



County of Monterey

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

Legislation Details (With Board Report)

File #: RES 17-075 **Name:** PLN140483 - Spindrift Appeal
Type: BoS Resolution **Status:** Passed
File created: 6/1/2017 **In control:** Board of Supervisors
On agenda: 6/13/2017 **Final action:** 6/13/2017
Title: PLN140483 - Spindrift View Partners LLC
Public hearing to adopt a resolution for an appeal by Highlands Covenants Group from the Zoning Administrator's approval of an application for after-the-fact permits to allow construction of a test well within 750 feet of a known archaeological resource, to abate code violation (CE020247).
CEQA Action: Categorical exemption per Section 15303(d) of the California Environmental Quality Act (CEQA) Guidelines
Project Location: 161 B Spindrift Road, Carmel Area Land Use Plan

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Discussion, 3. Attachment B - Draft Resolution, 4. Attachment C - Notice of Appeal, 5. Attachment D - ZA Resolution, 6. Attachment E - Vicinity Map, 7. Attachment F - Map of CA ASBS - Carmel and Point Lobos, 8. Attachment G - Technical Reports, 9. Attachment H - Carmel Highlands LUAC Minutes, 10. Attachment I - Correspondence, 11. Completed Board Order and Resolution

Date	Ver.	Action By	Action	Result
6/13/2017	1	Board of Supervisors	adopted	Pass

PLN140483 - Spindrift View Partners LLC

Public hearing to adopt a resolution for an appeal by Highlands Covenants Group from the Zoning Administrator's approval of an application for after-the-fact permits to allow construction of a test well within 750 feet of a known archaeological resource, to abate code violation (CE020247).

CEQA Action: Categorical exemption per Section 15303(d) of the California Environmental Quality Act (CEQA) Guidelines

Project Location: 161 B Spindrift Road, Carmel Area Land Use Plan

PROJECT INFORMATION:

Planning File Number: PLN140483

Owner: Spindrift View Partners, LLC

Project Location: 161 B Spindrift Road, Carmel

APN: 241-191-005-000

Agent: Tina Hannas

Plan Area: Carmel Area Land Use

Flagged and Staked: No

CEQA Action: Categorically Exempt per Section 15303(d)

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution to:

- Deny the appeal by Highlands Covenants Group challenging the Zoning Administrator's approval of PLN140483 for after-the-fact permits to allow construction of a test well within 750 feet of a known archaeological resource.

- b. Find the project categorically exempt per Section 15303(d) of the CEQA Guidelines, and that there are no unusual circumstances associated with this project.

Approve an after-the-fact Combined Development Permit consisting of a: 1) Coastal Administrative permit to allow construction of a test well; and 2) Coastal Administrative Permit to allow development within 750 feet of a known archaeological resource, to abate code violation (CE20247)

The Zoning Administrator approved the project subject to 16 conditions of approval. A draft resolution with findings and evidence denying the appeal and approving the project is attached for the Board's consideration (**Attachment B**).

SUMMARY:

In 2002, a code enforcement case was opened for a well constructed on the subject property without necessary permits (CE020247). The owner obtained a well construction permit from the County but a test well in the coastal zone requires a Coastal Administrative permit, which was not obtained.

In June of 2014, Spindrift View Partners, LLC applied for a permit to clear code enforcement case CE020247 to allow the abandonment of a test well constructed without a Coastal Development Permit and to construct a new test well on the same property in a different location. During review of the application, it was brought to the attention of RMA staff that the proposed new test well was located near environmentally sensitive habitat (a wetland). In response, the applicant revised the project to include permitting the previously constructed unpermitted test well, rather than allowing the construction of a new test well. "The project" now includes re-opening a previously existing test well that was constructed and then partially destroyed without permits.

On April 13, 2017, the revised project was approved by the Zoning Administrator (Resolution No. 17-025, attached as **Attachment D**). The Zoning Administrator's approval was timely appealed by Highlands Covenants Group on April 27, 2017. The appeal contends that the project does not comply with California Environmental Quality Act (CEQA) or the Carmel Land Use Plan regarding development within or near riparian corridors, arguing that a well is the first step to building a new residence. The written appeal contentions are attached as **Attachment C** to this report.

Staff has reviewed the appellant's contentions together with the relevant information in the file and has concluded that the proposed development is more than 100 feet from environmentally sensitive habitat, includes only minor and minimal disturbance for equipment access and well drilling and is consistent with the applicable policies and regulations that designate the site for residential use. There is no other development proposed at this time. While a house may be developed in the future that would be subject to CEQA, and the location and design is not known at this time. Additional details regarding appellant contentions and responses to those contentions are provided in **Attachment A** (Discussion) and in the resolution (**Attachment B**).

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:

- √ Environmental Health Bureau
- √ RMA-Public Works
- √ RMA-Environmental Services
- √ Water Resources Agency
- √ Cypress Fire Protection District

√ Carmel/Carmel Highlands Land Use Advisory Committee

The proposed project was reviewed and approved by the Zoning Administrator on 13 April 2017.

FINANCING:

There is no fee for an appeal in the coastal zone. Funding for staff time associated with this project is included in the FY16-17 Adopted Budget for RMA-Planning.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action represents effective and timely response to our RMA customers. Processing this application in accordance with all applicable policies and regulations also provides the County accountability for proper management of our land resources.

Check the related Board of Supervisors Strategic Initiatives:

- ☐ Economic Development
- ☒ Administration
- ☐ Health & Human Services
- ☐ Infrastructure
- ☐ Public Safety

Prepared by: Jaime Scott Guthrie, Associate Planner, Ext. 6414

Reviewed by: Jacqueline R. Onciano, RMA Chief of Planning

Approved by: Carl P. Holm, AICP, RMA Director

This report was prepared with assistance by and reviewed by Craig Spencer.

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

Attachment A - Discussion

Attachment B - Draft Board Resolution including:

1. Conditions of Approval;
2. Site Plan

Attachment C - Notice of Appeal

Attachment D - Zoning Administrator Resolution

Attachment E - Vicinity Map

Attachment F - Map of California ASBS-Carmel and Point Lobos

Attachment G - Technical Reports including:

1. Biological Report by Ballerini, August 2014 (LIB150294)
2. Secondary Biological Report by Ballerini, May 2015 (LIB150295)
3. Arborist Report by Thompson, May 2015 (LIB150297)
4. Alternative Arborist Report by Hamb, July 2015 (LIB150292)
5. Wetland delineation by Zander (LIB170123)
6. Secondary Arborist Report by Thompson (LIB150296)
7. Updated Biological Report by Ballerini (LIB160374)
8. Updated Tree Protection Report by Thompson (LIB160373)
9. Methodology and Criteria by Zander, May 2017
10. Response to Contentions by Ballerini, May 2017

Attachment H - Carmel Highlands/Unincorporated Land Use Advisory Committee recommendation

Attachment I - Correspondence from the Appellant

1. Silkwood, 2 April 2015
2. Silkwood, 17 July 2015
3. Silkwood, 21 August 2015
4. Silkwood, 12 April 2017

cc: Front Counter Copy; California Coastal Commission; Brandon Swanson, RMA Services Manager; Tina Hannas, Agent; Robert Ching, Applicant/Owner; Pamela Silkwood, Appellant; The Open Monterey Project (Molly Erickson); LandWatch; John H. Farrow; Janet Brennan; Project File PLN140483