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RE: Carmel Points Project on Appeal--Appealability to the Coastal Commission

Watson, Michael@Coastal <Michael.Watson@coastal.ca.gov>

Wed 3/20/2019 11:35 AM

To: Dugan, John x6654 <DuganJ@co.monterey.ca.us>;

Cc: Guthrie, Jaime S. x6414 <GuthrieJS@co.monterey.ca.us>; Holm, Carl P. x5103 <HolmCP@co.monterey.ca.us>; Swanson, Brandon xx5334 <SwansonB@co.monterey.ca.us>; Spencer, Craig x5233 <SpencerC@co.monterey.ca.us>; Craig, Susan@Coastal <Susan.Craig@coastal.ca.gov>;

Clarification: in my email below I stated that the Pietro projects are in Big Sur, but in fact they are located in Carmel. Please let me know if you have any questions. Mike

From: Watson, Michael@Coastal

Sent: Tuesday, March 19, 2019 10:53 AM

To: Dugan, John x6654

Cc: Guthrie, Jaime S. x6414; Holm, Carl@Monterey County; Swanson, Brandon xx5334; Spencer, Craig x5233; Craig, Susan@Coastal (Susan.Craig@coastal.ca.gov); Watson, Michael@Coastal

Subject: RE: Carmel Points Project on Appeal--Appealability to the Coastal Commission

Mr. Dugan,

We took a closer look at the question of appealability of the Pietro projects in Big Sur. Coastal Act Section 30603 (a)(4) states that any development approved by a coastal county that is not designated as "the" principally permitted use under the designated zoning district may be appealed to the Coastal Commission. Upon review of the County's zoning including the list of principally permitted uses identified in the medium density residential zone district (20.12.040: Principal Uses Allowed), there appears to be residential and residentially-related uses but there also appears to be public/quasi-public (wireless facilities, water systems) and arguably commercial type uses (Christmas tree farms). As such, for the purposes of Coastal Act Section 30603(a)(4), there is more than one principally permitted use in the MDR zone district, and the proposed development in question (i.e., Carmel Point projects: PLN 170611, 170612, and 170613) are appealable to the Commission. If you have any questions or would like to discuss this further, please feel free to contact me. Mike

Mike Watson

Coastal Planner

California Coastal Commission

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From: Watson, Michael@Coastal
Sent: Tuesday, March 12, 2019 9:32 AM
To: Dugan, John x6654
Cc: Guthrie, Jaime S. x6414; 100-District 5 (831) 647-7755; Kahn, Kevin@Coastal; Molly Erickson; Holm, Carl@Monterey County; Swanson, Brandon xx5334; Spencer, Craig x5233
Subject: RE: Carmel Points Project on Appeal--Appealability to the Coastal Commission

Mr Dugan,

We have reviewed the County's analysis of the three Carmel Point projects (Pietro, PLN 170611, 170612, and 170613) and have concluded that the projects are not appealable to the Coastal Commission. The sites are well beyond 300 feet of the bluff and are not between the first public road and the sea. Additionally, the proposed single family residences are principally permitted uses in the medium density residential (MDR) district notwithstanding the CDP requirements for development within 750 feet of an archaeological resource or site. That is, there is nothing about the CDP requirements for arch resources that make the proposed residences a conditional use. Accordingly, we do not concur with the County's appeal determination. Thank you and feel free to contact me if you have any questions. Mike

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From: Dugan, John x6654 [<mailto:DuganJ@co.monterey.ca.us>]

Sent: Friday, March 08, 2019 5:22 PM

To: Molly Erickson; Holm, Carl@Monterey County; Swanson, Brandon xx5334; Spencer, Craig x5233; Dugan, John x6654

Cc: Guthrie, Jaime S. x6414; 100-District 5 (831) 647-7755; Watson, Michael@Coastal; Kahn, Kevin@Coastal

Subject: Carmel Points Project on Appeal--Appealability to the Coastal Commission

Ms. Erickson,

RMA-Planning's analysis is that if the Board approves the Pietro application on Isabella March 12th, the approval would be appealable to the Coastal Commission because it would be an "approved project involving development that is permitted in the underlying zone as a conditional use." (MCC, section 20.86.080.A.3.) Under section 20.146.090.A.1 of the Coastal implementation Plan (CIP), Part 4, Regulations for Development in the Carmel Area Land Use Plan, development proposed within 750 feet of a known archaeological resource requires a Coastal Development Permit. Coastal zoning requires Coastal Development Permits for conditional uses (for reference, the MDR zone where the project is located, section 20.12.050 "conditional uses allowed, coastal development permit required in each case unless exempt"). Here, the CIP requires a Coastal Development Permit. Accordingly, staff's conclusion is that the approval of the project includes a "conditional use" and is therefore appealable.

The reason analysis was needed, is that Michael Watson has advised Brandon Swanson that project approval would not be appealable due to its location. County staff holds to its finding that the project is subject to appeal to the Coastal Commission. Of course the Coastal Commission will have that decision if this matter is appealed to them.

In regard to meeting with Mr. Lombardo, RMA staff meets with all persons that request meetings. Staff takes all information and does its own analysis and exercises its own independent judgment.

Sincerely,

John M. Dugan AICP
Deputy Director of Land Use and Community
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