



County of Monterey Planning Commission

Item No.6

Agenda Item No. 6

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

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PLN160856 and PLN230308 - MAEHR TED H. AND RAINER RICHARD SCOTT

Public hearing to consider after-the-fact permitting to legalize development of a 1,472 square foot two-story single family dwelling, a detached accessory dwelling unit (185 square feet functionally related to a 452 square foot detached kitchen and cold room), a 857 square foot two-story barn, a 364 square foot carport/workshop, three sheds (260 square feet, 100 square feet, and 82 square feet), 12 water storage tanks, a water catchment system and an on-site wastewater system, approximately 600 linear feet of unpaved driveway and associated grading, and removal of three Madrone trees, to partially clear Code Enforcement case (CE080464). Public hearing also to consider a Lot Line Adjustment between two legal lots of record consisting of Parcel 1, containing 43.65 acres (Assessor's Parcel Number 418-151-005-000), and Parcel 2 containing 7.25 acres (APN 418-151-006-000), resulting in two legal lots of approximately 40.55 acres (Adjusted Parcel 1) and 10.35 acres (Adjusted Parcel 2), respectively.

Project Location: The properties are located at 38829 Palo Colorado Rd. (Parcel 1) and 1122 Palo Colorado (Parcel 2), Carmel, Big Sur Coast Land Use Plan, Coastal Zone.

Proposed CEQA Action: Adopt a Mitigated Negative Declaration pursuant to CEQA Guidelines section 15074

RECOMMENDATIONS:

It is recommended that the Planning Commission:

- a. Adopt a Mitigated Negative Declaration pursuant to Section 15074 of the CEQA Guidelines;
- b. Approve an after-the-fact Combined Development Permit (PLN160856) to partially clear Code Enforcement case (CE080464), consisting of:
 1. Coastal Administrative Permits and Design Approvals to legalize a 1,472 square foot two-story single family dwelling with second floor deck (approx. 190 square feet) and entry deck (approx. 225 square feet), a 857 square foot two-story barn with second floor entry deck (approx. 400 square feet) and covered deck (approx. 120 square feet), a 364 square foot carport/workshop, three sheds (260 square feet, 100 square feet, and 82 square feet), 12 water storage tanks (one for 12,000 gallons, six for 4,900 gallons, two for 3,000 gallons, three for 2,500 gallons, and three for 500 gallons), a water catchment system and on-site wastewater system, approximately 600 linear feet of unpaved driveway, and associated grading;
 2. Coastal Development Permit and Design Approval to legalize a detached Accessory Dwelling Unit (185 square feet functionally related to a 452 square foot detached kitchen and cold room); and
 3. Coastal Development Permit to allow removal of three Madrone trees; and
- c. Approve a Coastal Development Permit (PLN230308) to allow a Lot Line Adjustment

- between two legal lots of record, consisting of the “Maehr Parcel”, containing 43.65 acres (Assessor’s Parcel Number 418-151-005-000), and the “Rainer Parcel” containing 7.25 acres (APN 418-151-006-000), resulting in two legal lots of approximately 40.55 acres (Adjusted Maehr Parcel) and 10.35 acres (Adjusted Rainer Parcel), respectively; and
- d. Adopt Condition Compliance and Mitigation Monitoring and Reporting Plans.

Staff has prepared two draft resolutions, including findings and evidence with recommended conditions of approval, for consideration of the after-the-fact Combined Development Permit (PLN160856, **Exhibit A**) and Coastal Development Permit for the Lot Line Adjustment (PLN230308, **Exhibit B**).

PROJECT INFORMATION:

Property Owners: Ted Maehr and Richard Scott Rainer

APNs: 418-151-005-000 (Parcel 1) and 418-151-006-000 (Parcel 2)

Zoning: Watershed and Scenic Conservation with a 40 acre per unit density maximum and a Design Control overlay, Coastal Zone [WSC/40-D(CZ)]

Plan Area: Big Sur Coast Land Use Plan

Flagged and Staked: No

Project Planner: Mary Israel, Supervising Planner

SUMMARY:

The unpermitted development proposed to be legalized through the after-the-fact Combined Development Permit (PLN160856) is located entirely on the Maehr parcel (APN 418-151-005-000) and involves construction of a 1,472 square foot two-story single family dwelling with second floor deck (approx. 190 square feet) and entry deck (approx. 225 square feet), a detached Accessory Dwelling Unit (185 square feet functionally related to a 452 square foot detached kitchen and cold room), a 857 square foot two-story barn with second floor entry deck (approx. 400 square feet) and covered deck (approx.. 120 square feet), a 364 square foot carport/workshop, three sheds (260 square feet, 100 square feet, and 82 square feet), 12 water storage tanks (one for 12,000 gallons, six for 4,900 gallons, two for 3,000 gallons, three for 2,500 gallons, and three for 500 gallons), a water catchment system and on-site wastewater system, approximately 600 linear feet of unpaved driveway, and associated grading of approximately 100 cubic yards which were identified as unpermitted development by Code Enforcement violation (CE080464). Approving the Combined Development Permit will partially abate the violation and once subsequent grading and construction permits are issued and finalized, the 2008 code violation will be resolved.

The Applicants propose a lot line adjustment (LLA) between two contiguous legal lots on Palo Colorado Road in the unincorporated area of Big Sur designated as Watershed and Scenic Conservation and containing existing residential development. The LLA would transfer 3.1 acres from the Maehr Parcel or “Parcel 1”, containing 43.65 acres (Assessor’s Parcel Number 418-151-005-000) to the Rainer Parcel or “Parcel 2” containing 7.25 acres (Assessor’s Parcel Number 418-151-006-000), resulting in two legal lots of approximately 40.55 acres (Adjusted Parcel 1) and 10.35 acres (Adjusted Parcel 2), respectively. Both resulting lots would remain conforming as to maximum density, structural coverage, and setbacks. Parcel 2 did not conform with the WSC/40-D(CZ) zoning district as to minimum lot size and would continue to be legal non-conforming.

However, as a result of the LLA, Parcel 2 would gain separate and direct access to Palo Colorado Road. According to the applicants, the intent of the LLA is to allow both owners independent access to their respective properties and to adjust the lot line such that accessory development and uses related to the main dwelling on Parcel 2 is contained within Parcel 2.

DISCUSSION:

A. Combined Development Permit (PLN160856)

The property is located at 38829 Palo Colorado Rd., Big Sur, (APN: 418-151-005-000), Big Sur Coast Land Use Plan area, Coastal Zone. The parcel is zoned Watershed and Scenic Conservation with a 40 acre per unit density maximum and a Design Control overlay, in the Coastal Zone [WSC/40-D(CZ)]. Within the WSC zoning district, construction of buildings for, and accessory to, the residential use of the property are principally allowed uses subject to the granting of a Coastal Administrative Permit in each case. The Design Control overlay also requires that the buildings have Design Approval prior to construction. As proposed, the project meets all required development standards. Building exterior materials are stucco, corrugated metal sheeting, redwood trim and decks, gravel roofing and standing seam metal roofing. Colors are terra cotta (matte pale orange), gray patina and natural wood body, redwood natural stain and gray gravel roof. Trim, doors and window frames span six colors from peacock blue teal, turquoise, orange, red and dark bronze. The water tanks are painted dark green. The property is not in a visually sensitive area. Staff conducted a site visit on March 17, 2022. There are no impacts to aesthetics, protected viewsheds, or public views. Setbacks are consistent with the zoning district. The required accessory structure setbacks are 50 feet front, 6 feet side on front half of property, one foot on rear half of property, and one foot setback on rear property line. The smallest setback from the main dwelling to the nearest parcel boundary line on Parcel 1, the side to the south, is 100 feet. The smallest setback from any existing accessory structure is 36 feet from the south side parcel boundary line. Minimum distances between main and accessory structures for the zoning district is 10 feet, and between accessory structures it is six feet. The accessory structures are over 10 feet from the main. ADU is approximately 16 feet from the main house and workshop is twelve feet from storage shed. Other inter-structural distances are larger. These setbacks are not shown with precise measurements on the site plan, but there is a scale bar (**Exhibit A, Attachment 2**).

Three Madrone trees have been removed for the development. An Arborist Report was prepared that concluded that the trees were the minimum required for development of the main dwelling. The Arborist, Rob Thompson, prepared a Tree Removal and Fuel Management Plan (March 2017, LIB170144) which informed the Mitigated Negative Declaration (MND) on the project. The report and MND recommend restoration of natural materials and plants around the project as a standard condition of approval (Condition No. 8) and Mitigation Measure BIO-1, Tree Replacement and Monitoring. The measure includes the recommended 1:1 tree replacement with three 5-gallon Madrone or Coast live oak trees and five years of monitoring to ensure success. The Arborist Report indicated that three Madrone trees were not fully removed, but rather, the applicant removed major trunks from multi-trunk trees (a 19-inch diameter at breast height [dbh] trunk from one, 12 and 14-inch dbh trunks from another, and a 22-inch dbh trunk from a third). The tree removal was done to make space for the construction of the main dwelling, and the remainder parts of the trees are between 3 and 12 feet from the structure; healthy tree bases remained. The Arborist Report concluded that the partial tree removal did not have a detrimental effect on the health and viability of the remaining

portions of the trees. Even though the applicant did not remove the whole trees, this level of impact to the trees qualifies as tree removal pursuant to Title 16 and requires a permit. For these reasons, the removal of three trees is the minimum required for the construction of the dwelling and associated improvements.

There is an unconventional accessory dwelling unit (ADU) as part of this development. The ADU consists of a 185 square foot structure that includes a living room, sleeping loft and bath that is functionally related to a 452 square foot detached kitchen and cold room. The occupant of the ADU sleeping quarters always uses the detached kitchen. The total size of the functional ADU is 637 square feet in area, which complies with state regulations. The maximum height is under the current limit of 16 feet from average natural grade, at 15 feet. The ADU is connected to the existing onsite wastewater treatment system. (The ADU water system is discussed in the next paragraph.) California's Department of Housing and Community Development has established guidelines to define what qualifies as an ADU in the state. According to their definition, an ADU is a housing unit with complete independent living facilities for one or more persons. Each ADU must be able to access its own living, sleeping, cooking, and sanitation facilities. The state law requires that the kitchen or sanitation facility be provided permanently on the same parcel as the single-family or multifamily dwelling that it is accessory to (Govt. Code Section 65852.2.j(1)). State law does not specifically require all living facilities to be within confines of a single structure. An ADU may be separately rented, provided such rental is for more than 30 days. As such, vacation/short term rental is prohibited. An ADU shall not be sold or otherwise conveyed separate from the primary dwelling. The applicant has stated that the ADU rental has been and will continue to be long term, only. The current ADU count for Big Sur is 29. This would be the 30th ADU.

The applicant constructed a water catchment system on the rooftops of several of the structures. Rainwater is collected and routed to a series of 12 water storage tanks (one for 12,000 gallons, six for 4,900 gallons, two for 3,000 gallons, three for 2,500 gallons, and three for 500 gallons). Water is then used to water an orchard and garden, two horses, and to serve for bathrooms and kitchen sinks in the main dwelling and ADU. Water is also available for fire suppression.

Potable water facilities to serve the project are available from the spring on APN 418-151-031-000, which Maehr has an easement to and rights to use, and which has been evaluated by Bierman Hydrogeologic in a Spring Flow Report made for the project (HCD Library Document No. LIB190033, **Exhibit G**). In April of 2018, Aaron Bierman tested the source to demonstrate that it has the ability to comply with source capacity and water quality standards. EHB reviewed the report and found that sufficient potable water could be provided. County staff, including EHB, noted that the applicant currently uses a water catchment system for domestic water uses, supplemented by bottled spring water for drinking. EHB conditioned the project to develop and use the identified spring for domestic water (Condition No. 11). EHB does not require the water catchment system to be removed, but to be separate from the domestic water system. Wastewater is in the form of an existing onsite wastewater treatment system which the Environmental Health Bureau (EHB) has reviewed and found will be sufficient to serve the project. The project's electricity source is from ground-mounted solar panels (located to the southwest of the house on the south facing slope), with backup power from a 9 kilowatt generator that runs on a three cylinder diesel engine and a "battery bank" which staff witnessed as car batteries on shelves in a cupboard on the side of the workshop. Elements of the

electricity system will need to be corrected as part of the building permit to comply with onsite solar requirements and appropriate energy storage.

Fire safety is a concern in the area. The subject property is in a State Responsibility Area and is classified as a Very High Fire Hazard Severity Zone. Fire District staff conditioned the project to comply with all relevant requirements of the Monterey County Fire Code, including installing fire sprinkler system plans and specifications as part of the building permits for the structures (Condition No. 13). Application submittal included a draft Fire Fuel Management Plan (Thompson, March 2017, LIB170144). Condition No. 15 requires the applicant to prepare a final version. Overall, the owner is aware of the fire danger on the property and has, through fire suppression efforts, reduced the need for rapid response of fire resources where and when it is preventable. The owner will comply with permitting conditions which will reduce the risk of loss, injury or death, as well. Fire hazards are addressed through the project design (several of the water tanks are positioned to protect the development area) and through the adherence with permit Condition Nos. 13 (Compliance with Monterey Fire Code in structures and driveway construction) and 15, (Fire Fuel Management Plan).

The project application lists total grading amount as approximately 100 cubic yards. The application materials indicated that a previous owner flattened an area for a trailer to be parked and built a small cabin, which is now part of the ADU, and graded for a driveway. The applicant explained that the ADU kitchen is now located where the previous owner's trailer was parked. The applicant constructed the shop on posts, which avoided grading. The applicant excavated approximately 15 yards of soil to place the largest water tank (12,000 gallon) and smaller amounts (approx. 3 cubic yards) for the six 4,900 gallon water tanks. Ground clearance and some grading occurred in the siting and construction of the barn and main dwelling. The applicants have maintained Long Ridge Road with box graders to fill in the ruts. Letters from a neighbor attached to the staff report in **Exhibit F** express a concern for an unusual amount of grading and new roads. Staff found the driveway was constructed in adequate proportion to the structures within the lot. The subsequent ministerial permit applications will be reviewed by Fire District staff, who have indicated in communications to HCD (**Exhibit D** and by phone) that the driveways will be required to be constructed to Fire Safety codes.

The applicant constructed the 1,472 square foot two-story single family dwelling, the detached ADU (185 square feet functionally related to a 452 square foot detached kitchen and cold room), the 857 square foot two-story barn, the 364 square foot carport/workshop, three sheds (260 square feet, 100 square feet, and 82 square feet), and half of the 12 water storage tanks in clustered development on the parcel, avoiding development on slopes. The average natural slope of the developed area is approximately 10-15%. The area was previously cleared of understory to accommodate residential use and the development site shows signs of minor terracing.

The project Biologist, Fred Ballerini, concluded in his 2019 Biological Report (LIB170143) that the earlier clearing appeared to be less than significant as the structures now blend into the surrounding forest and the understory showed evidence of resprouting. Ballerini also recommended protection of the critical root zones of trees in the development area. The applicant acted on the recommendations prior to permitting by adding concrete and pavers to stabilize erosive areas in driveways and around the house. He expressed to staff that this created a "protective zone around the trees near the house" so the soil level at those trees didn't drop due to erosion. He also added mulch with native material,

per Biological Report recommendations.

Palo Colorado Canyon is dominated by chaparral habitat which is harmed by excess water. The Biological Report expressed caution with over watering the garden and orchard such that the water would run down into this habitat. This potential will be limited through the containment of watering areas and installation of sediment controls as part of the development of the Landscape Plan which references the Biological Report’s recommendations (Condition No. 14).

From the site plan evidence of clustered development, development outside of the Critical Viewshed and out of non-Critical Viewshed public views, and the care exhibited by the applicant to avoid development on slopes and impact to trees, there is substantial evidence to support approval of the project. If the development had not already occurred, staff would support the site design, on the whole, with understanding that fewer tanks would have been proposed had the applicant been required to connect to the spring prior to finalizing the construction permits.

B. Lot Line Adjustment (PLN230308)

The proposed Lot Line Adjustment does not result in the relocation of building area, so it is defined as a minor lot line adjustment Pursuant to Monterey County Code Title 19 (Subdivision Ordinance - Coastal) Section 19.09.005.C. The lot line adjustment would not create new lots (i.e., would not subdivide either of the existing parcels), and would not intensify the combined level of development allowed on the parcels. Both existing parcels are developed with one single-family dwelling and accessory structures. As described above, Parcel 1 also contains an ADU.

Necessary facilities are independently available on each parcel. Onsite wastewater treatment systems and separate springs serve the properties. Both properties are in compliance with applicable coverage and yard regulations and would remain in compliance after the LLA. The proposed coverage for the parcels, compared with the WSC district requirements, are summarized below:

	<u>Allowable</u>	<u>Proposed Parcel 1</u>	<u>Proposed Parcel 2</u>
<u>Parcel Size</u>	0.13 Acre (6,000 sf) min	40.55 Acres (1,766,358 sf)	10.35 Acres (450,846 sf)
<u>Site Coverage</u>	10% max	under 3% (5,098 sf)	under 1% (1,938 sf)
<u>Density</u>	40 acres per unit	1 unit on 43 acres	1 unit on 10 acres

In accordance with Title 20 Section 20.17.060.B, the maximum density shall not exceed the units/acre shown on the zoning sectional district map, which for these properties would be one unit per 40 acres. As shown on the table above, Parcel 1 remains within the maximum density for the zoning. Parcel 2 increases in size by 3.1 acres but remains legal non-conforming as to density.

Pursuant to Title 20 Section 20.17.060.C, the required main structure setbacks in this WSC district are 30 feet front and 20 feet for side and rear setback. The minimum setbacks are not delineated on the lot line adjustment plan (**Exhibit B, Attachment 2**), however, from the scale shown on the plan, the existing development on Parcel 1 and Parcel 2 is within required yard setbacks. The required accessory structure setbacks are 50 feet front, 6 feet side on front half of property, one foot on rear half of property, and one foot setback on rear property line. The smallest setback from the main dwelling to the nearest parcel boundary line on Parcel 1, the side to the south, is 100 feet. The smallest

setback from any existing accessory structure is 36 feet from the south side parcel boundary line. The smallest setback from the existing dwelling on Parcel 2 is approximately 45 feet from the side parcel boundary line. The smallest setback from any existing accessory structure is 6 feet from the rear and 10 feet from the side parcel boundary lines.

When Rainer bought his property in 1995, he and the previous owner assumed that the driveway access and nearby areas were within the parcel. In 2005, a survey of lots was made by neighbor. The survey revealed inaccuracies in the line measurements and that the Rainer driveway and part of the land he had been utilizing was actually on Maehr's land. After Maehr got a code violation notice in 2008, he caused a parcel survey to be made. Maehr and Rainer agreed that the permits he was seeking to correct the violations should include a LLA. Therefore, the purpose of the LLA is to improve access rights for the Rainer parcel and add some land to it that has functioned as part of the residential use of the parcel.

OTHER AGENCY INVOLVEMENT:

The following County agencies and groups within the Housing and Community Development department reviewed this project:

- HCD-Engineering Services
- HCD-Environmental Services
- Environmental Health Bureau
- Carmel Fire Protection District

LUAC:

The projects were referred to the Big Sur Coast Land Use Advisory Committee (LUAC) for review (see **Exhibit E**). At a duly-noticed public meeting January 9, 2024, at which all persons had the opportunity to be heard, the LUAC reviewed the projects and voted 4 - 0 to support both of the projects as proposed. No members of the public commented at the LUAC meeting, but an owner of a neighboring property did send a letter to County offices by mail, intended for the LUAC's review. It arrived too late to be considered. A very similar comment letter on the Initial Study was considered at the LUAC meeting. The letter questioned whether the Maehr property has adequate water source for the development. The applicant was given the opportunity to respond to the question in the LUAC. The applicant cited the Spring Flow Report prepared for the project by Aaron Bierman in April of 2018, which was used in the preparation of the MND (HCD Library Document No. LIB190033, **Exhibit G**). LUAC member expressed that they found the evidence for potable water source sufficient.

CEQA:

County conducted environmental review in the form of an Initial Study (IS) to determine if the project would have a significant effect on the environment and prepare a Negative Declaration or MND if there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment (Public Resources Code Section 21083). There is no substantial evidence, based upon the whole record, that the project would have a significant effect on the environment. The IS identified and analyzed potential impacts to air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, tribal cultural resources, and wildfire. The IS identified a MND

with one Mitigation Measure (BIO-1, Tree Replacement and Monitoring) and adherence to standard and non-standard conditions of approval as the appropriate CEQA document. Due to the nature of the potential impacts, staff consulted with California Department of Fish and Wildlife (CDFW) and California Coastal Commission during the preparation of the IS. Neither agency recommended additional conditions of approval or Mitigation Measures.

No adverse environmental effects were identified during staff review of the LLA development application. The lot line adjustment would not intensify the level of development allowed on the parcels. The average slope of the subject area is less than 20% (approximately 19%). When these three factors are considered, a lot line adjustment is normally categorically exempt from CEQA. There were no unusual factors identified by the IS that required mitigation.

A Condition Compliance and Mitigation Monitoring and Reporting Plan has been prepared in accordance with Monterey County regulations which is designed to ensure compliance with county and State codes during implementation of the PLN160856 project. A separate Condition Compliance and Mitigation Monitoring and Reporting Plan has been prepared for PLN230308.

County received comments on the IS/MND during the public review period from three parties (see **Exhibit D**). The comment letters identified concerns regarding available water supply and consistency with fire protection requirements.

Letter 1. An owner of a neighboring property, Dr. Patrick O'Reilly, commented on the IS/MND in a letter dated April 10, 2023. He shared his concerns that there is no water source on the property and with the road building and grading on the property. In response, an edit was made to the IS to state that the original plans for PLN160856 mis-labelled the onsite spring as a spring box. New EHB staff re-reviewed Bierman report sections on the springs available to the Project and an existing piping easement and, again, found that there is sufficient source of potable water for the Project. Staff did not find the Biological Report indicated detriment to critical habitat if the Project as conditioned and mitigated is permitted. Staff communicated with Dr. O'Reilly after receiving this and another letter.

Letter 2. Bryan Escamilla, EHB staff, noted in a letter dated April 5, 2023 that the IS did not fully describe the water source analysis and requested corrections to the text. In response, edits were made to the IS to clarify that the existing rainwater catchment will be allowed for non-domestic purposes and that a condition of approval was added to ensure that the water system for potable water uses.

Letter 3. Art Black, Carmel Fire Protection staff, noted in a letter dated April 6, 2023 that the PLN160856 project will be required to propose a fire hydrant, provide driveway slope and width analysis in the Building Services permit project plans for Fire Protection District review, and add fire sprinklers to habitable structures and the barn. In response, edits were made to clarify in Hazards and Wildfire sections. Fire District added Condition No. 13, Compliance with Monterey County Fire Code.

The revisions to the IS/MND are shown with added text underlined and all deletions from the text shown stricken in an Errata Memorandum to the IS/MND. Pursuant to CEQA Guidelines section 15073.5(c), recirculation of the IS/MND is not required because the project revisions were added in response to comments on the public draft that did not present new avoidable significant effects or significantly alter recommended mitigations.

Prepared by: Mary Israel, Supervising Planner, x.5183, israelm@co.monterey.ca.us
Reviewed by: Anna Ginette Quenga, AICP, Principal Planner
Approved by: Melanie Beretti, AICP, Acting HCD Chief of Planning

The following attachments are on file with HCD:

Exhibit A - Draft Resolution for after-the-fact development of Parcel 1

- Attachment 1 - Conditions of Approval
- Attachment 2 - Plans, Colors and Materials

Exhibit B - Draft Resolution for Lot Line Adjustment between Parcel 1 and 2

- Attachment 1 - Conditions of Approval
- Attachment 2 - Lot Line Adjustment Plan

Exhibit C - Initial Study/Mitigated Negative Declaration IS/MND

- Attachment 1 - Errata Memorandum

Exhibit D - Comment letters received on the IS/MND

Exhibit E - Big Sur Coast LUAC Minutes for Meeting Date January 9, 2024

Exhibit F - Comment letters received on the PLN160856 and PLN230308 projects
(non-IS/MND)

Exhibit G - Spring Flow Report by Aaron Bierman, April 16, 2018

Exhibit H - Vicinity Map

cc: Front Counter Copy; Planning Commission; California Coastal Commission; Carmel Fire Protection District; Environmental Health Bureau-Land Use; HCD-Engineering Services; HCD-Environmental Services; Anna Ginette Quenga, Principal Planner; Melanie Beretti, Acting HCD Chief of Planning; Ted Maehr, Owner; Richard Scott Rainer, Owner; Patrick O'Reilly, Interested Party; Jesse Jensen, Interested Party; Makiah Epstein, Interested Party; Brett Pallastrini, Interested Party; Frederik Vermote, Interested Party; Barton Whelan, Interested Party; Mark Wieland, Interested Party; Laborers International Union of North America (Lozeau Drury LLP); The Open Monterey Project (Molly Erickson); LandWatch; Planning File Nos. PLN160856 and PLN230308

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