

**ATTACHMENT B
DRAFT RESOLUTION**

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

In the matter of the application of:

BLACK CROW LLC (PLN160348)

RESOLUTION NO. 17 -

Resolution by the Monterey County Board of Supervisors to:

- 1) Deny the appeal of Courtney Meyers challenging the Zoning Administrator's approval of a Coastal Administrative Permit and Design Approval to allow the demolition of a 1,836 square foot one-story single-family dwelling with a 563 square foot attached two-car garage, and the construction of a 2,464 square foot one-story single-family dwelling with a 390 square foot attached two-car garage;
- 2) Find the project categorically exempt from CEQA per Section 15302 of the CEQA Guidelines and that there are no unusual circumstances; and
- 3) Approve a Coastal Administrative Permit and Design Approval to allow the demolition of a 1,836 square foot one-story single-family dwelling with a 563 square foot attached two-car garage, and the construction of a 2,464 square foot one-story single-family dwelling with a 390 square foot attached two-car garage, subject to fifteen (15) conditions of approval.

2874 Pradera Road, Carmel Meadows, Carmel Area Land Use Plan (APN: 243-053-005-000)

The Appeal by Courtney Meyers from the decision by the Zoning Administrator to categorically exempt and approve a Coastal Administrative Permit and Design Approval to allow the demolition of a 1,836 square foot one-story single-family dwelling with a 563 square foot attached two-car garage, and the construction of a 2,464 square foot one-story single-family dwelling with a 390 square foot attached two-car garage (Black Crow LLC application - PLN160348) came on for a public hearing before the Monterey County Board of Supervisors on June 27, 2017. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

FINDINGS

1. **FINDING:** **PROCESS** – The County has processed the subject Coastal Administrative Permit and Design Approval application (RMA-

- Planning File No. PLN160348/Black Crow LLC) (“project”) in compliance with all applicable procedural requirements.
- EVIDENCE:**
- a) On August 9, 2016, pursuant to Monterey County Code (MCC) Sections 20.76 and 20.44, Black Crow LLC (Applicant) filed an application for a discretionary permit to allow the demolition of a 1,836 square foot one-story single-family dwelling with a 563 square foot attached two-car garage, and the construction of a 2,464 square foot one-story single-family dwelling with a 390 square foot attached two-car garage on a project site located at 2874 Pradera Road, Carmel Meadows (Assessor’s Parcel Number 243-053-005-000), Carmel Area Land Use Plan, Coastal Zone.
 - b) Monterey County RMA-Planning noticed the project for administrative review on March 15, 2017. During the noticing period, the County received two requests for public hearing; therefore, the project was set for public hearing and consideration before the Zoning Administrator on April 27, 2017.
 - c) Due to the requests for a public hearing, the project was referred to the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) for review prior to the Zoning Administrator public hearing. The LUAC, at a duly-noticed public meeting at which all persons had the opportunity to be heard, reviewed the proposed project on April 17, 2017. See also Finding No. 2 (Consistency), Evidence u; and Finding No. 5 (Appeal), Evidences b and d.
 - d) The Monterey County Zoning Administrator held a duly-noticed public hearing on the Black Crow LLC application on April 27, 2017. Notices for the Zoning Administrator public hearing were published in the Monterey County Weekly on April 13th, posted at and near the project site on April 17th, and mailed to vicinity property owners and interested parties on April 13th.
 - e) On April 27, 2017, after review of the application and submitted documents, and a duly-noticed public hearing at which all persons had the opportunity to be heard, the Zoning Administrator categorically exempted and approved a Coastal Administrative Permit and Design Approval to allow the proposed development (Monterey County Zoning Administrator Resolution No. 17-026).
 - f) Courtney Meyers (Appellant), pursuant to MCC Section 20.86.030.C, timely filed an appeal from the April 27, 2017, decision of the Zoning Administrator. The appeal challenged the Zoning Administrator’s approval of the Coastal Administrative Permit and Design Approval, and contended that there was a lack of a fair or impartial hearing, and that the findings or decision or conditions are not supported by the evidence. See Finding No. 5 (Appeal) for the text of the Appellants’ contentions and the County responses to the appeal.
 - g) Pursuant to MCC Sections 20.86.030.C and E, an appeal shall be filed with the Clerk of the Board of Supervisors within 10 days after written notice of the decision of the Appropriate Authority (i.e., Zoning Administrator Resolution No. 17-026) has been mailed to the Applicant, and no appeal shall be accepted until the notice of decision has been given (i.e., mailed). The County mailed the written notice of the decision on April 27, 2017, and said appeal was filed with the

Clerk of the Board of Supervisors on May 8, 2017, within the 10-day timeframe prescribed by MCC Section 20.86.030.C. [Note: The 10th day of the appeal period fell on a County non-work day, and it is the County's practice to extend an appeal period to the next work day if the 10th day falls on a non-work day.] The appeal hearing is de novo. A complete copy of the appeal is on file with the Clerk of the Board, and is attached to the June 27, 2017, staff report to the Board of Supervisors as Attachment C.

- h) Said appeal was timely brought to a duly-noticed public hearing before the Monterey County Board of Supervisors on June 27, 2017. Notice of the hearing was published on June 15, 2017, in the Monterey County Weekly; notices were mailed on June 13, 2017, to all property owners and occupants within 300 feet of the project site, and to persons who requested notice; and at least three (3) notices were posted at and near the project site on June 14, 2017.
- i) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File No. PLN160348; Clerk of the Board of Supervisors' file(s) related to the appeal.

2. **FINDING:** **CONSISTENCY / HEALTH AND SAFETY / NO VIOLATIONS / SITE SUITABILITY** - The proposed project and/or use, as conditioned, is consistent with the policies of the Carmel Area Land Use Plan (LUP) and other County health, safety, and welfare ordinances related to land use development. The site is physically suitable for the development proposed, and no violations exist on the property.

- EVIDENCE:**
- a) The proposed project involves the demolition of a 1,836 square foot one-story single-family dwelling with a 563 square foot attached two-car garage, and the construction of a 2,464 square foot one-story single-family dwelling with a 390 square foot attached two-car garage.
 - b) The property is located at 2874 Pradera Road, Carmel Meadows (Assessor's Parcel Number 243-053-005-000), Carmel Area Land Use Plan, Coastal Zone. The parcel is zoned Medium Density Residential/2 units per acre, with a Design Control overlay and an 18-foot height limit (Coastal Zone) [MDR/2-D(18)(CZ)]. MDR zoning allows residential development as a principle use subject to the granting of a Coastal Administrative Permit.
 - c) The 0.187-acre (8,160 square feet) lot was created with the Carmel Meadows Unit No. 4 Final Map at Volume 6, Cities and Towns, Page 116, recorded on July 17, 1957, and is thus a legal lot.
 - d) No conflicts were found to exist. The County received communications from interested members of the public during the course of project review indicating inconsistencies with the text, policies, and regulations in the applicable plans and Monterey County Code (MCC); however, the County finds that the project is consistent with the text, policies, and regulations in the applicable documents.
 - e) Pursuant to MCC, Coastal Administrative Permits and administrative Design Approvals are considered and approved by the RMA Chief of

Planning, unless an interested party requests a public hearing for the proposed project. After noticing for administrative review on March 15, 2017, the County received two requests for public hearing. Therefore, the project was set for public hearing and consideration before the Zoning Administrator.

- f) The concerns expressed in the two requests for public hearing involved possible impacts to private views, neighborhood character, drainage, and light pollution. The requestors also expressed concern that the applicable land use advisory committee did not review this project, and that the staking and flagging was not clearly visible before being damaged by wind. These concerns remain relevant to the appeal and are addressed below in Evidences g, h, i, j, k, l, m, n, and o. Also, see Evidence u below regarding review by a land use advisory committee.
- g) Zoning Development Standards. The development standards for the MDR zoning district are identified in MCC Section 20.12.060. Required setbacks in this MDR district are 20 feet (front), 10 feet (rear), and 5 feet (sides). The proposed structure would have a front setback of 20 feet, a rear setback of 17 to 19 feet, and side setbacks of 6 and 8 feet. The proposed setbacks are similar to those of the existing residence. The site coverage maximum in this MDR district is 35 percent, and the floor area ratio maximum is 45 percent. The existing lot is approximately 8,160 square feet, which would allow site coverage of approximately 2,856 square feet and floor area of approximately 3,672 square feet. The proposed single-family dwelling and attached garage would result in both site coverage and floor area of approximately 2,854 square feet (34.9 percent), an increase of 455 square feet over the existing 2,399 square feet (29.3 percent) of site coverage and floor area. The proposed design layout would be similar to the adjacent properties and other residences in the immediate vicinity. The proposed design does not significantly increase the bulk and mass of the existing dwelling, and is consistent with the surrounding neighborhood character (see Evidences i and o below regarding Neighborhood Character and Design). The maximum allowed height in this MDR district is 18 feet. The height of the proposed structure would increase from approximately 14.85 feet to 17 feet. See also Evidence m below regarding maximum height allowed and height verification.
- h) Private views. Regarding the proposed height and its potential impact on views from the surrounding residences, private views are not protected under the Carmel Area Land Use Plan or applicable MCC. See also Evidence n below.
- i) Neighborhood Character. The proposed dwelling would increase in size by 455 square feet, would remain a single-story structure, and would meet all applicable development standards. Also, the proposed design layout would be similar to the 2 adjacent properties on either side, as well as 8 other residences in the immediate vicinity. The County also granted a Variance to an adjacent residence to allow 45 percent coverage (a reduction from a non-conforming 51 percent). Therefore, the County finds that the proposed single-family dwelling does not significantly increase the bulk and mass of the existing

dwelling, is consistent with the size and scale of surrounding residences, and that the proposed bulk and mass are consistent with the surrounding neighborhood character. See also Evidences m and o below.

- j) Drainage. Based on the Drainage and Erosion Control Plan (Plan Sheet A1.4 of Exhibit 2 to Attachment B of the Board of Supervisors June 27, 2017, staff report) submitted by the Applicant, stormwater runoff from the proposed structure would be directed into curtain drains, gravel and dispersion trenches, and vegetated areas of the property. RMA-Environmental Services reviewed the submitted application materials, and applied conditions as necessary to ensure drainage or runoff design measures are implemented (Erosion Control Plan, Grading Plan, Stormwater Control Plan, inspections, and geotechnical certification - Condition Nos. 8, 9, 10, 11, 12, 13, 14, and 15).
- k) Interior Lighting. A proposed clerestory would add height to the proposed residence, and would face residences to the southeast; however, the County does not regulate interior lighting and does not protect private views (see Evidence h above). No evidence has been submitted that demonstrates how a clerestory would cause more light pollution than skylights, which were suggested as an alternative. Even with the clerestory, the proposed structure would remain one foot under the allowed maximum height (see Evidence g above and Evidence m below). Also, many residences in Carmel Meadows have either skylights, second-stories, or second-story architectural features such as clerestories and roof decks.
- l) Staking and Flagging. The Applicant submitted photographs of the initial staking and flagging installed in August 2016. Allegedly, thick smoke from the Soberanes fire prevented neighbors from making an adequate assessment of visual impacts based on the initial staking and flagging, and that by the time the smoke cleared, wind had damaged large portions of the flagging. Therefore, the Applicant re-installed staking and flagging on or about March 29, 2017. As directed by the County, the Applicant installed orange netting to delineate the corners and ridge peaks of the proposed structure. The County did not require more extensive staking and flagging for the following reasons: the project site is not within the General Viewshed, as shown on Map A of the Carmel Area Land Use Plan; and the project does not involve ridgeline development. The County's adopted staking and flagging criteria allow flexibility and discretion in determining the scope of staking and flagging required for a project. Based on a County staff site inspection on March 30, 2017, the re-installed staking and flagging was intact and the weather clear enough for an adequate assessment of potential visual impacts. The re-installed staking and flagging provided sufficient visual reference for the County to determine potential visual impacts to the public viewshed and satisfied the County's requirement for review. See also Evidence n below.
- m) Height Verification. The zoning district has a height limit of 18 feet above average natural grade. The proposed dwelling and garage would have a height of 17 feet above average natural grade.

Condition No. 6, Height Verification, is applied to ensure the height of the finished structure conforms to the plans and the maximum allowed height limit.

- n) Visual Resources/Public Viewshed. The project, as proposed, is consistent with the Carmel Area Land Use Plan (LUP) policies regarding Visual Resources (Chapter 2.2), and will have no impact on the public viewshed. The project planner conducted a site inspection on March 30, 2017, to verify that the project minimizes development within the public viewshed. The project site is not within the public viewshed and is not visible from Highway 1 due to screening from topography and existing structures. The proposed single-family dwelling would also not detract from the natural beauty of the surrounding undeveloped ridgelines and slopes in the public viewshed (LUP Policy 2.2.3.1). The project site is also located in a residential neighborhood, the Carmel Meadows subdivision, and the adjacent parcels have been developed with single-family dwellings. Per LUP Policy 2.2.3.6, the proposed structure would be subordinate to and blend into the environment, using appropriate exterior materials and earth tone colors that give the general appearance of natural materials.
- o) Design. Pursuant to MCC Chapter 20.44, the proposed project site and surrounding area are designated as a Design Control Zoning District (“D” zoning overlay), which regulates the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character. The proposed exterior colors and materials include earth-tone (light beige) stucco walls and natural wood roofing. The proposed exterior finishes blend with the surrounding environment, are consistent with the surrounding residential neighborhood character, and are consistent with other dwellings in the neighborhood. As proposed, the project assures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity.
- p) Cultural Resources. The project site is within an area of high sensitivity for prehistoric cultural resources; however, the entire parcel has been disturbed by previous structural and hardscape development, as well as landscaping. There is no evidence that any cultural resources would be disturbed (Carmel Area Land Use Plan Policy 2.8.2), and the potential for inadvertent impacts to cultural resources is limited and will be controlled by application of the County’s standard project condition (Condition No. 3) which requires the contractor to stop work if previously unidentified resources are discovered during construction. In addition, a Phase I Historic Report (LIB160273) prepared for the project determined the existing single-family dwelling lacks any historic significance and cannot be considered a historic resource.
- q) The project has been reviewed for site suitability by the following departments and agencies: RMA-Planning, Carmel Highlands Fire Protection District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed

development, and the respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood. Conditions recommended by RMA-Planning, RMA- Public Works, and RMA-Environmental Service have been incorporated.

- r) The following technical reports have been prepared:
 - Phase I Historic Report (LIB160273) prepared by Kent L. Seavey, Pacific Grove, California, July 30, 2016.
 - Geotechnical Report (LIB160272) prepared by Grice Engineering, Inc., Salinas, California, July 10, 2016.County staff has independently reviewed these reports and concurs with their conclusions.
- s) Necessary public facilities are available. The existing single-family dwelling has public water and sewer connections provided by the California American Water Company and the Carmel Area Wastewater District, respectively, and will continue to use these same connections. The Environmental Health Bureau reviewed the project application and did not apply any conditions of approval.
- t) Monterey County RMA-Planning and RMA-Building Services records were reviewed, and the County is not aware of any violations existing on the subject property.
- u) Pursuant to the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, administrative (i.e., projects not requiring a public hearing) permits and design approvals are not normally sent to the LUACs for review. However, due to the requests for a public hearing, the project was referred to the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) for review. The LUAC reviewed the proposed project at a duly-noticed public meeting on April 17, 2017, and voted 3 – 0 to recommend approval with the following comments: 1) correct the eave overhang on the southeast corner; 2) thoroughly investigate the drainage; and 3) consider use of railing and/or transparent material instead of a solid wall for the roof deck and stairs leading to the deck. In response to the LUAC’s recommendations and comments, the Applicant submitted revised plans to reduce the eave overhang on the southeast corner to comply with setback requirements. Regarding site drainage, Condition No. 10 requires the Applicant to submit a detailed stormwater control plan, which the County will review and approve prior to issuance of grading or building permits. Regarding the use of transparent material, the Applicant has chosen to retain the proposed design for the deck and stairs, which includes a solid wall around the deck area and metal stairs with steel stringer and treads.
- v) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File No. PLN160348; Clerk of the Board of Supervisors’ file(s) related to the appeal.

3. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.
- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15302 categorically exempts the replacement or reconstruction of existing structures where the new structure(s) will be located on the same site as the structure(s) replaced and will have substantially the same purpose and capacity as the structure(s) replaced.
 - b) The subject project consists of the demolition of a single-family dwelling, and construction of a single-family dwelling on a residentially-zoned parcel within a developed neighborhood. Therefore, the proposed development is consistent with CEQA Guidelines Section 15302.
 - c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. There is no substantial evidence of an unusual circumstance because there is no feature or condition of the project that distinguishes the project from the exempt class. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway. There is no substantial evidence that would support a fair argument that the project has a reasonable possibility of having a significant effect on the environment or that it would result in a cumulative significant impact.
 - d) No adverse environmental effects were identified during staff review of the development application, nor during a site visit on March 30, 2017.
4. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and applicable Local Coastal Program, and does not interfere with any form of historic public use or trust rights.
- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.146.130 of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) The subject property is not described as an area where the applicable Local Coastal Program requires public access (Figure 3, Public Access, in the Carmel Area Land Use Plan).
 - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - d) Staff conducted a site inspection on March 30, 2017, to verify that the proposed project would not impact public access.
 - d) The Carmel Area Land Use Plan Policy 5.3.3.4.c protects public visual access and requires that structures and landscaping placed upon land west of Highway 1 shall be sited and designed to retain public views of the shoreline. The subject property is located west of Highway 1; however, the subject property does not obstruct public views of the shoreline from the Highway 1, therefore construction of the proposed single-family dwelling will not obstruct public visual access.

5. **FINDING:** **APPEAL** – Upon consideration of the documentary evidence, the staff report, the oral and written testimony, and all other evidence in the record as a whole, the Board responds as follows to the Appellant’s contentions:
- EVIDENCE:** a) The Appellant (Courtney Meyers), pursuant to MCC Section 20.86.030.C, timely filed an appeal from the April 27, 2017, decision of the Zoning Administrator (see also Finding No. 1, Process, Evidences f and g). The appeal challenged the Zoning Administrator’s approval of the Coastal Administrative Permit and Design Approval, and contended that there was a lack of a fair or impartial hearing, and that the findings or decision or conditions are not supported by the evidence.

In summary, the appeal raised three specific contentions:

- 1) the LUAC was improperly noticed, and the LUAC was not listed as a reviewing agency in the staff report prepared for the ZA public hearing on April 27, 2017;
- 2) the development was improperly staked and flagged to show that a proposed exterior stairway encroaches into the side setback, and the front south corner of the proposed building extends to the property boundary; and
- 3) LUAC comments and recommendations were not included in the staff report prepared for the ZA public hearing on April 27, 2017, so the ZA heard them for the first time on the day of the public hearing.

See the text of the Appellant’s contentions and the County’s responses to those contentions in Evidences b, c, and d below.

- b) Appellant’s Specific Contention A: The Appellant stated: **“The LUAC was improperly noticed (Noticed on Friday for a Monday hearing). We were notices (sic.) on Friday for a Monday hearing.”**

The Appellant also stated: **“LUAC not listed in reviewing agencies, and should have been included.”**

Pursuant to the Monterey County LUAC Procedure guidelines adopted by the Board of Supervisors on April 28, 2015 (Exhibit 1 to Board Resolution 15-103), LUAC meetings shall be noticed, and the LUAC agenda shall be publicly posted, in accordance with the Brown Act. The Brown Act states: *At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency’s Internet Web site, if the local agency has one.*

The agenda of the Carmel Unincorporated/Highlands LUAC meeting for April 17, 2017, was publicly posted at the meeting location

(Carmel Highlands Fire Protection District at 73 Fern Canyon Road, Carmel Highlands) at least 72 hours in advance of the meeting. The specific matter was listed on the agenda as Scheduled Item 1, Black Crow LLC. The County also posted the agenda on the RMA-Planning public website, and on a bulletin board outside the County's Government Center Building in downtown Salinas. The notice posting locations are freely accessible to members of the public, and the RMA-Planning public website also includes a map to the meeting location. Although not required by the Brown Act, the County also mailed notices to owners and occupants of properties within 300 feet of the project site. The County mailed the LUAC meeting notices on April 3, a full two weeks before the LUAC meeting date on April 17, 2017. Notices were mailed to both the Appellant's local and out-of-state address. The Appellant's statement also confirms that she received adequate notice of the LUAC meeting. The County reviewed the Carmel Unincorporated/Highlands LUAC notice for April 17, 2017, and determined it provided accurate information regarding the project's general scope and location.

The LUAC held the public meeting in its regular location, the Carmel Highlands Fire Protection District (PBCSD) Conference Room, 73 Fern Canyon Road, Carmel Highlands. The meeting was held at its regularly-scheduled time, 4:00 p.m., on Monday, April 17, 2017. At the LUAC meeting, the LUAC members did not limit comment and all attendees, including the Appellant, were provided an opportunity to speak, and the public comments and LUAC review for this project lasted over one hour.

Regarding the listing of the LUAC as a reviewing agency under Other Agency Involvement, it is not the County's practice to list the LUAC as a reviewing agency in the staff report prepared for a project. If a project is reviewed by a LUAC, it is the County's practice to present separately under Other Agency Involvement information regarding the date the LUAC reviewed the project and, if available, comments and recommendations of the LUAC. The April 27, 2017, staff report to the Zoning Administrator identified that the project had been referred to the Carmel Unincorporated/Highlands LUAC, but that the LUAC's recommendation would not be available in time to include in the staff report and that County staff would inform the Zoning Administrator of the LUAC's recommendation at the public hearing on April 27, 2017. See also Evidence d below.

- c) Appellant's Specific Contention B: The Appellant stated: **"Development was improperly staked. Proposed attached stairwell to deck is not staked or flagged and is potentially in the 5 foot side setback. Field staking and flagging is inaccurate. Front south corner of building goes all the way to edge of property and is incorrect (see attached photo). Also, exterior attached stairway to access roof top deck not staked."**

As directed by the County, the Applicant installed orange netting to delineate the corners and ridge peaks of the proposed structure. The

County did not require more extensive staking and flagging for the following reasons: the project site is not within the General Viewshed, as shown on Map A of the Carmel Area Land Use Plan; and the project does not involve ridgeline development. The County's adopted staking and flagging criteria allow flexibility and discretion in determining the scope of staking and flagging required for a project. Based on a County staff site inspection on March 30, 2017, the re-installed staking and flagging was intact and the weather clear enough for an adequate assessment of potential visual impacts. The re-installed staking and flagging provided sufficient visual reference for the County to determine potential visual impacts to the public viewshed and satisfied the County's requirement for review. See also Finding No. 2, Evidence 1.

The proposed stairwell to the roof deck meets the required setback, as shown on page A1.3 of the proposed plans (see attached Exhibit 2). The proposed stairwell is also shown on pages A1.4, A2.2, A2.4, A3.1, and R-1 of the proposed plans.

Following the LUAC's recommendation, the Applicant submitted revised plans to reduce the eave overhang on the southeast corner to comply with setback requirements. The decision of the Zoning Administrator on April 27, 2017, included the revised plans.

- d) Appellant's Specific Contention C: The Appellant stated: **"LUAC suggestions and concerns were not included prior to the ZA hearing. They were heard for the first time at the hearing. See attached for specific conditions. LUAC's suggestions were not given to the ZA prior to the hearing, and were heard for the first time that day. LUAC had three recommendations, and the third recommendation was completely ignored. LUAC concerns recommended with a 3-0 vote to approve with the following recommendation - 1) length of the eave (addressed) ;2) drainage (addressed) and 3) railing (should be transparent). LUAC's lte LUACm 3 recommendation wa not addressed at all and completely ignored as stated in lu (sic)."**

As noted in the staff report prepared for the Zoning Administrator public hearing on April 27, 2017, the LUAC reviewed the proposed project on April 17, 2017; therefore, the comments and recommendation of the LUAC were not available for inclusion in the staff report and were added to the record at the Zoning Administrator public hearing. This is a common County practice for administrative projects that are referred to public hearing, does not violate process requirements, and does not minimize the concerns raised at the LUAC meeting. If a significant issue had been raised at or by the LUAC, then County staff could have modified its recommendation to the Zoning Administrator.

Based on the LUAC's comments and recommendation (see Finding No. 2, Evidence u), the Applicant submitted revised plans to reduce the eave overhang on the southeast corner to comply with setback

requirements. The County has applied Condition No. 10 to require the Applicant to submit a stormwater control plan, which the County will review and approve prior to issuance of grading or building permits. Regarding consideration of transparent material for the roof deck, the Applicant has chosen to retain the proposed design for the deck and stairs, which includes a solid wall around the deck area and metal stairs with steel stringer and treads. This is consistent with the LUAC's recommendation to consider the use of transparent material.

6. **FINDING:** **APPEALABILITY** – The decision on this project may be appealed to the California Coastal Commission.
Coastal Commission. Pursuant to Section 20.86.080.A of the Monterey County Zoning Ordinance (Title 20), the project is subject to appeal by/to the California Coastal Commission because it is located between the sea and the first through public road paralleling the sea (Highway 1). The project site is not located within 300 feet of the inland extent of any beach or of the mean high tide line of the sea, or located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream or within 300 feet of the top of the seaward face of any coastal bluff.

DECISION

NOW, THEREFORE BE IT RESOLVED, based on the above findings and evidence, and the administrative record as a whole, that the Board of Supervisors does hereby:

- A. Certify that the foregoing recitals and findings are true and correct;
- B. Deny the appeal by Courtney Meyer challenging the Zoning Administrator's approval of a Coastal Administrative Permit and Design Approval to allow the demolition of a 1,836 square foot one-story single-family dwelling with a 563 square foot attached two-car garage, and the construction of a 2,464 square foot one-story single-family dwelling with a 390 square foot attached two-car garage;
- C. Find the project categorically exempt from CEQA per Section 15302 of the CEQA Guidelines and that there are no unusual circumstances; and
- D. Approve the Coastal Administrative Permit and Design Approval (RMA-Planning File No. PLN160348) to allow the demolition of a 1,836 square foot one-story single-family dwelling with a 563 square foot attached two-car garage, and the construction of a 2,464 square foot one-story single-family dwelling with a 390 square foot attached two-car garage, in general conformance with the attached plans and fifteen (15) conditions of approval, both being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED upon motion of Supervisor _____, seconded by Supervisor _____, and carried this 27th day of June, 2017, by the following vote to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

I, Gail T. Borkowski, 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 Minute Book _____ for the meeting on June 27, 2017.

Date:
File Number:

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy