

**CALIFORNIA COASTAL COMMISSION**

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## APPEAL STAFF REPORT SUBSTANTIAL ISSUE DETERMINATION

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**Appeal number** .....A-3-MCO-05-033

**Applicants** .....Dr. Michael and Patricia Moeller

**Appellant**.....Mary J. Whitney

**Local government**.....Monterey County (PLN 040050)

**Local decision** .....Board of Supervisors Resolution 05-082. Approved with conditions April 19, 2005; received May 9, 2005.

**Project location**.....At and adjacent to 194 San Remo Road, Carmel (APN 243-181-006 and 243-181-005) Monterey County.

**Project description** .....Construction of a new two-story 3,588 square foot single-family dwelling with a 1,164 square foot attached garage, grading (approximately 185 cy cut, 195 cy fill); tree removal (9 Monterey pines, including 2 landmark pines, 6 coast live oaks, and 3 clusters of coast live oaks); development on slopes of 30% or more; and a lot line adjustment 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.

**File documents**.....Monterey County Certified Local Coastal Program (LCP): Carmel Area Land Use Plan and Monterey County Coastal Implementation Plan (including Regulations for Development in the Carmel Planning Area); Local permit PLN040050 Final Local Action Notice and file material.

**Staff recommendation** ...No Substantial Issue

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**Summary:** The Monterey County Board of Supervisors approved a combined coastal development permit (PLN040050), allowing Dr. Michael and Patricia Moeller to construct a two-story, 3,588 square foot single family residence with a 1,164 square foot attached garage, 12-foot wide circular driveway, septic system and grading of approximately 185 cubic yards of cut and 195 cubic yards of fill. Construction of the proposed single family dwelling also involves tree removal (9 Monterey pines including 2 landmark pines, 6 coast live oaks, and 3 clusters of smaller coast live oaks), development on slopes of 30% or greater, and an equal lot line adjustment between two existing parcels resulting in no net change in acreage for either parcel. The purpose of the lot line adjustment is to reduce development



**California Coastal Commission**  
**August 10, 2005 Meeting in Costa Mesa**

Staff: K.Cuffe Approved by: *[Signature]*

constraints on the second parcel. At this time, development is only proposed on one of the parcels (Parcel 1). The properties are located at and adjacent to 194 San Remo Road (APNs 243-181-006 and 243-181-005) in the Carmel Highlands Area of Monterey County.

The appellant, Ms. Mary J. Whitney, appealed the County's approval to the Commission, on the grounds that the project does not conform to LCP requirements, asserting: 1) that the house design is not consistent with the character of the area; 2) that construction of the house involves development on slopes of 30% or greater; and 3) that the lot line adjustment is not consistent with emergency access requirements identified in the County's Coastal Implementation Plan. The complete appellant's contentions are in Appendix G of this report.

Staff recommends that the Commission find 1) that the house has been sited and designed in keeping with the rural character of the surrounding area; 2) that while construction for the new driveway will require development on a small area of land with slopes of 30% or greater, such development is only proposed on slopes that were manmade from previous driveway grading, the remaining areas with natural slopes of 30% or more are protected by scenic easement, and siting the development in the proposed location better serves to protect coastal resources and as such is permissible under the LCP; and 3) that proposed lot line adjustment would not create conditions that would be inconsistent with emergency access requirements of the LCP. Thus, staff recommends that no substantial issues are raised by the appellant's contentions.

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### **Exhibits**

- Exhibit A   Regional Location Map
- Exhibit B   Project Vicinity Map
- Exhibit C   Assessor's Parcel Map



- Exhibit D Proposed Lot Line Adjustment and Site Plan
- Exhibit E Slope Map
- Exhibit F Board of Supervisors Final Local Action Notice approving Moeller project (Board of Supervisors Resolution 05-082)
- Exhibit G Appeal of County's Final Action by Ms. Mary J. Whitney
- Exhibit H Emergency Access Road to 194 San Remo Road
- Exhibit I Public Viewshed Map
- Exhibit J Parcel Maps of Surrounding Area Showing House Size of Various Neighboring Parcels
- Exhibit K Applicant's Photos of Neighboring Homes
- Exhibit L Examples of Exterior Materials for Proposed Development
- Exhibit M Overlay of Proposed Development on Slope Map
- Exhibit N Carmel Highlands Fire Department Correspondence Regarding Emergency Access
- Exhibit O Existing Easements for Alternative Emergency Access Routes

## **I. Appeal of Monterey County Decision**

### **A. Local Government Action**

On April 19, 2005, the Monterey County Board of Supervisors approved a combined coastal development permit (PLN040050), allowing Dr. Michael and Patricia Moeller to construct a two-story 3,588 square foot single family residence with a 1,164 square foot attached garage, 12-foot wide circular driveway, septic system and grading of approximately 185 cubic yards of cut and 195 cubic yards of fill. Construction of the proposed single family dwelling also involves tree removal (9 Monterey pines including 2 landmark pines, 6 coast live oaks, and 3 clusters of smaller coast live oaks), development on slopes of 30% or greater, and an equal lot line adjustment between two existing parcels resulting in no net change in acreage for either parcel. As is described below, the purpose of the lot line adjustment is to reduce development constraints on the second parcel. The properties are located at and adjacent to 194 San Remo Road (APN 243-181-006, hereafter referred to as Parcel 1 and APN 243-181-005, hereafter referred to as Parcel 2) in the Carmel Highlands Area of Monterey County. At this time, development is only proposed on one of the parcels (Parcel 1).

The project was previously approved by the County's Minor Subdivision Committee November 18, 2004. However, five neighborhood residents appealed the Minor Subdivision Committee approval to the Monterey County Board of Supervisors, on December 20, 2004. At the Board's first *de novo* hearing, February 15, 2005, the Board of Supervisors recommended that the item be continued to allow the applicants and appellants time to try and resolve some of the matters raised by the appeal. As a result of continued project discussions, the applicants and the five original appellants prepared and signed a good-faith agreement on some contentions, which was submitted to the Supervisors at their next hearing, April 19, 2005.



Ms. Mary J. Whitney, who is one of the original five appellants, subsequently appealed the Board's approval of the project to the Coastal Commission on May 23, 2005.

## **B. Appeal Procedures**

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This project is appealable because it involves a lot line adjustment, which is not designated as the principal permitted use under the existing zoning district.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a *de novo* coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under Section 30604(b), if the Commission conducts a *de novo* hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. This project is not located between the first public road and the sea and thus, this additional finding would not need to be made in a *de novo* review of this case.

The only persons qualified to testify before the Commission on this substantial issue question are the applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the *de novo* stage of an appeal.

## **C. Appellant's Contentions**

The appellant, Ms. Mary J. Whitney, appealed the County's approval to the Commission on the grounds that the project does not conform to LCP requirements regarding maintaining community character, preventing development on steep slopes, and providing adequate emergency access to all parcels. In particular, the appellant contends that:

- 1) The size, mass, design and siting of the proposed single family dwelling are not consistent with Coastal Implementation Plan (CIP) Section 20.146.030.C.1, which requires that "new structures



be subordinate to and blend into the environment, using appropriate materials that create that effect;”

- 2) Construction of the house involves development on slopes of 30% or greater, inconsistent with CIP Section 20.146.120; and
- 3) The lot line adjustment would create a second parcel without emergency access, inconsistent with CIP Section 18.56.060 for emergency access requirements.

Please see Exhibit G for the appellant’s complete appeal document.

Please note that while the appeal alleges inconsistencies with specific County policies, additional relevant policies may be included where they help to clarify LCP requirements. Policies cited herein have been cited using the broadest possible construction of the appellant’s contentions so as to be as policy-inclusive as possible while not overly burdening the analysis with unnecessary detail. The complete Monterey County LCP is available for review at the Commission’s Central Coast District office and is a substantive file document for these findings. In any case, all appeal contentions are addressed in full in these findings.

## **II. Recommended Motion and Resolution**

### MOTION:

*I move that the Commission determine that Appeal No. A-3-MCO-05-033 raises **NO substantial issue** with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

### STAFF RECOMMENDATION:

*Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.*

### RESOLUTION TO FIND SUBSTANTIAL ISSUE:

*The Commission finds that Appeal No. A-3-MCO-05-033 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.*



### **III. Recommended Findings**

#### **A. Project Location**

The project includes two parcels (APN 243-181-006, hereafter referred to as Parcel 1 and APN 243-181-005, hereafter referred to as Parcel 2) located at and adjacent to 194 San Remo Road, in the Carmel Highlands area of Monterey County (see Exhibits A and B). These properties (see Exhibit C), along with a third adjacent parcel that is not part of this application, are owned by Dr. Michael and Patricia Moeller. Legal documents show that these three lots were acquired at various times by previous owners as separate existing lots; thus they are considered to be separate legal lots of record.

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 (including Regulations for Development in the Carmel Planning Area). The area is zoned LDR/1(CZ), which requires a minimum of one acre of land per residence. Although the two parcels in question are less than one acre in size (Parcel 1 is 0.85 acres and Parcel 2 is 0.61 acres), they are both legal non-conforming lots of record having been created prior to zoning ordinances establishing the minimum size standard. The two parcels are adjacent along their respective northern and southern property boundaries (Parcel 1 being the southerly parcel, and Parcel 2 being the northerly parcel, as shown on Exhibit C).

Under the proposed reconfiguration, the parcels would become adjacent to each other along their respective, new eastern and western property boundaries (with reconfigured Parcel 1 on the west and reconfigured Parcel 2 on the east, as depicted on Exhibit D). The proposed single-family dwelling would be located on Parcel 1 (194 San Remo Road). Under the current configuration, Parcel 2 is greatly constrained by existing site topography, which slopes steeply toward a drainage at its north boundary (see Exhibit E).

As shown on Exhibit H, these parcels, and at least three other neighboring ones, are accessed by a road between Mentone Drive and San Remo Road.

#### **B. Project Description**

The proposed project includes the construction, on reconfigured Parcel 1, of a two-story, 3,588-square foot single family dwelling, with a 1,164 square foot attached garage, 12-foot wide circular driveway, septic system, and grading of approximately 185 cubic yards of cut and 195 cubic yards of fill. Construction of the proposed single family dwelling also involves tree removal (nine Monterey pines including two landmark pines, six coast live oaks, and three clusters of smaller coast live oaks) and some development on slopes of 30% or greater. The project also involves a lot line adjustment between the two existing parcels, resulting in no net change in acreage for either parcel. As is described below, the purpose of the lot line adjustment is to reduce development constraints on Parcel 2. At this time, development is only proposed on Parcel 1. However, the applicants have shown where potential future building, driveway, and septic envelopes on Parcel 2 might be located outside of areas constrained by slopes over 30%.



Under the proposed reconfiguration, access to Parcel 1 would be available from a driveway off of the existing access road between Mentone Drive and San Remo Road. As conditioned by Monterey County, access to the reconfigured Parcel 2 would be assured by requiring that the applicants either provide documentation that it has all necessary easements and/or deed restricting Parcel 1 to allow for access across it to reach Parcel 2. The applicants have indicated that they are agreeable to recording a deed restriction on Parcel 1 to allow for such access to Parcel 2.

## **C. Analysis of Project Consistency with LCP Requirements**

### **1. Community Character**

#### **Appellant's Contentions**

The appellant contends that the proposed project does not conform to LCP policies regarding protecting visual resources and community character. She asserts that the size, mass, design and siting of the proposed single family dwelling are not consistent with Coastal Implementation Plan (CIP) Section 20.146.030.C.1, which requires that new structures be subordinate to and blend into the environment, using appropriate materials that create that effect.

#### **Cited and Other Applicable LCP Policies**

The Coastal Implementation Plan is an essential element of the Monterey County Local Coastal Program, and includes, among other provisions, General Development Standards for specific zoning and land use plan designations.

With regards to protecting community character, the appellant cited the following provision as not being followed in the County approval:

*CIP Section 20.146.030.C.1 – General Development Standards - Structures shall be subordinate to and blended into the environment, using appropriate materials that will achieve that effect. If necessary, modification of plans shall be required for siting, structural design, height, shape, color, texture, building materials, access and screening through the Coastal Development Permit process (Ref. Policy 2.2.3.6).*

The following is the *Carmel Area Land Use Plan* policy referred to in the above provision:

*Carmel Area LUP Policy 2.2.3.6 – Structures shall be subordinate to and blended into the environment, using appropriate materials that will achieve that effect. Where necessary, modification of plans shall be required for siting, structural design, color, texture, building materials, access and screening.*

Two other visual resource protection policies that relates to the appellant's contentions are the following:



*Carmel Area LUP Policy 2.2.4.10.e. Existing trees and other native vegetation should be retained to the maximum extent possible both during the construction process and after the development is completed. Landscape screening may be used wherever a moderate extension of native forested and chaparral areas is appropriate. All new landscaping must be compatible with the scenic character of the area and should retain existing shoreline and ocean views.*

*Carmel Area LUP Policy 4.4.2.6: New subdivision and development of undeveloped parcels south of the Carmel River shall be permitted only if the following principal criteria can be fully met in addition to other applicable policies of this plan:*

- a. Structures can be located, designed, or screened to be outside of the public viewshed.*
- b. Narrow roads which can be sited to minimize impact upon the viewshed and require a minimum of grading.*
- c. Roads and structures can be sited to avoid disruption or degradation of riparian corridors and other sensitive plant and wildlife habitats.*
- d. Access roads for new development can be constructed to meet minimum County standards as well as the resource protection standards of this plan.*
- e. Development would be in keeping with the present rural character of the area...*

Exceptions to Policy 4.4.2.6 may be made if full compliance cannot occur for Carmel Highlands, where the subject site is located. These policies are implemented by the similarly worded CIP Sections 20.146.030.C.1.e and 20.146.120.A.1, respectively.

Additionally, two different provisions in the CIP have slightly different criteria governing the removal of landmark trees as follows:

*CIP Section 20.146.060.D.1: Landmark trees of all native species shall not be permitted to be removed. A landmark tree is a tree which is 24 inches or more in diameter when measured at breast height, or a tree which is visually significant, historically significant, exemplary of its species, or more than 1000 years old....*

*An exception may be granted by the decision-making body for removal of a tree that is 24 inches or greater in diameter (measured at breast height) and not also visually or historically significant, exemplary of its species or more than 1000 years old, provided that a finding may be made that no alternatives to development (such as resiting, relocation, or reduction in development area) exists whereby the tree removal can be avoided.*

*CIP Attachment A, Section 2.D.2.c: Landmark trees All landmark trees will be protected from damage if not permitted to be removed as a diseased tree which threatens to spread the disease to nearby healthy trees or as a dangerous tree which presents an immediate danger to human life*





*or structures. A landmark tree is a tree 24 inches or more in diameter when measured at breast height, or a tree which is visually significant, historically significant, exemplary of its' species or more than 1000 years old.*

Finally, CIP Section 20.14.060 contains Site Development Standards for areas zoned LDR/1(CZ) (low density residential, 1 acre per dwelling unit), which include:

- a. Minimum building site shall be 1 acre unless otherwise approved as part of a clustered residential development;
- b. Maximum development density shall not exceed 1 acre per unit;
- c. Main Structure Maximum height is 30 feet;
- d. Minimum Setbacks – Main Structure: 30-foot front yard setback; 20-foot side yard and rear setback;
- e. Maximum building site coverage is 15% (or 6,534 sq. ft.).

### **Analysis of Conformance with Applicable LCP Policies**

The appellant's contentions are not supported by the evidence in the County permit file or subsequently obtained by the Commission. The Monterey County Board of Supervisors Final Local Action Notice (or FLAN) approving the project responded to allegations that the proposed development was not consistent with the LUP because of its size, height and proposed exterior materials. Specifically, the County planning staff report to the Board (issue 5, on page 8 of the FLAN) stated that the proposed design:

*...is 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 Land Use Plan.*

The FLAN also includes findings that the site is appropriate for residential development (Finding 1) and is in compliance with the site development standards for Low Density Residential District, in accordance with CIP Section 20.14.060 (Finding 1d). The County also conditioned the project to require unobtrusive lighting (Condition 8), and to require replanting of six Monterey pines to replace those allowed for removal (Condition 25).



The County approved plans show retention of a large number of existing trees. The County findings (finding 3) state that two landmark Monterey pine trees are proposed for removal, however, the findings state that the project, as conditioned, minimizes tree removal in accordance with LCP requirements, that no alternatives for resiting, relocation or reduction exist whereby removal can be avoided for the landmark trees, and that one of the landmark trees is located in an area that would pose a threat to the structure due to windthrow, and so could not be retained. The Forest Management Plan prepared for the project by Forest City consulting, January 27, 2004, provides evidence in support of these statements, noting that numerous designs were proposed for the property in an attempt to avoid removing any tree over 24 inch, that many of the Monterey pines on the property are in poor health (several trees are standing dead, many have dead branch tips and tops symptomatic of pitch canker), and that the two landmark trees being removed were of the poorest condition and would pose the greatest risk to a residence in the area<sup>1</sup>. Thus the proposed tree removal is consistent with CIP Sections 20.146.060.D.1 and CIP Attachment A., Section 2.D.2.c. The applicants have also agreed to replant the six Monterey pines that are to be removed for the building site, as well as additional coast live oak trees along the property line. Planting of the Monterey pines and coast live oak trees will help maintain and improve the forested character of the site, and help to screen the house from adjacent properties, and is consistent with Carmel Area LUP Policy 2.2.4.10.e.

The project also requires minimum grading for access, since the Moellers have designed their house to take advantage of the existing and natural slopes on site by placing the driveway in an already graded area, and stepping the house up the hillside, which also serves to reduce the apparent size and scale of the house. Building materials and colors shown on the plans are similar to those used elsewhere in the neighborhood.

Since appeal to the Coastal Commission, the applicants have provided the Commission with the following supporting materials:

- a. Legal documentation tracking parcel acquisition and lot legality.
- b. a parcel map with the size of various residences on approximately 27 nearby properties (see Exhibit J), which range in size from 2,000 square feet to nearly 7,500 square feet. The average of these 27 homes 3,508 square feet. The proposed residence will be 3,588 square feet, with 2,459 square feet of building lot coverage.
- c. Photos of residences in Carmel Highlands near the proposed building site (see Exhibit K). Photos show several different architectural styles, including large Tudor and Mediterranean styles, with both stucco and wood siding, tiled and shingled roofing materials.

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<sup>1</sup> The January 27, 2004 Forest Management Report also notes that the coast live oaks on the property were in poor health as well. At least four coast live oaks had died and two had severely declined between the initial site inspection of April 23, 2003 and a subsequent inspection on May 28, 2003. While the sudden mortality and bleeding cankers found on the trees were thought to be symptomatic of Sudden Oak Death, tests of tree material was conducted and results indicated that Sudden Oak Death was not present, and root fungus was the cause of the sudden tree mortality.



- d. Examples of the proposed exterior materials (see Exhibit L), including Caramelo colored stucco, grayish-red clay roof tiles, wood windows, and stone color samples (golden sand colored in appearance).

A staff site visit of the Moeller property, and surrounding area, on Wednesday, June 29<sup>th</sup>, confirmed the variety of architectural styles in the neighborhood and that the proposed house would fit in. The residential neighborhood around the Moeller's property includes houses that range in size and style, including small wooden cabins with steep pitched roofs and wooden shingling, to broad Mediterranean-style homes similar in color, design and scale to the proposed design. Many houses in the area also include a garage on the lower level of the house (i.e., under a two story house), similar to the proposed design.

Although no development is proposed on Parcel 2 at this time, the lot line adjustment allows for future development to be located on flat building areas of the property, and so avoids the need to build on steep slopes, and minimizes tree removal.

### **Conclusion**

As approved with conditions by the County the proposed project is consistent with the above-cited policies. The Commission agrees with the County findings that the applicants' design and County conditions ensure that the proposed structures will be subordinate to and blend into the environment, consistent with CIP Section 20.146.120. Appropriate building materials and colors are being used, as also required by this Section. The height, size, and setbacks fall within the maximums allowed in the zoning district (CIP Section 20.14.060). The development is in keeping with the character of the neighborhood as required by LUP policy 4.4.2.6.e. Most existing trees are being protected, replacement trees are to be planted, and additional vegetation screening is to be planted, consistent with LUP policy 2.2.4.10.e. Thus, the Commission finds that the Board of Supervisor's approval of the project does not raise a substantial issue with regards to scenic resource protection policies (e.g., Carmel Area LUP visual resource policy 2.2.3.6, and Carmel Area Coastal Implementation Plan Regulations 20.146.030.C.1) because the County has approved and conditioned the project consistent with applicable policies and regulations of the certified LCP.

## **2. Development on Steep Slopes**

### **Appellant's Contentions**

The appellant contends that the project proposes development on slopes of 30% or more, inconsistent with CIP Section 20.146.120 of the Regulations for Development in the Carmel Area.



### **Cited and Other Applicable LCP Policies**

CIP Section 20.146.120 includes Land Use Development Standards for the Carmel Area. Relevant portions of CIP Section 20.146.120 include the following:

*CIP Section 20.146.120.A.6: As a condition of development approval, all areas of a parcel in slopes of 30% and greater shall be required to be placed in a scenic easement.*

*CIP Section 20.146.020.A.2: All development and use of land, whether public or private, must conform to the development standards of this ordinance and must meet the same resource protection standards set forth in this ordinance. Where conflicts occur between one or more provisions of the plan, such conflicts shall be resolved in a manner which on the whole is the most protective of significant coastal resources (Ref. Policy 4.4.2.7).*

Additionally, Carmel Area LUP Policy 2.2.4.10.a requires that ...

*...buildings located on slopes shall be sited on existing level areas and sufficiently set back from the frontal face. Buildings should not be located on slopes exceeding 30 percent, except when all other plan guides are met and siting on slopes over 30 percent better achieves siting consistent with the policies of the plan.*

The exception is implemented by CIP Section 20.146.030.C.1.a that allows development on slopes of 30% or more if 1) there is no alternative which would allow development to occur on slopes of less than 30%; or, 2) the proposed development better achieves the resource protection objectives and policies of the Carmel Area Land Use Plan and development standards of this ordinance.

### **Analysis of Conformance with Applicable LCP Policies**

While the appellant is correct in noting that some development will occur on slopes of 30% or greater, her contention that this is inconsistent with the County LCP is not supported by the evidence in the County permit file or subsequently obtained by the Commission. The Monterey County Board of Supervisors Final Local Action Notice (or FLAN) approving the project included findings (Finding 2) indicating that while the project does propose to locate a small amount of development (approximately 720 square feet of Parcel 1 as reconfigured) on slopes of 30% or greater, the proposed project would better achieve the goals, policies and objectives of the LCP because it minimizes tree removal and avoids development on steeper areas of the parcel (as reconfigured). Finding 2 also notes that 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 CIP Section 20.146.120.A.6. Condition 9 does require a scenic easement for slopes of 30% or greater, "except for the small area expressly approved for development by this action."

Since appeal to the Coastal Commission, the applicants have also provided the Commission with a slope map of a large portion of the site, showing slopes over 30% on Parcel 1, as reconfigured, and part of



Parcel 2 (see Exhibit E). The applicants have indicated that the small area of slope over 30% that they propose to install the driveway on is from previous grading for driveway access.

As described above, Commission staff have viewed the site, including areas of slopes over 30% that will be put in scenic easement and the small area of previous grading now proposed for development (previous driveway bank, and proposed driveway and garage). While the site is considerably overgrown by grasses, poison oak and shrubs, staff was able to observe slopes of 30% or more on the north side of the property and driveway cuts from previous grading that in part are over 30% slope. There is clear evidence on site that previous cuts made by grading for the earlier unimproved driveway remain but are not deep (creating a bank with 3 to 5 foot maximum height) or extensive (over an area approximately 5 feet wide and 40 feet long) where the new driveway is proposed.

An overlay of the proposed development on the slope map (see Exhibit M) shows that the new driveway for the proposed development on Parcel 1 will cross a small area of slopes of 30% or more from the previous grading, but otherwise, the proposed development stays out of larger areas of natural, well-vegetated slopes over 30%. No matter how and where the house and driveway are sited, it appears almost impossible to avoid crossing the narrow, over-30% slope created by the previous grading. Assuming the applicants' slope portrayal is accurate, there is one ten foot wide gap in this steep cut area, but installing a driveway through there would not meet fire protection standards, would still likely require some grading of the steeper slope area, and would not result in a more resource protective project.

Furthermore, without the proposed lot line adjustment, much of the existing Parcel 2 consists of slopes of 30% or greater. While there is potentially suitable area on the existing Parcel 2 for a small building and septic envelope, any complete development, including grading for an access roadway, could not avoid slopes of 30% or greater. Any development on Parcel 2 would almost certainly have a much larger impact on resources under the present lot configuration than would occur with proposed lot line adjustment.

### **Conclusion**

The Commission concurs with County findings that, while the residential project does lie on a small area of slopes of 30% or more, the impact is insignificant and is not precluded by the cited LCP policies. The proposed lot line adjustment would allow the proposed residence, as well as any potential future development on Parcel 2, to be sited in areas that that would better achieve the goals, policies and objectives of the LCP, and thus better protect coastal resources, because the proposed lot line adjustment minimizes potential future tree removal and would serve to better avoid development on steeper areas of the parcel. The County's action also protects a large contiguous forested area with slopes of 30% or greater through scenic easement, consistent with CIP Section 20.146.120.A.6. As these steep slopes are part of a larger forested corridor, the proposed development and lot line adjustment will likely serve to protect wildlife habitat that may be provided by this area. Thus, the Commission finds that the



appellant's contentions do not raise a substantial issue with respect to Carmel Area LUP policies and corresponding implementation regulations regarding development on steep slopes.

### **3. Emergency Access**

#### **Appellant's Contentions**

With regards to ensuring that the lot line adjustment provides for adequate emergency access, the appellant contends that development of Parcel 1 as proposed and the lot line adjustment between said Parcel 1 and Parcel 2 as proposed:

- a. Constitutes a violation of Section 18.56.060 of the building and construction standards contained in Title 18 of Monterey County Ordinances for Wildfire Protection Standards and the State Responsibility areas
- b. Creates a land locked parcel
- c. Approves the siting of a development in a manner that may compromise future access to the currently undeveloped parcel owned by the applicants (Parcel 2)
- d. Gives rise to the potential for variance claims in connection with potential development of the adjusted Parcel 2, and
- e. Is based on false representations to the Board of Supervisors by planning staff. [While the appellant does not indicate specifically what false representations were made, an example is given referring to findings made in the April 19<sup>th</sup> staff report to the Board, that "the fire district has made no indication that the project would result in inadequate access for emergency vehicles for *either parcel*," with emphasis added by the appellant.]

#### **Applicable Policies**

CIP Section 18.56.060 deals with Emergency Access. Subsections relevant to the appellant's contentions include the following:

*CIP Section 18.56.060.1 Road and street networks, whether public or private, unless exempted under this chapter, shall provide for safe access for emergency wildland fire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during wildfire emergencies.*

*CIP Section 18.56.060.2 Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access.*

*CIP Section 18.56.060.3: All roads shall be constructed to provide a minimum of two nine-foot traffic lanes providing two-way traffic flow unless other standards are provided in this article...*



*CIP Section 18.56.060: The grade for all roads, streets, ... private lanes and driveways shall not exceed 15 percent.*

*CIP Section 18.56.060.10: All one-way roads shall be constructed to provide a minimum of one 12-foot traffic lane...[and] shall connect to a two-lane roadway at both ends...*

*CIP Section 18.56.060.12 Driveways shall not be less than 12 feet wide unobstructed*

### **Analysis of Conformance with Applicable LCP Policies**

The appellant's contentions are not supported by the evidence in the County permit file or subsequently obtained by the Commission. The Monterey County Board of Supervisors Final Local Action Notice (or FLAN) approving the project included findings dealing with emergency access in response to earlier contentions of the original appeal to Board of Supervisors. County Finding 16, the "Summary of Appellant's contentions and Staff Responses," notes that the appellants had disagreed with findings made as part of the Minor Subdivision Committee approval, and contended that "the project may result in a landlocked parcel without adequate access for emergency vehicles (Issue 5 on pg 10 of the FLAN). In response the County notes that the project was reviewed by the Carmel Highlands Fire Protection District as part of the County's interdepartmental review process, and that four conditions recommended by the Fire District were incorporated into the project approval (conditions 21, 22, 23, & 24). County staff also noted, "...the fire district made no indication that the project would result in inadequate access for emergency vehicles for either parcel." County staff further stated that they had determined that access to Parcel 2 was feasible, and clarified that review of the project did not and does not approve a specific proposal to develop Parcel 2, and that any future development on the parcel would be subject to additional permits and review, including requirements for emergency access.

Conditions 21-24 of the County approval include standard Fire District requirements for development, and among other things, require that: (a) driveways be 12 foot wide; (b) the grade for driveways not exceed 15 percent; (c) all buildings be issued address numbers; (d) flammable vegetation within 30 feet of the house be removed to provide fire safety – environmentally sensitive areas may require alternative fire protection; and (e) buildings be installed with automatic fire sprinklers. The site plan for residential development on Parcel 1 includes a 12-foot wide driveway, with a grade of less than 15%, connecting to the access roadway between San Remo Road and Mentone Drive, which is suitable for emergency fire access as discussed below.

Additionally, Condition 16 requires that prior to filing the record of survey, the applicants provide documentation to the Director of Planning and Building Inspection Department and Director of Public Works for review and approval that the newly configured Parcel 2 has adequate access including necessary easements and/or deed restrictions on Parcel 1.

Since appeal to the Coastal Commission, the applicants have submitted documentation describing how emergency access to the reconfigured Parcel 2 could be installed. The applicants have provided the Commission with letters from the Carmel Highlands Fire Department Chief Cindy Nagai (dated



February 14, March 3, and March 31, 2005; see Exhibit N) previously submitted to the Board of Supervisors. The Fire District's February 14th letter indicates (1) that the property owners for this area executed a grant deed dated February 8, 1991 providing a "non-exclusive easement for emergency access purposes only", that allows the Fire District an emergency access roadway between #7 Mentone Drive and San Remo Road; (2) that the said easement provides for emergency response to 194 and 195 San Remo Road; (3) that the dedicated Emergency access roadway was essential for development of these lots, because fire engines would not have been able to get to them without it; and (4) that fire engines can drive down roadways that are more than 15% grade, but cannot drive up more than 15% grade. The Fire District's March 3rd letter clarified that when responding to an emergency, fire engines would drive up to Mentone Drive, and then go down the emergency roadway to the Moeller property. The engines would then stop and operate from the Emergency access road in front of the Moeller property. Other emergency vehicles (e.g., ambulance) will still be able to get to the home by use of the required 12-foot wide driveway. The letter further indicated that area residents would be able to drive down the access road prior to arrival of the emergency vehicles, without interfering with fire department operations. The Fire District's March 31<sup>st</sup> letter confirmed that 1) the Fire district's review was for development of a single family dwelling on Parcel 1, as currently proposed; 2) the Fire district's review does not approve any possible future development or access issues related to possible future development of a single family dwelling [on Parcel 2]; and 3) all future projects would still be subjected to the same code compliance review for emergency access. Both the March letters included a map showing the emergency access easement between Mentone Drive and San Remo Road (see Exhibit N).

The applicants have shown how they will be able to comply with the County condition by placing an easement over reconfigured Parcel 1 to allow access from the roadway between Mentone Drive and San Remo Road to reconfigured Parcel 2. Such access would meet Fire Department requirements, without significantly impacting coastal resources, provided it is designed to minimize tree removal on site. It appears also to be possible to access reconfigured Parcel 2 directly off of the aforementioned roadway. Noted documents and parcel maps also show an easement off of San Remo Road that could be extended to provide emergency access to reconfigured Parcel 2 through its northerly boundary (as shown in Exhibit O). However, this potential access is problematic in that it would involve crossing steep vegetated slopes and a riparian corridor. This accessway would be precluded by the required scenic easement over this portion of the property. However, given the other potential accessways from the San Remo to Mentone roadway, the northern access is unnecessary. Thus, while future development on Parcel 2 will require additional review once a project is proposed, the Commission agrees with the County's finding that "the fire district has made no indication that the project would result in inadequate access for emergency vehicles for either parcel."

Furthermore, the proposed lot line adjustment is at least neutral with regard to emergency access and appears positive from a resource protection/ LCP compliance perspective. Under the existing lot configurations emergency access to Parcel 2 could be developed along the existing northern easement, which as described above is problematic. Another alternative is to go through Parcel 1, which would require an easement through Parcel 1. Absent this lot line adjustment and its conditional requirements, a subsequent owner of Parcel 1 as configured could preclude access through his or her parcel,





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Moeller SFD and Lot Line Adjustment

Page 17

necessitating the problematic northern access route to Parcel 2. The lot line adjustment with Condition #16 helps ensure that there will be appropriate emergency access to reconfigured Parcel 2. An alignment for access across Parcel 1 better serves resource protection policies, as compared with providing access from the northern easement because it would require significantly less grading, development across steep slopes, and tree removal.

### **Conclusion**

The Commission finds that contrary to the appellant's contentions, the proposed project as approved and conditioned by the Board of Supervisors, is consistent with the Emergency Access requirements of CIP Section 18.56.060 because adequate emergency access exists or can be provided to both lots as proposed. Thus, the County's approval would not create a land-locked parcel, would not compromise future access to the undeveloped parcel, would not require variance claims in order to develop the site, and is not based on false representations. Thus, the Commission finds that the appellant's contentions do not raise a substantial issue with regard to the LCP's emergency access requirements.



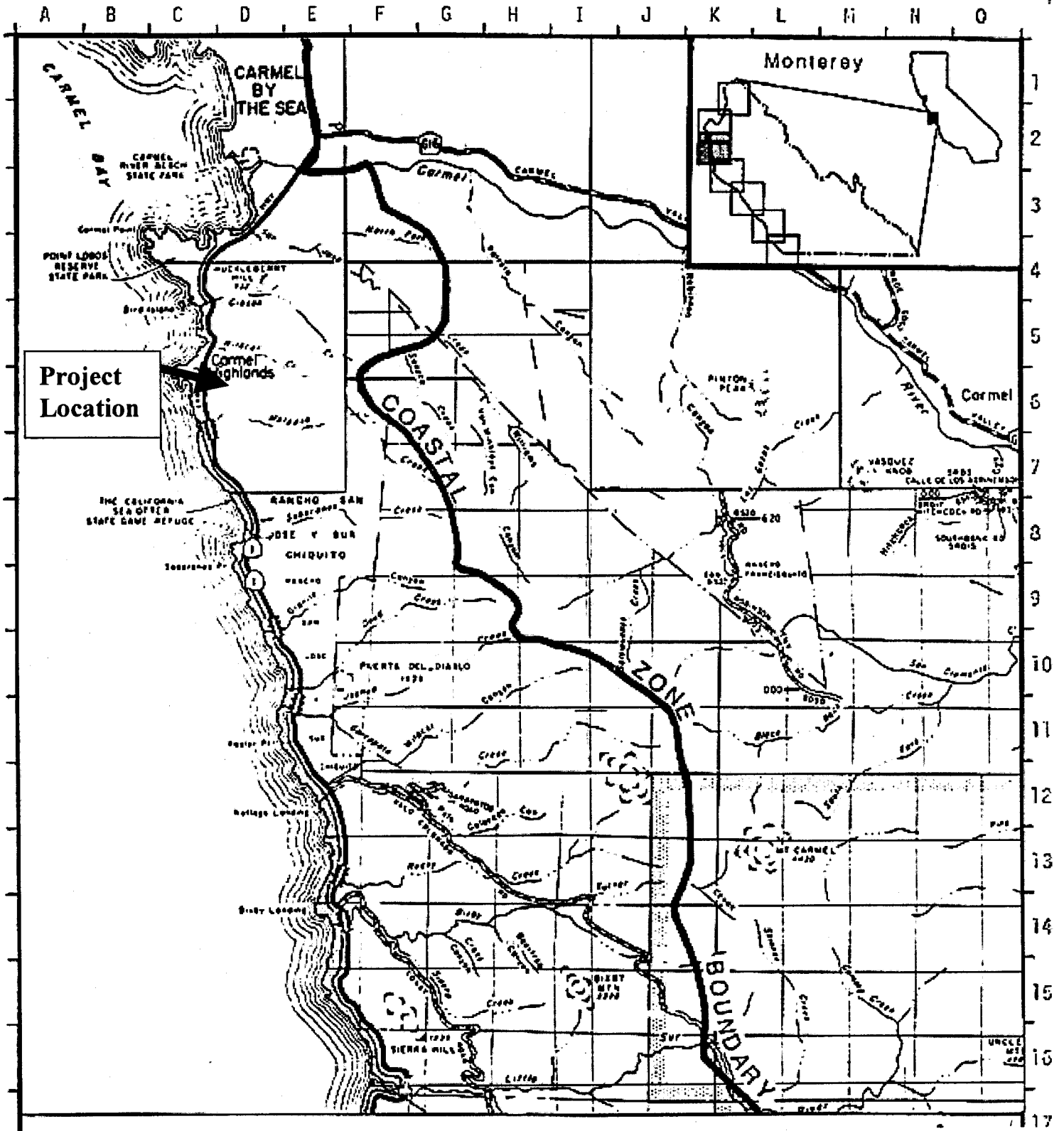
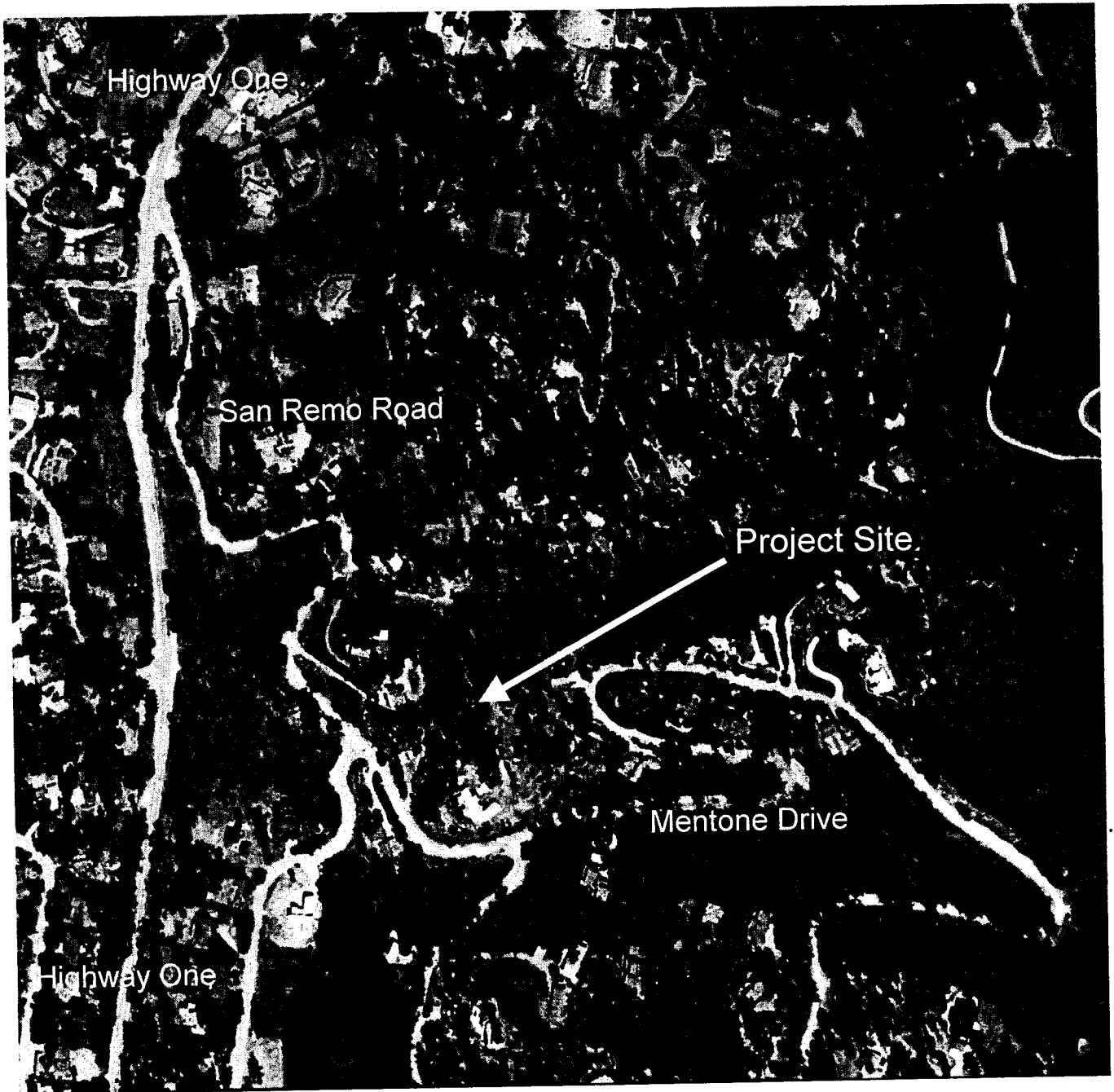


Exhibit A  
Regional Location Map: Carmel Highlands Area

A-3-MCO-05-033  
Moeller SFD and Lot Line Adjustment





**Exhibit B**  
Project Vicinity

A-3-MCO-05-033  
Moeller SFD and Lot Line Adjustment



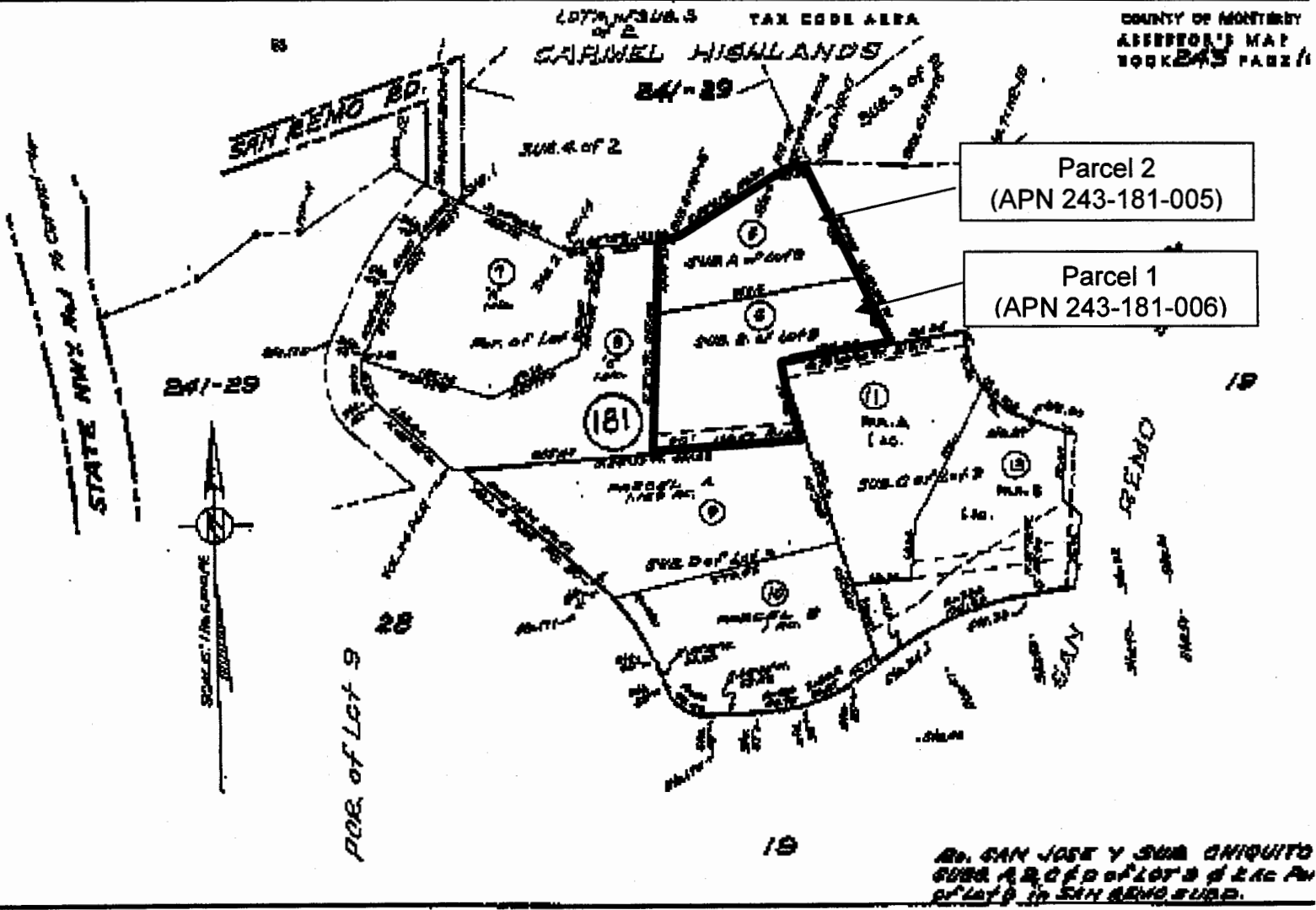


Exhibit C  
Assessors Parcel Map – Existing Lot Line Configuration

A-3-MCO-05-033  
Moeller SFD and Lot Line Adjustment



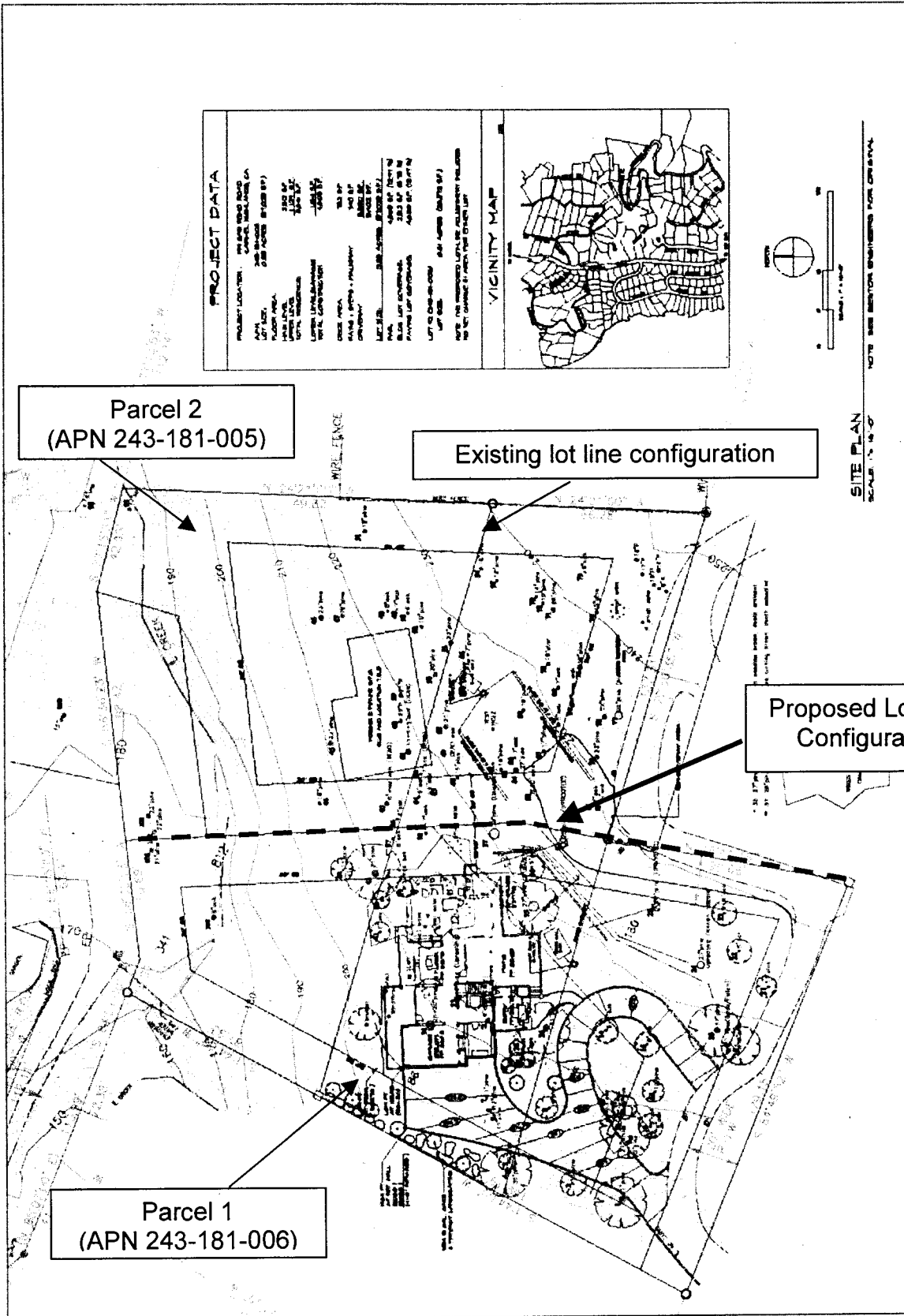


Exhibit D - pg 1 of 2  
Proposed Lot Line Adjustment and Site Plan/Elevations for Proposed Development



ERIC MILLER ARCHITECT  
157 GRAND SUITE 106 PACIFIC GROVE, CALIFORNIA 93950 831-372-0410

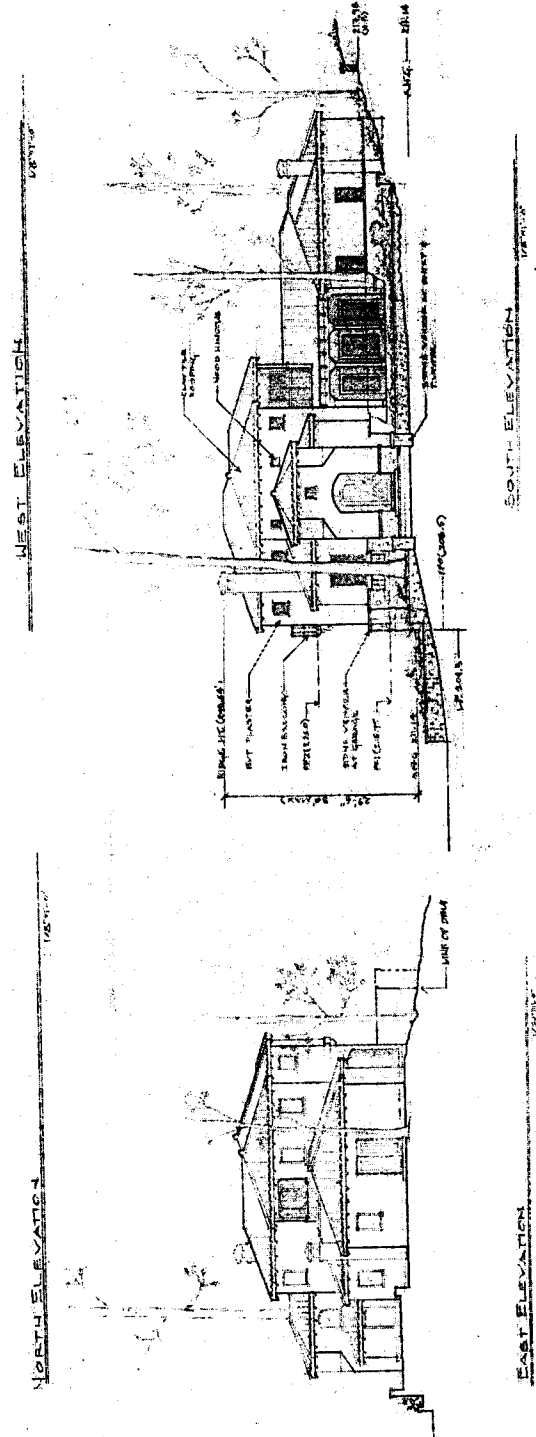
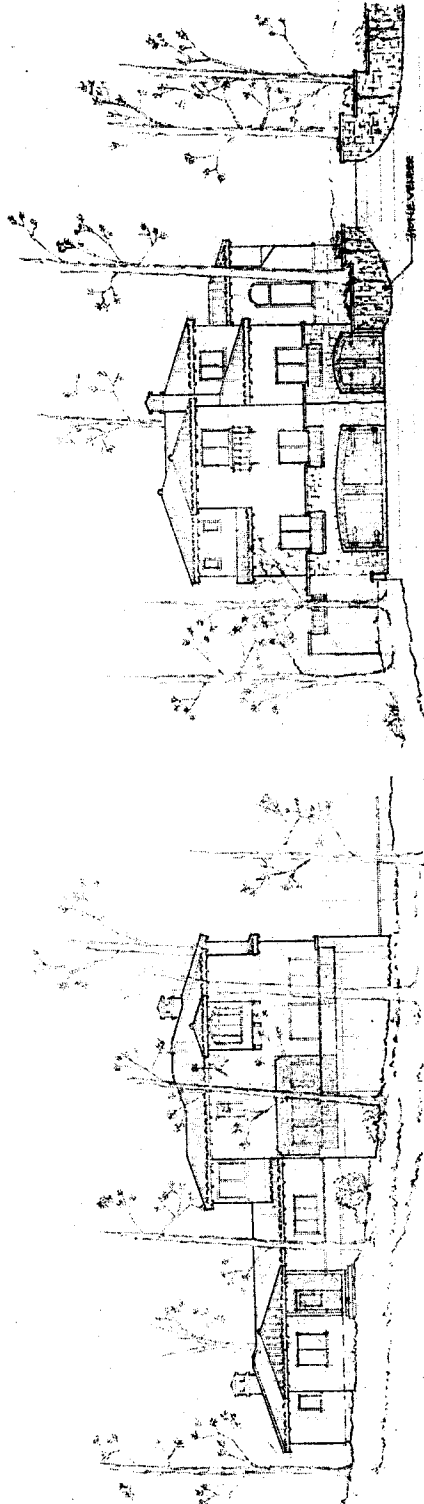


Exhibit D - pg 2 of 2  
Proposed Lot Line Adjustment and Site Plan/Elevations for Proposed Development

A-3-MCO-05-033  
Moeller SFD and Lot Line Adjustment

	<b>BOSTON ENGINEERS, INC.</b> 110-184-291-011 110-184-291-011 MOELLER'S SLOPE MAP SLOPE ANALYSIS SECTION 184, 291 & 292	SHEET NO. 1 OF 1 DATE 7/21/05
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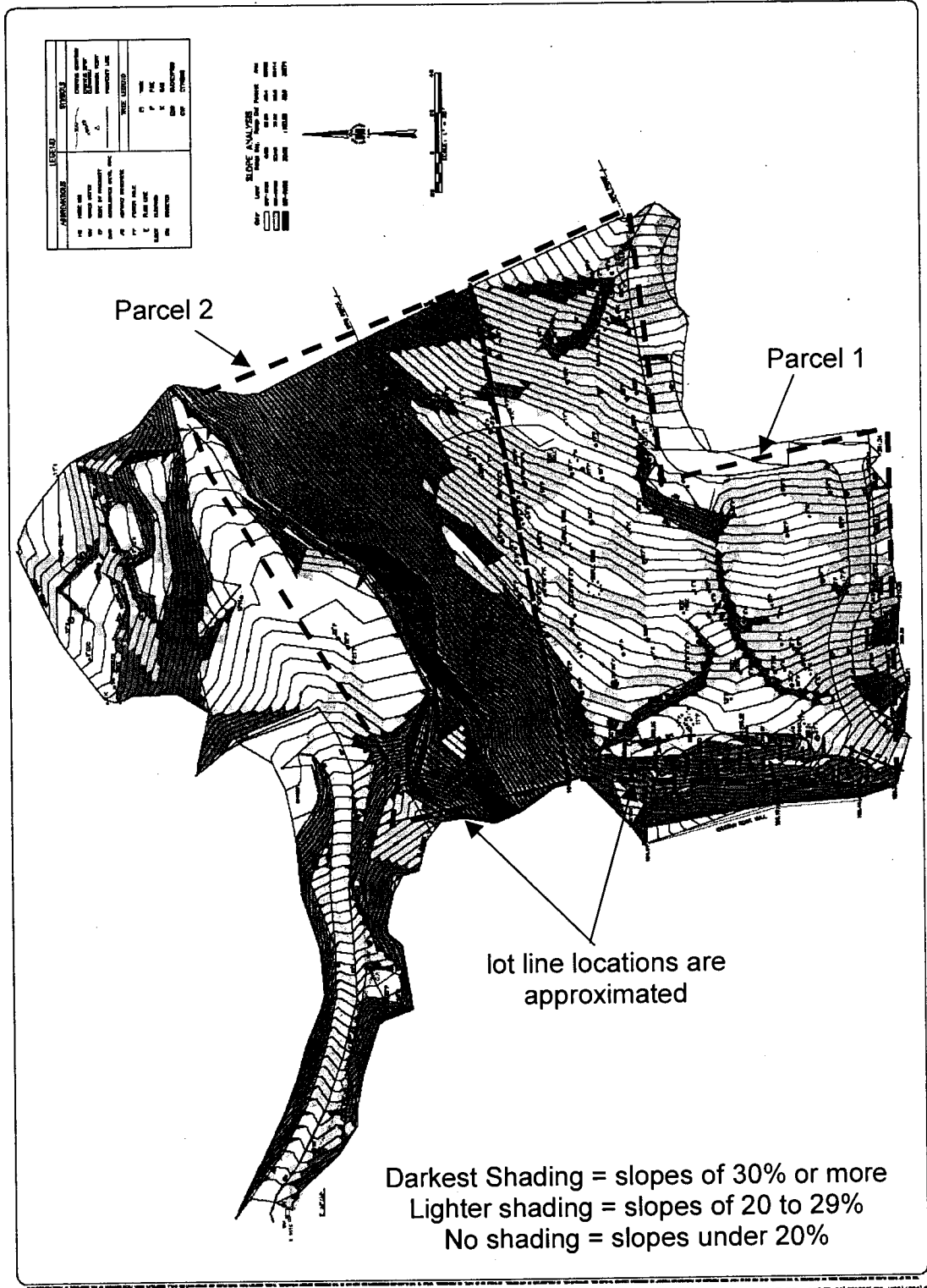


Exhibit E  
Slope Map

**Exhibit F**  
**Board of Supervisors Final**  
**Local Action Notice**

**Exhibit F**  
Board of Supervisors Final Local Action Notice

A-3-MCO-05-033  
Moeller SFD and Lot Line Adjustment





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

**FINAL LOCAL  
ACTION NOTICE**

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. )

REFERENCE # 3-MCO-05-179  
APPEAL PERIOD 5/10-5/13/05

**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:**

- 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 19<sup>th</sup> 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

**Monterey County Planning and Building Inspection  
Condition Compliance Matrix**

**Project Name:** Moeller

**File No:** PLN040050

**APNs:** 243-181-006-000 & 243-181-005-000

**Approval by:** Board of Supervisors

**Date:** April 19, 2005

Permit Cond. No.	Impact Addressed, and Responsible Land Use Department	Compliance 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)
1.	<p>The subject permit approval grants 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 &amp; 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, Cannel (Assessor's Parcel Numbers 243-181-006-000 &amp; 243-181-005-000), Cannel Highlands Area, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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 Planning and Building Inspection. 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</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

Permit Cond. No.	Impact Addressed, and Responsible Land Use Department	Compliance Actions to be performed. Where applicable, a certified professional is required for action to be accepted	Responsible Party for Completion	Timing	Verification of Compliance (Date)
Moeller)	other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. <b>(Planning and Building Inspection)</b>				
2.	This permit shall expire two years from the date of adoption unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan. <b>(Planning and Building Inspection)</b>	Vest project within two years or apply for a Permit Extension at least 30-days prior to expiration.	Owner/ Applicant	November 18, 2006	
3.	No land clearing or grading shall occur on the subject parcel between October 15 <sup>th</sup> and April 15 <sup>th</sup> unless authorized by the Director of Planning and Building Inspection. <b>(Planning and Building Inspection)</b>	None	Owner/ Applicant	October 15 <sup>th</sup> to April 15 <sup>th</sup>	
4.	All new utility and distribution lines shall be placed underground. <b>(Planning and Building Inspection; Public Works)</b>	None	Owner/ Applicant	Ongoing	
5.	The applicant shall record a notice on each lot that states: <i>"A permit (Resolution 05-082 ) was approved by the Board of Supervisors for Assessor's Parcel Numbers 243-181-006-000 &amp; 243-181-005-000 on April 19, 2005. The permit was granted subject to 26 conditions of approval that run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department."</i> Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to recordation of Record of Survey. <b>(Planning and Building Inspection)</b>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits.	

Permit Ord. No.	Impact Addressed, and Responsible Land Use Department	Compliance 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)
6. Moeller)	The applicant shall record a deed restriction on each lot that states: <i>"The parcel is located in a high fire hazard area and development may be subject to certain restrictions required as per section 20.64.280 of the Zoning Ordinance (Title 20)."</i> (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits.	
7.	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. (Planning and Building Inspection)	Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to PBI.	Owner/ Applicant	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	

Permit Cond. No.	Impact Addressed and Responsible Land Use Department	Compliance Actions to be performed. Where applicable, a certified professional is required for actions to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (if needed)
8. Moeller)	All exterior lighting shall be unobtrusive, 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 exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. <b>(Planning and Building Inspection)</b>	Submit three copies of the lighting plans to PBI for review and approval	Owner/ Applicant	Prior to issuance of building permits.	
9.	A scenic easement shall be conveyed to the County over those portions of the property with slopes of 30% or greater, except for the small area expressly approved for development by this action. A scenic easement deed shall be submitted to, and approved by, the Director of Planning and Building Inspection prior to issuance of grading or building permits. <b>(Planning and Building Inspection)</b>	Submit scenic easement to PBI for approval.	Owner/ Applicant	Prior to issuance of building permits.	
10. Exhibit	Trees that are located close to the construction site 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 shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. <b>(Planning and Building Inspection)</b>	Submit evidence of tree protection to PBI for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	
11. Pg 14 of 21	Prior to filing the Record of Survey, the applicant shall provide documentation that the newly configured Parcel 2 has adequate access including necessary easements and/or deed restrictions on Parcel 1 to the Director of Planning and Building Inspection and Director of Public Works for review and approval. <b>(Planning and Building Inspection &amp; Public Works)</b>	Submit documentation to PBI and PW for review and approval	Owner/ Applicant	Prior to filing the Record of	

A-3-MCO-05-13 (Moeller)

Exhibit Pg 15 of 21

Permit Cond. No.	Impact Addressed, and Responsible Land Use Department	Compliance 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)
				Survey	
2. (Moeller)	Obtain a survey of the new line and have the line monumented. <b>(Public Works)</b>	Owner shall have a surveyor monument the new lines. Evidence of completion of monumentation shall be submitted to DPW for review and approval.	Owner/ Applicant/ Surveyor	Prior to Recordation of Parcel Map	
13.	File a Record of Survey showing the new line and its monumentation. <b>(Public Works)</b>	Owner's Surveyor to prepare record of survey and submit to DPW for review and approval.	Owner/ Applicant/ Surveyor	Prior to Recordation of Parcel Map	
14.	For Parcel 1, the 0.85 acre lot, that is currently identified as APN 243-181- 006-000: Submit plans for review and approval showing the location and design of the proposed septic system meeting the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. The design submitted shall indicate both primary and secondary leachfields for a maximum of a four-bedroom single-family dwelling, with a minimum of 1500 square feet of infiltration area per field. <b>(Environmental Health)</b>	Division of Environmental Health must approve plans. Applicant shall obtain a permit to install the septic system.	CA Licensed Engineer /Owner/ Applicant	Prior to filing the adjustment map or issuance of a building/grading permit	
15.	For Parcel 2, the 0.61 acre lot, that is currently identified as APN 243-181- 005-000: Submit an updated map indicating proposed septic envelopes for the parcel to the Division of Environmental Health for review and approval. Once approved the septic envelopes shall appear as part of the lot line adjustment map. <b>(Environmental Health)</b>	Once approved the septic envelopes shall appear as part of the lot line adjustment map.	Owner/ Applicant	Prior to filing the lot line adjustment map.	

Permit Cond. No.	Impact Addressed, and Responsible Land Use Department	Compliance Actions to be performed. Where applicable, a certified professional is required for action to be accepted	Responsible Party for Compliance	Timing	Verification of Compliance (time/date)
16. Moeller	For Parcel 2, 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 found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and 'Prohibitions,' Central Coast Basin Plan, RWQCB, unless otherwise approved by the Director of the Division of Environmental Health, Monterey County Health Department, or until the property connects to an approved sanitary sewer." <b>(Environmental Health)</b>	Division of Environmental Health must review and approve the note for the lot line adjustment map.	Owner/ Applicant	Prior to filing the lot line adjustment map.	
17.	For Parcel 2, the 0.61 acre lot, that is currently identified as APN 243-181- 005-000: Any development on this lot that generates wastewater shall be limited to a maximum of a three-bedroom single-family dwelling, and shall meet the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB, unless otherwise approved by the Director of the Division of Environmental Health, Monterey County Health Department, or until the property connects to an approved sanitary sewer. <b>(Environmental Health)</b>	Comply with Chapter 15.20 of the Monterey County Code as approved by the Director of Environmental Health.	Owner/ Applicant	Continu ous	
18. Exhibit F	Record a Deed Notice on Parcel 2 (as adjusted) detailing the stipulations of Environmental Health Conditions 15 & 16, above. <b>(Planning and Building Inspection)</b>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of any grading/building permits	



Permit Case No.	Impact Addressed, and Responsible Land Use Department	Compliance 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)
19.	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. <b>(Water Resources Agency)</b>	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer	Prior to issuance of any grading or building permits	
20.	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: 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. <b>(Water Resources Agency)</b>	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/ occupancy	

Permit Cond. No.	Impact Addressed, and Responsible Land Use Department	Compliance 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)
21.	<p>Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used,</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of grading and/or building permit.</p>	

Permit Ord. No.	Impact Addressed, and Responsible Land Use Department	Compliance 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)
	the top of the "T" shall be a minimum of 60 feet in length. (Carmel Highlands FPD)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
22.	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 FPD)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

Permit Cond. No.	Impact Addressed, and Responsible Land Use Department	Compliance 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. (Moeller)	Remove combustible vegetation from within a minimum of 30 feet of structures. 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 reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. <b>(Carmel Highlands FPD)</b>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
		Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
24.  Exhibit F Pg 20 of 21	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. <b>(Carmel Highlands FPD)</b>	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	

Permit Cond. No.	Impact Addressed, and Responsible Land Use Department	Compliance 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>The site shall be landscaped. At least 60 days prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. <u>This plan shall include the 6 Monterey pine trees required to replace those allowed for removal by Condition 1, above.</u> 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 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 Planning and Building Inspection 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. <b>(Planning and Building Inspection)</b></p>	<p>Submit landscape plans and contractor's estimate to PBI for review and approval.</p>	<p>Owner/ Applicant/ Contractor</p>	<p>At least 60 days prior to final inspection or occupancy</p>	
		<p>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.</p>	<p>Owner/ Applicant</p>	<p>Ongoing</p>	
<p>26.</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 Planning and Building Inspection 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. <b>(Planning and Building Inspection)</b></p>	<p>Stop work within 50 meters (165 feet) of uncovered resource and contact the PBID and a qualified archaeologist immediately if 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>	<p>Owner/ Applicant/ Archaeologist</p>	<p>Ongoing</p>	

**Exhibit G**  
**Appeal of County's Final Action**  
**by Ms. Mary J. Whitney**

**Exhibit G**

Appeal of County's Final Action by Ms. Mary J. Whitney



**California Coastal Commission**

A-3-MCO-05-033

Moeller SFD and Lot Line Adjustment

**CALIFORNIA COASTAL COMMISSION**

MAY 23 2005

CENTRAL COAST DISTRICT OFFICE  
 725 FRONT STREET, SUITE 300  
 SANTA CRUZ, CA 95060-4508  
 VOICE (831) 427-4863 FAX (831) 427-4877

CALIFORNIA  
 COASTAL COMMISSION  
 CENTRAL COAST AREA

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT****Please Review Attached Appeal Information Sheet Prior To Completing This Form.****SECTION I. Appellant(s)**

Name: Mary J. Whitney

Mailing Address: 195 San Remo Road

City: Carmel

Zip Code: 93923

Phone: 831-626-9317

**SECTION II. Decision Being Appealed**

1. Name of local/port government:

Monterey County Board of Supervisors Resolution No. 05-082 in the matter of the Application of PLN 040050 (Moeller) passed and adopted on April 19, 2005.

2. Brief description of development being appealed:

See attached.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

The properties are located at and adjacent to 194 San Remo Drive, Carmel (APN: 243-181-006-000 and 243-181-005-000), Carmel Highlands area, coastal zone.

4. Description of decision being appealed (check one.):

- Approval; no special conditions  
 Approval with special conditions:  
 Denial

**Note:** For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

**TO BE COMPLETED BY COMMISSION:**APPEAL NO: A-3-MCO-05-033DATE FILED: 5/23/05DISTRICT: Central

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: April 19, 2005

7. Local government's file number (if any): PLN 040050 (Moeller)

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Michael Moeller  
Patricia Moeller  
24808 Upper Trail  
Carmel, CA 93923

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Dr. and Mrs. Russell Hoxie, 193 San Remo Road, Carmel, CA 93923

(2) Mr. and Mrs. Leland Lewis, 7 Mentone, Carmel, CA 93923

(3) Pamela Krone-Davis, 196 Upper Walden Road, Carmel, CA 93923

(4) See attached



**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)**

**SECTION IV. Reasons Supporting This Appeal**

**PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

See attached

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**

**SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.

Mary J. Whitney  
Signature of Appellant(s) or Authorized Agent  
By: ~~\_\_\_\_\_~~ Brian D. Call, her attorney-in-fact  
Date: May 20, 2005

**Note:** If signed by agent, appellant(s) must also sign below.

**Section VI. Agent Authorization**

I/We hereby authorize \_\_\_\_\_  
to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date: \_\_\_\_\_

Attachment to Appeal From Coastal Permit Decision of Local Government

SECTION II.

2. Brief description of development being appealed:

Approval of a Combined Development Permit (PLN 040050/Moeller) consisting of a coastal administrative permit and design approval for a two-story 3,588 square foot single family dwelling with a 1,164 square feet attached garage and grading (approximately 185 cubic yards of cut and 195 cubic yards of fill); a Coastal Development Permit for native tree removal (nine Monterey pines including two landmark pines, six coast live oaks, and three clusters of coast live oaks); a Coastal Development Permit for development on slopes of 30 percent or greater; and a Coastal Development Permit for an equal lot line adjustment of approximately 0.27 acres between 0.85 height and acre lot (Parcel I), and a 0.61-acre lot (Parcel II) 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 Nos. 243-181-006-000 and 243-181-005-000), Carmel Highlands area, coastal zone.

**SECTION III. Identification of Other Interested Persons**

**b.**

- (4) Ken Edwards, 9 Mentone, Carmel, CA 93923**
- (5) Misaka Olson, P.O. Box 222603, Carmel, CA 93922**
- (6) Betsy A. Collins, 195 San Remo, Carmel, CA 93923**

#### SECTION IV. Reasons Supporting This Appeal

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. Development of Assessor Parcel No. 243-181-006-000, as proposed and the lot line adjustment between said APN and APN 243-181-005-000, as proposed constitutes a violation of Section 18.56.060 of the building and construction standards contained in Title 18 of Monterey County Ordinances for Wild Fire Protection Standards and the State Responsibility Areas, creates a land locked parcel, approves the siting of a development in a manner that may compromise future access to the currently undeveloped parcel owned by the applicant (APN: 243-181-005-000), gives rise to the potential for variance claims in connection with potential development of adjusted APN 243-181-005-000, and is based on false representations to the Board of Supervisors by planning staff<sup>1</sup>.

3. The size, mass, design and siting of the proposed improvements violate 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 that effect. Where necessary, modification of plan shall be required for siting, structural design, color, texture, building materials, access and screening.”

---

<sup>1</sup> For example, see staff response to Finding 5 at page 7 of Staff's Recommendations to the Monterey County Board of Supervisors for its meeting scheduled for April 19, 2005, in which planning staff provides: “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*.” (Emphasis added.)

**PROOF OF MAILING**

STATE OF CALIFORNIA, COUNTY OF MONTEREY

On May 20, 2005, I mailed the foregoing document described as follows:

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

by regular first class mail on the interested parties shown below by placing a true copy thereof enclosed in sealed envelopes and by depositing the sealed envelopes with the United States Postal Service with postage fully prepaid, addressed as follows:

Clerk (McElroy)  
Board of Supervisors  
County of Monterey  
P.O. Box 1728  
Salinas, CA 93902

Pamela Krone-Davis  
196 Upper Walden Road  
Carmel, CA 93923

Michael and Patricia Moeller  
24808 Upper Trail  
Carmel, CA 93923

Ken Edwards  
9 Mentone  
Carmel, CA 93923

Dr. and Mrs. Russell Hoxie  
193 San Remo Road  
Carmel, CA 93923


Misaka Olson  
P. O. Box 222603  
Carmel, CA 93922

Mr. and Mrs. Leland Lewis  
7 Mentone  
Carmel, CA 93923

Betsy A. Collins  
195 San Remo Road  
Carmel, CA 93923

Pamela Silkwood, Esq.  
Horan, Lloyd, Karachale, Dyer & Schwartz, Inc.  
and Law & Cook, Inc.  
P. O. Box 3350  
Monterey, CA 93942

Executed on May 20, 2005 at Monterey, California. I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

  
Denise J. Van Curen

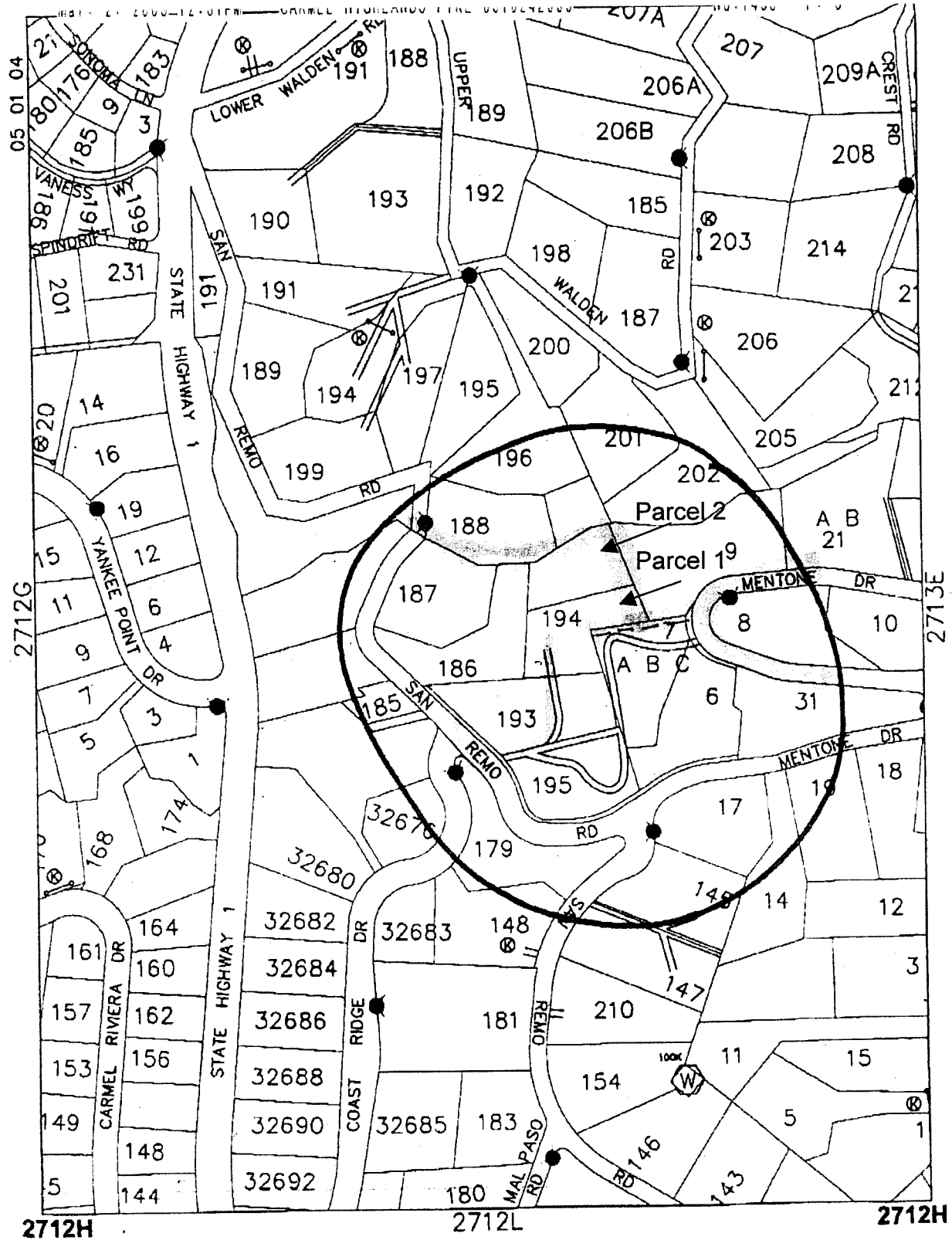
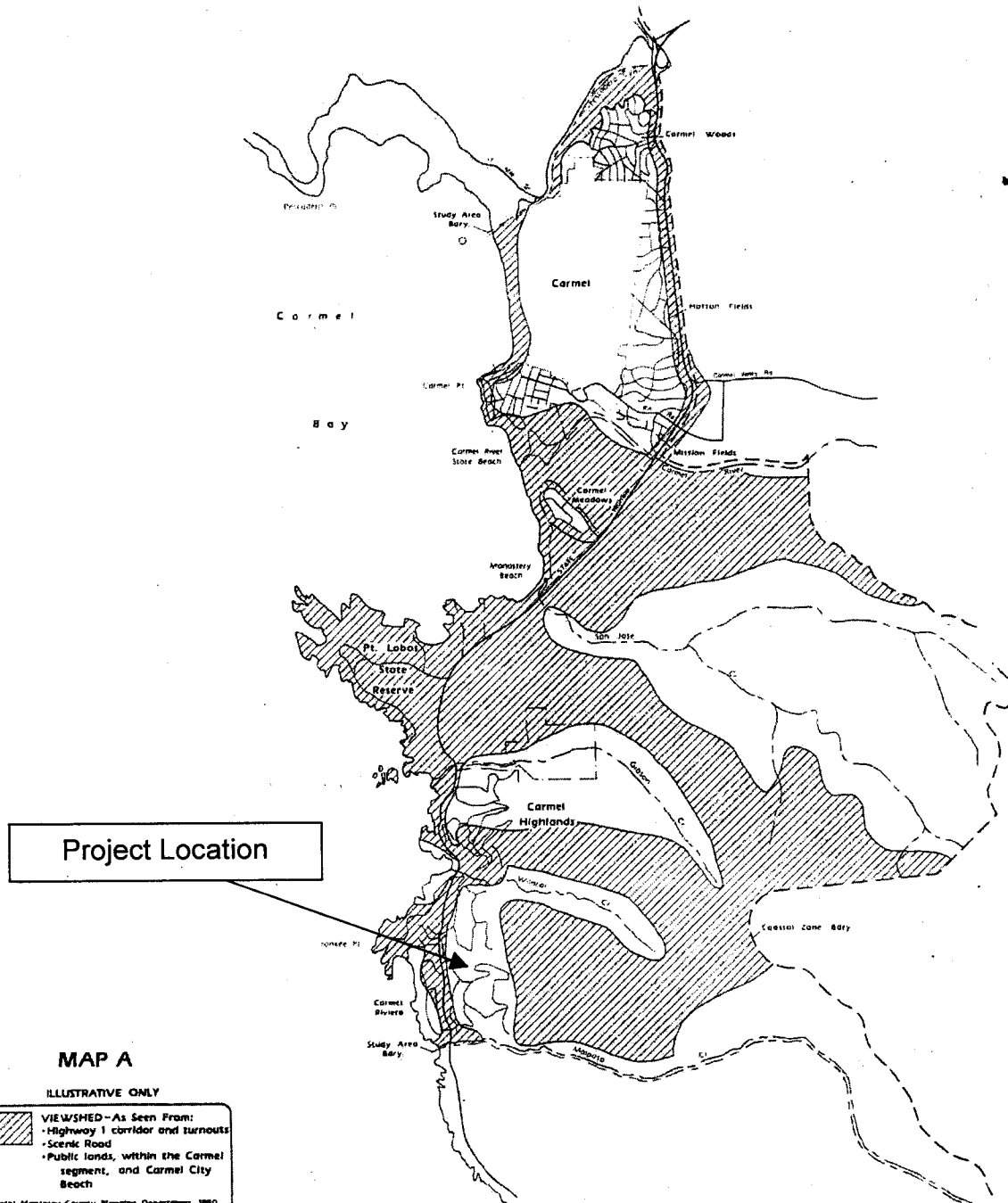


Exhibit H  
Emergency Access Road to 194 San Remo Road



**MAP A**  
ILLUSTRATIVE ONLY

**VIEWSHED** - As Seen From:  
 - Highway 1 corridor and turnouts  
 - Scenic Road  
 - Public lands, within the Carmel segment, and Carmel City Beach

Source: Monterey County Planning Department, 1990.

**CARMEL AREA LOCAL COASTAL PROGRAM**

**GENERAL VIEWSHED**

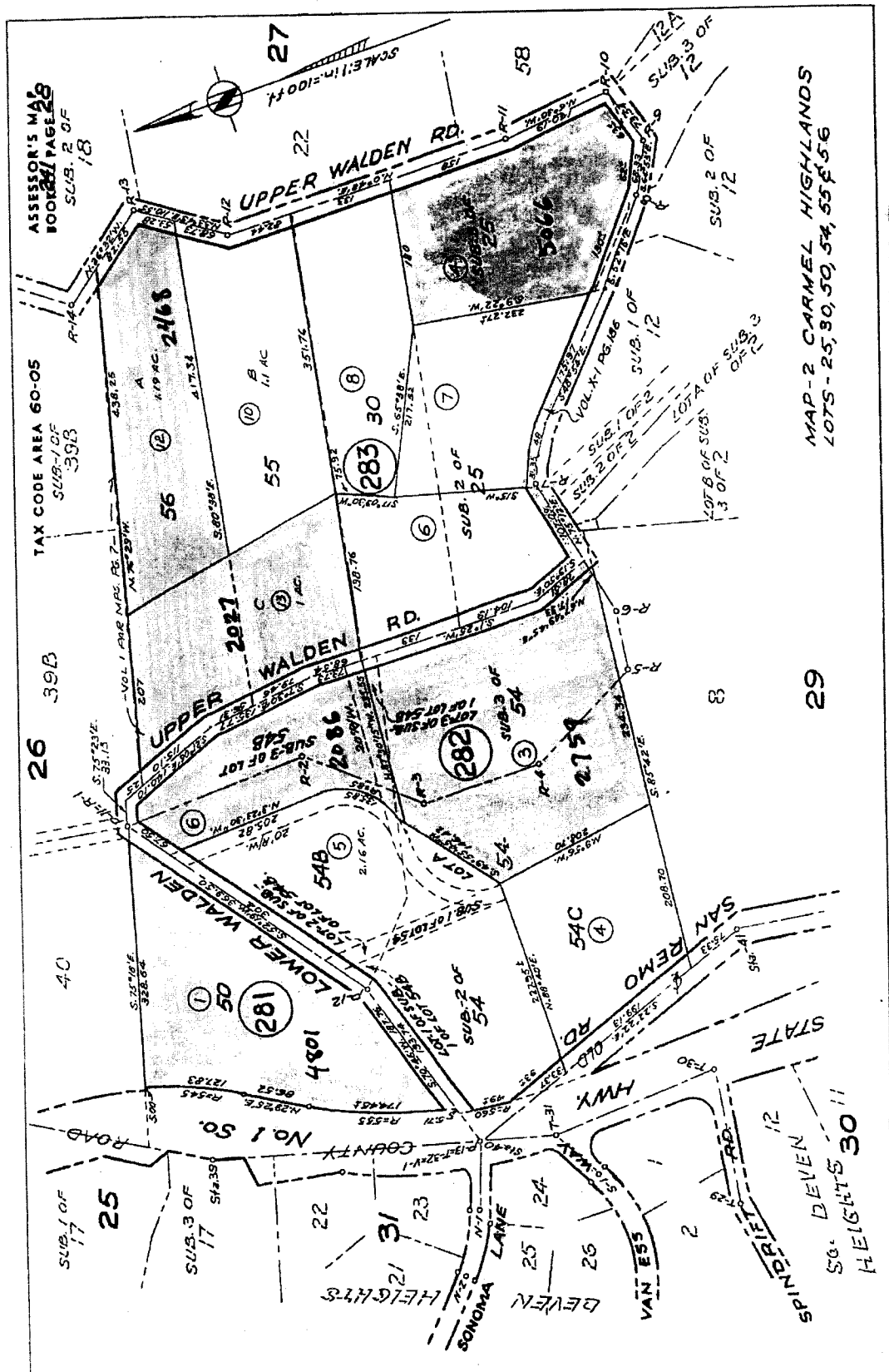
Monterey County Planning Department

Source: U.S.G.S 7.5 minute quads & Monterey County base map, Dec. 1979

**Exhibit I**  
Carmel Area LUP Public Viewshed Map

A-3-MCO-05-033  
Moeller SFD and Lot Line Adjustment





ASSESSOR'S MAP  
FOOTNOTED PAGE 28  
SUB. 2 OF 18

TAX CODE AREA 60-05  
SUB. 1 OF 39B

MAP - 2 CARMEL HIGHLANDS  
LOTS - 25, 30, 50, 54, 55 & 56

1,000 - 3,000  
1,000 - 2,000

Exhibit J - pg 1 of 4  
Parcel Maps of Surrounding Area Showing House Size of Various  
Neighboring Parcels



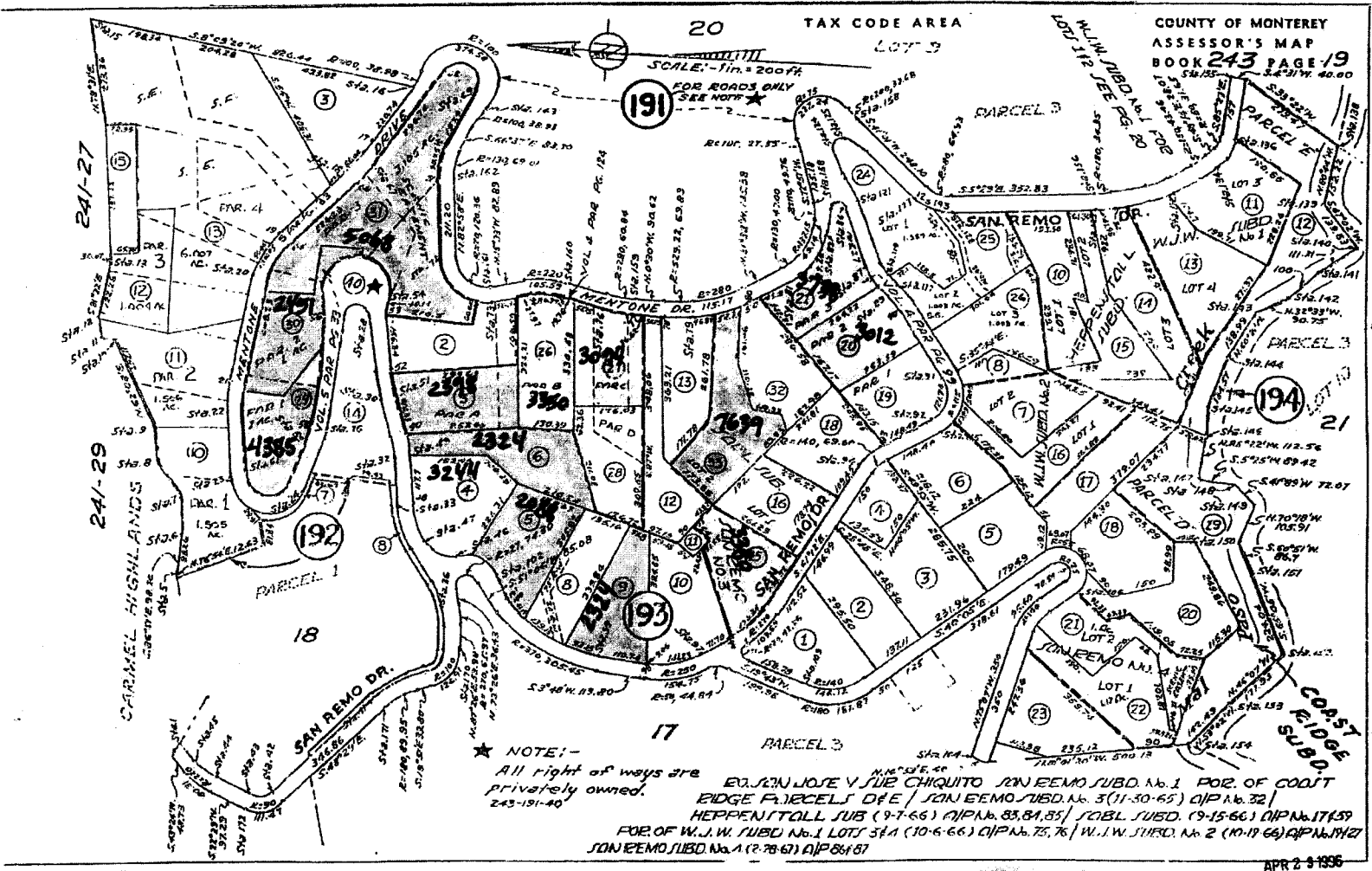


Exhibit J - pg 2 of 4  
Parcel Maps of Surrounding Area Showing House Size of Various Neighboring Parcels



California Coastal Commission

A-3-MCO-05-033  
Moeller SFD and Lot Line Adjustment

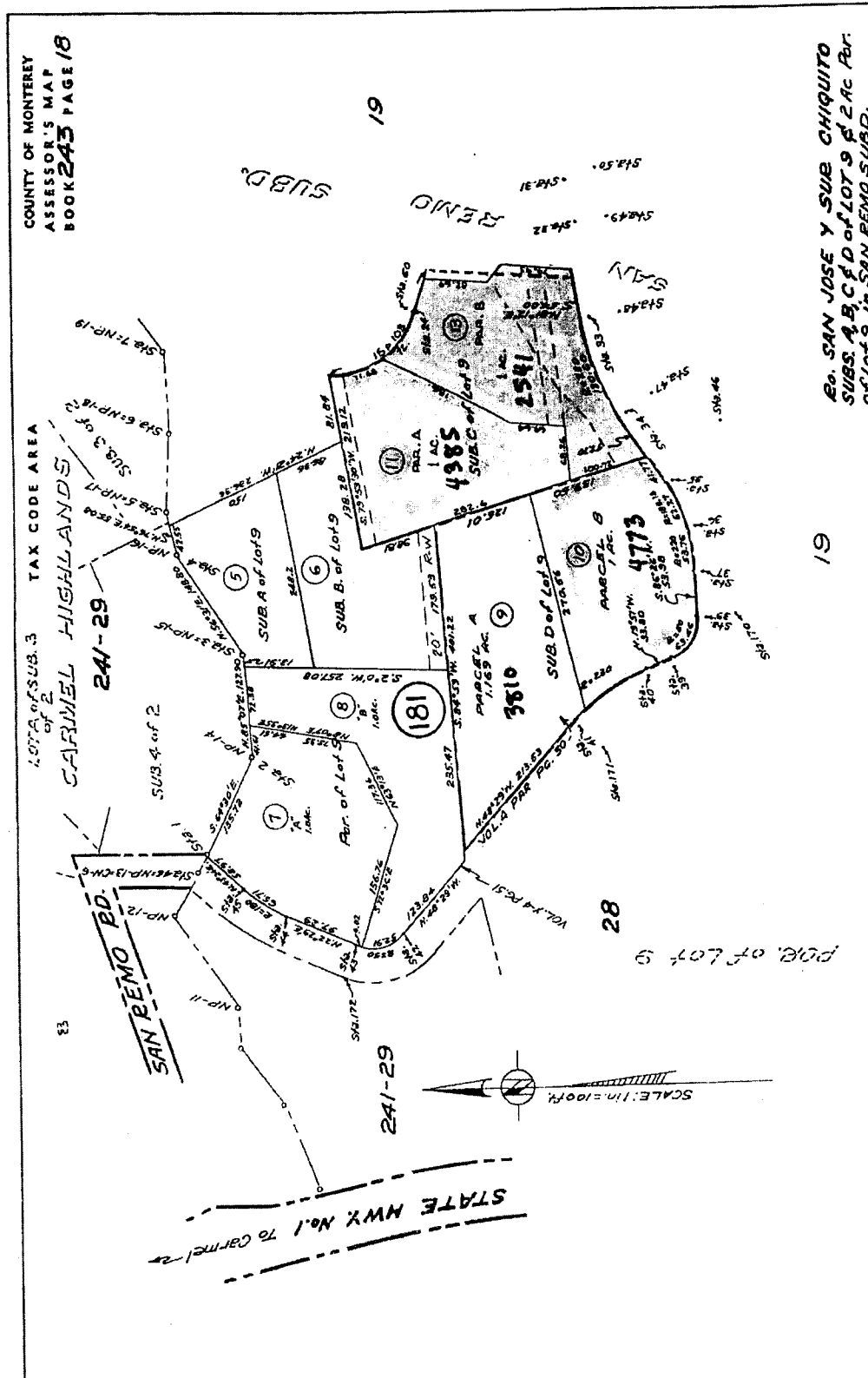
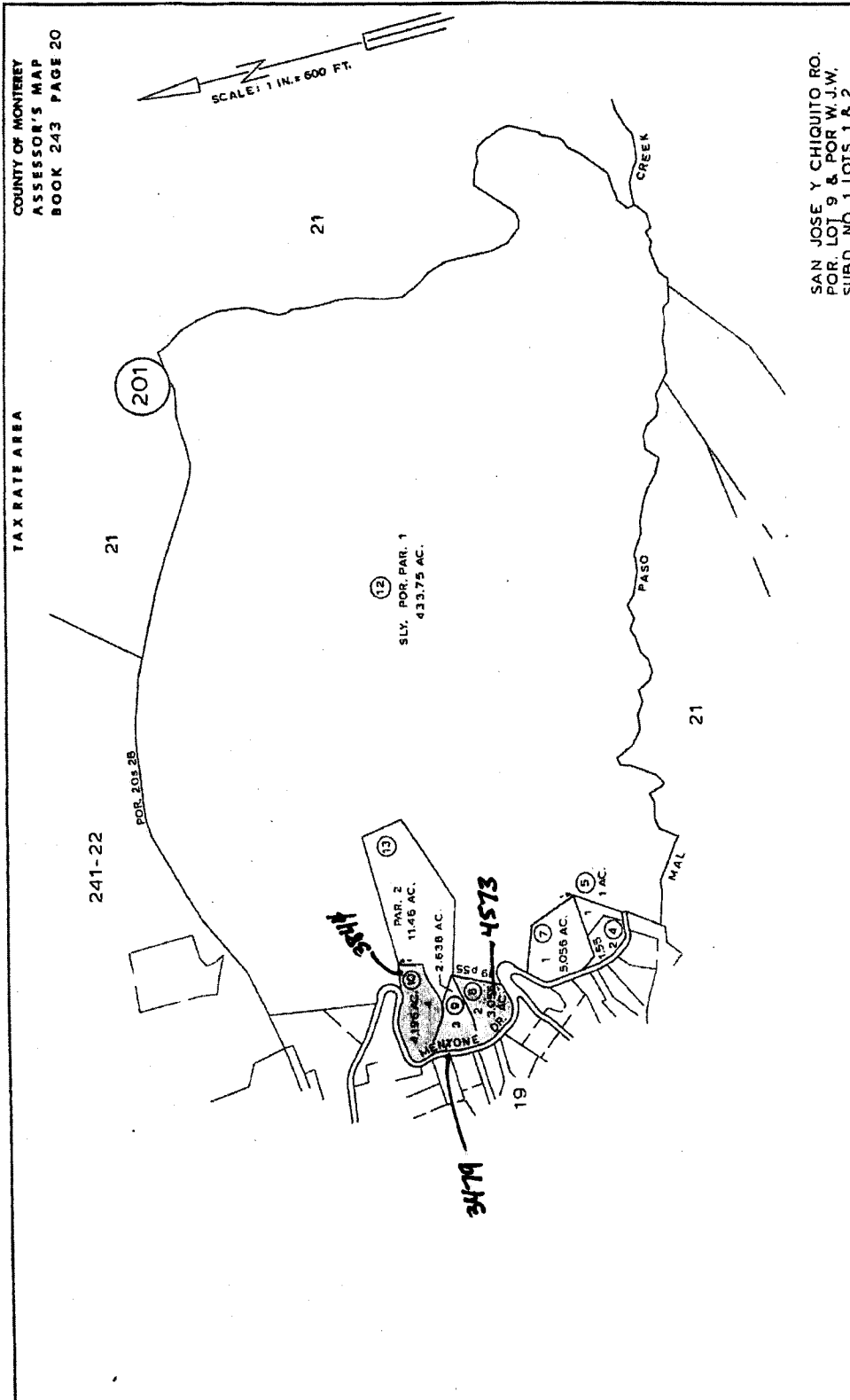


Exhibit J - pg 3 of 4  
Parcel Maps of Surrounding Area Showing House Size of Various  
Neighboring Parcels





SAN JOSE Y CHIQUITO RO.  
 POR. LOT 9 & POR W.J.W.  
 SUBD. NO. 1 LOTS 1 & 2

OCT 28 1996

3 000 - 3 797

7 000 2 497

Exhibit J - pg 4 of 4  
 Parcel Maps of Surrounding Area Showing House Size of Various  
 Neighboring Parcels





Photo 1



Photo 2

**Exhibit K - pg 1 of 4**  
Applicant's Photos of Neighboring Homes



Photo 3



Photo 4

**Exhibit K - pg 2 of 4**  
Applicant's Photos of Neighboring Homes

A-3-MCO-05-033  
Moeller SFD and Lot Line Adjustment





Photo 5



Photo 6

**Exhibit K - pg 3 of 4**  
Applicant's Photos of Neighboring Homes

A-3-MCO-05-033  
Moeller SFD and Lot Line Adjustment





Photo 7



Photo 8

**Exhibit K - pg 4 of 4**  
Applicant's Photos of Neighboring Homes

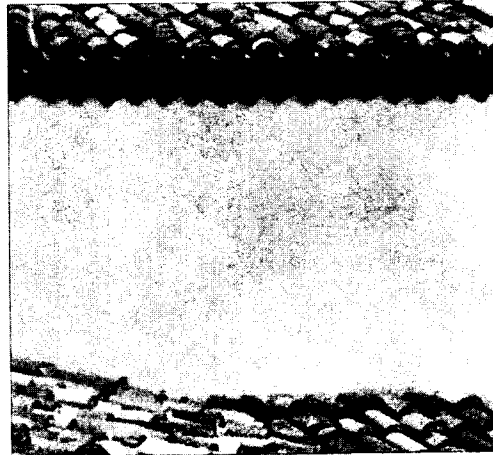
A-3-MCO-05-033  
Moeller SFD and Lot Line Adjustment





PROJECT: MOELLER RESIDENCE

194 SAN REMO ROAD  
CARMEL HIGHLANDS, CA  
APN: 243-181-006



STUCCO COLOR  
BASE COLOR: P-192 CARAMELO  
HIGHLIGHT COLOR: P-852 LAGUNA



ROOF TILE COLOR  
(SEE CATALOGUE SHEET)

**ERIC MILLER ARCHITECT**

157 GRAND suite 105 PACIFIC GROVE, CALIFORNIA 93950

831-372-0410

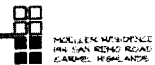


Exhibit L – pg 1 of 3  
Examples of Exterior Materials for Proposed Development

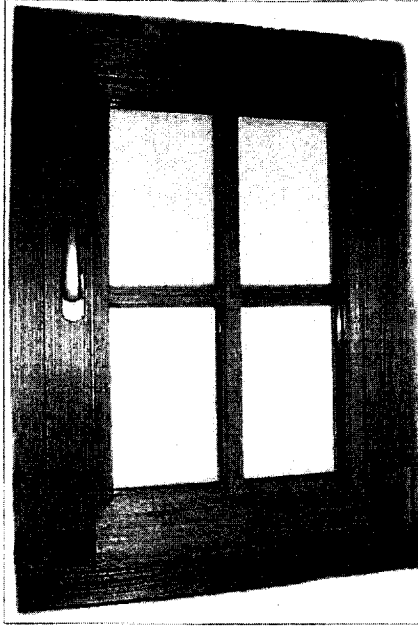


California Coastal Commission

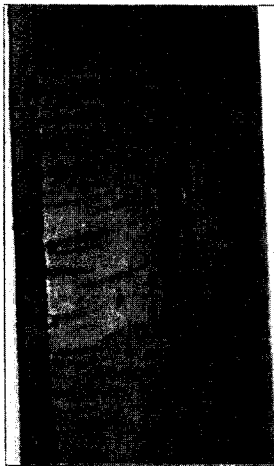
A-3-MCO-05-033  
Moeller SFD and Lot Line Adjustment

**PROJECT: MOELLER RESIDENCE**

194 SAN REMO ROAD  
CARMEL HIGHLANDS, CA  
APN: 243-181-006



WOOD WINDOW



WINDOW COLOR

**ERIC MILLER ARCHITECT**

157 GRAND suite 106 PACIFIC GROVE, CALIFORNIA 93950

831-372-0410



MOELLER RESIDENCE  
194 SAN REMO ROAD  
CARMEL HIGHLANDS

**Exhibit L - pg 2 of 3**

Examples of Exterior Materials for Proposed Development



California Coastal Commission

A-3-MCO-05-033  
Moeller SFD and Lot Line Adjustment

**PROJECT: MOELLER RESIDENCE**

194 SAN REMO ROAD  
CARMEL HIGHLANDS, CA  
APN: 243-181-006



STONE COLOR SAMPLE



STONE COLOR SAMPLE

**ERIC MILLER ARCHITECT**

157 GRAND suite 106 PACIFIC GROVE, CALIFORNIA 93950

831-372-0410



MOELLER RESIDENCE  
194 SAN REMO ROAD  
CARMEL HIGHLANDS

**Exhibit L - pg 3 of 3**  
Examples of Exterior Materials for Proposed Development

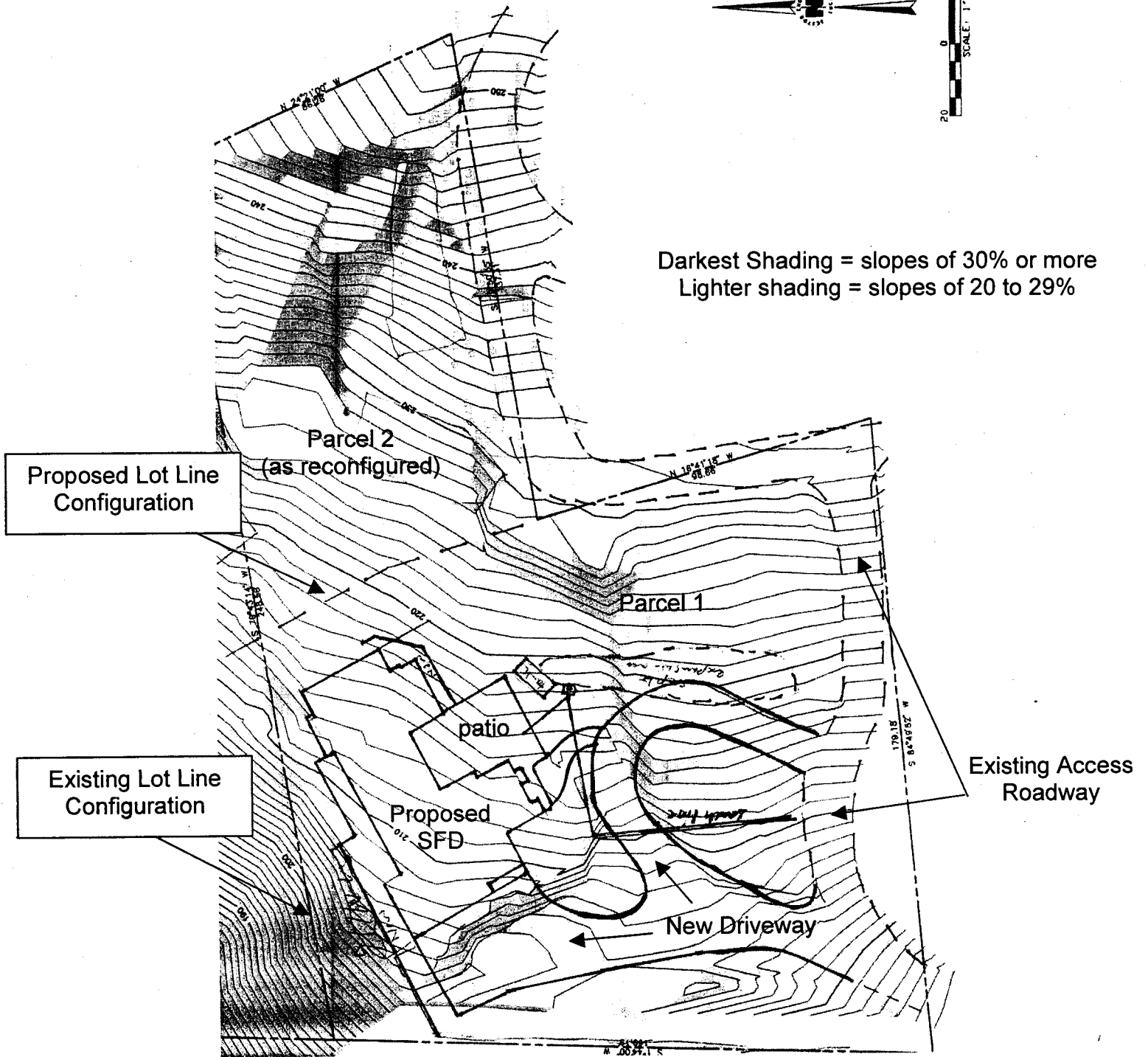
A-3-MCO-05-033  
Moeller SFD and Lot Line Adjustment



California Coastal Commission



Darkest Shading = slopes of 30% or more  
Lighter shading = slopes of 20 to 29%



**Exhibit M**  
Overlay of Proposed Development on Slope Map



FROM: M. MOELLER

PHONE NO.: 2096548130

Apr. 04 2005 01:08PM P1

Feb. 14. 2005 2:19PM CARMEL HIGHLANDS FIRE 8316242363

No. 1361 P. 2

**Carmel Highlands Fire Protection District**

73 Fern Canyon Road  
Carmel, CA 93923  
Telephone (831) 624-2374  
Facsimile: (831) 624-2363



To: Timothy Johnson, Associate Planner  
From: Captain Cindy Nagai, Fire Marshal *CN*  
Date: February 14, 2005  
Subj: 194 San Remo Drive, PLN04-0050/Moeller

This memo is in response to your telephone call of this date.

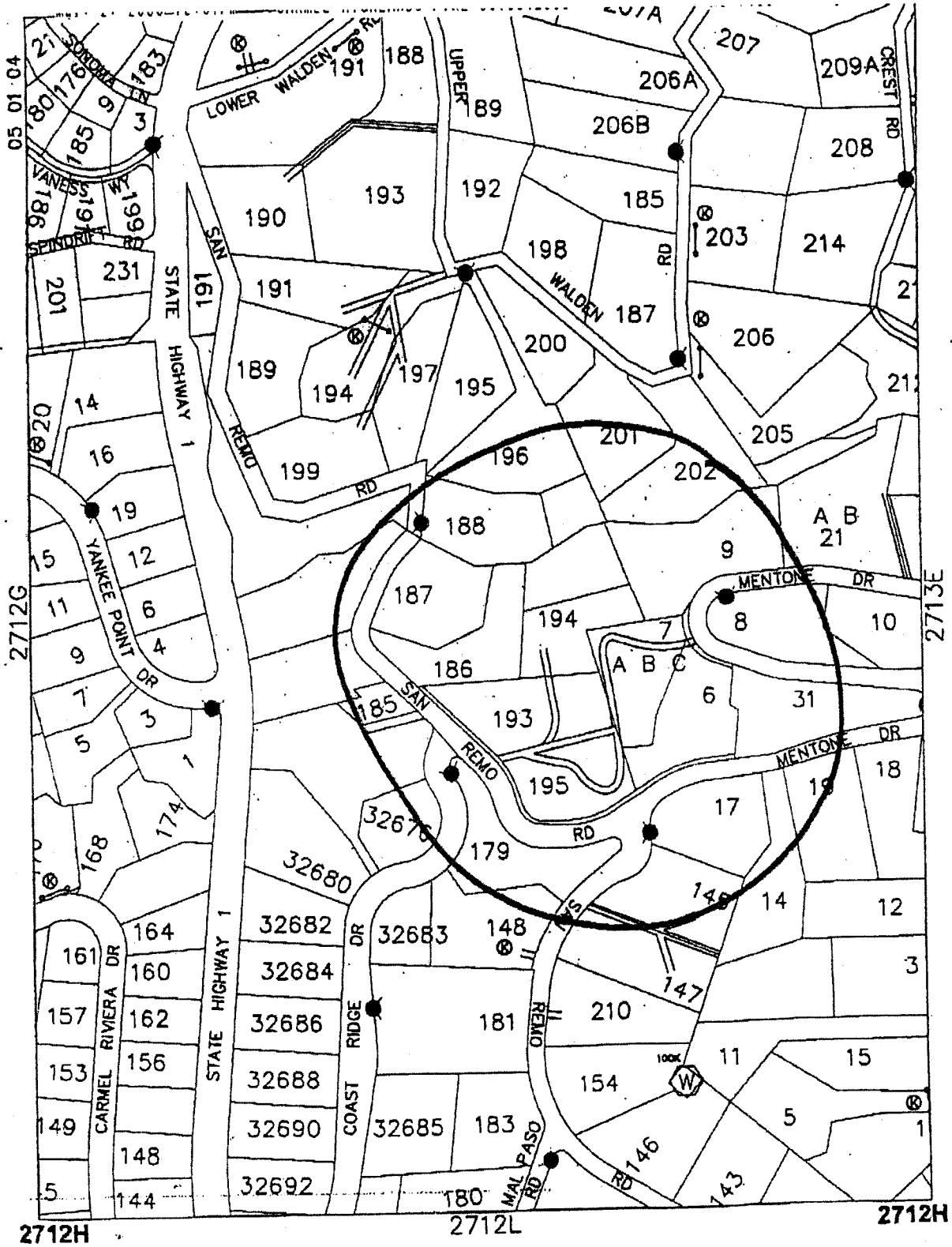
The area in question contains several "land locked" parcels with no direct access (15% grade or less) to any roadway. When there were thoughts about developing one of the several parcels, the property owners for this area got together and executed a Grant Deed providing "a non-exclusive easement for emergency access purposes only" dated February 8, 1991. This Grant Deed provides to the Fire District an EMERGENCY ACCESS ROADWAY beginning at 7 Mentone crossing through that property west to San Remo Road (see attached map page). The intent of the Emergency Access road is to provide emergency response to 195 & 194 San Remo Road. Because the roadway could never be built to the maximum 15% grade required by Ordinance 3800 & the Monterey County General Plan, there was no way the land locked lots could have been developed without the dedicated Emergency Access Roadway beginning at 7 Mentone Drive. Fire engine can drive down roadways that are more than 15% grade but cannot drive up more than 15% grade.

Please review the enclosed map. If you have any questions, do not hesitate to call me at the number above or on my cell (594-1427) if I am out of the office.

enclosure

Cc: file





CARMEL HIGHLANDS FIRE PROTECTION  
DISTRICT

73 FERN CANYON ROAD  
CARMEL, CALIFORNIA 93923  
(831) 624-2374

FACSIMILE TRANSMITTAL SHEET

TO: PAM SILKWOOD	FROM: CAPTAIN CINDY NAGAI
COMPANY:	DATE: 3/3/2005
FAX NUMBER: (831) 373-8302	TOTAL NO. OF PAGES INCLUDING COVER: 2
PHONE NUMBER: (831) 373-4131	SENDER'S REFERENCE NUMBER: 194 San Remo Road
RE: Moeller Project	YOUR REFERENCE NUMBER: PLN04-0050

NOTES/COMMENTS:

Para:

As per our telephone conversation of this morning, attached you will find a clearer picture of what the emergency access road looks like.

When responding to an emergency, the fire engine will drive up to 7 Mentone Drive, go down the emergency roadway and stop in front of Dr. Moeller's parcel to access his home. The fire engine will not drive onto Dr. Moeller's driveway but will operate from the Emergency access road. This will allow residents to drive down the Emergency access road, prior to our arrival, without interfering with fire department operations as we arrive from the top. Dr. Moeller is still required to provide a 12' driveway so the ambulance can get to his home.

I hope this clarifies the usage of the Emergency road.

Cindy

Exhibit N - pg 3 of 5

Carmel Highlands Fire Department Correspondence Regarding Emergency Access



California Coastal Commission

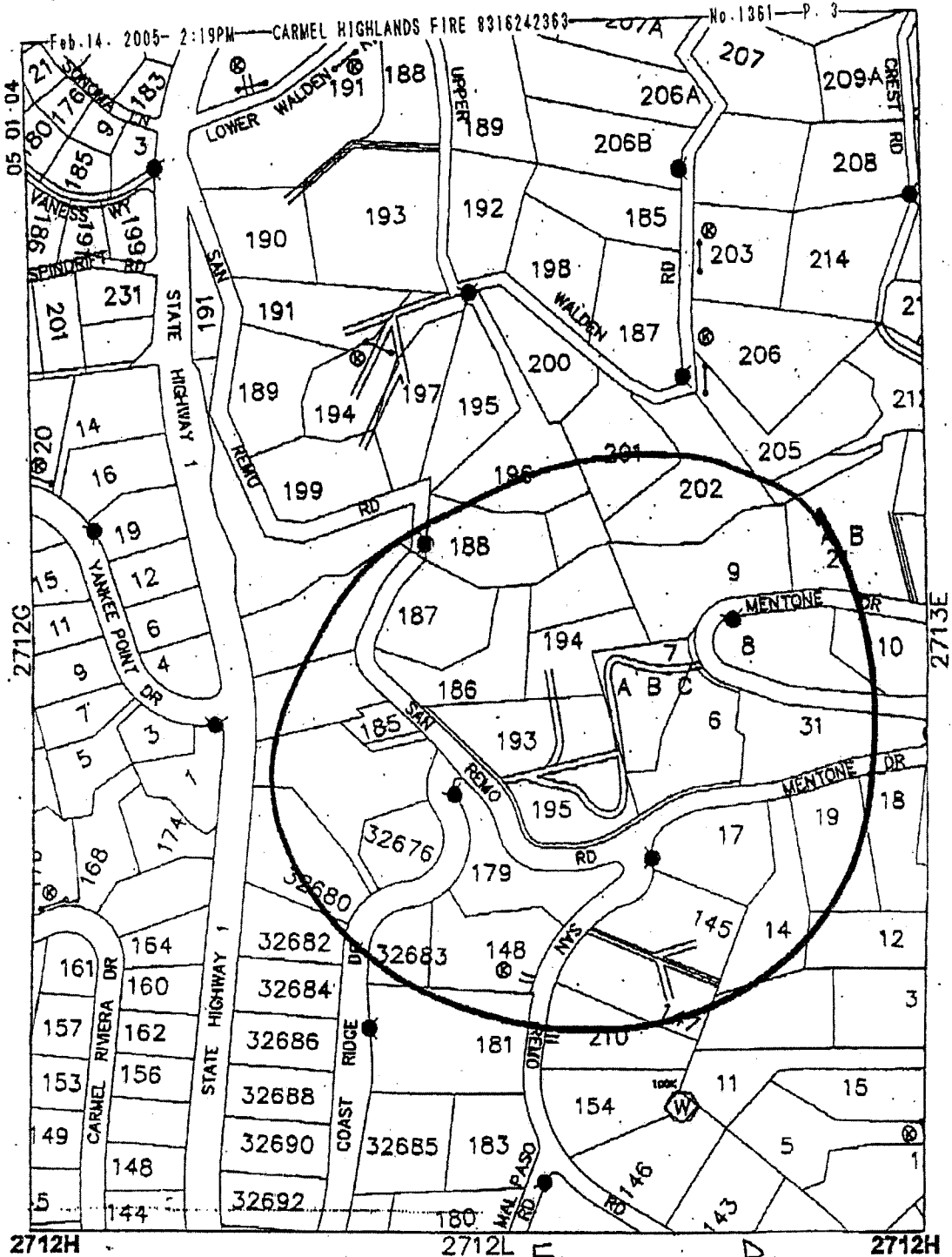
A-3-MCO-05-033  
Moeller SFD and Lot Line Adjustment

**A-3-MCO-05-033 (Moeller sfd and lotline adj) NSI exhibits 7.21.05.doc**

FROM : M. MUELLER

PHONE NO. : 2096346130

Apr. 04 2005 01:14PM P13



*Emergency Response  
Map Pages*

**Exhibit N - pg 4 of 5**  
Carmel Highlands Fire Department Correspondence Regarding Emergency Access



California Coastal Commission


A-3-MCO-05-033  
Moeller SFD and Lot Line Adjustment



## Carmel Highlands Fire Protection District

73 Fern Canyon Road  
Carmel, CA 93923  
Telephone (831) 624-2374  
Facsimile: (831) 624-2363



TO: Timothy Johnston, Associate Planner  
FROM: Captain Cindy Nagai, Fire Marshal   
DATE: 3/31/05  
SUBJ: PLN040050/Moeller - AP#243-181-006

This office reviewed a project at 194 San Remo Drive, AP#243-181-006 on March 28, 2005. This project was reviewed for code compliancy for the development of a 2 story 3,641 sq. ft single family dwelling under AP#243-181-006. This plan review does not approve any "possible future S.F.D.", nor does it approve any access issues related to "possible future S.F.D."

There is some confusion with the neighbor's who think approval of this project approves any future related projects. All future projects will be subjected to the same code compliance review particularly in reference to the access issues.

If you have any questions, please let me know.

Cc: file  
Pam Silkwood ✓

Exhibit N - pg 5 of 5

Carmel Highlands Fire Department Correspondence Regarding Emergency Access



California Coastal Commission

A-3-MCO-05-033  
Moeller SFD and Lot Line Adjustment

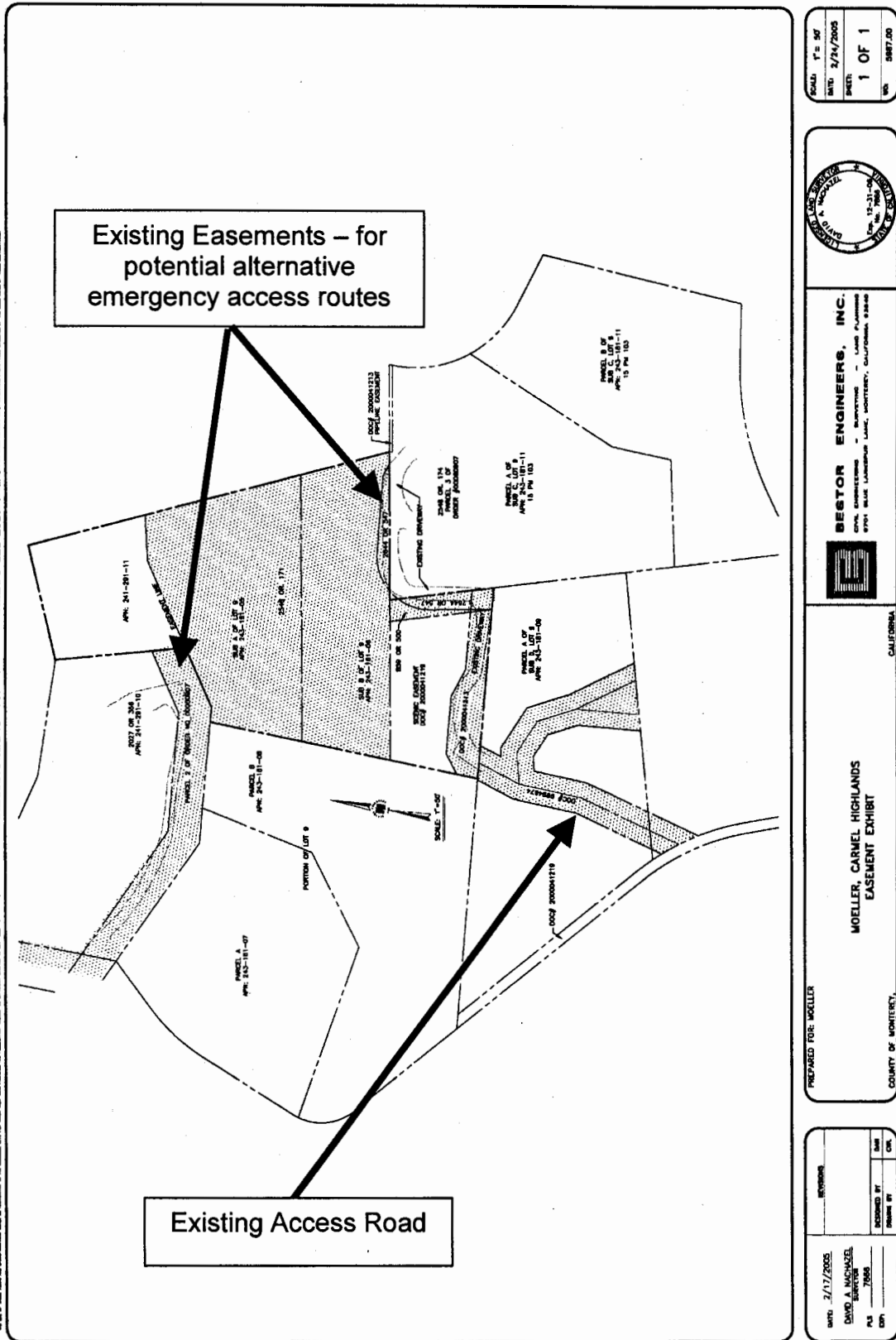


Exhibit O

Existing Easements for Alternative Emergency Access Routes



California Coastal Commission

A-3-MCO-05-033  
Moeller SFD and Lot Line Adjustment