



Legislation Details (With Board Report)

**File #:** 12-767      **Name:** Michael Merritt  
**Type:** General Agenda Item      **Status:** Passed  
**File created:** 8/10/2012      **In control:** Board of Supervisors  
**On agenda:** 8/28/2012      **Final action:** 8/28/2012  
**Title:** Public hearing to consider:  
a. Denial of an appeal by Barry and Tricia Smith from the decision of the Director of the County of Monterey Resource Management Agency-Planning Department granting a Design Approval (Merritt/PLN120348) to allow a replacement fence of less than 6 feet tall;  
b. Finding the project categorically exempt from CEQA pursuant to CEQA Guidelines Section 15303 (e); and  
c. Approval of the Design Approval to allow the replacement of existing fence less than 6 feet tall. (Appeal of a Design Approval - PLN120348/Merritt, 24505 South San Luis Avenue, Carmel, Carmel Area Land Use Plan, Coastal Zone) ADDED VIA ADDENDUM

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment A - Discussion, 2. Attachment B - Draft Resolution, 3. Attachment B - Exhibit 1 - Conditions of Approval, 4. Attachment B - Exhibit 2 - Project Plans, 5. Attachment C - Notice of Appeal (June 29, 2012), 6. Attachment D - Design Approval Application, 7. Attachment E - Vicinity Map, 8. Attachment F - Encroachment Permit, 9. Attachment G - Project Correspondence, 10. Completed Board Order & Resolution, 11. Revised Completed Board Order & Resolution (Exhibit 1 Resolution No. added)

Date	Ver.	Action By	Action	Result
8/28/2012	1	Board of Supervisors	approved	Pass

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PROJECT INFORMATION:

**Planning File Number:** PLN120348  
**Owner:** Michael and Cheryl Merritt  
**Project Location:** 24505 South San Luis Avenue, Carmel  
**APN:** 009-041-024-000  
**Plan Area:** Carmel Area Land Use Plan  
**Flagged and Staked:** No  
**CEQA Action:** Exempt

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Deny an appeal by Barry and Tricia Smith from the decision of the Director of the County of Monterey Resource Management Agency-Planning Department granting a Design Approval (Merritt/PLN120348) to allow a replacement fence of less than 6 feet tall;
- b. Find the project categorically exempt from CEQA pursuant to CEQA Guidelines Section 15303(e); and
- c. Approve the Design Approval to allow the replacement of existing fence less than 6 feet tall.

SUMMARY:

On May 21, 2012, Michael and Cheryl Merritt applied for a Design Approval to build a replacement fence located partially within the public right-of-way. On May 21, 2012, the Director of RMA-Planning Department approved the Design Approval for the project.

On June 29, 2012, the Appellant, Barry and Tricia Smith, filed a timely appeal from the Director of RMA-Planning Department's approval of the Design Approval. The appeal is brought on the basis that the findings or decision or conditions are not supported by the evidence. The appellant contends that the submitted plans were incomplete and as a result, the concerns and approval could not be addressed accurately by the Planning Department.

DISCUSSION:

Detailed discussion is provided in **Attachment A**.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:  
Public Works Department

FINANCING:

Funding for staff time associated with this project is included in the FY12-13 Adopted Budget for the Planning Department.

Prepared by: Delinda Robinson, Senior Planner ext. 5198

Approved by: Mike Novo, Director, RMA-Planning, ext. 5192

<mailto:> Benny Young, Director Resource Management Agency

This report was prepared with assistance by Delinda Robinson, Senior Planner, and reviewed by Laura Lawrence, Planning Services Manager

cc: Front Counter Copy; Monterey County Board of Supervisors; Mike Novo, Director of Planning; Laura Lawrence, Planning Services Manager; Public Works Department; Michael and Cheryl Merritt, Applicant/Owner; Barry and Tricia Smith, Appellant; The Open Monterey Project; LandWatch; Project File PLN120348

The following attachments on file with the Clerk of the Board:

- Attachment A Discussion
- Attachment B Draft Resolution, including:
  - Exhibit 1 Conditions of Approval
  - Exhibit 2 Project Plans
- Attachment C Notice of Appeal (June 29, 2012)

Attachment D	Design Approval Application
Attachment E	Vicinity Map
Attachment F	Encroachment Permit
Attachment G	Project Correspondence