

Exhibit D

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Before the Planning Commission in and for the County of Monterey, State of California

In the matter of the application of:

KNOOP MICHAEL & MICHELLE (PLN200047)

RESOLUTION NO. 21 - 014

Resolution by the Monterey County Planning Commission:

- 1) Adopting a mitigated negative declaration pursuant to Section 15074 of the CEQA Guidelines;
- 2) Approving a combined development permit consisting of:
 - a. Lot line adjustment between two legal lots of record consisting of Lot 1 containing 185.06 acres (APN: 187-021-040-000) and Lot 2 containing 77.6 acres (APN: 187-021-041-000), resulting in Adjusted Lot 1 (141.35 acres) and Adjusted Lot 2 (121.31 acres);
 - b. Use permit to allow ridgeline development;
 - c. Administrative permit and design Approval to allow the construction of an approximately 4,000 square foot single family dwelling and 1,490 square foot detached accessory structure consisting of a garage and guesthouse, associated grading consists of 9,520 cubic yards of cut and 3,020 cubic yards of fill, with 5,330 cubic yards of cut to be balanced on site and 1,170 cubic yards to cut to be exported; and
 - d. Use permit for development on slopes 25 percent or greater; and
- 3) Adopting a condition compliance and mitigation monitoring and reporting plan.

100 and 120 Country Club Heights Road, Carmel Valley, Carmel Valley Master Plan, (APNs 187-021-041-000 and 187-021-040-000).

The Knoop application (PLN200047) came on for public hearing before the Monterey County Planning Commission on May 12 and May 26, 2021. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS AND EVIDENCE

1. **FINDING:** **CONSISTENCY** – The project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in the:
 - 2010 Monterey County General Plan;
 - Carmel Valley Master Plan;
 - Toro Area Plan;
 - Monterey

- b) The project involves a lot line adjustment between two legal lots of record: Lot 1 containing 185.06 acres (Assessor's Parcel Number 187-021-040-000) and Lot 2 containing 77.60 acres (Assessor's Parcel Number 187-021-041-000). After a transfer of 43.71 acres, the two lots result in Adjusted Lot 1 (141.35 acres) and Adjusted Lot 2 (121.31 acres). The project also involves construction of an approximately 4,000 square foot two-story single-family dwelling with a 1,490 square foot detached garage (930 square feet) and guesthouse (560 square feet), and road improvements such as re-surfacing and widening the private access Country Club Heights Road. The associated grading consists of 9,520 cubic yards of cut and 3,020 cubic yards of fill, with 5,330 cubic yards of cut to be balanced on site and 1,170 cubic yards to cut to be exported.

The intent of the LLA is to provide Lot 2 with suitable land to develop a two-story single-family dwelling because most of the existing lot contains steep slopes that are unsuitable for development. The LLA would transfer the northern portion of Lot 1 (100 Country Club Heights Rd, Carmel Valley) to Lot 2 (120 Country Club Heights Rd, Carmel Valley). This will move Lot 1's northeastern property line to the northwest, towards the western boundary. Lot 2 would receive approximately 43.71 acres, and each parcel would remain in conformance with all development standards.

The project is proposed for implementation in two phases due to the small construction window of April through October. This seasonal construction window is a result of preferable weather conditions and biological factors. Phase 1 includes construction of the single-family dwelling and detached accessory structure. All construction related vehicles and machinery would use the existing private road, Country Club Heights, to access the project site. Phase 2 includes improvements to Country Club Heights Road during the next construction window in 2022 or 2023, depending on completion of the single-family dwelling.

- c) The subject parcels (a total of 262.66 acres) are identified as portions of Parcel 3 in the 2013 Parcel Map (Page 63, Volume 21), as described in Document No. 2013044639. Therefore, the County recognizes the subject properties as two separate legal lots of record.
- d) The properties are located at 100 Country Club Heights Road (Lot 1: Assessor's Parcel Number 187-021-040-000) and 120 Country Club Heights Road, Carmel Valley (Lot 2: Assessor's Parcel Number 187-021-041-000), Carmel Valley Master Plan. Both Lot 1 and Lot 2 are split zoned: Rural Density Residential, 10 acres per unit, with Design Control, Site Plan Review and Residential Allocation Zoning overlays [RDR/10-D-S-RAZ] and Permanent Grazing, with a minimum building site of 40 acres and a Visual Sensitivity Zoning overlay [PG/40-VS]. None of the subject parcels are under Williamson Act contract or used for agricultural purposes. The proposed development, as well as the majority of each parcel, is located within the RDR/10-D-S-RAZ zoning district. The first single-family dwelling and guesthouse are allowed uses in the RDR zone., respectively. Therefore, as proposed, the project involves an allowed use for this site.

- e) The development proposal is subject to the Design Control Zoning District (“D” overlay), which regulates the location, size, configuration, materials, and colors of structures and fences to assure the protection of neighborhood character (Section 21.44 of Title 21). The proposed project is a contemporary style single-family dwelling. The primary colors and materials of the proposed project include a clerestory roof for the main residence, a living roof for the garage and guesthouse, concrete exterior for the garage, guesthouse and lower level of the main residence, blackened steel courtyard walls, weathered steel (Corten) entry paneling, and wood with anodized aluminum exterior doors and windows, which makes up most of the western façade that faces the public viewing areas at Garland Ranch Regional Park and Mid Valley, Carmel. The proposed exterior finishes blend with the surrounding environment. Condition No. 9 has been applied to ensure that all lighting is unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. A non-standard condition (Condition No. 27) has been applied to control visibility of the interior lighting from the exterior and reduce all potential glare. Therefore, as proposed, the project will not result in adverse visual impacts, and the project is consistent with the applicable scenic resource policies of the 2010 General Plan and the Carmel Valley Master Plan.
- f) An Administrative Permit is required for development within a Site Plan Review District (“S” overlay) where natural resources or site constraints could be affected or have an effect on development, dependent upon location on a site (Section 21.45 of Title 21). Development of residential structures on the Adjusted Lot 2 is constrained because the property comprises primarily slopes of greater than 25%, and the portion of the parcel with 25% or less slope that is suitable for development is both interspersed with several environmentally sensitive habitats (ESHA) and occupies a ridgetop. Altering steep hillsides for residential development would introduce impervious surfaces that contribute to accelerated runoff and erosion, increasing problems for downslope habitats and existing watercourses, and potentially imposing suboptimal drainage and landslide conditions requiring engineered mitigation measures, along with disturbance of ESHA. As to development on a ridge top, development could be allowed with the exceptions considered at a publicly noticed hearing pursuant to GP Policy OS-1.3 subject to a use permit in each case (See Finding 2). Policy OS-3.5 prohibits development on slopes 25% and greater unless there is no feasible alternative that would allow development to occur on slopes less than 25%. The lot line adjustment provides Adjusted Lot 2 an area that is less than 25% slope which creates a feasible alternative to development on slopes 25% and greater. Staff supports that avoidance of development on slopes 25% or greater is more compatible with the intent of the both the General Plan policies than avoidance of development on the ridgetop that would have a relatively mild effect on the public viewshed.
- g) The project proposal includes a restoration plan to offset approximately 2.6 acres of temporarily impacted California Tiger Salamander and California Reg Legged Frog upland habitats, and to revegetate areas of fill balanced onsite. Condition Nos. 24 and 25 are applied to the

project requiring the applicant/owner contract with a qualified professional biologist as the “project biologist” (Condition No. 24) who would ensure the Re-Vegetation Plan is implemented in accordance with recommendations for replanting, monitoring, and reporting (Condition No. 25). The project biologist shall ensure that Mitigation Measure No(s).1, 2, 3, 4, 5, 6, 7, and 8 and their respective actions are implemented on the subject parcel (Condition No. 24)

- h) There is no tree removal proposed in this project. A Tree Assessment (LIB210065) was submitted to staff for review because the original project scope included removal of 5 native Oak trees (all along Country Club Heights Road). The arborist determined that these trees needed to be removed due to the scope of the road improvement work. This tree assessment was amended on February 24, 2021. After consulting with the project engineers, the arborist indicated that all five trees may be retained through protection and avoidance. Therefore, the County has applied Condition No. 7, Tree and Root Protection, to ensure that all trees located near the project site (including the private road) are protected from development related activities.
- i) Pursuant to Section 66412(d) of the Subdivision Map Act (SMA), the SMA is inapplicable to the lot line adjustment due to the fact that the final outcome of the LLA is not more than four adjoining parcels, and a greater number of parcels than previously existed is not being created. The proposed lot line adjustment is between two contiguous separate legal parcels of record that will be adjusted, resulting in two contiguous separate legal parcels of record. Therefore, no new parcel would be created. The proposed lot line adjustment does not interfere with existing access and/or utility easements, which will remain unchanged. As an exclusion to the Subdivision Map Act, no map is recorded for a Lot Line Adjustment. To appropriately document the boundary changes, a Certificate of Compliance for each adjusted lot is required per a standard condition of approval (Condition No. 4).
- j) Review of Development Standards – Minimum Lot Size. The development standard for minimum lot size in the RDR zoning district is identified in MCC Section 21.16.060.A, which identifies a minimum building site of 5 acres. The two existing legal lots of record have a total combined area of 262.66 acres. As proposed, the lot line adjustment will transfer 43.71 acres from Lot 1 (Assessor’s Parcel 187-021-040-000) to Lot 2 (Assessor’s Parcel Number 187-021-041), resulting in two parcels containing 141.35 acres [Adjusted Lot 1] and 121.31 acres [Adjusted Lot 2]. Therefore, the resulting parcels exceed the minimum lot size requirement.
- k) Review of Development Standards – Density. Pursuant to MCC Section 21.16.060.B, the maximum development density shall not exceed the units/acre as shown for the specific “RDR” district as shown on the zoning map. The subject parcels are zoned RDR/10, which has a maximum gross density of 10 acres per unit. Both parcels have the ability to develop multiple units. A potential of 4 units will be transferred from Lot 1 (Assessor’s Parcel Number 187-021040-000) to Lot 2 (187-021-041-000). This project analyzes development of one single-family dwelling with a detached garage and guesthouse; no other

development is proposed or analyzed. Any future permitting of a second main dwelling unit on Lot 2 or a first main dwelling unit on Lot 1 would depend on other factors in addition to zoning (e.g., potable water credits and wastewater capacity) and would require separate discretionary review.

- l) Review of Development Standards – Setbacks and Height. The development standards for the RDR zoning district are identified in MCC Section 21.16.060. Required setbacks in the RDR district for main dwelling units are 30 feet (front), 20 feet (rear), and 20 feet (sides). As proposed, the single-family dwelling is setback approximately 700 feet from the front (east), 1,500 feet from the rear (west), and 400 and 950 feet from side setbacks, north and south respectively. Per MCC Section 21.64.020 and 21.16.060.D, guesthouses shall be located within close proximity of the principal residence and all accessory structures, such as the proposed garage, shall have a minimum distance of 10 feet from the principal residence. The proposed garage and guesthouse are located approximately 18 feet east of the proposed main residence.

Pursuant to MCC Section 21.16.060.C.1.b, the maximum main structure height is 30 feet. The proposed height for the single-family dwelling is approximately 12 feet 9 inches above the average natural grade. The proposed single-family dwelling's main level has a height of 16 feet while the lower level has a height of 10 feet, which totals approximately 26 feet. The maximum height for an accessory structure in RDR and a guesthouse is 15 feet, pursuant to MCC Section 21.16.060.C and MCC Section 21.64.020. The proposed garage and guesthouse are approximately 8 feet above average natural grade, with 3 feet 2 inches below average natural grade. The garage and guesthouse will have a total height of approximately 11 feet 2 inches. Based on the project site's existing grade, 18 inches will be above ground and will use a living roof and on-site fill to create a mound similar to the existing curvature of the knoll. After adjustment, Lot 2 will be 121.31. The proposed single-family dwelling, inclusive of the detached garage and guesthouse, and covered patios, results in site coverage of 6,705 square feet (0.12 percent). Therefore, as proposed, the proposed project would conform to height and setback standards.

- m) Review of Development Standards – Structural Coverage. Pursuant to MCC Section 21.16.060.E, the maximum allowed site coverage in the RDR district is 25 percent. Currently, Lot 1 (185.06 acres) has an allowed lot coverage of approximately 46 acres, and Lot 2 (77.6 acres) has an allowed lot coverage of approximately 19.4 acres. After the lot line adjustment, Lot 1 and Lot 2 will allow lot coverage of approximately 35.34 acres and 30.3 acres, respectively. Based on adjusted Lot 2's lot size (121.31 acres, or 5,284,262 square feet), site structural coverage of 30.3 acres, or 1,321,066 square feet would be allowed. The proposed single-family dwelling, inclusive of the detached garage and guesthouse, and covered pat

guesthouses. The detached guesthouse is a proposed 560 square foot floor area and total height of 11 feet 2 inches (approximately 8 feet above average natural grade). The guesthouse is designed in a way to reduce all potential viewshed impacts while still remaining compatible to the main residence. The County has applied Condition No. 12, Deed Restriction for Guesthouses, to ensure the unit will not be separately rented, let, or leased from the main residence. In accordance with the attached plans, the Environmental Health Bureau found no indication that the guesthouse contained a kitchen or cooking facilities or did not share the utilities with the main residence. Therefore, the detached guesthouse meets all standards established in MCC Section 21.64.020 and applicable MCC.

- o) The proposed project includes improvements to the existing private road (Country Club Heights Road). These improvements include widening the road to 12 feet as necessary and installing turnouts as required by the Monterey County Regional Fire District, and new road base and gate. A total of 1.85 acres of the existing dirt road will be improved. Pursuant to MCC Section 16.08.350, all private road construction involving grading, such as the proposed project, shall obtain a grading permit and shall meet specific requirements including having a slope less than 25 percent. Two sections of the proposed driveway/improved existing road are located on slopes exceeding 25 percent (a total of 3,976 square feet). Therefore, pursuant to MCC Section 21.64.230.C, a Use permit is required to allow such development on slopes exceeding 25 percent. A majority of the subject parcel has slopes exceeding 25 percent. Due to this constraint and the location of existing protected trees (Coast live oaks), two portions of the proposed driveway will be located on slopes exceeding 25 percent. There is no feasible alternative which would allow the driveway development to occur on slopes of less than 25 percent while still maintaining all other County Fire standards and protecting native trees. All other sections of the road meet the County Fire standard of 15 percent or less. The proposed road improvements will meet all other County Fire standards, including surface material, width, and turnouts. The proposed single-family dwelling exempts the private road from requiring a Private Road Agreement, Private Road Maintenance Condition, and Proof of Access Condition. The proposed road improvements meet all development standards required in applicable MCC.
- p) The Carmel Valley Land Use Advisory Committee (LUAC) reviewed the project at a duly noticed public meeting on November 16, 2020, and voted six (6) to zero (0) to deny the project as proposed because it is located on a ridgeline. Two neighbors of the subject parcel (Lot 2) commented at this LUAC: one neighbor stated disapproval of the project's proposed solar array location, lot line adjustment, and road improvements; and the other neighbor expressed support of the project. Two of the LUAC members raised concerns relating to the project's potential to have a visual impact from public viewing areas and recommended that landscape screening and window screening be incorporated. As a result, a motion was made to support the project with four recommendations: landscape screening, screening on windows and skylights, minimize solar array visual impact, and mitigate road visual

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