

ATTACHMENT NO. 2

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

Resolution No.

Resolution by the Monterey County Board of Supervisors:
a. Denying the appeal by Hermina Dallas from the Zoning Administrator's approval of a Coastal Administrative Permit and Design Approval for the construction of a single family dwelling; and
b. Approving the application of Chopin Enterprises, L.P. for a Coastal Administrative Permit and Design Approval to allow the construction of a 2,331 square foot two-story single family dwelling with a 354 square foot one-car garage and approximately 160 cubic yards of grading (150 cubic yards cut/10 cubic yards fill).
[Appeal of Coastal Administrative Permit – PLN100636, Chopin Enterprises, L.P., 24479 San Juan Road, Carmel, Carmel Area Land Use Plan]

The Appeal by Hermina Dallas from the Zoning Administrator's approval of the Chopin Enterprises, L.P. application (PLN100636) came on for public hearing before the Monterey County Board of Supervisors on December 13, 2011 and January 10, 2012. 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 subject Coastal Administrative Permit and Design Approval (PLN100636/Chopin) complies with all applicable procedural requirements.
EVIDENCE: a) On May 9, 2011, the Applicant filed an application for a Coastal Administrative Permit and Design Approval to allow the construction of a 2,331 square foot two-story single family dwelling with a 354 square foot one-car garage and approximately 160 cubic yards of grading (150 cubic yards cut/10 cubic yards fill).
b) The project was approved by the Monterey County Zoning Administrator on September 29, 2011.
c) On October 19, 2011, Hermina (Mitzi) Dallas ("Appellant") filed a timely appeal of the Zoning Administrator's approval of the Coastal Administrative Permit and Design Approval to allow the construction of a single family dwelling on the Property. The appeal is brought on the

basis that the decision is not supported by the evidence and is contrary to law. The appeal is attached as Attachment No. 3 to the January 10, 2012 staff report.

- d) The public hearing was noticed for December 13, 2011, and at the Appellant's request, with concurrence from the Applicant, the Board of Supervisors continued the hearing to January 10, 2012.
- e) Public notices for the appeal were published in *The Herald*, mailed to neighbors within 300 feet, and posted in three different public places pursuant to Monterey County Code Chapter 20.84.
- f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100636.

2. **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 1982 Monterey County General Plan;
    - Carmel Area Land Use Plan;
    - Monterey County Coastal Implementation Plan Part 4; and
    - Monterey County Zoning Ordinance (Title 20);

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at 24479 San Juan Road, Carmel (Assessor's Parcel Number 009-012-013-000), Carmel Area Land Use Plan. The parcel is zoned "MDR/2-D (CZ)" (Medium Density Residential, 2 Units per Acre with a Design Control overlay, Coastal Zone), which allows the first single family residence per legal lot of record as a primary use allowed subject to a Coastal Administrative Permit in each case. The project consists of the first single-family residence on the lot. Therefore, the project is an allowed land use for this site.
- c) Section 20.44.010 (Design Control District) of Title 20 requires that the application include a Design Approval to assure protection of the public viewshed and neighborhood character. The location, size, material and colors proposed for the single family dwelling have been reviewed by staff and the Carmel Unincorporated/Highlands Land Use Advisory Committee (see subsequent Evidence i) and were found to be consistent with Key Policy 2.2.2 of the Carmel Area Land Use Plan. The use of earth-toned colors consisting of natural-stained wood siding, wood-shingled roof with a skylight, wood-framed doors and windows (off-white color), stone-clad chimney, copper gutters, and blue stone pavers will blend in with the natural surroundings.
- d) With the bulk of the proposed residence on the rear of the parcel, the project is consistent with Carmel Area Land Use Plan Policy 2.2.3.4 which states "The portion of a parcel least visible from public viewpoints and corridors shall be considered the most appropriate site for the location of new structures..."

- e) The project complies with all of the applicable development standards of Section 20.12.060 of Title 20 including height, setbacks, lot coverage and floor area ratio.
- f) The project site is located within an area of moderate archaeological sensitivity and archaeological sites are known to exist within one kilometer of the site. Therefore, pursuant to Section 20.146.090.B Carmel Area Coastal Implementation Plan (CIP), an archaeological survey (LIB060482) was prepared for the project (see Finding 3, Evidence b). This report concluded that the project area does not contain surface evidence of potentially significant cultural resources. The potential for inadvertent impacts to cultural resources is limited and will be controlled by the imposition of the County's standard condition of approval for protection of archaeological resources.
- g) The project site is located within 1/8<sup>th</sup> mile of a potentially active fault. Therefore, pursuant to CIP Section 20.146.080.B.1, a geologic evaluation (LIB110158) and a geotechnical investigation (LIB110155) were prepared for the project (see Finding 3, Evidence b). The geologic evaluation found that no faults were observed or mapped within the subject lot and that the greatest impact to the site would most likely be caused by seismic shaking during a strong earthquake located on any of the nearby faults. The geologic evaluation recommends that the proposed residence be designed with the proper site profile and to the latest edition of the California Building Code.

The Geotechnical investigation found near-surface soil on the site to be highly expansive and made recommendations for foundation design. Pursuant to Section 20.146.080.C.4, the standard condition (Condition No. 5) is imposed requiring recordation of a notice stating that the geologic and geotechnical reports have been prepared and that all development is to be in accordance with the reports.

- h) The project planner conducted a site inspection on May 23, 2011 to verify that the project on the subject parcel conforms to the plans listed above.
- i) The project was referred to the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the project includes a Design Approval that will be heard at a public hearing. The project was heard by the Carmel Unincorporated/Highlands Land Use Advisory Committee at a public meeting on June 20, 2011. In response to comments from the neighbors and in consultation with County staff, the applicant revised the plans and submitted them to the LUAC at their meeting for review. Comments from the LUAC include:
  - 1) "The architect has made a genuine effort to reduce impacts to neighbors to right, left and rear of proposed home by redesigning entire project";
  - 2) "Size of new residence is moderate and footprint is located at rear of parcel to reduce visual impacts from street";
  - 3) "New revised plans were a good solution to placement of 2<sup>nd</sup> story to

right rear of residence. One story portion of new residence will be at left so there will not be the continuous two-story appearance to structure. This benefits neighbor to left and alleviates concerns for shadow impacts from original 2<sup>nd</sup> story”; and

4) “Lower ridgeline helps reduce mass and bulk.”

The LUAC voted to recommend approval of the redesigned project by a vote of 5-0.

- j) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100636.

3. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Cypress Fire Protection District, Public Works, 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. Conditions recommended have been incorporated.
- b) Staff identified potential impacts to Archaeological Resources, Trees and Soil. The project as proposed and conditioned, is consistent with all applicable policies and regulations for development associated with these impacts (see Finding No. 2). Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions (See Finding No. 2). The following reports have been prepared:
- “*Revised Tree Resource Assessment/Forest Management Plan, Bronson Residence*” (LIB110157), prepared by Frank Ono, Salinas, CA, July, 10, 2011;
  - “*Geotechnical Investigation*” (LIB110155), prepared by Soil Surveys, Inc., Salinas, CA, June 29, 2011;
  - “*Geologic Evaluation*” (LIB110158), prepared by Soil Surveys, Inc., Salinas, CA, January 17, 2011;
  - “*Preliminary Archaeological Reconnaissance of Assessor’s Parcel 009-012-013-000*” (LIB060482), prepared by Archaeological Consulting, Salinas, CA, July 13, 2006.
  - “*Biological Impacts of the Proposed Bronson Well*” (LIB090477), prepared by Botanical Consulting Services, Carmel, Ca, November 11, 2009.
  - “*Well Assessment Report*” (LIB090412), prepared by Martin B. Feeney, Ventura, CA, November 17, 2008.
- c) Staff conducted a site inspection on May 23, 2011 to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100636.

4. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
- EVIDENCE:**
- a) The project was reviewed by RMA - Planning Department, Cypress Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. 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.
  - b) Necessary public facilities will be provided. Domestic water for the project will come from an on-site well approved as a domestic production well (File No. PLN080017) in Board of Supervisors' Resolution No. 10-056. The Monterey Peninsula Water Management District has issued a Water Distribution System Permit for the well. Sewer service will be provided by the Carmel Area Wastewater District.
  - c) A minimum 25-foot setback between the domestic well and any sewer lateral and a minimum 50-foot setback between the domestic well and any sewer main are required by the Environmental Health Bureau. The project meets this requirement; all waste lines within the residence and all sewer laterals are at least 25 feet from the well and all sewer mains are at least 50 feet from the well.
  - d) See Finding 2, Finding 3, and Finding 8, Evidence c) and d) for PLN100636.
  - e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100636.
5. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.
- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
  - b) Staff conducted a site inspection on May 23, 2011 and researched County records to assess if any violation exists on the subject property.
  - c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100636.
6. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review. There is no substantial evidence that the project will have a significant environmental impact.
- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section

15303(a) categorically exempts the construction of one single-family residential structure.

- b) The project consists of the construction of one single-family residential structure.
- c) No adverse environmental effects were identified during staff review of the development application during a site visit on May 23, 2011.
- d) There are no unique circumstances associated with the project, and none of the exceptions listed in Section 15300.2 of the CEQA Guidelines apply.
- e) The Well Assessment Report (LIB090412) prepared for File No. PLN080017 concluded that the subject well will individually have an insignificant and immeasurable impact on surrounding wells or sensitive receptors. Based on staff's research, there is no substantial evidence to support a potential cumulative impact to water supply.
- f) Based on research of the County's permitting and Assessor's databases, there are four existing wells (two production wells (including this well and two other test wells) and approximately 17 vacant lots in the Carmel Woods area. At this time, the County has no other pending applications for test wells for these vacant lots, and all but the four existing lots with wells are served by Cal-Am. Foreseeable development in the Carmel Woods area includes the two other properties with test wells within 1,000 feet of the subject project well.
- g) See Finding 2, Finding 3, Finding 4, and Finding 8, Evidence c) and d) for PLN100636.
- h) A report (LIB090477) prepared for File No. PLN080017 concluded that the subject well will not create biological impacts.
- i) See preceding and following findings and supporting evidence.

7. **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 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 Local Coastal Program requires public access (Figure 3 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) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100636.
  - e) The project planner conducted a site inspection on May 23, 2011.

8. **FINDING:** **APPEAL** – The Appellant contends that the Zoning Administrator's decision was not supported by the evidence and is contrary to law. Upon consideration of the documentary information in the files, the staff

reports, the oral and written testimony, and all other evidence presented before the Board of Supervisors, the Board responds, as follows, to the Appellant's contentions:

- EVIDENCE:** a) Appellant's Contention No. 1: The east-facing 2<sup>nd</sup> story bedroom window on the back setback line deprives the Appellant and neighbors of complete privacy and loss of light.

Staff's Response No. 1: The site is constrained by the small size of the lot, existing oak trees, and Health Department setback regulations between a domestic well and sewer lateral & main lines. Because of the required sewer line setbacks, the house could not be situated on the front half of the lot and comply with setback requirements. Moving the house even 5 feet forward would impact oak trees. The house has been sited on the rear half of the lot due to these site constraints. The setback requirements for the MDR zoning district are 20 feet (front), 5 feet (side), and 10 feet (rear). The project setbacks are 55 feet (front); 5-6 feet (side), and 10-14 feet (rear). Therefore, the project meets setbacks for the district.

The Appellant and a neighbor expressed concerns to the Planning Department and the LUAC about the height, bulk, and mass of the residence, as well as the impact of the second story windows looking down onto their property, and that the proposed second story would block the light from her backyard. In response to the concerns raised by staff, the Appellant and the neighbor, the Applicant re-designed the residence by eliminating 2/3 of the second story (and three of the four second story windows), thus allowing for more sun to reach the neighbor's backyard, and reduced the size of the remaining window to approximately 22.5 square feet. The horizontal distance from the proposed structure and the Appellant's structure is approximately 40 feet. The Applicant cannot plant deep-rooted vegetation, such as screening trees, along the rear property line due to the existing sewer main line.

With the bulk of the proposed residence on the rear of the parcel, the project is consistent with Carmel Area Land Use Plan Policy 2.2.3.4 which states "The portion of a parcel least visible from public viewpoints and corridors shall be considered the most appropriate site for the location of new structures..." Therefore, the proposed residence, as sited and designed, is consistent with the Carmel Area Land Use Plan.

- b) Appellant's Contention No. 2: The skylight on the roof will be "like a lighthouse beacon" affecting all the neighbors and it is not consistent with the Carmel Area Land Use Plan.

Staff's Response No. 2: The proposed project is not located within the viewshed as shown on Map A in the Carmel Area Land Use Plan (LUP) and is not visible from scenic areas listed in LUP. The skylight is located over the stairwell of the proposed structure in order to provide light to the interior stairway. The skylight will also allow more natural

light into the structure, thus increasing the natural light in a hard-to-illuminate interior area. Architect has indicated that the Applicant would use tinted glass in the skylight to alleviate concerns about exterior glare. Skylight will not be facing the Appellant's property. The mature oak trees on the north and west side of the property provide screening in front yard for property to the north.

The location, size, material and colors proposed for the single family dwelling have been reviewed by staff and the Carmel Unincorporated/Highlands Land Use Advisory Committee and were found to be consistent with Key Policy 2.2.2 of the Carmel Area Land Use Plan. The skylight has been proposed on both the original plans and the revised plans reviewed by the LUAC. The LUAC expressed no objections to the skylight. The use of earth-toned colors consisting of natural-stained wood siding, wood-shingled roof with a skylight, wood-framed doors and windows (off-white color), stone-clad chimney, copper gutters, and blue stone pavers will blend in with the natural surroundings. Therefore, the proposed residence, as sited and designed, is consistent with the Carmel Area Land Use Plan.

- c) Appellant's Contention No. 3: The project affects the Appellant's peace, morals, and comfort.

Staff's Response No. 3: The Appellant did not provide specific evidence to support her contention that the project affects the Appellant's peace, morals, and comfort. The project was reviewed by RMA - Planning Department, Cypress Fire Protection District, RMA - Public Works, Environmental Health Bureau, and Water Resources Agency. 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.

Domestic water for the project will come from an on-site well approved as a domestic production well by the Board of Supervisors in Resolution No. 10-056 for File No. PLN080017. The Monterey Peninsula Water Management District has issued a Water Distribution System Permit for the well. Sewer service will be provided by the Carmel Area Wastewater District. A minimum 25-foot setback between the domestic well and any sewer lateral and a minimum 50-foot setback between the domestic well and any sewer main is required by Environmental Health. The project meets this requirement; all waste lines within the residence and all sewer laterals are at least 25 feet from the well and all sewer mains are at least 50 feet from the well. The Planning Department has applied a standard condition to require the submittal of an exterior lighting plan to demonstrate that exterior lighting is unobtrusive, down-lit, harmonious with the local area, and off-site glare is fully controlled.

The proposed project has been re-designed to the satisfaction of Planning staff and the LUAC. The re-design eliminated 2/3 of the second story (and three of the four second story windows), and reduced

the size of the remaining second story window to approximately 22.5 square feet. Tinted glass will be used in the skylight to alleviate concerns about exterior glare. Therefore, the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.

- d) Appellant's Contention No. 4: Objection to the project's CEQA Exemption per Section 15303 (a) of the CEQA Guidelines specifically Evidence d), e), and f) in Finding 5: "that there are no unique circumstances associated with the project and none of the exemptions listed in Section 15300.2 apply"; "that the subject well will individually have an insignificant and immeasurable impact on surrounding wells or sensitive receptors and that there is no substantial evidence to support a potential cumulative impact to water supply"; and "that there are four existing wells (two production wells (including this well and two other test wells) and approximately 17 vacant lots in the Carmel Woods area, the County has no other pending applications for test wells for these vacant lots and all but the four existing lots with wells are served by Cal-Am, and foreseeable development in the Carmel Woods area includes the two other properties with test wells within 1,000 feet of the subject project well."

Staff's Response No. 4: The Appellant did not provide specific reasons or evidence to support her contention that the project should not be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines Section 15303 (a) [Class 3]. This categorical exemption exempts the construction of one single-family residential structure. CEQA Guidelines Section 15300.2 (a)-(f) provides for exceptions to the strict application of Categorical Exemptions for the following reasons (project-specific responses are provided in *italics*):

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. (CEQA Guidelines Sec. 15300.2 (a))

*The proposed project is not located in a particularly sensitive environment. A report (LIB090477) prepared for File No. PLN080017 concluded that the subject well will not create biological impacts. Necessary public facilities will be provided. Domestic water for the project will come from an on-site well approved as a domestic production well in Board of Supervisors' Resolution No. 10-056 for File No. PLN080017. The Monterey Peninsula Water Management District has issued a Water Distribution System Permit for the well. Therefore, this exception does not apply to the project.*

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. (CEQA Guidelines Sec. 15300.2 (b))

*The proposed project is a single family dwelling on an existing vacant lot within an urbanized area. Based on research of the County's permitting and Assessor's databases, there are four existing wells (two production wells (including this well) and two other test wells) and approximately 17 vacant lots in the Carmel Woods area. At this time, the County has no other pending applications for test wells for these vacant lots, and all but the four existing lots with wells are served by Cal-Am. Foreseeable development in the Carmel Woods area includes the two other properties with test wells within 1,000 feet of the subject project well. In addition, the Board of Supervisors adopted Interim Ordinance #5160 (extended by Ordinances #5163 and #5176) to protect the public safety, health, and welfare by temporarily prohibiting the acceptance and processing of water well applications and issuance of water well permits on parcels that are less than 2.5 acres and underlain by fractured rock within a defined Study Area. This property and the surrounding area are within the Study Area. As long as the ordinance is in effect, no well applications will be accepted, processed, or issued within the project area. The current ordinance expires on May 24, 2012.*

*A Well Assessment Report (LIB090412) prepared for File No. PLN080017 concluded that the subject well will individually have an insignificant and immeasurable impact on surrounding wells or sensitive receptors. Based on staff's research, there is no substantial evidence to support a potential cumulative impact to water supply. Therefore, this exception does not apply to the project.*

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. (CEQA Guidelines Sec. 15300.2 (c))

*The proposed project is for one single family dwelling and is not located in a particularly sensitive environment. As stated above, a Well Assessment Report (LIB090412) prepared for File No. PLN080017 concluded that the subject well will individually have an insignificant and immeasurable impact on surrounding wells or sensitive receptors. A report (LIB090477) prepared for File No. PLN080017 concluded that the subject well will not create biological impacts. The proposed project is consistent with the 1982 Monterey County General Plan, Carmel Area Land Use Plan, Monterey County Coastal Implementation Plan Part 4, and Monterey County Zoning Ordinance (Title 20). Therefore, this exception does not apply to the project.*

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR. (CEQA Guidelines Sec. 15300.2 (d))

*The proposed project is not located within a highway officially designated as a state scenic highway. Therefore, this exception does not apply to the project.*

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. (CEQA Guidelines Sec. 15300.2 (e))

*A review of the California Department of Toxic Substances Control (DTSC) website demonstrates that the proposed project is not located on a site which is included on the DTSC Hazardous Waste and Substances Sites (Cortese) List. Therefore, this exception does not apply to the project.*

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. (CEQA Guidelines Sec. 15300.2 (f))

*The proposed project is located on a vacant lot and is not located within the vicinity of a known historical resource. Therefore, this exception does not apply to the project.*

The project has been determined not to have a significant effect on the environment. As summarized above, there is no substantial evidence that the project may have a significant environmental impact or that any of the exceptions listed in Section 15300.2 (a)-(f) apply. The proposed project is correctly determined to be categorically exempt per section 15303 (a) of the CEQA Guidelines.

9. **FINDING:**

**EVIDENCE:**

**APPEALABILITY** - The decision on this project may not be appealed to the California Coastal Commission.

Section 20.86.080.A.3 Monterey County Zoning Ordinance states that the project is not subject to appeal by/to the California Coastal Commission because the project for a new single residence is listed as a principal allowed use and principal allowed uses are not appealable unless the project meets specific criteria. The site and the project do not fall into any of the categories that would allow an appeal by/to the California Coastal Commission.



**DECISION**

NOW, THEREFORE, BASED ON THE ABOVE FINDINGS AND EVIDENCE, BE IT RESOLVED, that the Board of Supervisors does hereby:

- a. Deny the appeal by Hermina Dallas from the Zoning Administrator's approval of a Coastal Administrative Permit and Design Approval for the construction of a single family dwelling; and
- b. Approve the application of Chopin Enterprises, L.P. (PLN100636) for a Coastal Administrative Permit and Design Approval to allow the construction of a 2,331 square foot two-story single family dwelling with a 354 square foot one-car garage and approximately 160 cubic yards of grading (150 cubic yards cut/10 cubic yards fill), in general conformance with the attached sketch (**Exhibit B**) and subject to the conditions (**Exhibit A**) both being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED on this \_\_\_\_\_, by the following vote, to-wit:

AYES:  
NOES:  
ABSENT:

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 of Minute Book \_\_\_\_\_ for the meeting on \_\_\_\_\_.

Dated:

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

By \_\_\_\_\_  
Deputy