County Planning
Commission:

- 1) Categorically Exempting per CEQA Guidelines Section 15303(a); and
- 2) Approving Combined Development Permit consisting of: 1) Coastal Administrative Permit to allow the construction of a four-story 6,779 square foot single family residence, a 1,061 square foot attached four-car garage, a 396 square foot pool equipment room, terraces, patios, a built-in barbecue, underground propane tank, infinity pool and hot tub; grading consisting of approximately 2,900 cubic yards of cut and 300 cubic yards of fill; 2) a Coastal Administrative Permit for a 334 square foot guest house; 3) a Coastal Development Permit for the removal of one 22" double-stem Oak and one 15" Monterey Pine (five Monterey Cypress, all less than 7" in diameter, are also proposed for removal); 4) a Coastal Development Permit for development on slopes in excess of 30%; 5) Coastal Administrative Permit for the conversion of a test well to a permanent well (permitted under PLN060692) and the creation of a 3-connection water system; and 6) a Coastal Development Permit for a Lot Line Adjustment (merger) between two legal lots of record of approximately 0.260 acres (Parcel 1) and 0.292 acres (Parcel 2), resulting in a single lot of .552 acres (Parcel A); and a Design Approval.

(PLN110359, Jeffrey Cappo, Highway 1, Carmel Highlands, Carmel Area Land Use Plan) (APN: 009-024-003-000))

The Jeffrey Cappo application (PLN110359) came on for public hearing before the Monterey County Planning Commission on February 29, 2012. 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:

- The Monterey County General Plan,
- Carmel Area Land Use Plan,
- Monterey County Coastal Implementation Plan, Part 4,
- Monterey County Zoning Ordinance (Title 20)

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at off Highway 1, Carmel (Assessor's Parcel Numbers 241-182-004-000 and 241-182-005-000), Carmel Area Land Use Plan. The parcel is zoned "LDR/1-D (CZ)" (Low Density Residential, 1 units per acre with Design Control Overlay (Coastal Zone), which allows single family residences. Therefore, the project is an allowed land use for this site.
- c) The property is located in a Design Control Overlay district within the Carmel Area Land Use Plan, which requires that structures be subordinate to and blended into the environment using appropriate materials that will achieve that effect. Materials and colors of the proposed new residence are earth toned and consist of Textured plaster, stone, wood doors & windows and cedar siding, trims, and garage door, with planted roofs.
- d) The project complies with all of the applicable development standards of Section 20.12.060 of Title 20 including height, setbacks, lot coverage.
- e) The project planner conducted site inspections on October of 2011 and December of 2011 to verify that the project on the subject parcel conforms to the plans listed above.
- f) The project complies with all of the Carmel Land Use Plan Policy 5.3.3.4.c calls for structures and landscaping placed upon land on the west side of Highway 1 to be sited and designed to retain public views of the shoreline from Highway 1. Because of the tiered elevations and flat-planted roofs allows it to blend into the hillside, which is below, the highway.
- g) The project is consistent with LUP Policy 2.2.3.4, which requires that the portion of the parcel least visible from public viewpoints and corridors shall be considered the most appropriate site for the location of new structures. Due to the small size and triangular shape of the subject parcel, limited area is available for development on the parcel. The new structure has been sited in the only area available for development on the parcel.
- h) The project was referred to the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the project includes a Design Approval, which will be heard at a public hearing. At a public meeting on The

project was heard by the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) at public meetings on September 6, 2011, the LUAC continued the item until the September 19, 2011. The LUAC received comments/concerns from three neighbors. The LUAC received comments supporting the project from two neighbors. The LUAC indicated the following concerns regarding the proposed development (see attached minutes), the LUAC concerns, and recommended changes to the project. Staff has reviewed the concern and suggested changes and has incorporated conditions of approval to address The LUAC concerns regarding the following:

1. Condition No. 10 addresses soil erosion and condition No. 9 will insure that the structure is engineered and constructed to those specifications;
2. Condition No. 20 Water Resources Agency has conditioned the project requiring an engineered drainage plan stormwater runoff;
3. Lighting restrictions for the area have been incorporated under condition No. 9;
4. Condition No. 8 will require a landscape plan to insure compliance with replacement of the appropriate vegetation consistent with the arborist recommendation and biological report to include native species in the landscaping;
5. Condition No. 19 was incorporated by Public Works to insure that traffic is minimized during the construction phase of the project.

Staff has incorporated the LUAC suggested changes within the boundaries of the County code. Refer to suggested changes in the minutes.

The LUAC voted to recommend approval of the project with the suggested changes on a 7 to 0 vote as presented in the September 19, 2011 LUAC minutes.

- i) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110359.

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

EVIDENCE: a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Cypress Fire Protection District, Parks, Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- b) Staff identified potential impacts to Trees and Cultural resources. Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:

- *“Biological Assessment” prepared by Fred Ballerini, Pacific*

Grove, CA, August 2, 2011.

- "Tree Assessment Arborist" (LIB120042) prepared by Frank Ono Pacific Grove, CA, July 22, 2011.
 - "Supplemental archaeological Assessment" of Assessor's Parcel Number 241-182-004 & 241-182-005" (LIB120041) prepared by Archaeological Consulting, CA, July 28, 2011.
- c) Staff conducted site inspections in October of 2011 and December of 2011 to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110359.

3. FINDING:

30 PERCENT SLOPE WAIVER – The proposed development, as designed, better achieves the goals, policies, and objectives of the Carmel Land Use Plan policies and regulations in Title 20 (Monterey County Coastal Implementation Plan Part 1 Section 20.64.230) regarding development on slopes in excess of 30 percent.

- EVIDENCE:**
- a) The project site is a 0.552-acre parcel within the Carmel Highlands area. This property is zoned Low Density Residential, 1 units per acre with Design Control, Coastal Zone ("LDR/2-D"). The subject property is constrained by the limited amount of developable area due to 62% of the buildable area within the setback area contains sloped areas in excess of 30 percent. The front 30 feet of the site is relatively flat. Past that point, going towards the rear of the lot, the slope quickly changes upward. The proposed development will meet setbacks, leaving an area approximately 30 feet wide for the required septic area. *Therefore, there is no feasible alternative which would allow the development to occur on slopes of less than 30%.*
- b) Geotechnical Report" (LIB070300) prepared by Soils Survey Inc. Salinas, CA, dated January 07, 2003. The report concludes that, "The project soil and site conditions are suitable for the proposed building and additions and new garage with the recommendations made herein". Condition number 5 require that a letter verifying certifying that the structure was constructed in conformance with the Geotechnical reports reconditions for the proposed residence.
- c) The project as proposed was found to be consistent with the LCP policies protecting the public viewshed. The proposed residence will utilize flat roofs with planted materials thereby limiting the disruption of the brief view from the highway by not utilizing conventionally designed roof. Allowing the proposed residential structure to be located on slopes in excess of thirty percent in this case is justified due to the existing lot constraints. The size of the flat buildable areas is significantly reduced when required to meet the current site development standards (setbacks). This is because a significant portion of the flat buildable area is located in the front setback. The proposed residence will not create any more visibilities from highway 1 because the structure proposes to terrace the four levels to follow the contour of the slope and the roofs will be planted with vegetation to create a less visible structure during the brief view from highway 1 to passengers traveling the highway. For those reasons, stated staff finds that the

project as proposed better meets the goals, policies, and objectives of the LCP regarding visual resources and development on slopes in excess of 30%.

- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110359.

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

EVIDENCE: e) The project was reviewed by RMA - Planning Department, Cypress Fire Protection District, Parks, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.

- f) Necessary public facilities are not available in the area therefore the County allows wells to be utilized as a water source. The County required a specialized waste water treatment system to be designed for the project. This is due to constraints on the site, such as limited septic area and the required setback distances from water source wells to all septic leach. The County has reviewed and approved the well to be utilized as a three connection water system as well as the specialized waste water treatment system design for the Cappo property.
- g) Preceding findings and supporting evidence for PLN110359.

5. **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) The project includes application for the removal of one Monterey Pine tree (15 inches in diameter poor condition), one Coast Live Oak (22 inches in diameter poor condition), 5 Monterey Cypress (ranging in size between 6 to 8 inches. 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) A Tree Assessment was prepared by Frank Ono, Pacific Grove, CA. The analysis determined that the 22 inch tree is a suppressed pine severely wind damaged and has a low live canopy ration. Staff has determined the project has been designed and sited to minimize the removal of protected trees to the greatest extent feasible.
- c) Measures for tree protection during construction have been incorporated as conditions and include tree protection zones, trunk protection, hand excavation, and bridging roots (**Condition No. 7**) and the replanting of the trees in accordance with the Arborist recommendations, (**Condition**

No. 8).

- d) The removal will not involve a risk of adverse environmental impacts. Staff site visit determined that the removal of one Monterey Pine tree conforms to all development standards of Section 20.147.050.D.1 (CIP) and does not conflict with water and marine resources, environmentally sensitive habitat areas and scenic visual resources.
- e) Staff conducted a site inspection in October of 2011 and December of 2011 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 submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110359.

6. **FINDING:** **NO VIOLATIONS** - The subject property complies 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 site inspections on October of 2011 and December of 2011 and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans, and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110359.

7. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15303(a) categorically exempts the construction of one single-family residential structure.
 - b) The project includes the demolition of one single-family residence and the construction of one single-family residence.
 - c) No adverse environmental effects were identified during staff review of the development application during site visits on October of 2011 and December of 2011
 - d) Staff review of the project found that there are no unique circumstances and that none of the exemptions listed in CEQA Guidelines Section 15300.2 apply.
 - e) See preceding and following findings and supporting evidence.

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

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse

impact on access, either individually or cumulatively, as described in Section 20.146.130 of the Monterey County Coastal Implementation Plan can be demonstrated.

- b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3 in the Carmel Area Land Use Plan).
- c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110359
- e) The project is consistent with LUP Policy 5.3.3.4.a which requires that structures and landscaping placed upon land on the west side of Highway 1 be sited and designed to retain public views of the shoreline from Highway 1 and roads seaward of the Highway. The project is located on the west side of Highway 1. The ocean is visible briefly from Highway 1 through the trees over the existing residence. However, there is no extended view of the shoreline as defined in Section 20.146.130 e 5 visual access of the CIP.
- f) The project planner conducted a site inspection on October of 2011 and December of 2011

9. FINDING:

LOT LINE ADJUSTMENT/LOT MERGER – Section 66412 of the California Government Code (Subdivision Map Act) Title 19 (Subdivision Ordinance) of the Monterey County Code states that lot line adjustments may be granted based on the following findings:

- 1. The lot line adjustment is between four (or fewer) existing adjoining parcels;
- 2. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment;
- 3. The parcels resulting from the lot line adjustment conform to the County's general plan, and any applicable specific plan, any applicable coastal plan and building and zoning ordinances.

EVIDENCE:

- a) The property is zoned "LDR/1-D (CZ)" (Low Density Residential, 1 units per acre with Design Control Overlay (Coastal Zone)
- b) The project is a lot line adjustment between two legal lots of approximately 0.260 acres (Assessor's Parcel Numbers 241-182-004-000) and 0.292 acres (Assessor's Parcel Numbers 241-182-004-000). The adjustment will result in a single parcel of .552 acres.
- c) The lot line adjustment is between more than one and less than four existing adjacent parcels. The lots are contiguous and fronts onto a private road serving 13 other lots.
- d) 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 one legal parcel of record will result from the adjustment. No new parcels will be created.
- e) The purpose of the lot line adjustment is to combine the two small lots. By merging the two parcels, the construction of the proposed residence will not only conform to the minimum setbacks of the zoning district but will better meet the Carmel Land Use Plan policies in regards to

aesthetics, avoid removing significant trees on one of the property and reduce the density of lot in the area by merging the two lots and order create a lot that will be able to meet the setback requirements for separating water source wells from septic systems area. The existing lots are of a size that would not support development on each individual lot do to the limitation of sloped area thereby limiting the amount of usable area for septic systems without granting a variance. The project has been reviewed for consistency with the text, policies, and regulations in:

- 1982 Monterey County General Plan;
 - Carmel Land Use Plan;
 - Monterey County Coastal Implementation Plan Part 4;
 - Zoning Ordinance (Title 20); and
 - Monterey County Subdivision Ordinance (Title 19) coastal.
- f) No existing easements or infrastructure will be affected as a result of the proposed lot line adjustment
- g) As exclusive 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 is required for the newly combined lots as a condition of approval.
- h) The project planner conducted a site inspection on October of 2011 and December of 2011.
- i) The application plans, and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in PLN110359.

10 **FINDING:**

EVIDENCE: a)

APPEALABILITY - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission

BOARD OF SUPERVISORS

Section 20.86.030.a Monterey County Zoning Ordinance.

b) **CALIFORNIA COASTAL COMMISSION**

Section 20.86.080.1, Monterey County Zoning Ordinance. The project is appealable to the California Coastal Commission because the project is located between the sea and the first through road paralleling the sea. San Juan Road is the first through road paralleling the sea in the project area.

DECISION

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

- A. Categorically exempt pursuant to CEQA Guidelines Section 15303(a); and
- B. Combined Development Permit consisting of: 1) Coastal Administrative Permit to allow the construction of a four-story 6,779 square foot single family residence, a 1,061 square foot attached four-car garage, a 396 square foot pool equipment room, terraces, patios, a built-in barbecue, underground propane tank, infinity pool and hot tub; grading consisting of approximately 2,900 cubic yards of cut and 300 cubic yards of fill; 2) a Coastal Administrative Permit for a 334 square foot guest house; 3) a Coastal Development Permit for the removal of one 22" double-stem Oak and one 15" Monterey Pine (five Monterey Cypress, all less than 7" in diameter, are also proposed for removal); 4) a Coastal Development Permit for development on slopes in excess of 30%;

5) Coastal Administrative Permit for the conversion of a test well to a permanent well (permitted under PLN060692) and the creation of a 3-connection water system; and 6) a Coastal Development Permit for a Lot Line Adjustment (merger) between two legal lots of record of approximately 0.260 acres (Parcel 1) and 0.292 acres (Parcel 2), resulting in a single lot of .552 acres (Parcel A); and a Design Approval, 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.

PASSED AND ADOPTED this 29th day of February 2012

Mike Novo, Planning Commission

COPY OF THIS DECISION MAILED TO APPLICANT ON

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

(Coastal Projects)

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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

NOTES

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

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

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

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

Monterey County Planning Department
DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan
PLN110359

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

This Combined Development Permit consisting of: 1) Coastal Administrative Permit to allow the construction of a four-story 6,779 square foot single family residence, a 1,061 square foot attached four-car garage, a 396 square foot pool equipment room, terraces, patios, a built-in barbecue, underground propane tank, infinity pool and hot tub; grading consisting of approximately 2,900 cubic yards of cut and 300 cubic yards of fill; 2) a Coastal Administrative Permit for a 334 square foot guest house; 3) a Coastal Development Permit for the removal of one 22" double-stem Oak and one 15" Monterey Pine (five Monterey Cypress, all less than 7" in diameter, are also proposed for removal); 4) a Coastal Development Permit for development on slopes in excess of 30%; 5) Coastal Administrative Permit for the conversion of a test well to a permanent well (permitted under PLN060692); 6) A Coastal Development Permit for development within 750 feet of known archaeological resources; and 7) a Coastal Development Permit for a Lot Line Adjustment (merger) between two legal lots of record of approximately 0.260 acres (Parcel 1) and 0.292 acres (Parcel 2), resulting in a single lot of .552 acres (Parcel A); and a Design Approval was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.
(RMA - Planning Department)

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

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice which states:
"A Combined Development Permit (Resolution No. ____) was approved by the Monterey County Planning Commission for Assessor's Parcel Numbers 241-182-004-000 and 241-182-005-000 on February 29, 2012. The permit was granted subject to 24 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Resource Management Agency - Planning Department. Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use."
(RMA - Planning Department)

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

3. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

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

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

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

4. PD009 - GEOTECHNICAL CERTIFICATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report.
(RMA - Planning Department and Building Services Department)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the Owner/Applicant/Geotechnical Consultant shall submit certification by the geotechnical consultant to the RMA-Building Services Department showing project's compliance with the geotechnical report.

5. PD003(B) - CULTURAL RESOURCES POSITIVE ARCHAEOLOGICAL REPORT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken:

There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required.

If the coroner determines the remains to be Native American:

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

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

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

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

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

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

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

(RMA - Planning Department)

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

Prior to the issuance of grading or building permits, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans, and shall be included as a note on an additional sheet of the final/parcel map.

6. PDSP001 - ARCHAEOLOGICAL MONITOR (NON-STANDARD)

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

1. A qualified archaeological monitor shall be present during initial soil disturbing activities, such as grading, etc. The monitor shall be authorized to determine the level of monitoring intensity and when earth-disturbing activities do not require further monitoring.
2. If, at any time, potentially significant archaeological resources are discovered, the monitor shall be authorized to temporarily halt work until the find can be evaluated. If it is determined to be significant, work shall remain halted until an appropriate mitigation measure has been formulated, with the concurrence of the lead agency, and implemented.
3. If, at any time, human remains are identified, the Monterey County Coroner must be notified immediately and, if it is determined that the remains are likely to be Native American, the Native American Heritage Commission will be notified as required by law. The designated Most Likely Descendant will be authorized to provide recommendations for management of Native American human remains.
4. Following monitoring, an Archaeological Report suitable for compliance documentation shall be prepared. This report shall document the field findings and make appropriate management recommendations, if appropriate.
5. Cultural materials that may be recovered during the project shall be processed and curated in the public domain at a suitable research facility. Artifacts shall not be turned over to Native American groups or other special interests unless specifically required under the provisions of the Public Resources Code.

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

Prior to the issuance of grading or building permits, the Owner/Applicant, per the archaeologist, shall submit the contract with a Registered Professional Archaeologist to the Director of the RMA-Planning Department for approval.

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

Prior to final inspection, the Applicant/Owner shall provide a copy of the final Archaeological Report to the RMA-Planning department

7. PD010 - EROSION CONTROL PLAN

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

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

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

Prior to the issuance of grading and building permits, the Owner/Applicant shall submit an Erosion Control Plan to the RMA - Planning Department and the RMA - Building Services Department for review and approval.

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

8. PD011 - TREE AND ROOT PROTECTION

Responsible Department: Planning Department

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

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to the RMA - Planning Department for review and approval.

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

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

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

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA - Planning Department)

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

Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall ensure that the landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department.

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

10. PD048 - TREE REPLACEMENT/RELOCATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: (NON-STANDARD) Prior to final building inspection the applicant shall replace and or relocate each tree approved for removal as follows:

- Replacement ratio recommended by arborist: replacement of all native trees greater than 6 inches in diameter at a 1:1 ratio.

Replacement tree(s) shall be located to the south and east of the proposed residence, as recommended by the project arborist. A qualified professional shall monitor the newly planted trees at six(6) month intervals for a period of 3 years or until 100 percent of replacement trees have survived for a minimum of 3 years.

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall submit evidence of tree replacement to the RMA-Planning Department for review and approval. Evidence shall be a receipt for the purchase of the replacement tree(s) and photos of the replacement tree(s) being planted.

A qualified professional shall monitor the newly planted trees at six (6) month intervals for a period of three years as recommended in the arborist report prepared for the project. Applicant/owner shall provide a copies of the monitoring reports to the RMA-Planning Department.

At the end of the monitoring period, the Applicant/Owner shall submit a letter prepared by a County-approved tree consultant reporting on the health of the replacement tree(s) and whether or not the tree replacement was successful or if follow-up remediation measures or additional permits are required.

11. PD014(B) - LIGHTING-EXTERIOR LIGHTING PLAN (VS & RIDGELINE)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: (NON-STANDARD) 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. Exterior lighting shall have recessed lighting elements. Exterior light sources that would be directly visible from when viewed from a public viewshed, as defined in Carmel Land Use Plan Policy 2.2.1, are prohibited. The applicant shall submit three (3) copies of 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 issuance of building permits.
(RMA - Planning Department)

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

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

12. PDSP001-EARTH TONE & NON REFLECTIVE MATERIALS AND NON REFLECTIVE GLASS (NON-STANDARD CONDITION)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: In order to minimize potential glare and visibility of the structure, all materials used in the construction of the structure shall be non-reflective materials, painted in earth-tone colors, or utilize earth-tone materials. Glass surfaces shall be Grey-tinted "non-reflective" glass. (RMA-Planning Department)

Compliance or Monitoring Action to be Performed: The owner/applicant shall submit color cut sheets of final colors and materials proposed demonstrating compliance with the condition to the Director of RMA-Planning for review and approval prior to the issuance of building permits.

13. PD016 - NOTICE OF REPORT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "The following reports have been prepared:
-Biological Assessment prepared by Fred Ballerini, Pacific Grove, CA, August 2, 2011.
-Tree Assessment/Arborist Report (LIB120042) prepared by Frank Ono Pacific Grove, CA, July 22, 2011.
-Supplemental Archaeological Assessment of Assessor's Parcel Number 241-182-004 & 241-182-005 (LIB120041) prepared by Archaeological Consulting, CA, July 28, 2011.
-Geotechnical Investigation for Proposed Single Family Residence (LIB120047) prepared by Haro, Kasunich and Associates, Inc. Watsonville, CA, September, 2011.
-Geological Report for Cappel Residence (LIB120046) prepared by CapRock Geology, Inc., Spreckels, CA, September 9, 2011.
-72-Hour Constant Rate Well Pumping, Aquifer Recovery Test and Pumping Impact Assessment for Tydings Well (LIB120048) prepared by Bierman Hydrogeologic, Aptos, CA, February 11, 2011.
and are on file in the Monterey County RMA - Planning Department. All development shall be in accordance with these reports."
(RMA - Planning Department)

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

Prior to occupancy, the Owner/Applicant shall submit proof, for review and approval, that all development has been implemented in accordance with the reports to the RMA - Planning Department.

14. EHSP01ALTERNATIVE WASTEWATER TREATMENT SYSTEM REQUIREMENTS: DESIGN

Responsible Department: Health Department

Condition/Mitigation NON-STANDARD CONDITIONS

Monitoring Measure: The Environmental Health Bureau (EHB) has determined that adequate area exists on the property to accommodate an alternative onsite wastewater treatment system (Alt OWTS). Submit a completed permit application with applicable fees and two (2) copies of the following:

- Alt OWTS proposal, designed by a registered engineer having experience in wastewater treatment and disposal, to EHB for review and acceptance
- Completed CRWQCB Form 200, regarding Waste Discharge Requirements
- Percolation and soils testing results prepared by a qualified individual as specified by MCC, Section 15.20.70.

Upon EHB's acceptance, the Alt OWTS proposal package would be referred by EHB to the Central Coast Regional Water Quality Control Board (CRWQCB) for review and approval. Once the design is approved by CRWQCB, EHB will issue an Alt OWTS permit. The Alt OWTS shall be installed per the approved engineered design and all permit conditions prior to occupancy.

Compliance or Monitoring Prior to occupancy Applicant/Owner shall submit plans for an Alt OWTS to EHB for review and approval. Upon acceptance by EHB, the proposal would be referred to CRWQCB for review and approval.

Action to be Performed:

Prior to occupancy, approved by CRWQCB, obtain the Alt OWTS permit from EHB and install the system.

15. EHSP02ALTERNATIVE OWTS: WASTE DISCHARGE REQUIREMENTS

Responsible Department: Health Department

Condition/Mitigation NON-STANDARD CONDITIONS

Monitoring Measure: Pursuant to the Memorandum of Understanding between Monterey County and the Central Coast Regional Water Quality Control Board - Central Coast Region (CRWQCB), Monterey County refers all new onsite wastewater treatment systems (OWTS) to the CRWQCB for review. CRWQCB would determine if the proposal must obtain a waiver of Waste Discharge Requirements from CRWQCB or if the proposal would require Individual Waste Discharge Requirements to be assigned by CRWQCB.

Compliance or Monitoring Prior to issuance of building permit submit evidence to EHB that CRWQCB has issued a waiver of Waste Discharge Requirements or Individual Waste Discharge Requirements for the proposed alternative onsite wastewater treatment system

Action to be Performed:

16. EHSP03ALTERNATIVE WASTEWATER TREATMENT SYSTEM REQUIREMENTS: OPERATIONS AND MAINTAENANCE COI

Responsible Department: Health Department

Condition/Mitigation NON-STANDARD CONDITIONS

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

- Statement that if either party fails to comply with the contract EHB will be notified.
- Effluent quality reports shall be submitted to EHB bi-annually.
- EHB shall be notified at each renewal term, and a contract shall be submitted to EHB.
- All testing requirements in Interim Ordinance 5086, and other county, state and federal regulations shall be complied with.

Compliance or Monitoring Submit a contract prior to building permit final. /Operations And Maintenance Contract is an ongoing condition. Submit a signed operations and maintenance contract from a licensed septic contractor to EHB for review and approval, prior to final of building permit.

Action to be Performed: All lab results and service reports shall be submitted to the EHB on a bi-annual basis.
All renew contracts shall be submitted to EHB for review and approval.

17. EHSP04ALTERNATIVEAE

Responsible Department: Health Department

Condition/Mitigation NON-STANDARD CONDITIONS

Monitoring Measure: The applicant shall record a deed notification with the Monterey County Recorder for parcel 241-182-004-000 with the approved language indicating that an alternative onsite wastewater treatment system is installed on the property. Contact EHB for specific wording to be included on the deed notification.

Compliance or Monitoring Record deed notice prior to final of building permit. Contact EHB for specific deed notice wording.

Action to be Performed: Record deed notice.

18. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

Responsible Department: Public Works Department

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

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

Action to be Performed:

19. PW0044 - CONSTRUCTION MANAGEMENT PLAN

Responsible Department: Public Works Department

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

Compliance or Monitoring Action to be Performed:

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

20. WRSP1 - DRAINAGE PLAN (NON-STANDARD CONDITION)

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide a drainage plan, prepared by a registered civil engineer or licensed architect, to mitigate on-site and off-site impacts from impervious surface stormwater runoff. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permits, the owner/applicant shall submit a drainage plan with the construction permit application. The Building Services Department will route a plan set to the Water Resources Agency for review and approval.

21. WRSP2 - WATER AVAILABILITY CERTIFICATION (NON-STANDARD CONDITION)

Responsible Department: Water Resources Agency

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

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

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

22. FIRE011 - ADDRESSES FOR BUILDINGS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: 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 Protection District)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of building permit, the applicant or owner shall enumerate as "Fire Dept. Notes" on plans.
2. Prior to final building inspection, the applicant or owner shall schedule fire dept. clearance inspection.

23. FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM

Responsible Department: Fire

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

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of building permit, the applicant or owner shall enumerate as "Fire Dept. Notes" on plans.
2. Prior to framing inspection, the applicant or owner shall schedule fire dept. rough sprinkler inspection.
3. Prior to final building inspection, the applicant or owner shall schedule fire dept. final sprinkler inspection.

24. PDSP003 - SETBACK REQUIREMENT (NON-STANDARD)

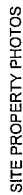
Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to the issuance of a building permit the Applicant/Owner shall submit revised plans to the RMA-Planning Department for review and approval showing that all portions of the structure conform to the the required setbacks.

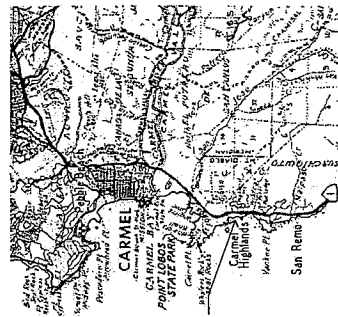
Compliance or Monitoring Action to be Performed: Prior to the issuance of a building permit, Applicant/Owner to submit revised plans to RMA-Planning Department for review and approval.

PROJECT DATA

- CONSTRUCTION OF A 0.79 SQUARE FOOT RAIL TIE LEVEL RESIDENCE WITH AN ATTACHED GARAGE AND PORCHES.**
- SITE IMPROVEMENTS TO INCLUDE:** UNDERGROUNDING OF EXISTING UTILITY POLES,
NEW DRIVEWAY AND GUEST PARKING AREAS, NEW UNDERGROUNDING OF PROPANE TANK,
NEW SEWER CONNECTION, NEW LIVERY TRUCK AND PATIO WITH BUILT-TIN BARBEQUE,
NEW UPPER TERRACE DECK, POOL AND TERRACE, NEW 20' X 20' WELL AND A THREE-PAVE SYSTEM,
NEW LOWER TERRACE CONCRETE, GRASSY AREA, NEW 20' X 20' WELL AND A THREE-PAVE SYSTEM,
INCLUDING CONVERSION OF A TEST WELL TO A SERVICE WELL AND RELOCATION OF
EXISTING UTILITY ACCESS ROAD.

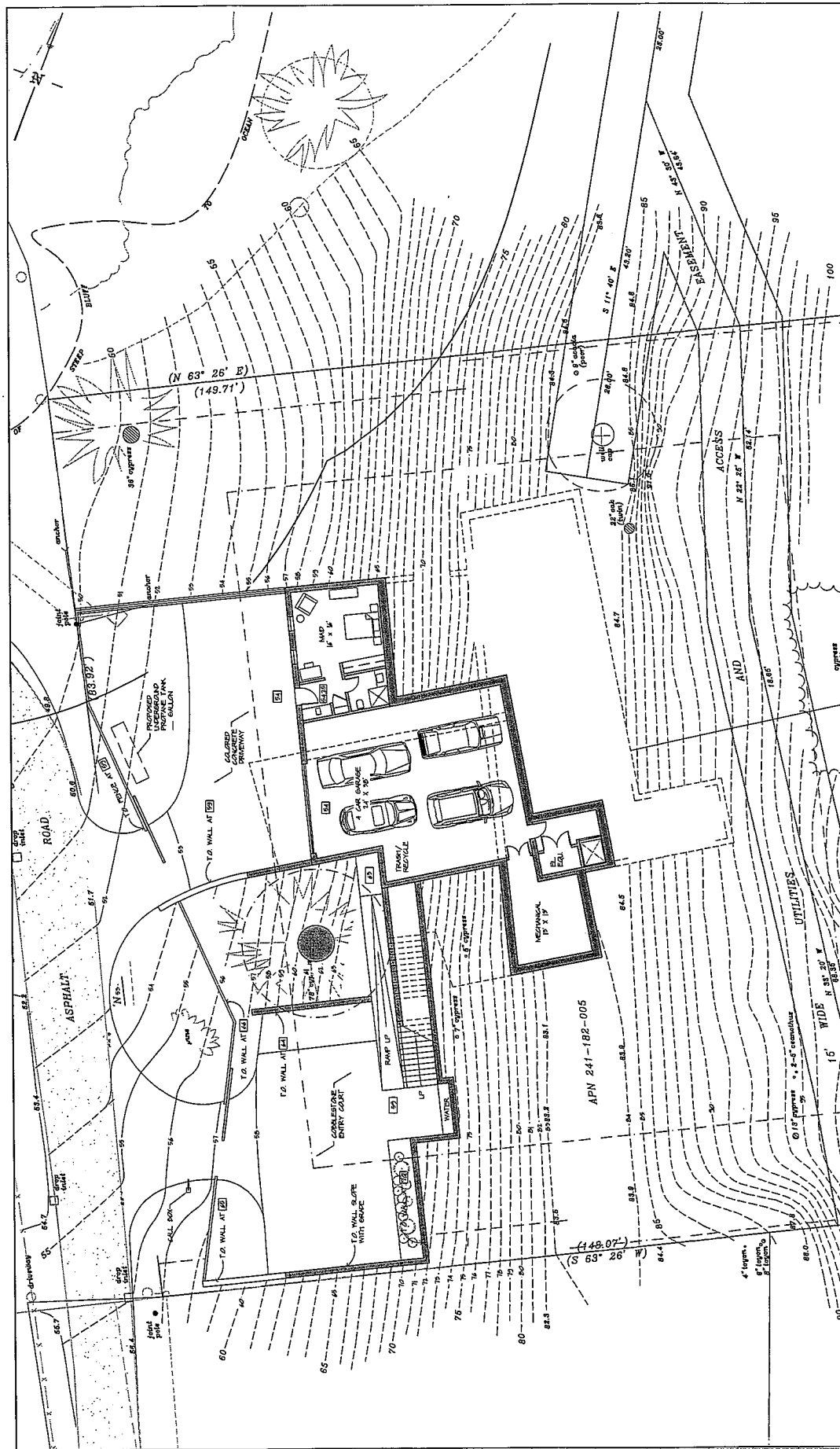


SCALE: 1" = 20'

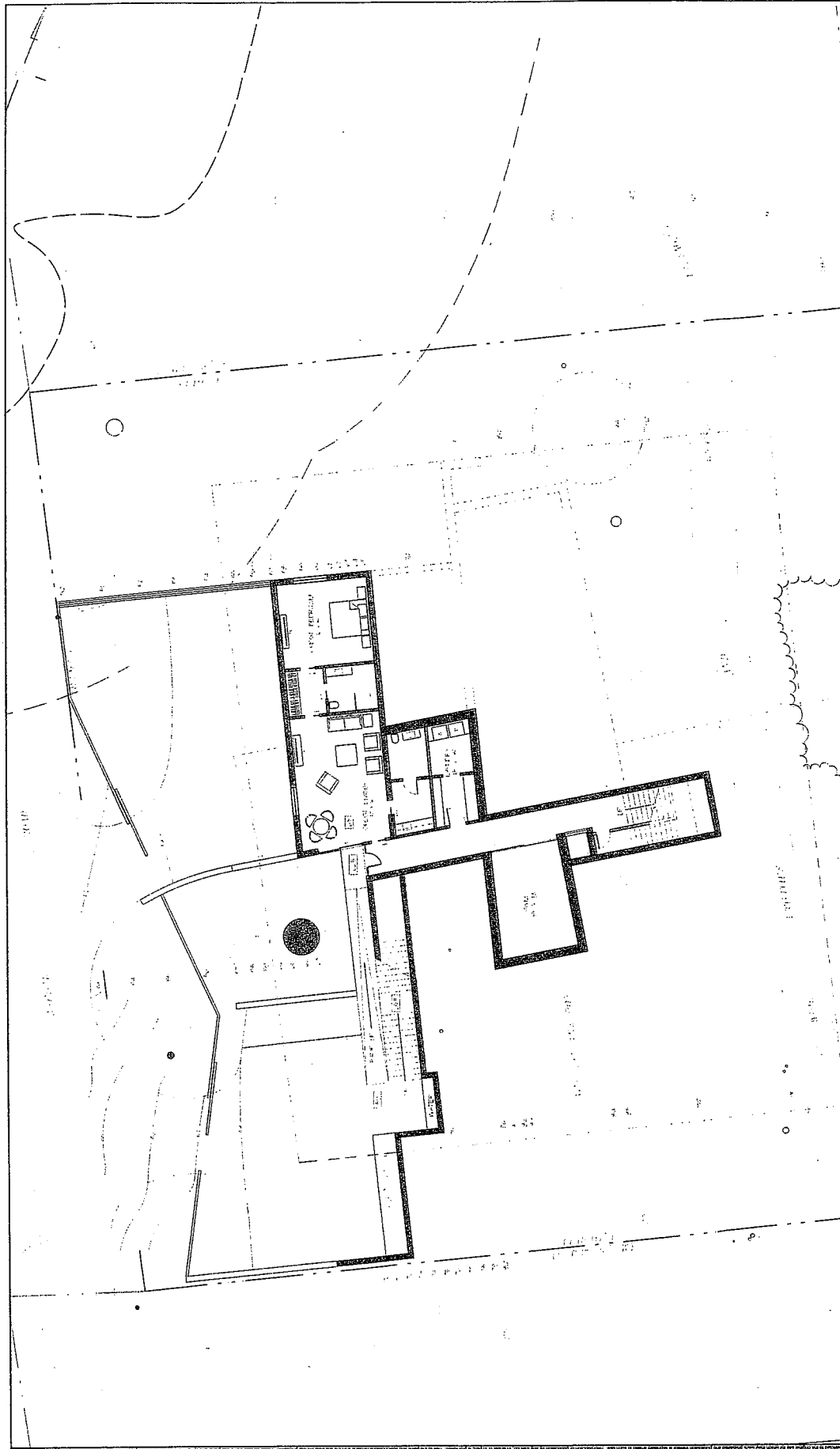


VICINITY MAP

Carver + Schickel
ARCHITECTS - PLANNERS - INTERIOR DESIGNERS



DATE	2 AUGUST 2011	TITLE	PROPOSED 1ST FLOOR PLAN	SHEET	3
SCALE	1/8" = 1'-0"	PROJECT	CAPPO RESIDENCE	PRELIMINARY NOT FOR CONSTRUCTION	3
DRAWN BY	RWA	JOB NUMBER	#1107	ARCHITECT: P. SCHICKELTADY	INTERIOR DESIGNERS
JOB NUMBER	#1107	PROJECT	CAPPO RESIDENCE	ARCHITECT: P. SCHICKELTADY	INTERIOR DESIGNERS



DATE 2 AUGUST 2011
SCALE 1/8"=1'0"
DRAWN BY RWAJ
JOB NUMBER

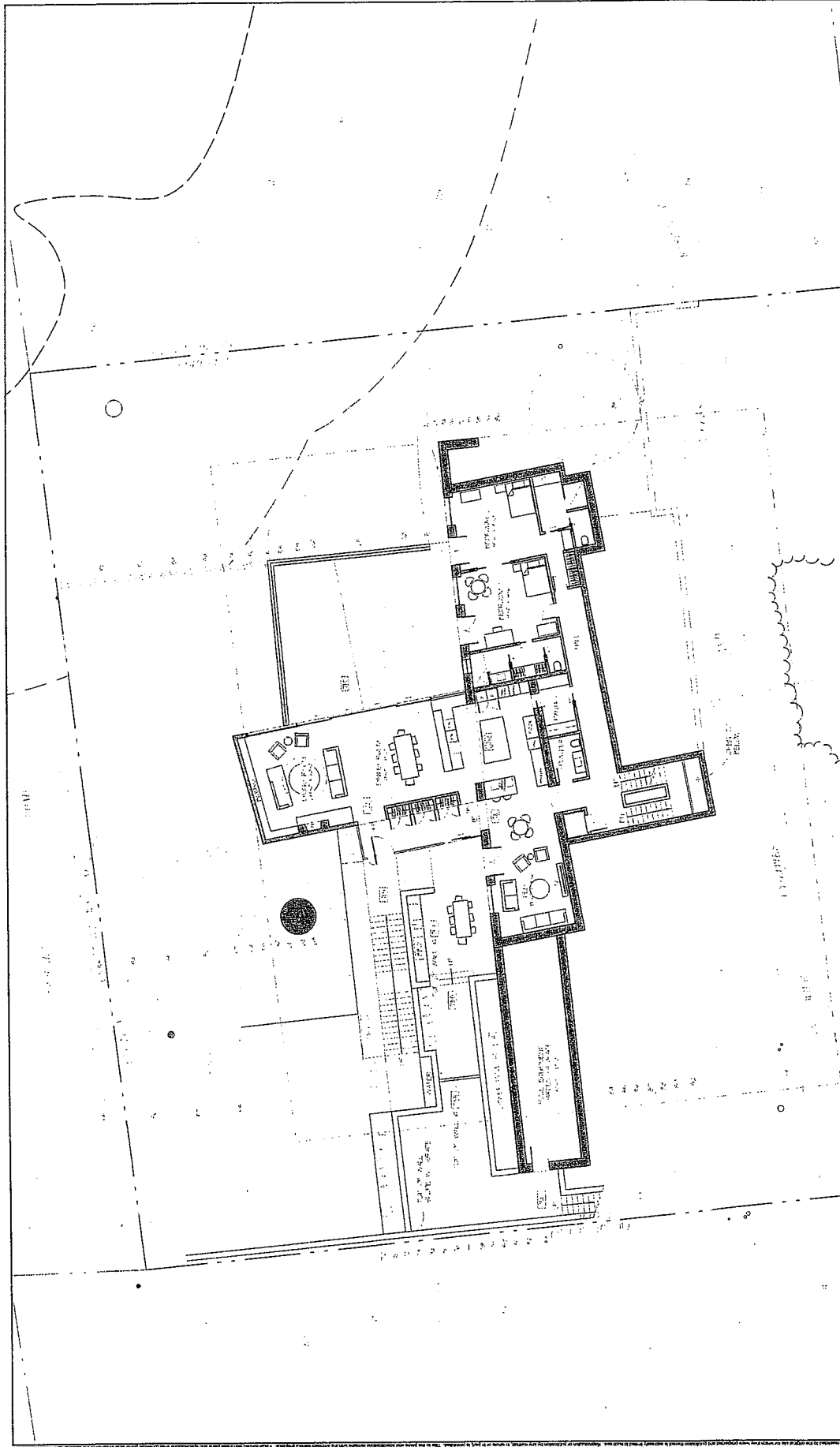
PROPOSED SECOND FLOOR PLAN


CAPPO RESID

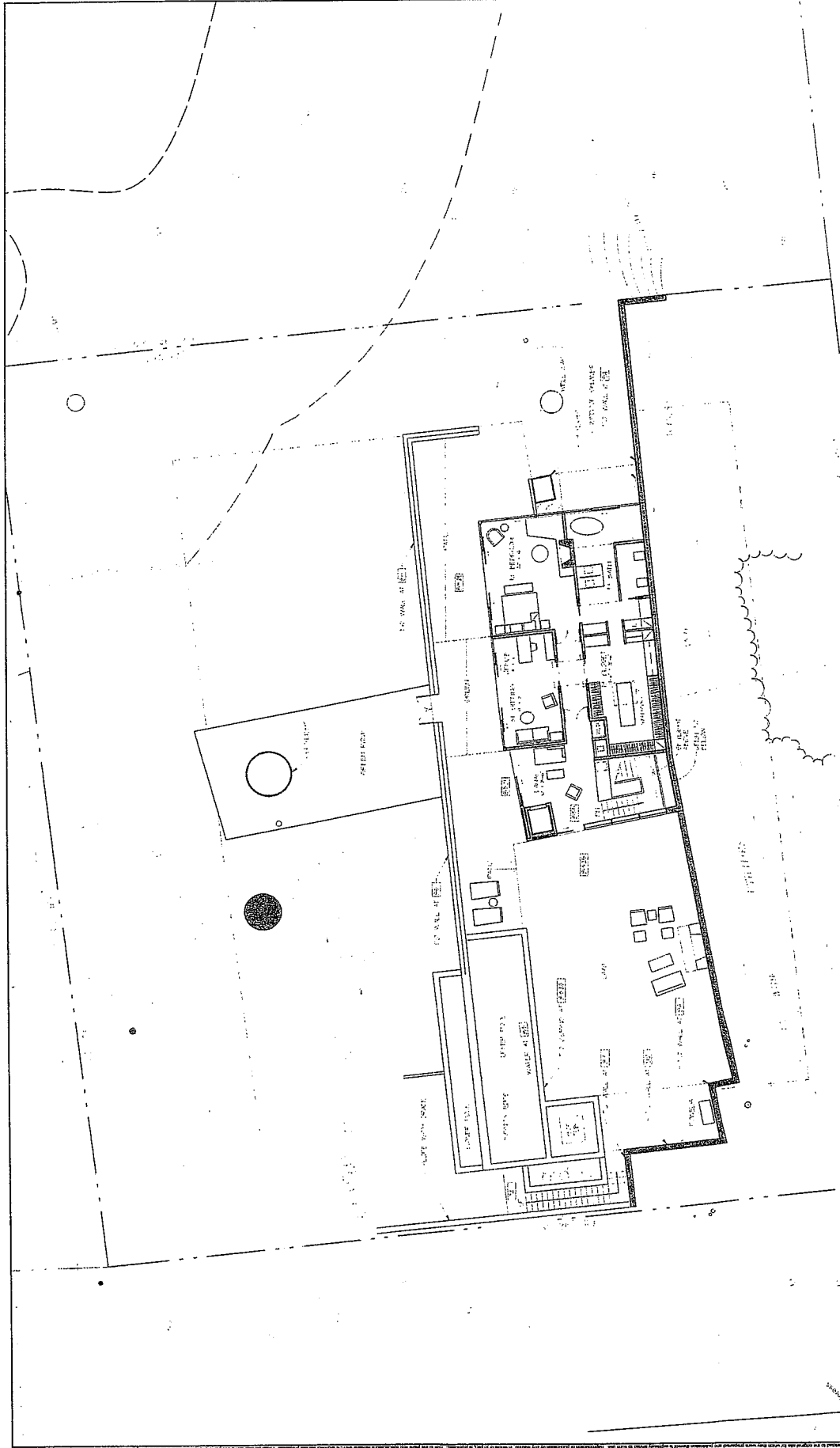
CARMEL HIGHLANDS, CALIFORNIA 93923

PRELIMINARY NOT FOR CONSTRUCTION

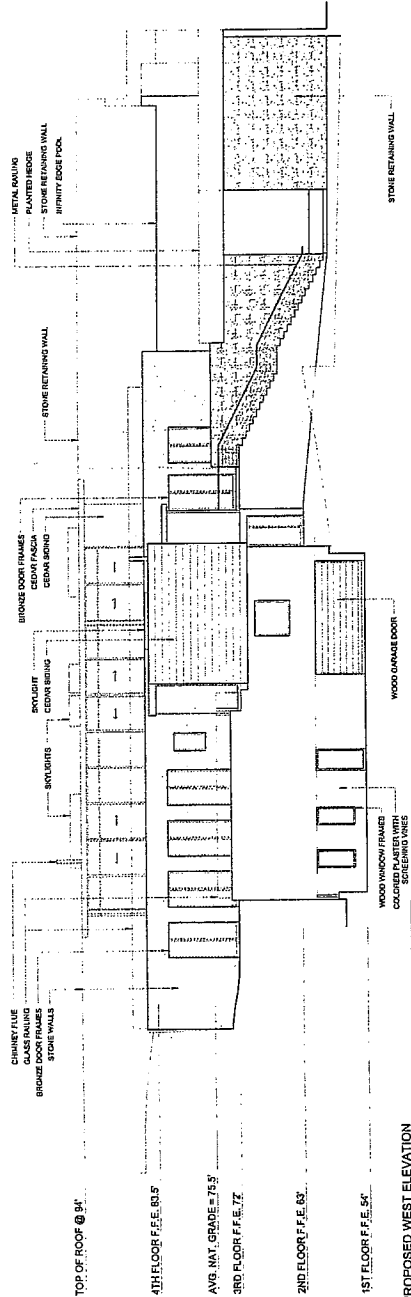
Carver + Schickelstein
ARCHITECTS PLLC



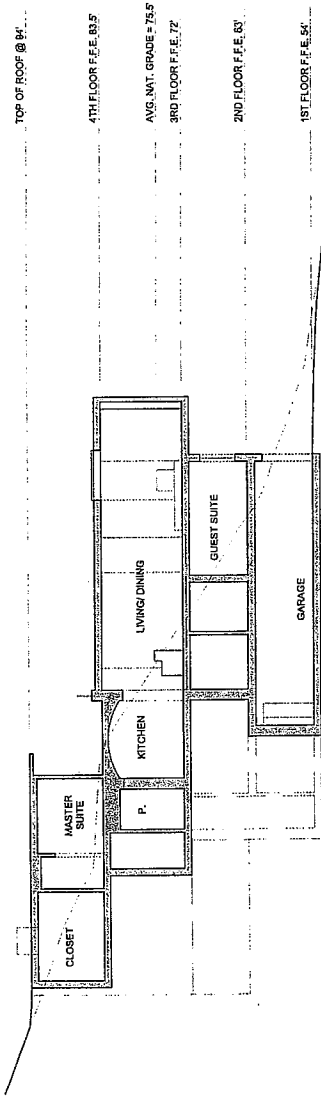
DATE: 24 JULY 2011 SCALE: 1/8"=1'-0" DRAWN BY: [blank] JOB NUMBER: [blank]		TITLE: PROPOSED THIRD FLOOR PLAN CAPPO RESIDENCE DANIEL HOLLAND, CALIFORNIA 92603		PRELIMINARY NOT FOR CONSTRUCTION  Carver + Schickelanz ARCHITECTS - PLANNERS - INTERIOR DESIGNERS 1000 10TH AVENUE, SUITE 1000, NEW YORK, NY 10018 212.691.1234 FAX 212.691.1235 CARVER+SCHICKELANZ.COM		SHEET 5
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DATE: 2 AUGUST 2011 SCALE: 1/8"=1'-0" DRAWN BY: RMM CHECKED BY: JTB		TITLE: PROPOSED FOURTH FLOOR PLAN PROJECT: CAPPO RESIDENCE ADDRESS: CAMEL HIGHLAND, CALIFORNIA 92023		PRELIMINARY NOT FOR CONSTRUCTION Carver + Schickel ARCHITECTS PLANNERS INTERIOR DESIGNERS 1000 2ND STREET, SUITE 100 CARPENTERSVILLE, CO 80518 719.281.1111 CARVER+SCHICKEL.COM		SHEET 6
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1 PROPOSED WEST ELEVATION
SCALE: 1/8" = 1'-0"



2 PROPOSED SECTION
SCALE: 1/8" = 1'-0"

DATE	TITLE
2 AUGUST 2011	PROPOSED WEST ELEVATION AND SECTION
SCALE	1/8" = 1'-0"
DRAWN BY	AJ
CHECKED BY	
JOB NUMBER	
DATE	

CAPPO RESIDENCE
DANIEL RICHMOND, CALIFORNIA 94020



Carver & Schickel
ARCHITECTS - PLANNERS - INTERIOR DESIGNERS

10000 10TH AVENUE, SUITE 100
SAN FRANCISCO, CA 94122
PHONE 415 624 2300 FAX 415 624 2304
CARVERANDSCHICKEL.COM

SHEET

7

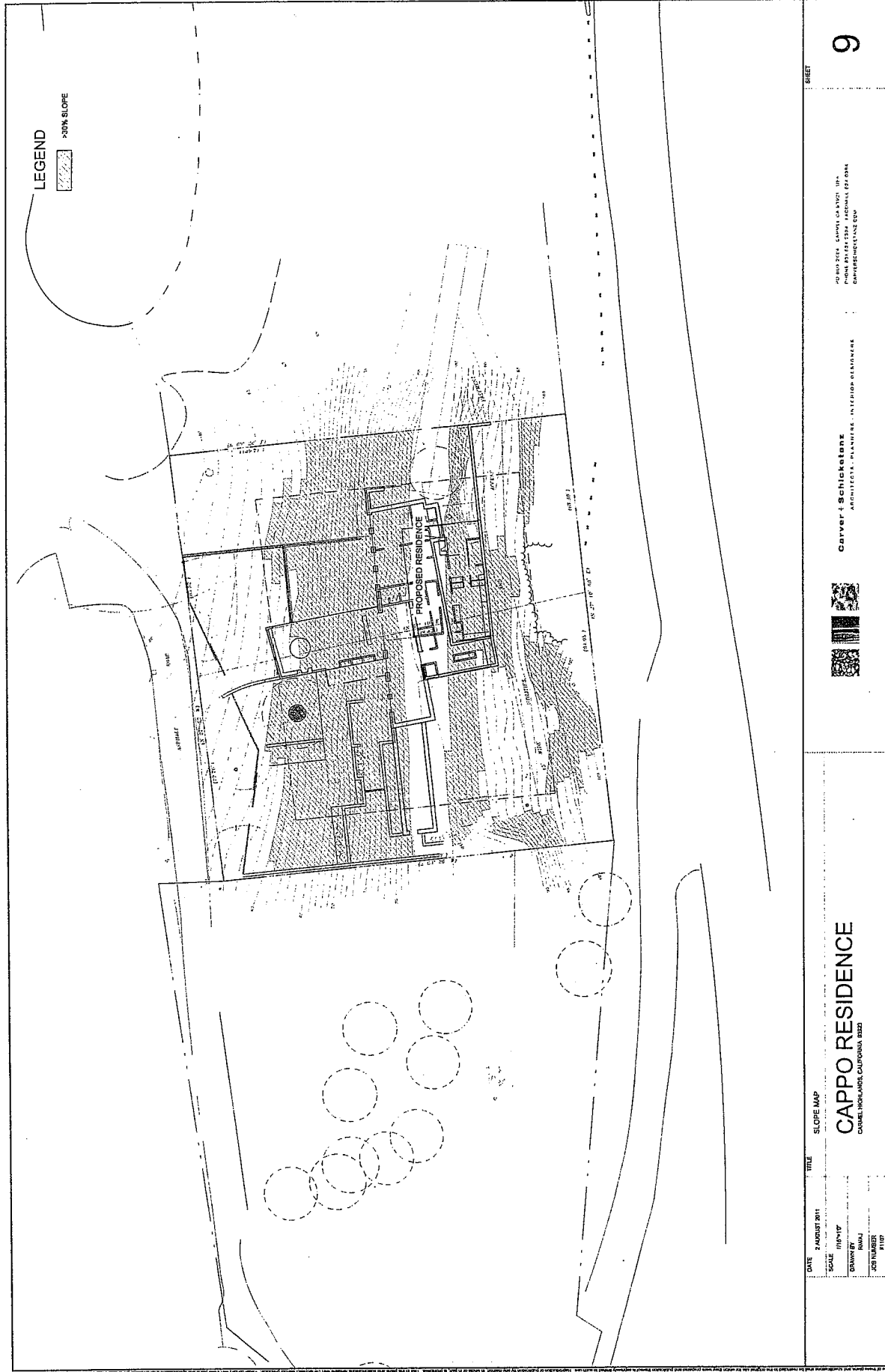


EXHIBIT D

MINUTES

Carmel Highlands Land Use Advisory Committee
Tuesday, September 6, 2011

1. Meeting called to order by Karyl Hall, acting chair at 4:05 pm

2. Roll Call

Members Present: Weber, Hall, Wald, McHeen, Jeselnick, Rainer

Members Absent: Davis, Huist

3. Approval of Minutes:

a. August 15, 2011 minutes

Motion: McHeen - approval (LUAC Member's Name)

Second: Hall - approval (LUAC Member's Name)

Ayes: 6 (Weber, Hall, Wald, McHeen, Jeselnick, Rainer)

Noes: None

Absent: Davis, Huist

Abstain: None

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

None

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PLANNING & BUILDING
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EXHIBIT D
PAGE 1 OF 0 PAGES

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

6. Other Items:

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

B) Announcements

The next LVAC meeting will be Monday,
Sept. 19TH at 4:00 pm.
Request on site review for 3:15 pm on Sept. 19TH

7. Meeting Adjourned: 5:30 pm

Minutes taken by: B. Rainer, Secy.

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EXHIBIT D
PAGE 2 OF 10 PAGES

Action by Land Use Advisory Committee

Project Referral Sheet

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

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Advisory Committee: Carmel Unincorporated/Highlands

Please submit your recommendations for this application by: September 6, 2011

**MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT**

Project Title: CAPPO JEFFREY

File Number: PLN110359

File Type: ZA

Planner: MONTANO

Location: OFF HWY 1 CARMEL (NO ADDRESSES ASSIGNED TO DATE)

Project Description:

Combined Development Permit consisting of: 1) Coastal Administrative Permit to allow the construction of a four-story 6,779 square foot single family residence, a 1,061 square foot attached four-car garage, a 396 square foot pool equipment room, terraces, patios, a built-in barbecue, underground propane tank, infinity pool and hot tub; grading consisting of approximately 2,900 cubic yards of cut and 300 cubic yards of fill; 2) a Coastal Administrative Permit for a 334 square foot guest house; 3) a Coastal Development Permit for the removal of one 22" double-stem Oak and one 15" Monterey Pine (five Monterey Cypress, all less than 7" in diameter, are also proposed for removal); 4) a Coastal Development Permit for development on slopes in excess of 30%; 5) Coastal Administrative Permit for the conversion of a test well to a permanent well (permitted under PLN060692) and the creation of a 3-connection water system; and 6) a Coastal Development Permit for a Lot Line Adjustment (merger) between two legal lots of record of approximately 0.260 acres (Parcel 1) and 0.292 acres (Parcel 2), resulting in a single lot of .552 acres (Parcel A); and a Design Approval. The properties are located off Highway 1, Carmel (Assessor's Parcel Numbers 241-182-004-000 and 241-182-005-000), northwest of the parcel with an address of 244 Highway 1, Carmel Highlands, Carmel Area Land Use Plan, Coastal Zone.

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

*Mary Ann Schickelbauer
Rob Canwar*

Was a County Staff/Representative present at meeting? Ramon Montano (Name)

PUBLIC COMMENT:

	Name	Site Neighbor?		Issues / Concerns (suggested changes)
		YES	NO	
1.	Mrs. Chambers (across street from Cappo property)	✓		Concern for look of wall at garage level (1st floor) and retaining walls at driveway entrance.
2.	Skip Keyzers 254 Hwy. 1 Carmel	✓		Concern for over all size of project and lot coverage. Also slope waiver on 40% slopes.
3.	Walter E. Blessey, Jr. 237 Hwy. 1. Carmel	✓		Letter submitted of objection to development on this parcel. Four-story residence and destruction of vegetation, and amount of excavation needed for project. Letter read by Skip Keyzers.

EXHIBIT D
PAGE 3 OF 10 PAGES

ADDITIONAL PAGE FOR ITEM #: PLN 110359 - Jeffrey Capps (cont.)

Public Comment:

4. Paige Crowley - neighbor, 241 Hwy 1. Supports project
and architectural style of proposed residence. Feels it will
be a good addition to neighborhood.

5. Terry Tydings - neighbor, 241 Hwy 1, Carmel. Supports project
as being sensitive to sloping site and supports lot line
adjustment which will allow residence on these combined
two parcels.

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PLANNING & BUILDING
INSPECTION DEPT

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
No visual impacts from Hwy. 1. Project below level of Hwy. 1, and wall along west lane of Hwy. 1. Will also have shed roof. Size of project not compatible with neighborhood character (6,779 sq. ft. residence and guest house attached) and four car garage. (1,661 sq. ft.)		Concerns for staging area for construction and 2,900 cu. yds. soil removal on a very narrow road. Safety concerns for trucks and soil removal of 2,900 cubic yards entrance to Hwy. 1 and a very sharp corner to access Hwy. 1. Concerns for wear and tear on the narrow road that is used to access this property, and other properties on this road.
Applicant states that only 3,500 sq. ft. of project will be above ground level.		

ADDITIONAL LUAC COMMENTS

Suggestion by LUAC that owner of property (Cappo) post a bond to cover road repair, if needed.

Applicant's states all utilities (poles and overhead wires) will be underground. Utility pole at corner of lot (closest to ocean) will be removed.

Concerns for excavations on slopes in excess of 30% (more likely 40% in some areas.)

No septic should be allowed on slope areas. Public works needs to address location of septic and erosion control.

RECOMMENDATION:

Motion by: Rainer - Continue to Sept. 19th (LUAC Member's Name)
for on site review of project. Time: 3:15 pm

Second by: Mehreen (LUAC Member's Name)

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PLANNING & BUILDING
INSPECTION DEPT

☐ Support Project as proposed

☒ Recommend Changes (as noted above)

☒ Continue the Item

Reason for Continuance: Request for on site review of project.

Continued to what date: Sept. 19, 2011, at 3:15 pm.

AYES: 3 - Rainer, Hazel, Mehreen

NOES: 2 - Wald, Weber

ABSENT: 2 - Davis, Horst

ABSTAIN: Jeselnick (works for Carrer/Schickelanz Architectural Firm)

WALTER E. BLESSEY, JR.
237 HIGHWAY 1
CARMEL, CALIFORNIA 93923

Submitted 9-6-11
to LUAC Committee
for hearing on
above

1 September 2011

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Carmel Unincorporated/Highlands Land Use Advisory Committee
Monterey County Planning Department
168 West Alisal Street, 2d Floor
Salinas, California 93901

MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT

Re: Project: Capps Jeffrey
File No.: PLN110359
Project Loc: Off HWY 1 Carmel
244 Highway 1, Carmel Highlands

Dear Sir/Madam,

I am a homeowner and resident at 237 Highway 1 (Carmel Highlands estate), Carmel, CA 93923. Recently, I received a notification for public comment on a proposed residential development for an adjacent parcel of property at 244 Highway 1. Having reviewed the project description for the subject development, I take this opportunity to object to county approval of the development and to urge the Land Use Advisory Committee to deny the applicant's request for any Coastal Administrative Permits and any Coastal Development Permits.

Clearly, the scope of the project involves significant alteration of the topography and natural foliage of the property, something that would detrimentally affect neighboring adjacent landowners like me. The plan includes construction of a four-story residence with nearly 7,500 sq. ft. of covered living area, including a main residence and at least two other small structures. This parcel is not designed to accommodate this many structures in such a dense configuration. In order to complete his plans, the developer has asked the Land Use Advisory Committee for permits allowing the destruction of foliage and more significantly, the removal of 2,900 cubic yards of cut from the hillside. The proposed very large four-story residence, removal of Monterey pines and oaks, and soil cut will impact sightlines for numerous parties, drainage of adjacent properties, and will increase construction density in the area by encouraging developers to pursue large residential construction projects on small parcels of land not designed or sub-divided for such use. Finally, I believe that the planned changes to the topography and foliage will negatively affect the serenity and natural landscape vistas that make this area unique.

It is for these reasons that I ask that the applicant's submission be denied.

If you have any questions, please do not hesitate to contact me at (504) 481-5842.

Kind regards,

Walter Blessey

Walter E. Blessey, Jr.

MINUTES
Carmel Highlands Land Use Advisory Committee
Monday, September 19, 2011

1. Site visit at 3:15 PM at the CAPPO property located off Highway 1, northwest of the parcel with an address of 244 Hwy 1, Carmel)

Attendees: Davis, Jeselnick, Hirst, Weber, Hall, Wald, Mehnen
& Rainer

2. Meeting called to order by Peter Davis at 4:05 pm

3. Roll Call

Members Present: Hirst, Weber, Hall, Davis, Wald, Mehnen, Jeselnick
& Rainer

Members Absent: None

4. Approval of Minutes:

a. September 6, 2011 minutes

Motion: Mehnen - approval (LUAC Member's Name)

Second: Weber (LUAC Member's Name)

Ayes: 8 (Hirst, Weber, Hall, Davis, Wald, Mehnen, Jeselnick
& Rainer

Noes: None

Absent: None

Abstain: None

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EXHIBIT D
PAGE 2 OF 10 PAGES

MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT.

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

None

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

7. **Other Items:**

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

B) Announcements

Oct. 3, 2011 - Monday - 4:00
Carmel Highlands LUAC meeting

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8. Meeting Adjourned: 5:00 pm

MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT.

Minutes taken by: B. Rainer, Secty.

EXHIBIT _____
PAGE 8 OF 10 PAGES

Action by Land Use Advisory Committee

Project Referral Sheet

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

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Advisory Committee: Carmel Unincorporated/Highlands

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

Please submit your recommendations for this application by: **September 19, 2011**

Project Title: CAPPO JEFFREY

Item continued from 9/6/11 meeting

File Number: PLN110359

File Type: ZA

Planner: MONTANO

Location: OFF HWY 1 CARMEL (NO ADDRESSES ASSIGNED TO DATE)

Project Description:

Combined Development Permit consisting of: 1) Coastal Administrative Permit to allow the construction of a four-story 6,779 square foot single family residence, a 1,061 square foot attached four-car garage, a 396 square foot pool equipment room, terraces, patios, a built-in barbecue, underground propane tank, infinity pool and hot tub; grading consisting of approximately 2,900 cubic yards of cut and 300 cubic yards of fill; 2) a Coastal Administrative Permit for a 334 square foot guest house; 3) a Coastal Development Permit for the removal of one 22" double-stem Oak and one 15" Monterey Pine (five Monterey Cypress, all less than 7" in diameter, are also proposed for removal); 4) a Coastal Development Permit for development on slopes in excess of 30%; 5) Coastal Administrative Permit for the conversion of a test well to a permanent well (permitted under PLN060692) and the creation of a 3-connection water system; and 6) a Coastal Development Permit for a Lot Line Adjustment (merger) between two legal lots of record of approximately 0.260 acres (Parcel 1) and 0.292 acres (Parcel 2), resulting in a single lot of .552 acres (Parcel A); and a Design Approval. The properties are located off Highway 1, Carmel (Assessor's Parcel Numbers 241-182-004-000 and 241-182-005-000), northwest of the parcel with an address of 244 Highway 1, Carmel Highlands, Carmel Area Land Use Plan, Coastal Zone.

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

Carver, & Schae

Was a County Staff/Representative present at meeting? None (Name)

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Heather Chambers House directly across private road from Cappo project	✓		Erosion control and drainage plan concerns. Usually appears to be large four story building from street. Sets precedence for large liveable area on a half acre site with 2 lots
Letter rec'd. from Walter Blessley	✓		combined. Objects to entire project. Too large for location for topography changes.
Carol Wallyn 242 Hwy 1, Carmel, 93923	✓		Concern for soil removal of 2,900 cu. yds. and damage to private road surface, and safety concerns where private road & trucks enter Hwy 1.

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
Residence very large 8,236 sq ft as it steps up the hillside.		Concerns for development on slopes in excess of 30%. Erosion control plan needed for steep site and amount of soil removal.
Architects have been very sensitive to set house into hillside. Well designed architecturally.		Drainage should be retained on site.
Safety concern for trucks removing 2,900 cu. yds and entering Hwy 1 at a dangerous curve in road.		Neighbors should approach applicant with request for bond to address road surface repair after completion of project.
Lighting plan explained to LUAC members.		Outdoor lighting at entrance to property and lighting along stairway to 2nd and 3rd levels impacts on bird life.

ADDITIONAL LUAC COMMENTS

Sod roof marries project to site. Use of cedar siding
and concrete wall planted with vines reduces visual impact
of project for neighbors.
Utility pole to be relocated could be a concern for
neighbors. Site of location not presently shown.
House has many glass windows at Third story. Inside
lighting as well as outdoor lighting could impact birds flying
and roosting in cypress trees near this site. Lighting plan
should be carefully scrutinized.
RECOMMENDATION: Native planting of hillside with natives is recommended.

Motion by: Mehreen - approval with (LUAC Member's Name)
lighting plan to be carefully addressed by planners.
Approval of lot line adjustment and 3 connection
Second by: Weber (LUAC Member's Name) water system.
test well
conversion.

☐ Support Project as proposed
☒ Recommend Changes (as noted above)
☐ Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: 7 (Hirst, Weber, Hall, Davis, Ward, Mehreen, & Rainer)

NOES: None

ABSENT: None

ABSTAIN: 1 - Jeselnick (employed by Carver & Schickelanz)

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MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT

EXHIBIT E

CARMEL AREA

Pacific
Ocean

PROJECT SITE

Point Lobos State Reserve

Gibson Creek

Wildcat Creek

Garrapata Beach State Park

Yankee Point

APPLICANT: CAPPO

APN: 241-182-004-000 & 241-182-005-000

FILE # PLN110359

Water



2500' Limit



300' Limit



City Limits



0 1,000
Feet



PLANNER: MONTANO