



STAFF REPORT
Monterey County Coastal Administrative Permit
Resource Management Agency - Planning Department
168 W. Alisal St. 2nd Floor, Salinas, CA 93901
(831) 755-5025; FAX (831) 757-9516

Date: December 12, 2011

To: Silvestri, Alan & Sandra Dee, Property Owners
Nancy Isakson, Applicant/Agent

From: Dan Lister – Assistant Planner, (831) 759-6617 
listerdm@co.monterey.ca.us

cc: Front Counter Copy; Carmel Highlands Fire Department; Public Works; Parks Department; Coastal Commission; Environmental Health Bureau; Water Resources Agency; Dan Lister, Planner; Bob Schubert, Senior Planner; Alan & Sandra Dee Silvestri, Property Owner; Nancy Isakson, Representative; The Open Monterey Project; LandWatch; and Project File PLN110371

Re: Silvestri (PLN110371); Coastal Administrative Permit for the construction of a well for landscaping and fire safety measures.

Location: Assessor's Parcel Number: 241-081-004-000
72 Fern Canyon Road, Carmel
Carmel Land Use Plan, Coastal

Staff is recommending approval of the Coastal Administrative Permit subject to the findings, evidence and conditions in **Exhibit B**. Please read these carefully and contact the planner if you have any questions. Unless otherwise noted in the conditions, the applicant will be required to satisfy all permit conditions prior to the issuance of a building/grading permits and/or commencement of the approved use.

On January ~~25~~, 2012, an administrative decision will be made. A public notice has been distributed for this project. The deadline for submittal of written comments in opposition to the project, its findings, or conditions, based on a substantive issue, is 5:00 p.m. on Tuesday, January ~~25~~, 2012. The permit will be administratively approved the following day, if we do not receive any written comments by the deadline. You will receive a copy of your approved permit in the mail. We will notify you as soon as possible in the event that we receive correspondence in opposition to your project or if the application is referred to a public hearing.

Note: This project will be referred to the Board of Supervisors, if a public hearing is necessary. The decision on this project is appealable to the Board of Supervisors

Attachments: Exhibit A Project Data Sheet
Exhibit B Resolution
• Recommended Conditions of Approval
• Site Plan, Floor Plans, and Elevations
Exhibit C Vicinity Map

This report was reviewed by Bob Schubert, Senior Planner

RS

EXHIBIT A
Project Information for PLN110371

Project Information:

Project Name: SILVESTRI ALAN ANTHONY & SILVESTRI S SANDRA DEE TR

Location: 72 FERN CANYON RD CARMEL

Permit Type: Coastal Administrative Permit

Environmental Status: Categorically Exempt
Existing Structures (sf): 0
Proposed Structures (sf): 0
Total Sq. Ft.: 0
Tree Removal: None
Water Source: Well (proposed)

Final Action Deadline (884): 02/10/2012
Coverage Allowed: 47,044
Coverage Proposed: 0
Height Allowed: 30
Height Proposed: 0
FAR Allowed: N/A

Sewage Disposal (method): None
Sewer District: None

FAR Proposed: N/A
Lot Size: 313,632
Grading (cubic yds.): 0

Parcel Information:

Primary APN: 241-081-004-000	Seismic Hazard Zone: III
Applicable Plan: Carmel LUP	Erosion Hazard Zone: High
Advisory Committee: Carmel/Carmel Highlands Advisory Committee	Fire Hazard Zone: V. High
Zoning: LDR/1-D-SpTr (CZ)	Flood Hazard Zone: No
Land Use Designation: Residential - Low Density	Archaeological Sensitivity: high
Coastal Zone: Carmel LCP	Viewshed: No
Fire District: Carmel Highlands FPD	Special Setbacks on Parcel: N

Reports on Project Parcel:

Soils Report #: N/A
Biological Report #: LIB26.01.140
Geologic Report #: N/A
Forest Management Rpt. #: N/A
Archaeological Report #: LIB110366
Traffic Report #: N/A

**EXHIBIT B
DRAFT RESOLUTION**

**Before the Director of the RMA-Planning Department
in and for the County of Monterey, State of California**

In the matter of the application of:

Silvestri (PLN110371)

RESOLUTION NO. _____

Resolution by the Monterey County Director of the
RMA-Planning Department:

- 1) Finding the project exempt from CEQA per CEQA Guidelines Section 15303.d; and
- 2) Approving a Coastal Administrative Permit for the construction of a well for landscaping and fire safety measures.

(PLN110371), Silvestri, Alan & Sandra Dee, 72 Fern Canyon Road, Carmel (Assessor's Parcel Number 241-081-004-000), Carmel Highlands area, Coastal Zone.

The Coastal Administrative Permit application (PLN110371) came on for public hearing before the Monterey County Director of the RMA-Planning Department on January 25, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Director of the RMA-Planning Department finds and decides as follows:

FINDINGS

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 1982 Monterey County General Plan;
 - Carmel Area Land Use Plan;
 - Monterey County Coastal Implementation Plan, Part 4;
 - Monterey County Zoning Ordinance, Coastal (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 72 Fern Canyon Road, Carmel (Assessor's Parcel Number 241-081-004-000), Carmel Land Use Plan. The parcel is zoned LDR/1-D-SpTr (CZ) [Low Density Residential, 1 unit per acre, Design Control District, Special Treatment area within the Coastal Zone], which primarily allows residential uses and accessory uses associate with residential uses. The property is vacant and currently being used as open space for the adjacent parcel (Assessor's Parcel Number 241-081-003-000). The proposed well is to provide irrigation to the existing landscaped areas to minimize the potential for fire hazards.

- c) The project planner conducted a site inspection on August 19, 2011 to verify that the project on the subject parcel conforms to the plans listed above.
- d) Water: According to Ordinance No. 5163 and Ordinance No. 5093, the development of a new well is temporarily prohibited due to a water supply study being conducted by Cal-Am and a Carmel Highland wastewater study. According to Sandy Ayala from the Drinking Water Protection Services of Environmental Health Bureau, the proposed well is outside of the both study area and should be allowed.
- e) The project was not referred to the Carmel/Carmel 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 not warrant referral to the LUAC because the project is exempt from CEQA review, and the project does not require a variance or a public hearing.
- 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 PLN110371.

2. **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, Carmel Highlands 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 Biological Resources and Archaeological Resources. 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. The following reports have been prepared:
 - “Botanical Report for the Silvestri Property” (LIB110379) prepared by Vern Yadon, Pacific Grove, CA, report dated May 11, 2000.
 - “Preliminary Archaeological Reconnaissance for the Silvestri parcel” (LIB110366) prepared by Gary Breschini of Archaeological Consulting, Salinas, CA, letter prepared September 15, 2011 with attached report dated January 5, 1993).
 - c) Staff conducted a site inspection on August 19, 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 PLN110371.

3. **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 Carmel Highlands 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 are currently located on the adjacent parcel. The subject parcel is currently vacant and is being used as open space for the adjacent parcel. The installation of the proposed well will provide water services to the vacant property for purposes of landscaping and fire prevention.
 - c) Preceding findings and supporting evidence for PLN110371.

4. **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 August 19, 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 PLN110371

5. **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 15303.d categorically exempts the installation of utilities such as water main, sewage, electrical, gas and other utility extensions.
 - b) The project proposes the installation of an well on a vacant residentially-zoned lot for fire prevention.
 - c) No adverse environmental effects were identified during staff review of the development application during a site visit on August 19, 2011.
 - d) See preceding and following findings and supporting evidence.

6. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and not the California Coastal Commission

- EVIDENCE:**
- a) Section 20.86.030.A of the Monterey County Zoning Ordinance (Board of Supervisors).
 - b) Section 20.86.080.A Monterey County Zoning Ordinance (Coastal

Commission). The project is not subject for appeal by/to the California Coastal Commission because the project is not between the sea and the first public road, near wetlands or coastal bluff, or a major public works project.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Director of the RMA-Planning Department does hereby:

- A. Find the project exempt from CEQA per CEQA Guidelines Section 15303.d; and
- B. Approve a Coastal Administrative Permit for the construction of a well for landscaping and fire safety measures. is in general conformance with the attached sketch and subject to the conditions, both exhibits being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this ~~25th~~ day of January, 2012.

Mike Novo, Director of the RMA-Planning Department

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE [_____]

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Monterey County Planning Department

DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN110371

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This Coastal Administrative permit (PLN110371) allows the construction of a well for landscaping and fire safety measures. The property is located at 72 Fern Canyon Road, Carmel (Assessors Parcel Number 241-081-004-000), Carmel Area Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a notice which states: "A Coastal Administrative permit (Resolution _____) was approved by the Director of Planning for Assessor's Parcel Number 241-081-004-000 on January 15 2012. The permit was granted subject to 7 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis. Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

4. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire on January 15, 2015, unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.

5. EHSP001 - WELL PROTECTION ZONE

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: EHSP001 - WELL PROTECTION ZONE
Submit a map showing the proposed well protection zone at APN: 241-081-004-000 that will serve water to the subject parcel. The well protection zone shall be identified as "Well Protection Zone" and no residential use or any other development shall take place on the lot, other than those uses associated with the well. The well protection zone shall meet the requirements of the Water Works Standards (Environmental Health Bureau)

Compliance or Monitoring Action to be Performed: Submit a map showing the proposed well protection zone at APN241-081-004-000 that will serve water to the subject parcel To EHB for review and approval.

Prior to submitting application for well permit

6. EHSP002 - WELL CONSTRUCTION PERMIT

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Pursuant to Monterey County Code Chapter 15.08, Water Wells, obtain a water well construction permit from the Environmental Health Bureau and construct the well. (Environmental Health Bureau)

Compliance or Monitoring Action to be Performed: A CA licensed well drilling contractor shall obtain a water well construction permit from the Environmental Health Bureau.
Complete well construction according to the well permit.
Submit the Well Completion Report to the Environmental Health Bureau.

Prior to drilling well

7. EHSP003 - DEED NOTIFICATION WELL IS FOR IRRIGATION USE ONLY

Responsible Department: Health Department

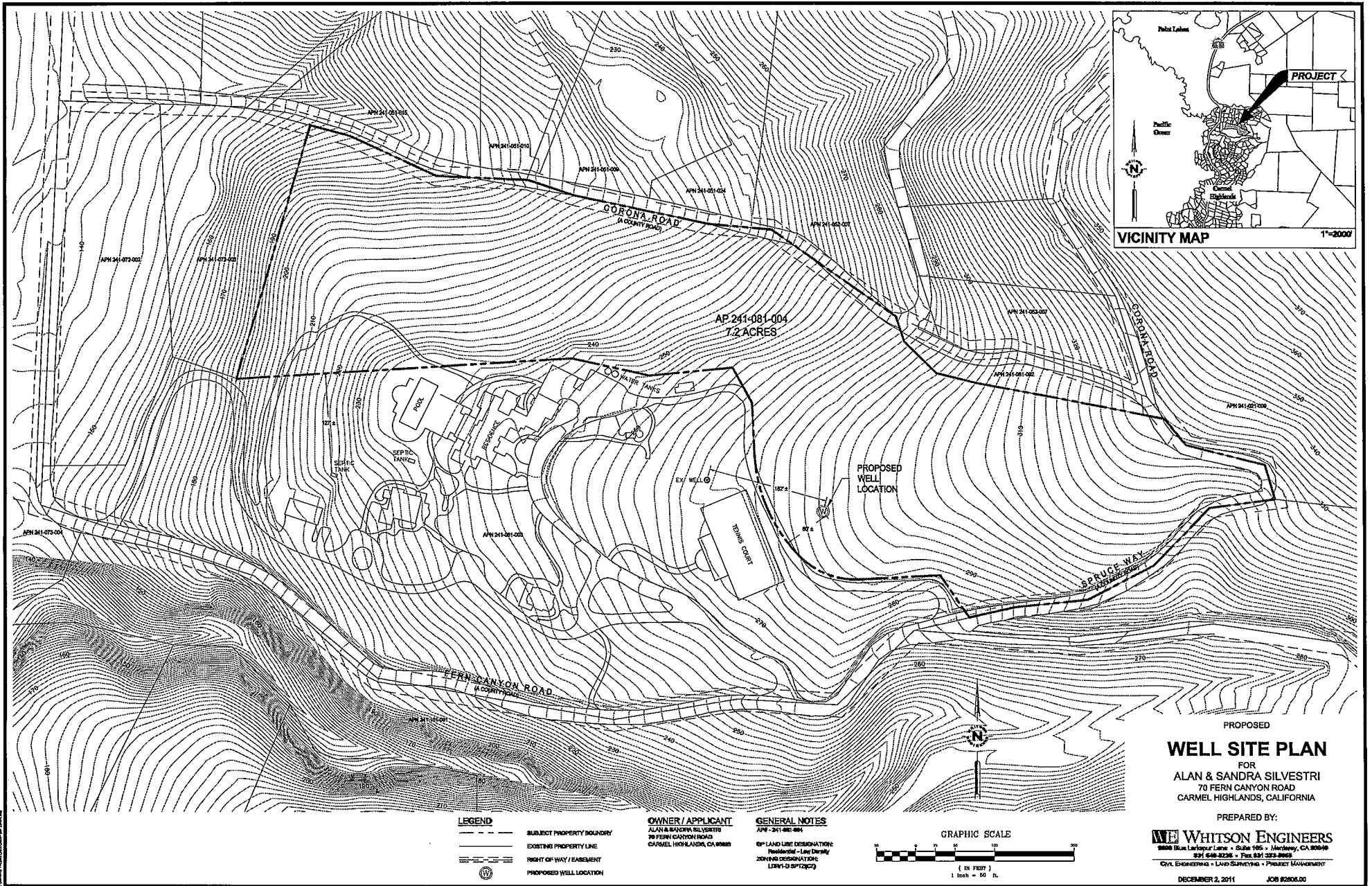
Condition/Mitigation Monitoring Measure: The applicant shall submit a completed "Irrigation Use Only" Deed Notification form (available from EHB), signed before a Notary Public and recorded with the County of Monterey Recorder's Office. (Environmental Health Bureau)

Compliance or Monitoring Action to be Performed:

- Obtain form from EHB.
- Record notarized Well is for Irrigation Use Only Deed Notification.

Submit evidence of recordation to EHB.

Prior to the issuance of final well permit

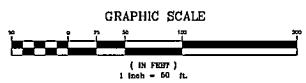


LEGEND

- SUBJECT PROPERTY BOUNDARY
- EXISTING PROPERTY LINE
- == RIGHT OF WAY / EASEMENT
- PROPOSED WELL LOCATION

OWNER / APPLICANT
 ALAN & SANDRA SILVESTRI
 70 FERN CANYON ROAD
 CARMEL HIGHLANDS, CA 95008

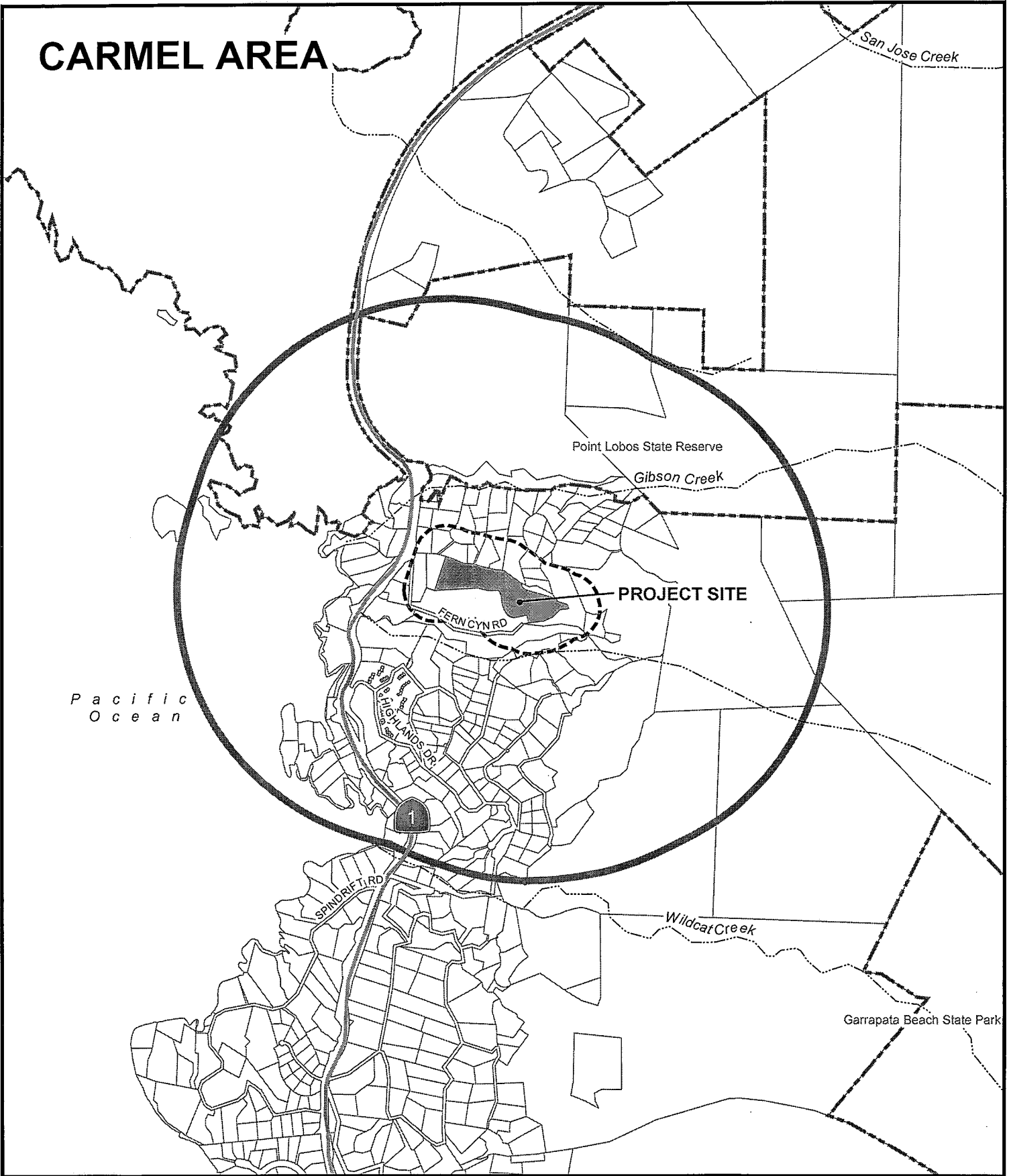
GENERAL NOTES
 AP# - 241-081-004
 01* LAND USE DESIGNATION:
 Residential - Low Density
 ZONING DESIGNATION:
 LRWD-1(SPT)(2)



PROPOSED
WELL SITE PLAN
 FOR
 ALAN & SANDRA SILVESTRI
 70 FERN CANYON ROAD
 CARMEL HIGHLANDS, CALIFORNIA

PREPARED BY:
WHITSON ENGINEERS
 3000 Blue Lagoon Lane • Suite 105 • Menlo Park, CA 94025
 650.326.3236 • Fax 650.326.3995
 CIVIL ENGINEERING • LAND SURVEYING • PROJECT MANAGEMENT
 DECEMBER 2, 2011 JOB #2606.00

CARMEL AREA



APPLICANT: SILVESTRI

APN: 241-081-004-000

FILE # PLN110371

Water 2500' Limit 300' Limit City Limits

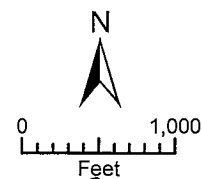


Exhibit C

PLANNER: LISTER