

County of Monterey

County of Monterey Government Center
1441 Schilling Place, Salinas, CA 93901



Meeting Agenda - Final

Wednesday, March 20, 2024

8:00 AM

**Government Center
1441 Schilling Place
Salinas, CA 93901**

Administrative Permit

The Recommended Action indicates the staff recommendation at the time the agenda was prepared. That recommendation does not limit the Chief of Planning's alternative actions on any matter before it.

Notice is hereby given that on March 20, 2024 the Chief of Planning of the County of Monterey Housing and Community Development, is considering the project described on the following pages.

Any comments or requests that any of the applications be scheduled for public hearing must be received in writing in the office of the County of Monterey Housing and Community Development by 5:00 pm Tuesday, March 19, 2024. A public hearing may be required if any person, based on a substantive issue, so requests.

Si necesita la traducción de esta agenda, comuníquese con el Departamento de Vivienda y Desarrollo Comunitario del Condado de Monterey ubicado en el Centro de Gobierno del Condado de Monterey, 1441 Schilling Place, segundo piso, Salinas, o por teléfono al (831) 755-5025. Después de su solicitud, la Secretaria asistirá con la traducción de esta agenda.

If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132) and the federal rules and regulations adopted in implementation thereof. For information regarding how, to whom and when a person with a disability who requires a modification or accommodation in order to participate in the public meeting may make a request for disability-related modification or accommodation including auxiliary aids or services or if you have any questions about any of the items listed on this agenda, please call the County of Monterey Housing and Community Development at (831) 755-5025.

NOTE: All agenda titles related to numbered items are live web links. Click on the title to be directed to corresponding Staff Report

SCHEDULED MATTERS**1. PLN230274 - KING PHILIP M & DENA TRS**

Administrative hearing to consider construction of a new 690 square foot second story addition, a 65 square foot main level addition, and remodel of an existing single family dwelling within 750 feet of known archaeological resources.

Project Location: 2657 16th Avenue, Carmel

Proposed CEQA action: Find the project Categorically Exempt pursuant to CEQA Guidelines section 15301 and no exceptions pursuant to section 15300.2 can be made.

Attachments: [Staff Report](#)
 [Exhibit A - Draft Resolution](#)
 [Exhibit B - Vicinity Map](#)

2. PLN230231 - KIRKPATRICK ERIN ET AL

Consider the Restoration of an approximately 2,500 square foot area, including replanting of 3 redwood trees, to abate Code Enforcement violation (23CE00225).

Project Location: Off of Coast Road, directly across from 39340 Coast Road, Monterey

Proposed CEQA action: Find the project Categorically Exempt pursuant to Section 15308 of the CEQA Guidelines and no exceptions under Section 15300.2 can be made.

Attachments: [Staff Report](#)
 [Exhibit A - Draft Resolution](#)
 [Exhibit B - Arborist Report \(LIB240014\)](#)
 [Exhibit C - Restoration Plan \(LIB240016\)](#)
 [Exhibit D - Biological Resource Review \(LIB240015\)](#)
 [Exhibit E - Vicinity Map](#)



County of Monterey

Item No.1

Board Report

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

Legistar File Number: AP 24-016

March 20, 2024

Introduced: 3/11/2024

Current Status: Agenda Ready

Version: 1

Matter Type: Administrative Permit

PLN230274 - KING PHILIP M & DENA TRS

Administrative hearing to consider construction of a new 690 square foot second story addition, a 65 square foot main level addition, and remodel of an existing single family dwelling within 750 feet of known archaeological resources.

Project Location: 2657 16th Avenue, Carmel

Proposed CEQA action: Find the project Categorically Exempt pursuant to CEQA Guidelines section 15301 and no exceptions pursuant to section 15300.2 can be made.

RECOMMENDATIONS:

It is recommended that the HCD Chief of Planning adopt a resolution to:

- a) Find the project Categorically Exempt pursuant to CEQA Guidelines section 15301, Existing Facilities, and no exceptions pursuant to section 15300.2 can be made; and
- b) Approve a Coastal Administrative Permit and Design Approval to allow construction of a new 690 square foot second story addition, a 65 square foot main level addition, and remodel of an existing single family dwelling; and a Coastal Administrative Permit to allow development within 750 feet of archaeological resources.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to 5 conditions of approval.

PROJECT INFORMATION:

Agent: Greg Klein, Architect

Property Owner: King Philip M & Dena Trs

APN: 009-394-006-000

Parcel Size: 0.14 Acres

Zoning: Medium Density Residential, 2 units per acre, with a Design Control overlay zone in the Coastal Zone or "MDR/2-D(CZ)"

Plan Area: Carmel Area Land Use Plan

Flagged and Staked: Yes

SUMMARY:

Staff is recommending approval of an Administrative Permit and Design Approval subject to the findings and evidence in the attached Resolution (see **Exhibit A**), and subject to the conditions of approval attached to the Resolution. 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 March 20, 2024, 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, March 19, 2024. 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 Monterey County Zoning Administrator if a public hearing is necessary. The decision on this project is appealable to the Monterey County Board of Supervisors.

OTHER AGENCY INVOLVEMENT:

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

HCD-Engineering Services
Environmental Health Bureau
HCD-Environmental Services
Cypress Fire Protection District

Prepared by: Zoe Zepp, Assistant Planner, x5198

Reviewed and Approved by: Anna Ginette Quenga, AICP, Principal Planner

The following attachments are on file with HCD:

Exhibit A - Draft Resolution including:

- Recommended Conditions of Approval
- Site Plans, Floor Plans, Elevations, Colors and Materials

Exhibit B - Vicinity Map

cc: Front Counter Copy; California Coastal Commission; Cypress Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Zoe Zepp, Assistant Planner; Anna Ginette Quenga, AICP, Principal Planner; King Philip M & Dena Trs, Property Owners; Greg Klein, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Planning File PLN230274.



County of Monterey

Item No.1

Administrative Permit

Registrar File Number: AP 24-016

March 20, 2024

Introduced: 3/11/2024

Current Status: Agenda Ready

Version: 1

Matter Type: Administrative Permit

PLN230274 - KING PHILIP M & DENA TRS

Administrative hearing to consider construction of a new 690 square foot second story addition, a 65 square foot main level addition, and remodel of an existing single family dwelling within 750 feet of known archaeological resources.

Project Location: 2657 16th Avenue, Carmel

Proposed CEQA action: Find the project Categorically Exempt pursuant to CEQA Guidelines section 15301 and no exceptions pursuant to section 15300.2 can be made.

RECOMMENDATIONS:

It is recommended that the HCD Chief of Planning adopt a resolution to:

- a) Find the project Categorically Exempt pursuant to CEQA Guidelines section 15301, Existing Facilities, and no exceptions pursuant to section 15300.2 can be made; and
- b) Approve a Coastal Administrative Permit and Design Approval to allow construction of a new 690 square foot second story addition, a 65 square foot main level addition, and remodel of an existing single family dwelling; and a Coastal Administrative Permit to allow development within 750 feet of archaeological resources.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**).

Staff recommends approval subject to 5 conditions of approval.

PROJECT INFORMATION:

Agent: Greg Klein, Architect

Property Owner: King Philip M & Dena Trs

APN: 009-394-006-000

Parcel Size: 0.14 Acres

Zoning: Medium Density Residential, 2 units per acre, with a Design Control overlay zone in the Coastal Zone or "MDR/2-D(CZ)"

Plan Area: Carmel Area Land Use Plan

Flagged and Staked: Yes

SUMMARY:

Staff is recommending approval of an Administrative Permit and Design Approval subject to the findings and evidence in the attached Resolution (see **Exhibit A**), and subject to the conditions of approval attached to the Resolution. 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 March 20, 2024, 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, March 19, 2024. 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 Monterey County Zoning Administrator if a public hearing is necessary. The decision on this project is appealable to the Monterey County Board of Supervisors.

OTHER AGENCY INVOLVEMENT:

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

HCD-Engineering Services
Environmental Health Bureau
HCD-Environmental Services
Cypress Fire Protection District

Prepared by: Zoe Zepp, Assistant Planner, x5198

Reviewed and Approved by: Anna Ginette Quenga, AICP, Principal Planner

The following attachments are on file with HCD:

Exhibit A - Draft Resolution including:

- Recommended Conditions of Approval
- Site Plans, Floor Plans, Elevations, Colors and Materials

Exhibit B - Vicinity Map

cc: Front Counter Copy; California Coastal Commission; Cypress Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Zoe Zepp, Assistant Planner; Anna Ginette Quenga, AICP, Principal Planner; King Philip M & Dena Trs, Property Owners; Greg Klein, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Planning File PLN230274.

Exhibit A

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DRAFT RESOLUTION

Before the Housing and Community Development Chief of Planning in and for the County of Monterey, State of California

In the matter of the application of:

KING PHILIP M & DENA TRS (PLN230274)

RESOLUTION NO. 24--

Resolution by the Monterey County Chief of
Planning:

- 1) Finding the project Categorically Exempt pursuant to CEQA Guidelines section 15301, Existing Facilities, and no exceptions pursuant to section 15300.2 can be made; and
- 2) Approving a Coastal Administrative Permit and Design Approval to allow construction of a new 690 square foot second story addition, a 65 square foot main level addition, and remodel of an existing single family dwelling; and a Coastal Administrative Permit to allow development within 750 feet of known archaeological resources.

[PLN230274, King Philip M & Dena Trs, 2657 16th Avenue, Carmel, Carmel Area Land Use Plan, Coastal Zone (APN: 009-394-006-000)]

The KING PHILIP M & DENA TRS application (PLN230274) came on for an administrative hearing before the Monterey County HCD Chief of Planning on March 20, 2024. Having considered all the written and documentary evidence, the administrative record, the staff report, written testimony, and other evidence presented, the Chief of Planning 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:
 - 1982 Monterey County General Plan;
 - Carmel Area Land Use Plan (Carmel Area LUP);
 - Monterey County Coastal Implementation Plan, Part 1, Zoning Ordinance (Title 20); and
 - Monterey County Coastal Implementation Plan, Part 4, Regulations for Development in the Carmel Area Land Use Plan Area (Carmel Area CIP).

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) Allowed Use. The property is located at 2657 16th Avenue (Accessor's Parcel Number [APN]: 009-394-006-000), Carmel, within the Carmel Area Land Use Plan in the Coastal Zone. The parcel is zoned Medium Density Residential, 2 units per acre with a Design Control overlay district in the Coastal Zone or "MDR/2-D(CZ)", which allows for the construction of the first single family dwelling on a legal lot of record, subject to the granting of a Coastal Administrative Permit in each case (Title 20 section 20.12.040.A). The project consists of a remodel and addition, including a new second story, to an existing single family dwelling. The subject property is 300 feet of the mean high tide of the sea and pursuant to Title 20 section 20.70.120.A.4, the project requires a Coastal Administrative Permit. Therefore, the project is an allowed land use for this site.
- c) Lot Legality. The property is shown in its current configuration as lot 12 of block 6 on the Map of Mission Tract, an addition to Carmel-By-The-Sea, on Page 2 of Volume 4 of Cities and Towns. Therefore, the County recognizes the subject parcel as a legal lot of record.
- d) Design/Neighborhood and Community Character. The property is subject to the Design Control "D" overlay zoning district regulations contained in Title 20 Chapter 20.44, which requires design review of proposed development to assure protection of the public viewshed and neighborhood character. The proposed development will be consistent with the existing structure on the property and the neighborhood as a whole. Proposed colors and materials include beige painted board and batten siding for the upper level addition, beige cement plaster will cover the existing board and batten and brick exterior walls for the main level, dark composite shingle roofing and black aluminum window frames. The proposed colors and materials are consistent with the other nearby development and is complimentary to the natural environmental settings nearby including the sandy beaches and Carmel River Lagoon and Wetland Natural Preserve. The proposed size and massing of the home will fit in with neighborhood as it is made up of one story and two story homes. The proposed development will not block any views of the ocean and will not be visible from any scenic highways. Condition No. 4 has been applied to ensure that additional exterior lighting is down-lit, unobtrusive, and harmonious with the local area.
- e) Development Standards. Development standards for the Medium-Density Residential zoning district can be found in Title 20 section 20.12.060. The proposed development is consistent with applicable development standards. The required setback standards for main structures include a minimum of a 20 foot front setback, 5 foot side setback and a 10 foot rear setback. Since the addition is located on the rear half of the existing structure, the existing 20 foot front setback will not be affected, neither will the existing 5 foot western side setback. The structure will also retain its 10 foot rear setback. The proposed addition will be located directly above the rear, eastern side of the existing

dwelling and will have an eastern side setback of 6 feet. The two-story addition will have a height of 22 feet and 6 inches from the average natural grade, which is below the maximum allowed height of 30 feet for main structures. The maximum allowed building site coverage in the MDR/2 zoning district is 35% (2,100 square feet). The proposed site coverage is 34% (2,010 square feet). The MDR/2 zoning district establishes a maximum floor area ratio of 45% (2,700 square feet), as proposed, the development would increase the existing single-family dwelling's floor area ratio from 30% (1,825 square feet) to 45% (2,700 square feet). Therefore, the project meets all the applicable site development standards.

- f) Cultural Resources. The subject parcel is located within 750 feet of known archaeological resources, therefore an archaeological report was prepared pursuant to section 20.146.090 of the Carmel Area CIP. The onsite survey was negative for cultural resources and further investigation was not recommended. The County's standard condition of approval (Condition No. 3) has been added to ensure work will be halted if any potential archaeological resources, or indicators of resources, are unearthed during construction. See Finding No. 4 and supporting evidences.
- g) The application, project plans, staking & flagging photos and related support materials submitted by the project applicant to Monterey County HCD- Planning for the proposed development found in Project File PLN230274.

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: HCD-Planning, HCD-Engineering Services, Cypress Fire Protection District, HCD-Environmental Services and the Environmental Health Bureau. 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 potentially historical and archaeological resources. The following was prepared:
 - “Phase I Archaeological Study” (LIB240027) prepared by Dana E. Supernowicz, Pebble Beach, California, December 11, 2023.
 The above-mentioned technical report by an outside consultant indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.
 - c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County HCD- Planning for the proposed development found in Project File PLN230274.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the 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 HCD-Planning, HCD-Engineering Services, Cypress Fire Protection District, HCD- Environmental Services and the Environmental Health Bureau. The respective 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) The property has a verified connection to the Carmel Area Wastewater District (CAWD) for public sewer utilities. No gray water or rainwater catchment systems are proposed with this application. The property also has an existing connection to California American Water for public drinking water utilities. The existing fixture count is 20.9 and the proposed is 20.7. With the implementation of high efficiency fixtures, the applicants will be decreasing their water usage.
 - c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County HCD- Planning for the proposed development found in Project File PLN230274.

4. **FINDING:** **ARCHAEOLOGICAL RESOURCES** – The proposed project meets the requirements to allow development within 750 feet of known archaeological resources.

- EVIDENCE:**
- a) Pursuant to Carmel Area CIP section 20.146.090, a Coastal Administrative Permit has been applied to this project because the project site is within 750 feet of known cultural resources.
 - b) The project includes minimal ground disturbance, 10 square feet of area will be added to the existing front entry porch and 65 feet will be added to the front of the living room. The applicants submitted an archaeological report that concluded there is no evidence of precontact archaeological sites, features, or artifacts discovered during the pedestrian survey, and no further archaeological investigation was recommended for the proposed project.
 - c) The County’s standard condition of approval (Condition No. 3) has been added to ensure work will be halted if any potential archaeological resources, or indicators of resources, are unearthed during construction.
 - d) The application, plans and supporting materials submitted by the project applicant to Monterey County HDC-Planning for the proposed development are found in Project File PLN230274.

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 HCD-Planning and Building Services Department records and is not aware of any violations existing on subject property.

- b) Staff reviewed aerial footage of the site 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 Monterey County HDC-Planning for the proposed development are found in Project File PLN230274.

6. **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 15301 categorically exempts interior and exterior alterations and additions to existing structures provided the addition will not result in an increase of 50% of the floor area or 2,500 square feet, whichever is less.
 - b) This project qualifies for a Class 1 Categorical Exemption because it is an addition to an existing single-family dwelling which does not increase the floor area by 50% or 2,500 square feet. The existing floor area is 1,825 square feet, and the proposed floor area is 2,700 square feet. The proposed addition has a floor area of 875 square feet, or approximately 48% of the original floor area. The project also includes an interior remodel and minor exterior modifications to an existing structure and therefore meets the requirements of the Class 1 Categorical Exemption.
 - c) None of the exceptions under CEQA Guidelines section 15300.2 apply to this project:
 - The location of a project site is not considered for Class 1 Categorical Exemption;
 - Successive projects of the same type and in the same place (additions to a single-family dwelling on this lot) would not contribute to a significant cumulative impact;
 - There are no unusual circumstances regarding this project that would cause a significant effect to the environment (see Findings 1 and 2, and supporting evidence);
 - The project site is not visible from any scenic highways, and the proposed development would not result in damages to scenic resources; and
 - The project site is not located on or near any hazardous waste sites listed in Section 65962.5 of the Government Code.
 - d) Staff conducted a site inspection on September 28, 2023 to verify that the site and proposed project meet the criteria for an exemption.
 - e) The application, plans and supporting materials submitted by the project applicant to Monterey County HDC-Planning for the proposed development are found in Project File PLN230274.

7. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.

- EVIDENCE:**
- a) Board of Supervisors. Pursuant to Title 20 section 20.86.020, an aggrieved party may appeal a decision of the Chief of Planning to the Board of Supervisors.
 - b) California Coastal Commission. This project is appealable to the California Coastal Commission pursuant to Title 20 section

20.86.080.A.3, as it includes development that is permitted in the underlying zone as a conditional use. The project includes development within 750 feet of known archaeological resources. This circumstance falls under conditional uses which require a coastal development permit.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the HCD Chief of Planning does hereby:

1. Find the project Categorically Exempt pursuant to CEQA Guidelines section 15301, Existing Facilities, and no exceptions pursuant to section 15300.2 can be made; and
2. Approve a Coastal Administrative Permit and Design Approval to allow construction of a new 690 square foot second story addition, a 65 square foot main level addition, and remodel of an existing single family dwelling; and a Coastal Administrative Permit to allow development within 750 feet of known archaeological resources.

All of which are in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 20th day of March, 2024:

Melanie Beretti, AICP
HCD Acting Chief of Planning

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 OF THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

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 Monterey County HCD-Planning and HCD-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.

Form Rev. 1-27-2021

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County of Monterey HCD Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN230274

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

**Condition/Mitigation
Monitoring Measure:**

This Coastal Administrative Permit and Design Approval (PLN230274) allows construction of an approximately 690 square foot second story addition to an existing single family dwelling, a 65 square foot addition to the main level of the home and development within 750 feet of known archaeological resources. The property is located at 2657 16th Ave, Carmel (Assessor's Parcel Number 009-394-006-000), Carmel Area Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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 HCD - Planning. 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. (HCD - Planning)

**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

Condition/Mitigation The applicant shall record a Permit Approval Notice. This notice shall state:

Monitoring Measure: "A Coastal Administrative Permit and Design Approval (Resolution Number _____) was approved by the Chief of Planning for Assessor's Parcel Number 009-394-006-000 on March 20th, 2023. The permit was granted subject to 5 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

Proof of recordation of this notice shall be furnished to the Director of HCD - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the HCD - Planning.

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

Responsible Department: Planning

Condition/Mitigation 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. Monterey County HCD - Planning 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. (HCD - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County HCD - Planning 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. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: All exterior lighting shall be 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. The lighting source shall be shielded and recessed into the fixture. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of HCD - Planning, prior to the issuance of building permits.
(HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to HCD - Planning for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to final/occupancy, the Owner/Applicant/Contractor shall submit written and photographic evidence demonstrating that the lighting has been installed according to the approved plan.

On an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

5. PW0044 - CONSTRUCTION MANAGEMENT PLAN

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: The applicant shall submit a Construction Management Plan (CMP) to HCD-Planning and HCD-Engineering Services for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project.

CMP shall include, at a minimum, duration of the construction, hours of operation, truck routes, estimated number of truck trips that will be generated, number of construction workers, and on-site/off-site parking areas for equipment and workers and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project. (Public Works)

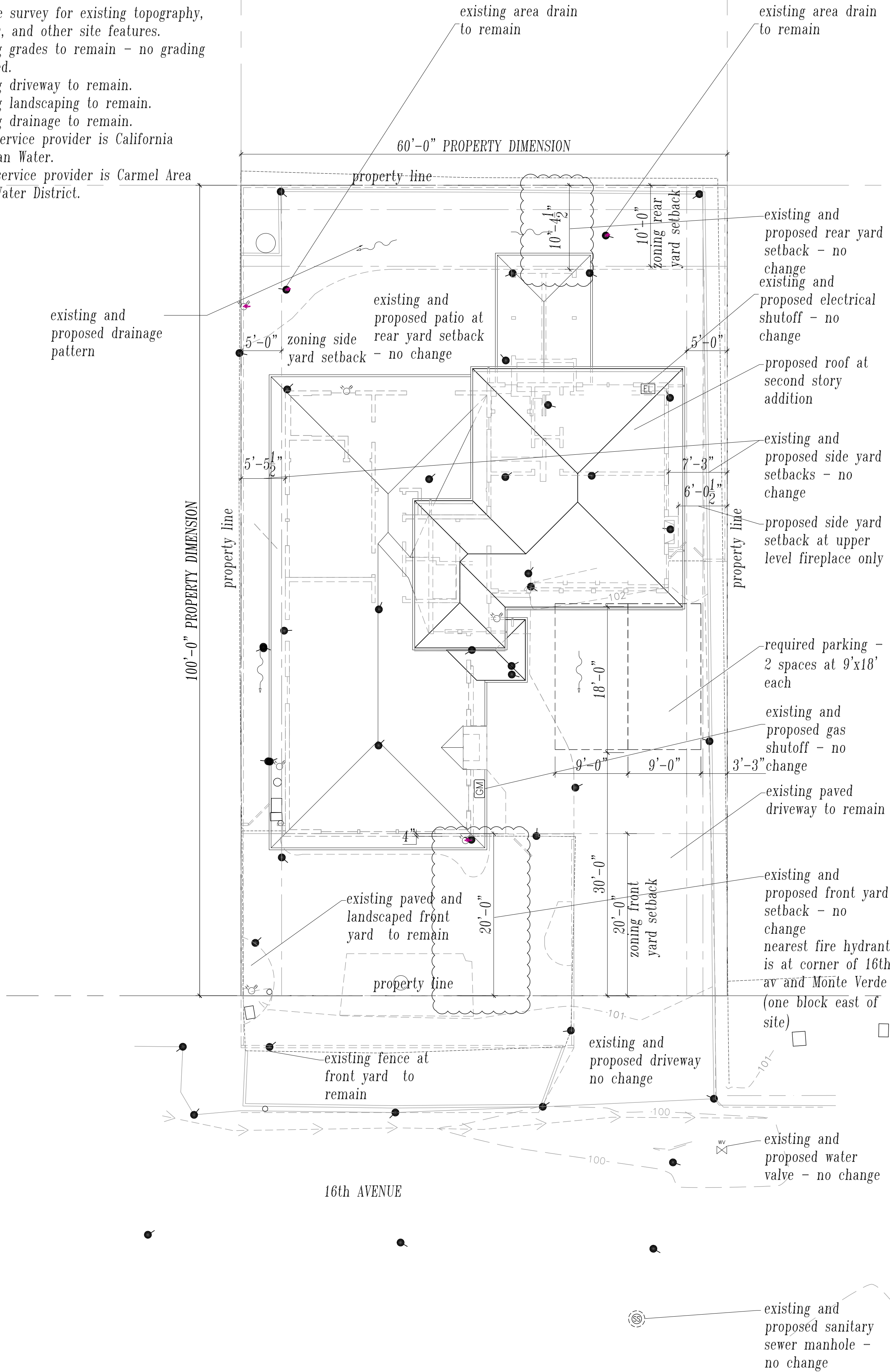
Compliance or Monitoring Action to be Performed: 1. Prior to issuance of the Grading Permit or Building Permit, Owner/Applicant/Contractor shall prepare a CMP and shall submit the CMP to the HCD-Planning and HCD- Engineering Services for review and approval.

2. On-going through construction phases Owner/Applicant/Contractor shall implement the approved measures during the construction/grading phase of the project.

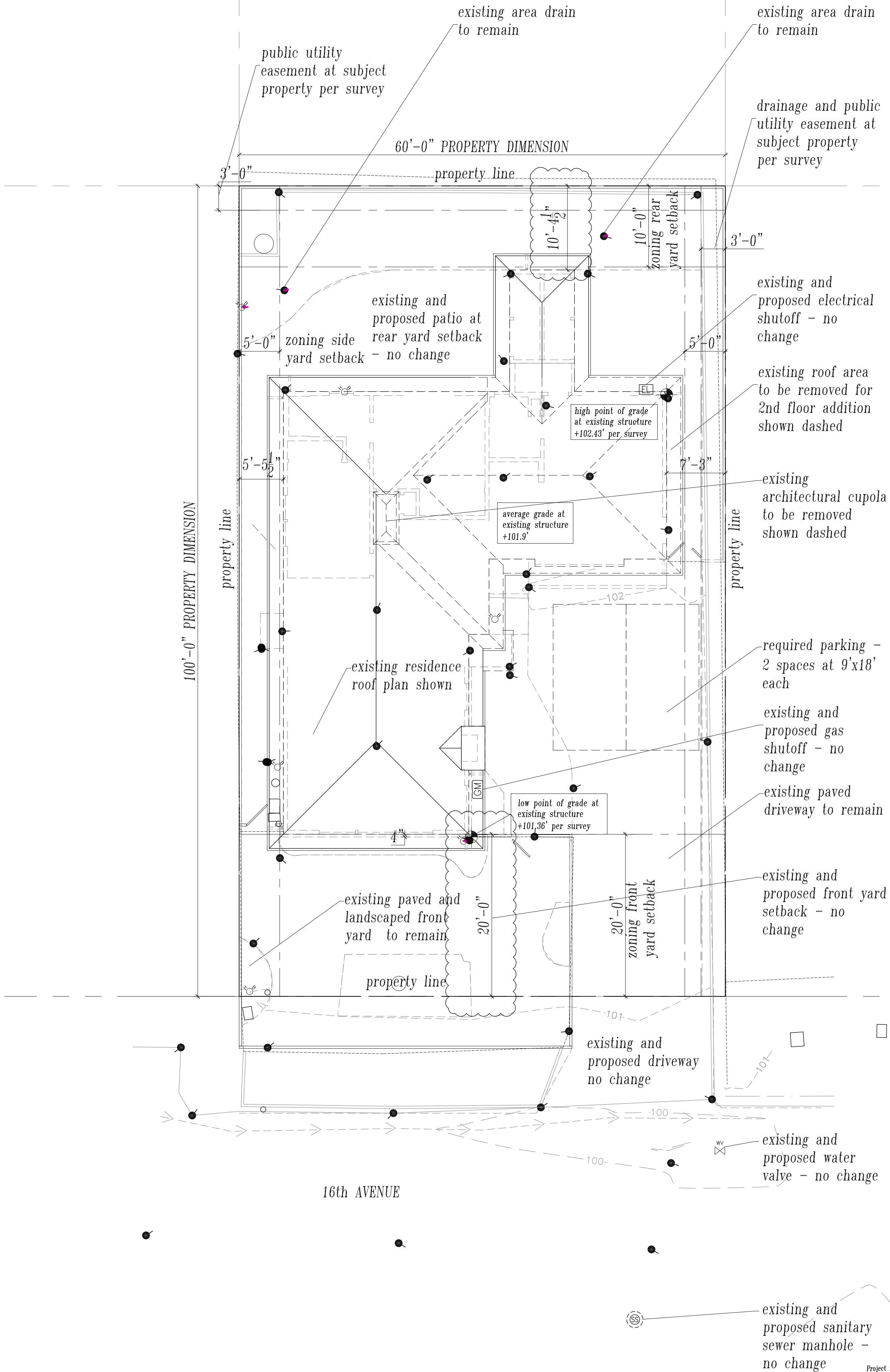
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SITE PLAN NOTES:

1. See site survey for existing topography, utilities, and other site features.
2. Existing grades to remain – no grading proposed.
3. Existing driveway to remain.
4. Existing landscaping to remain.
5. Existing drainage to remain.
6. Water service provider is California American Water.
7. Sewer service provider is Carmel Area Waste Water District.

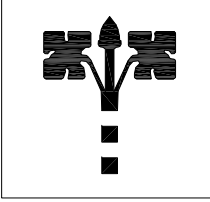


2 Proposed Site Plan
Scale: 1/8" = 1'-0"



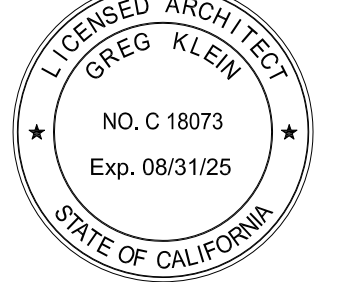
1 Existing Site Plan
Scale: 1/8" = 1'-0"

GREG KLEIN
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Phil Klein



OWNERS:
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Revisions	Date
planning submittal	08-23-2023
planning revision	01-23-2024
planning revision	02-26-2024

King Residence

2657 16th Avenue
Carmel, CA 93923

APN 009 394 006 000

Drawing Title

Existing / Proposed
Site Plans

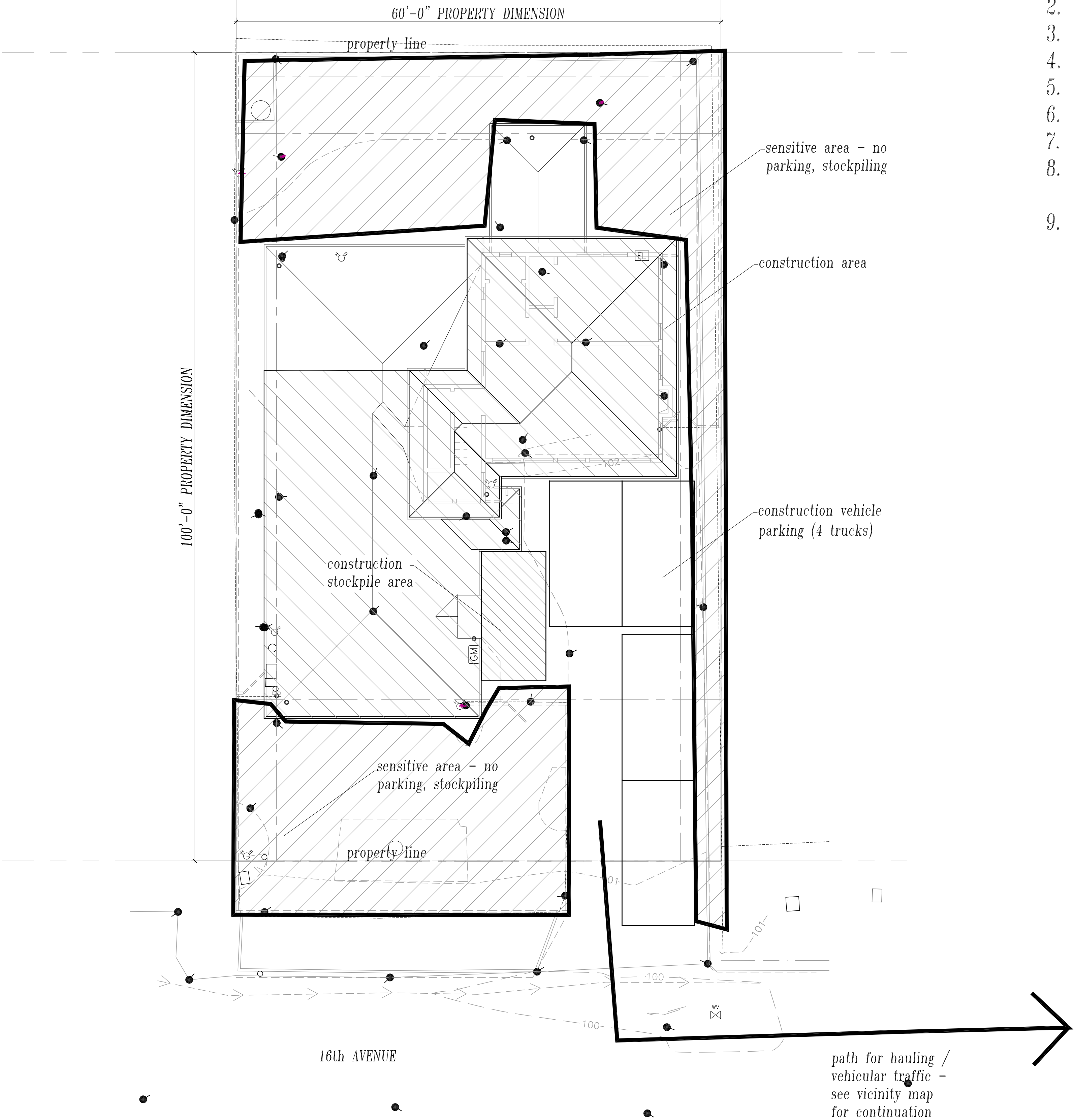
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Drawn By: gk

Job Number: 2023-05

Drawing Number

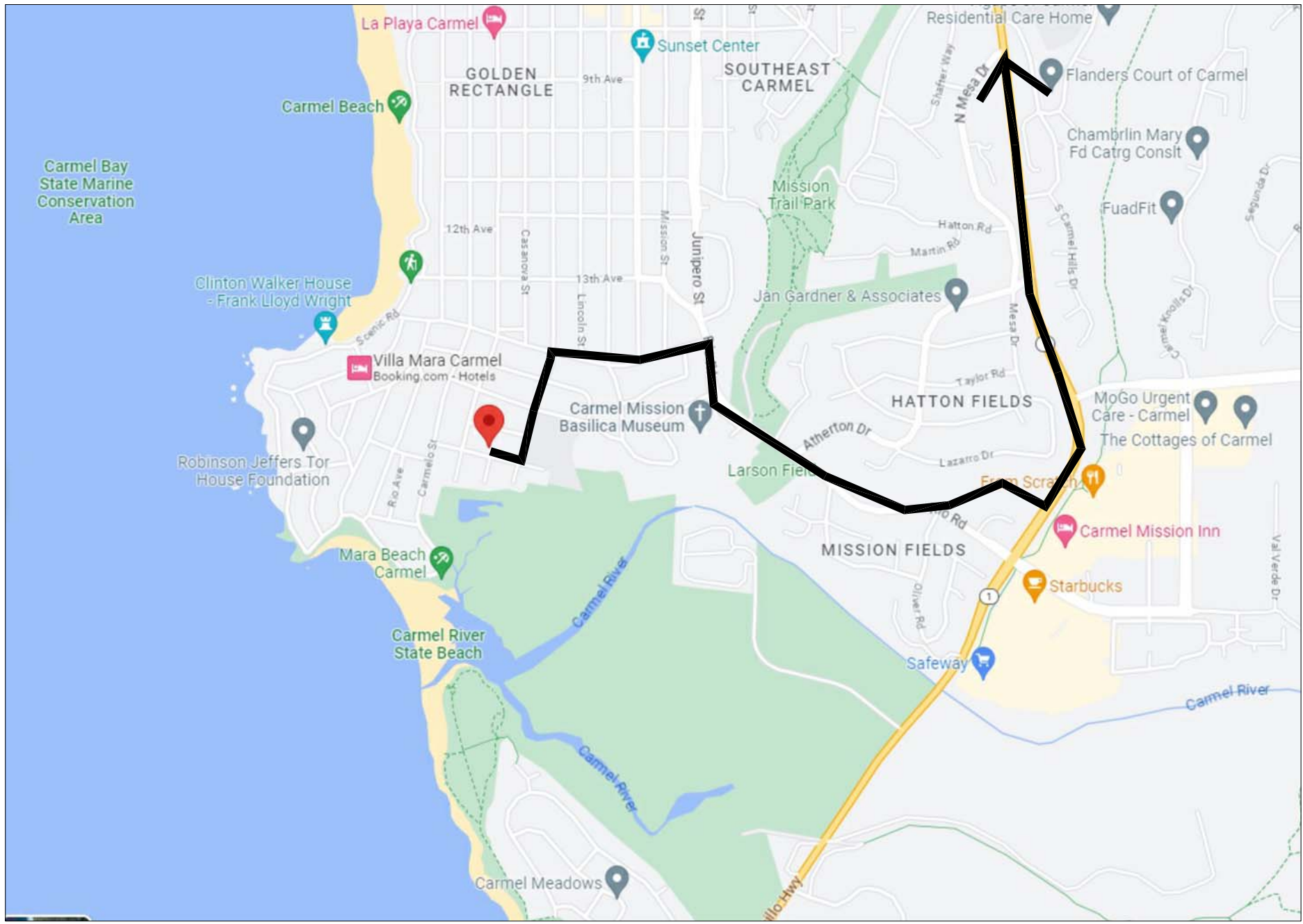
A100



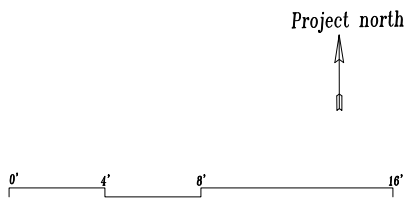
1 Construction Management Plan
Scale: 1/8" = 1'-0"

CONSTRUCTION MANAGEMENT PLAN NOTES:

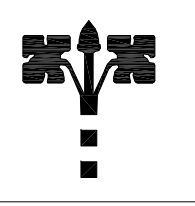
1. Types of construction vehicles and number of trucks / vehicle trips per day: 4 trucks, 4 vehicle trips per day.
2. Amount of grading per day: none except for footings less than 3 cubic yards
3. Hours of operation: 8 AM to 5 PM.
4. Project scheduling: 6 months construction period.
5. See vicinity map below
6. See map for proposed route for hauling material.
7. See site plan for location of stockpile areas and construction vehicle parking.
8. See site plan for sensitive areas where no parking, stockpiling, construction will occur.
9. Contractor contact information:
Dave Pond, Carmel Custom Homes
27880 Dorris Drive Suite 230
Carmel, California
831-905-5801 mobile
dave@carmelcustomhomes.com



2 Vicinity Map showing hauling route
Scale:



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Revisions	Date
planning submittal	08-23-2023
planning revision	01-23-2024

King
Residence

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Drawing Title

Construction
Management Plan

Scale: as noted

Drawn By: gk

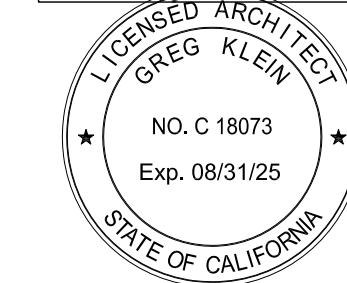
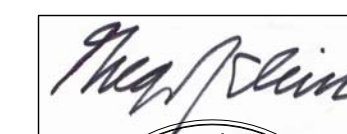
Job Number: 2023-05

Drawing Number

A101



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Revisions	Date
<i>planning submittal</i>	08-23-2021
<i>planning revision</i>	01-23-2022

King
Residence

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Carmel, CA 93923

APN 009 394 006 000

Drawing Title

Existing/Demolition Floor Plans

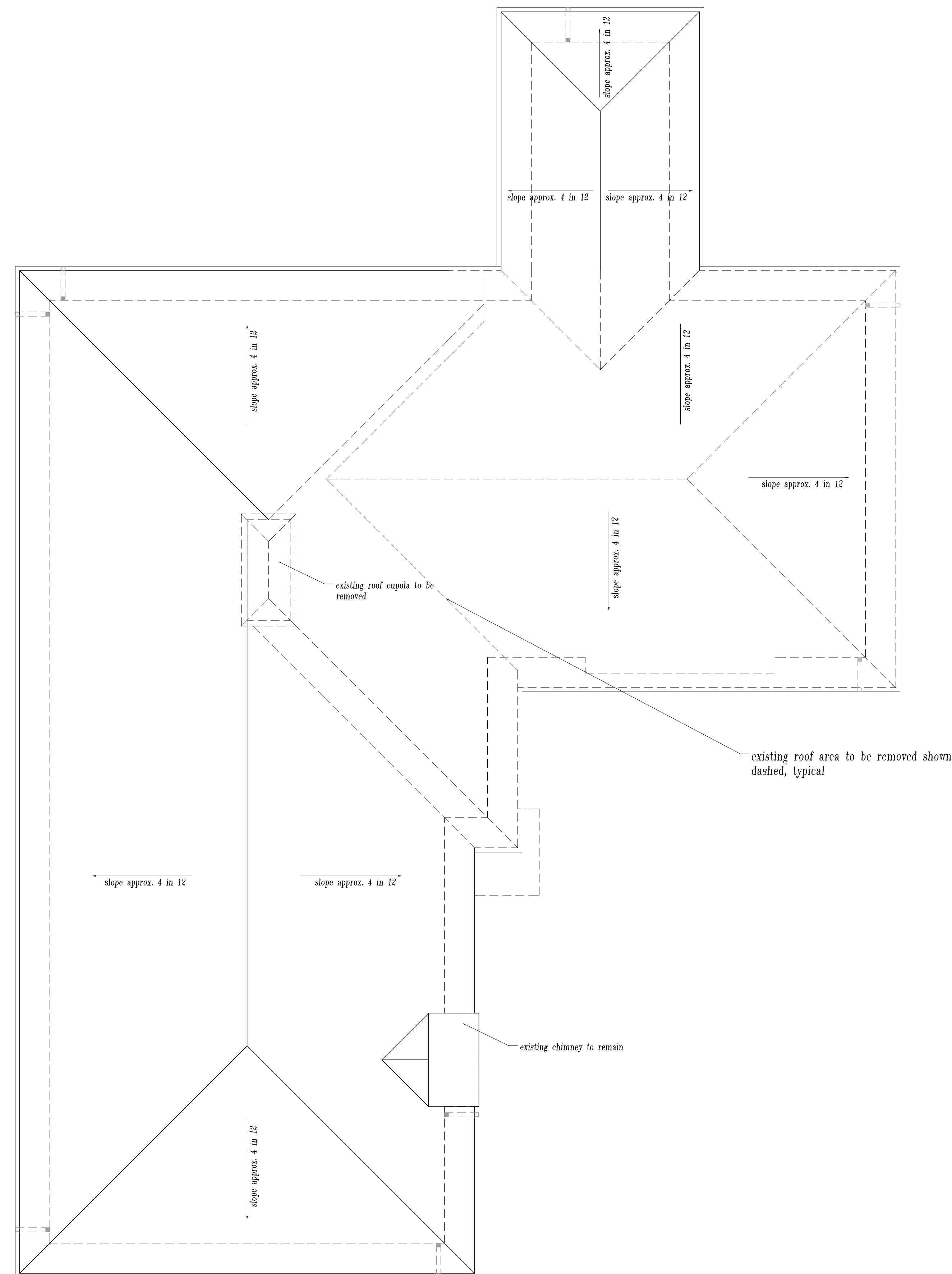
Scale	1/4"=1'-0"
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Drawn By

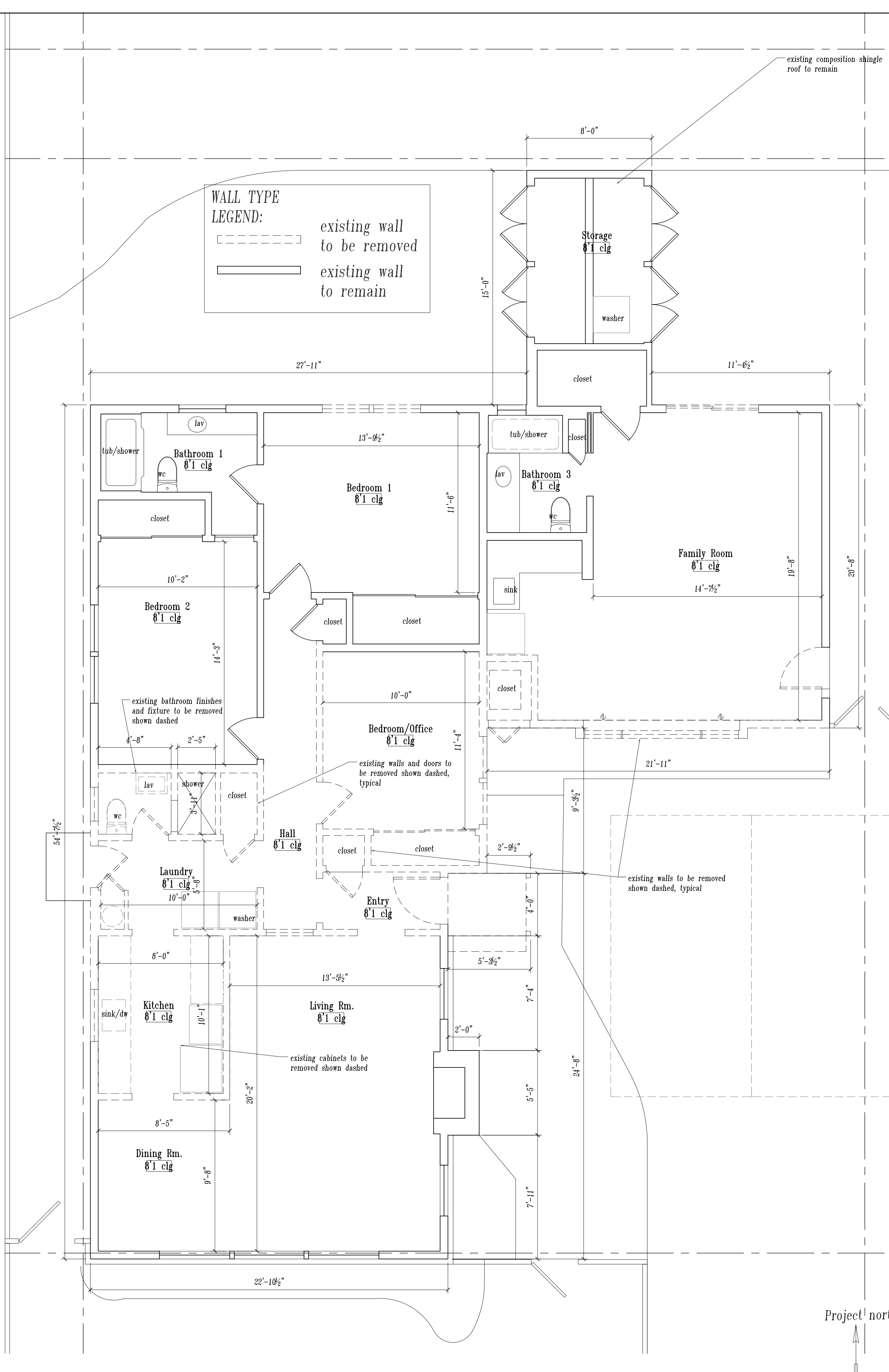
Job Number	2023-05
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Drawing Number

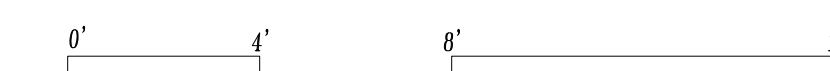
A200.0



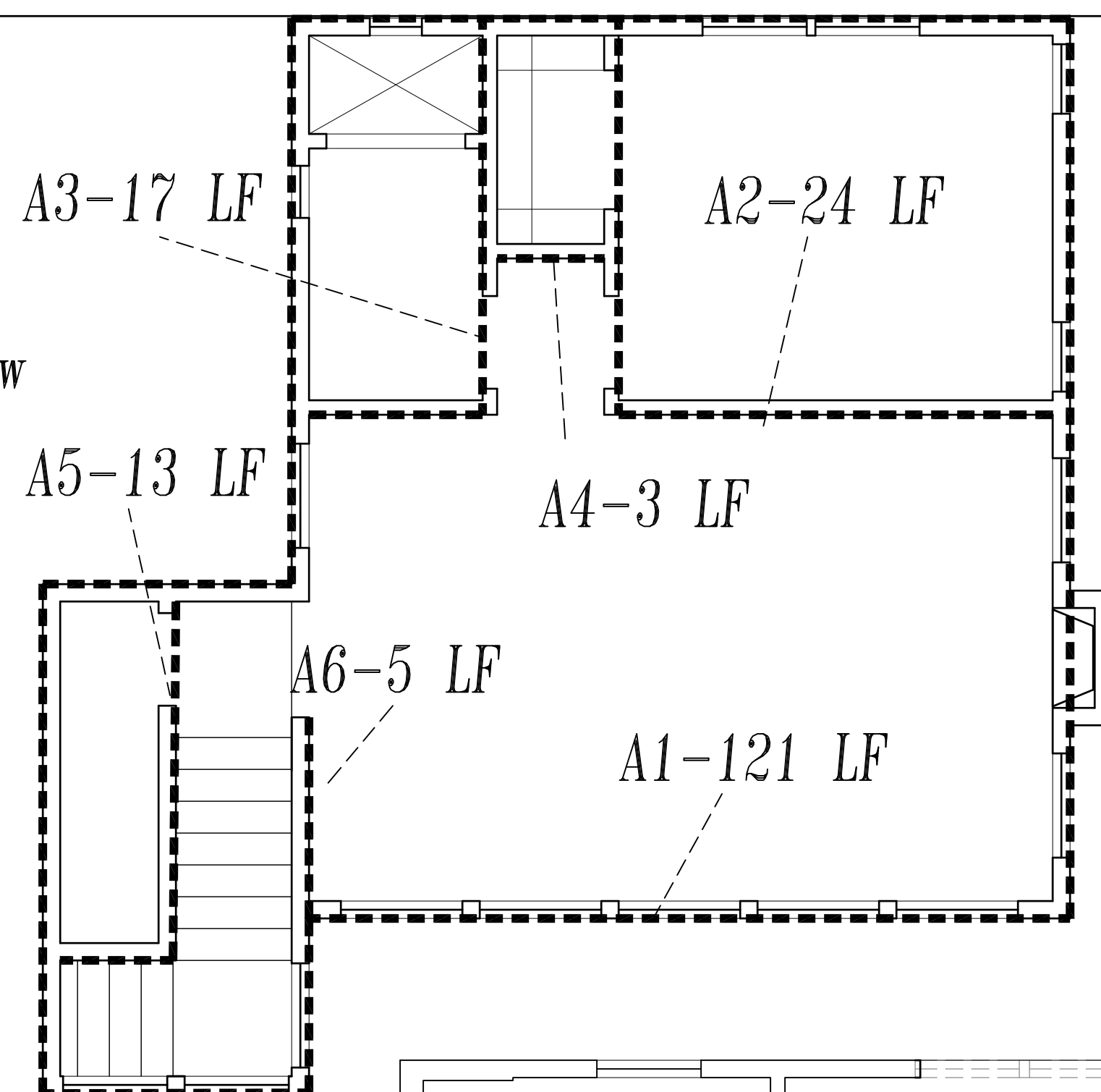
2 Existing Roof Plan
Scale: 1/4" = 1'-0"



1 Existing Floor Plan
Scale: 1/4" = 1'-0"



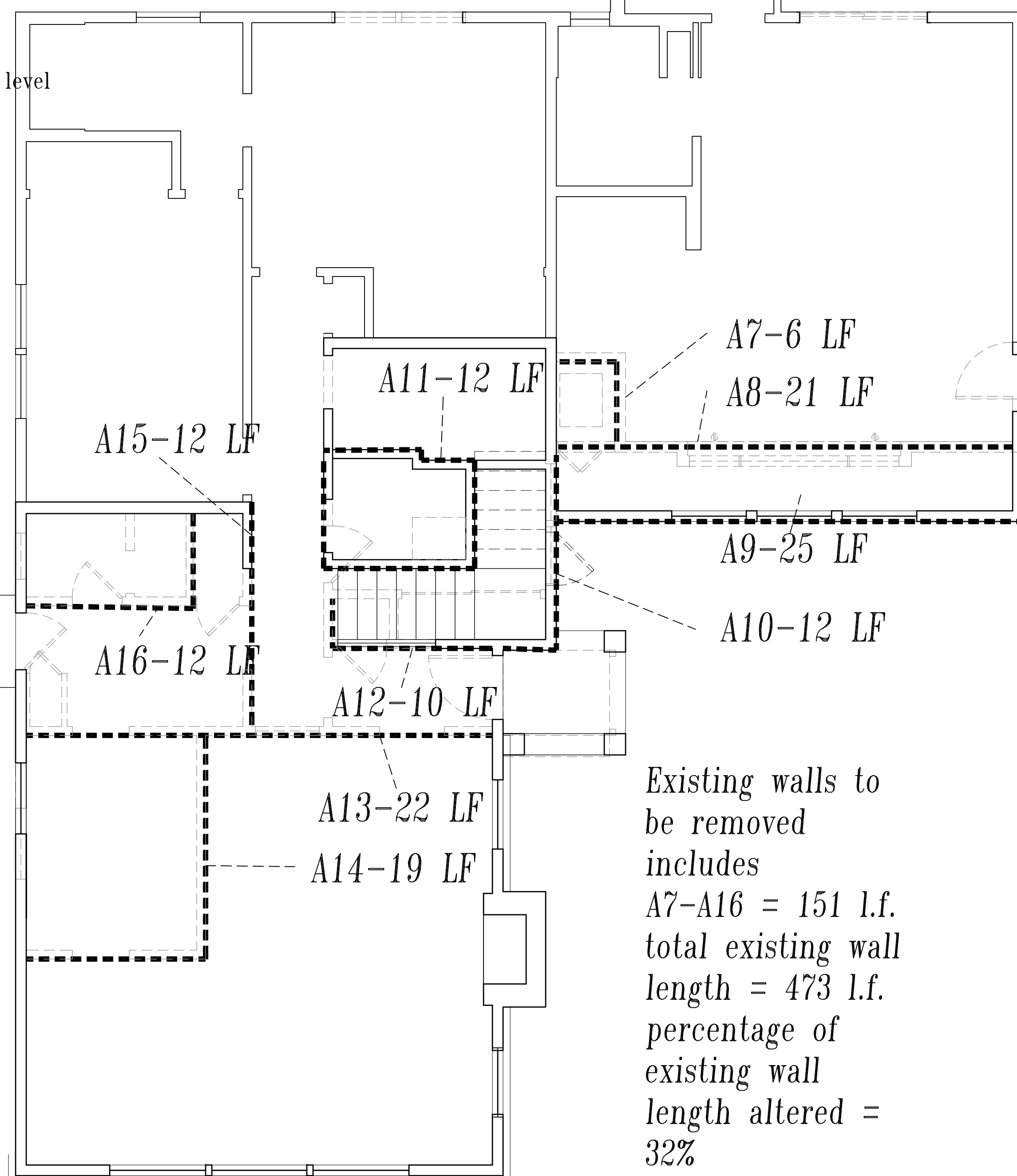
upper level
addition - note
that all walls at
this level are new
walls



3 Addition Wall Length Calculations - Upper level

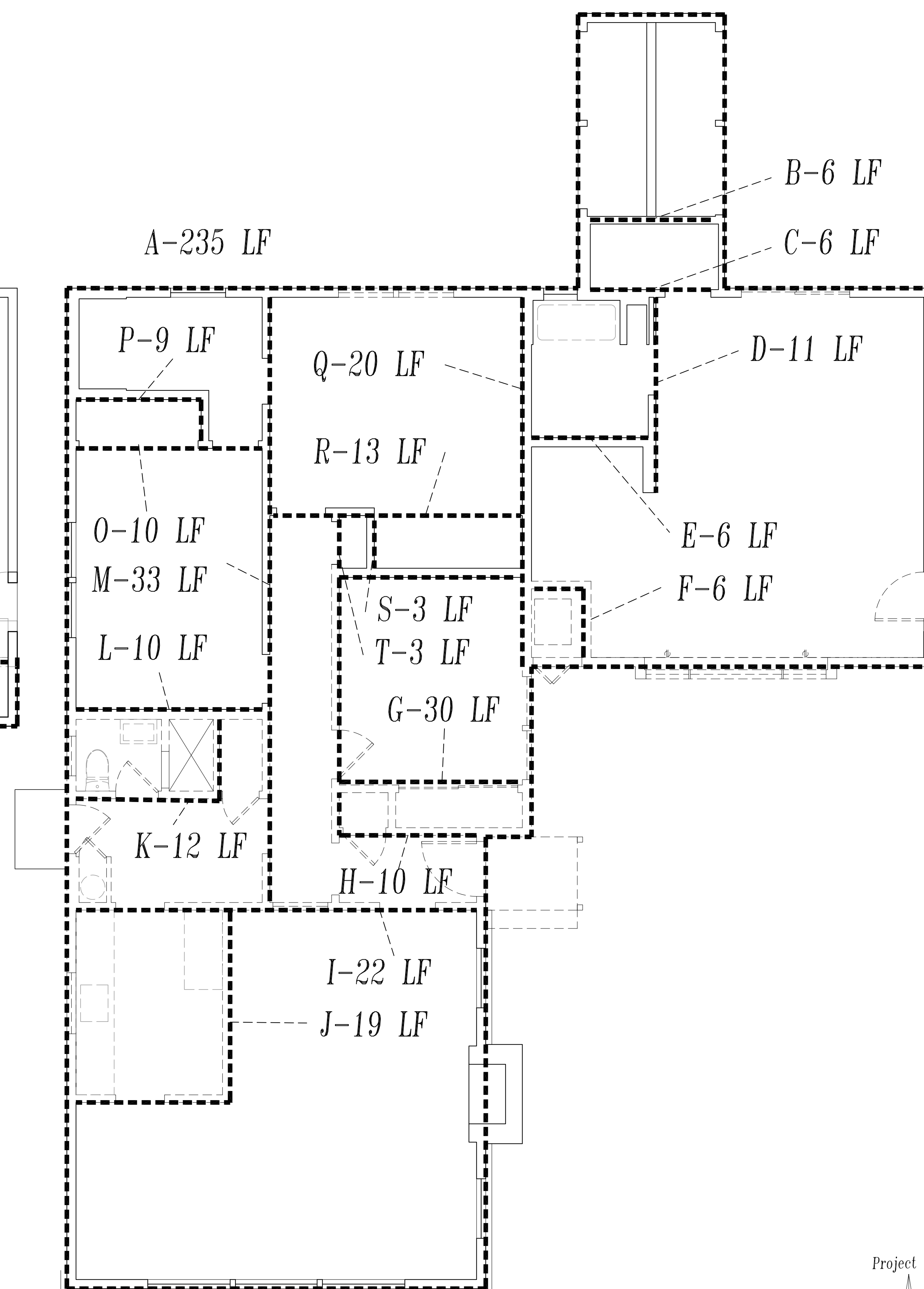
[illegible]

2 Addition-Renovation Wall Length Calculations - main level
Scale: 1/4" = 1'-0"

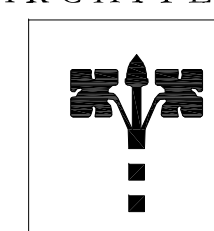


Existing walls to be removed includes
A7-A16 = 151 l.f.
total existing wall length = 473 l.f.
percentage of existing wall length altered = 32%

1 Existing Wall Length Calculations - main level
Scale: 1/4" = 1'-0"

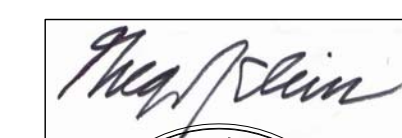


Project north

$$\overbrace{0' \quad \dots \quad 4'} \quad \overbrace{8' \quad \dots \quad 1}$$


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Revisions	Date
<i>planning submittal</i>	08-23-2023
<i>planning revision</i>	01-23-2024

King
Residence

2657 16th Avenue
Carmel, CA 93923

APN 009 394 006 000

Drawing Title

Existing and Proposed Wall Calculations

Scale	1/4"=1'-0"
-------	------------

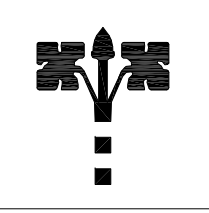
Drawn By	
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Job Number	2023-05
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Drawing Number

A200.1

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Revisions	Date
planning submittal	08-23-2023
planning revision	01-23-2024

King Residence

2657 16th Avenue
Carmel, CA 93923

APN 009 394 006 000

Drawing Title

Proposed Main & Upper Level Plans

Scale 1/4"=1'-0"

Drawn By gk

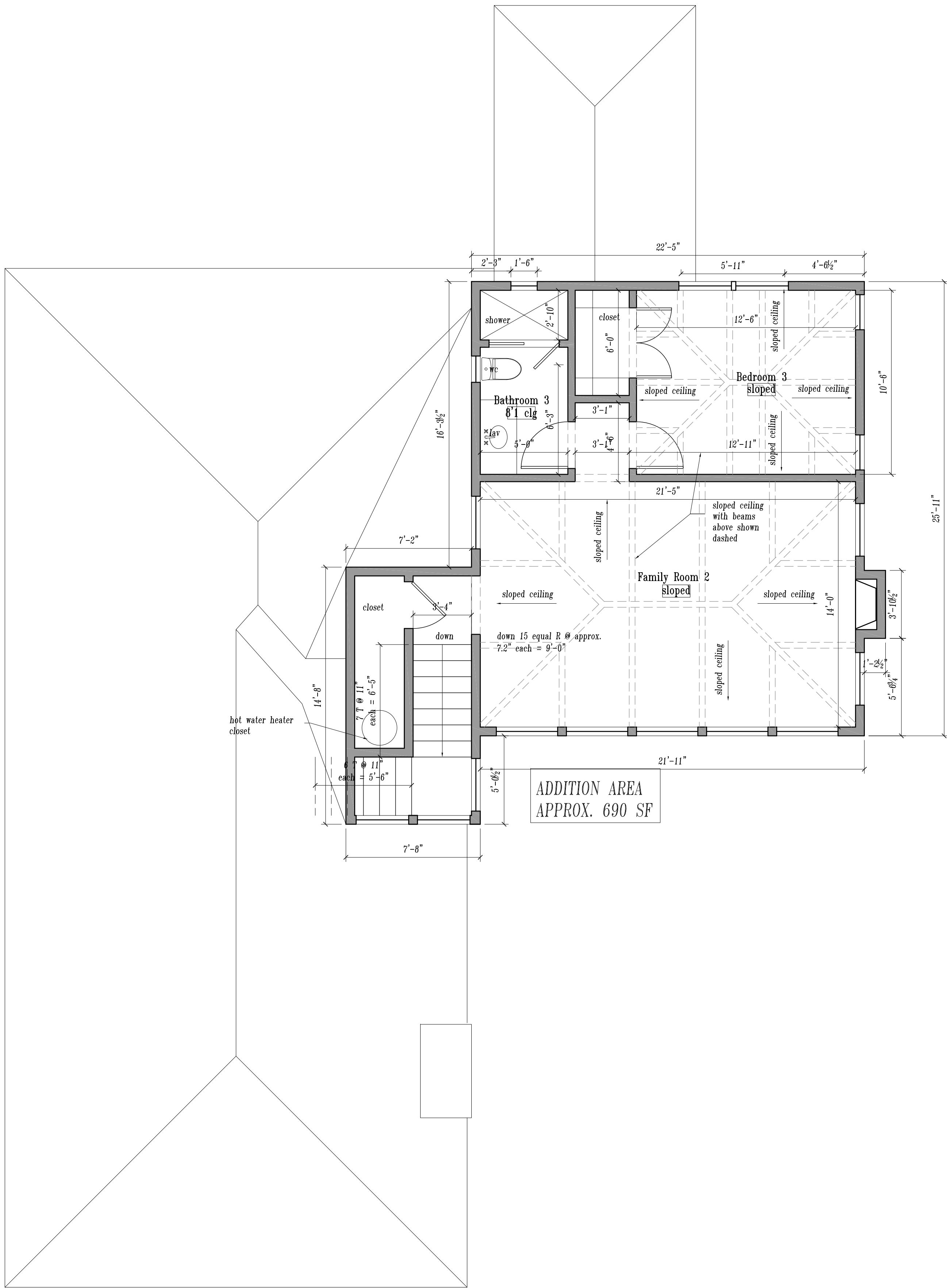
Job Number 2023-05

Drawing Number

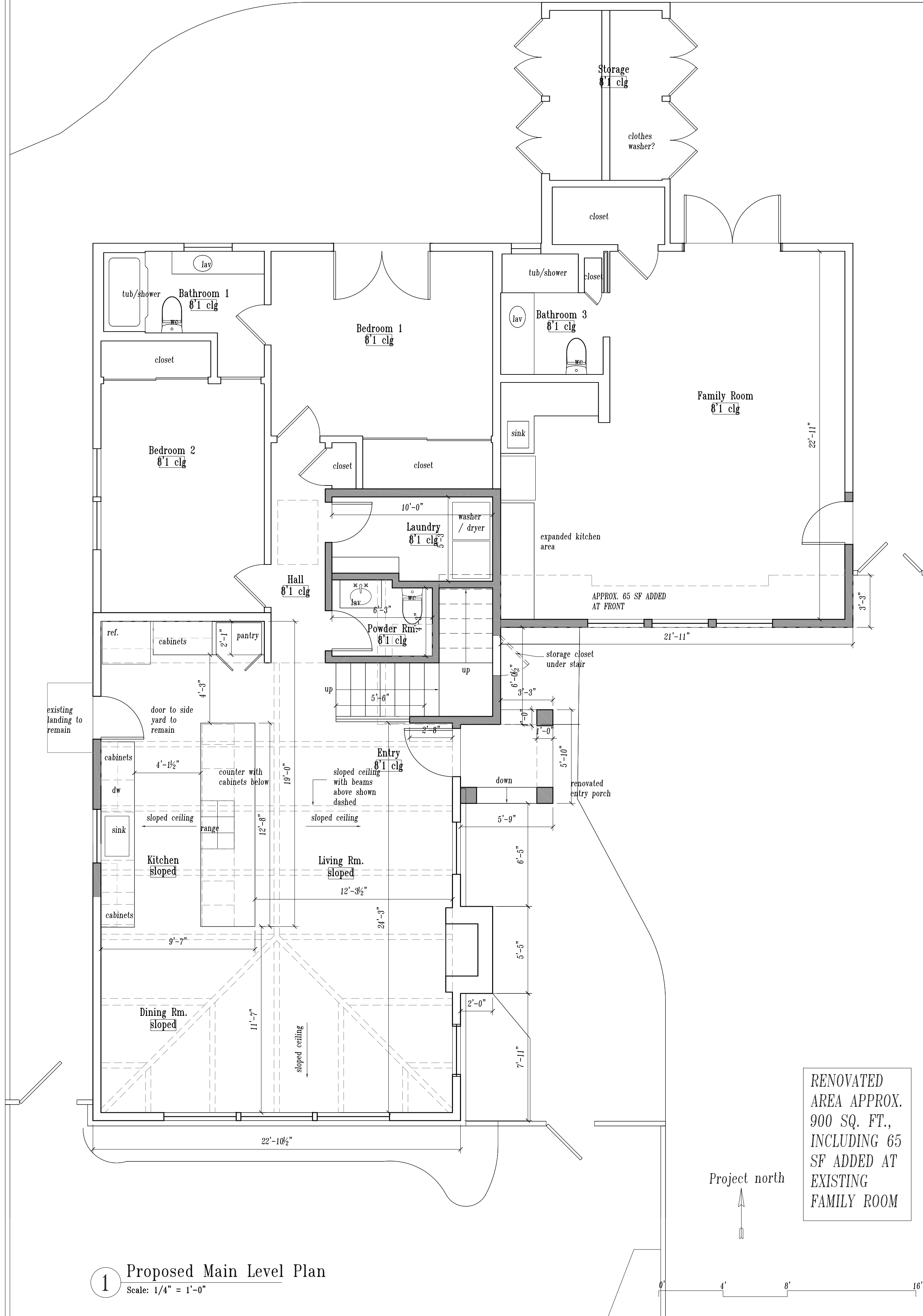
A201

WALL TYPE LEGEND:

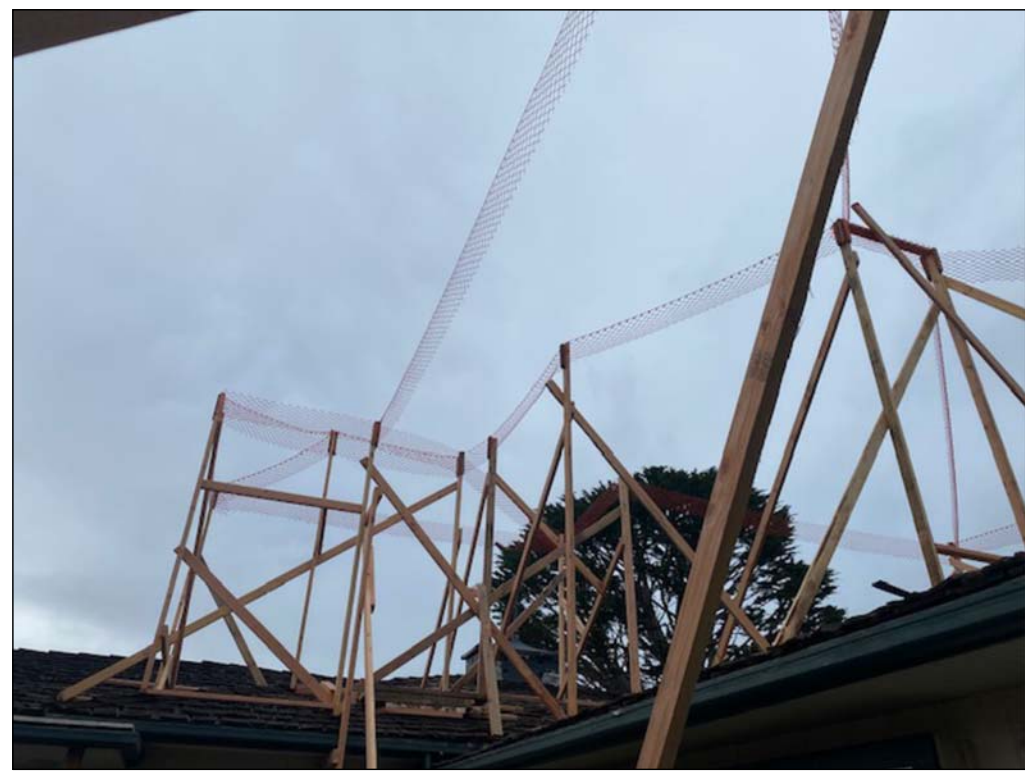
- new wall
- existing wall to remain



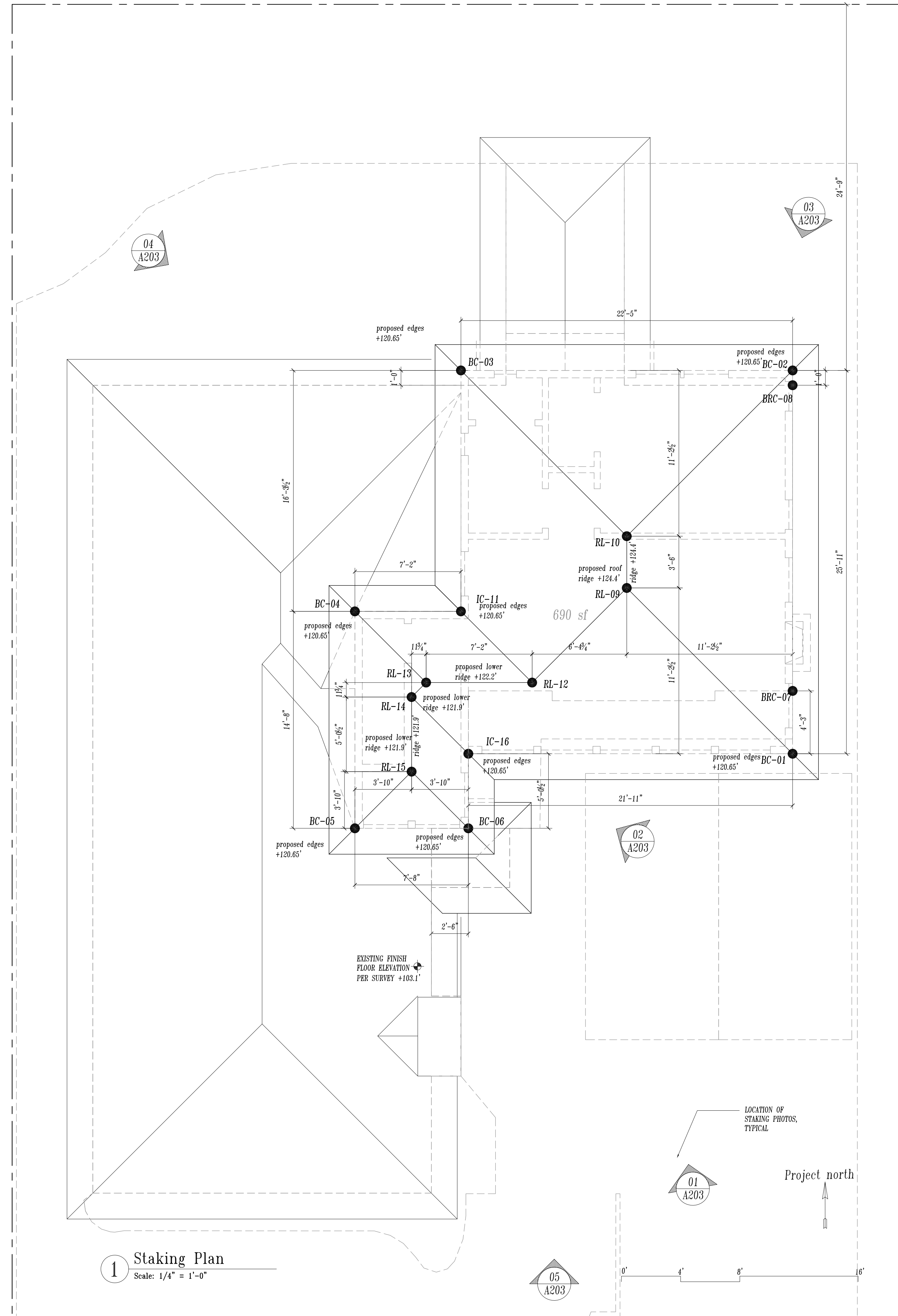
2 Proposed Upper Level Plan
Scale: 1/4" = 1'-0"



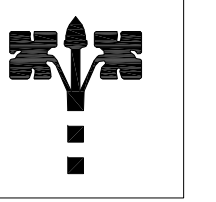
1 Proposed Main Level Plan
Scale: 1/4" = 1'-0"



NOTE: STAKING ERECTED ON 01-18-2024 PER
STAKING PLAN

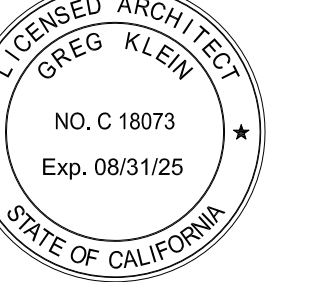


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Theresa Klein



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Revisions	Date
<i>blanning submittal</i>	<i>08-23-2023</i>
<i>blanning revision</i>	<i>01-23-2024</i>

King
Residence

2657 16th Avenue
Carmel, CA 93923

APN 009 394 006 000

Drawing Title

Staking Plan

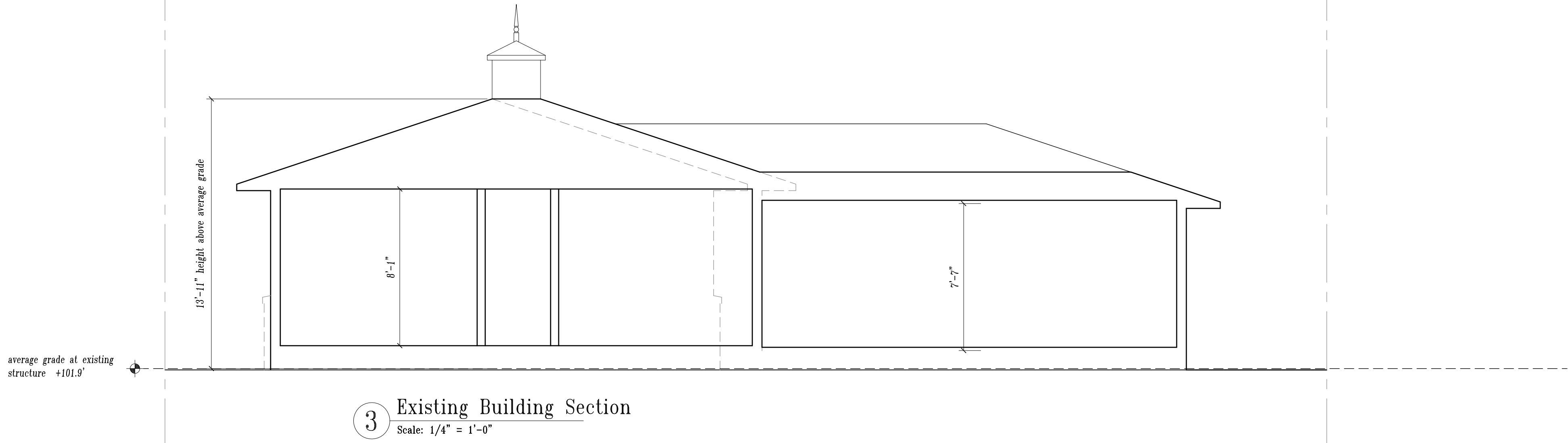
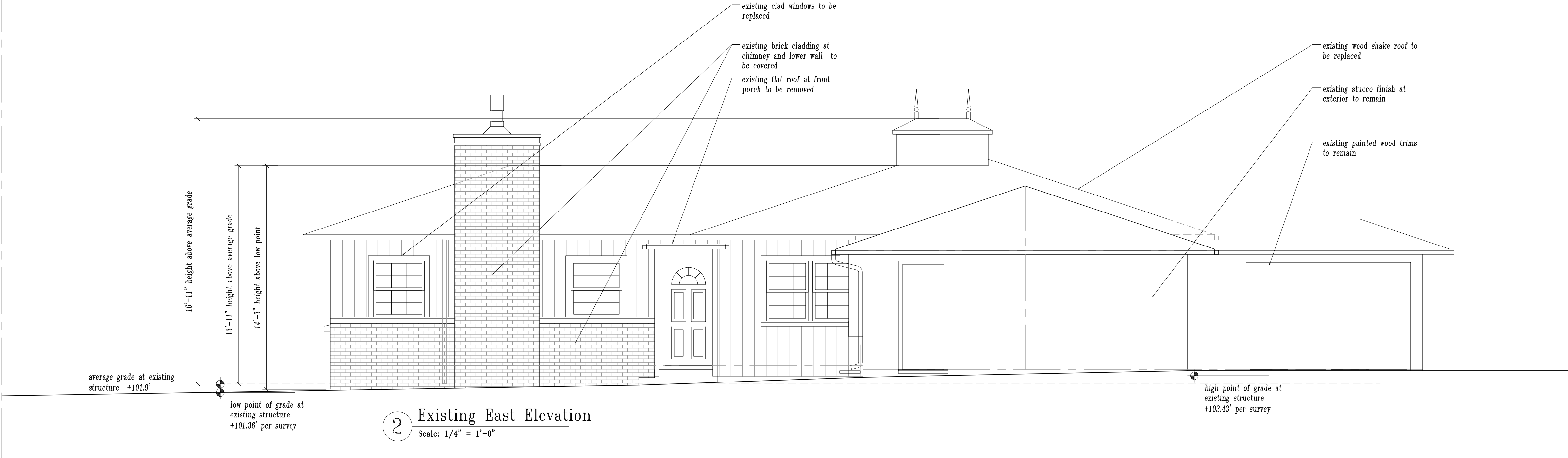
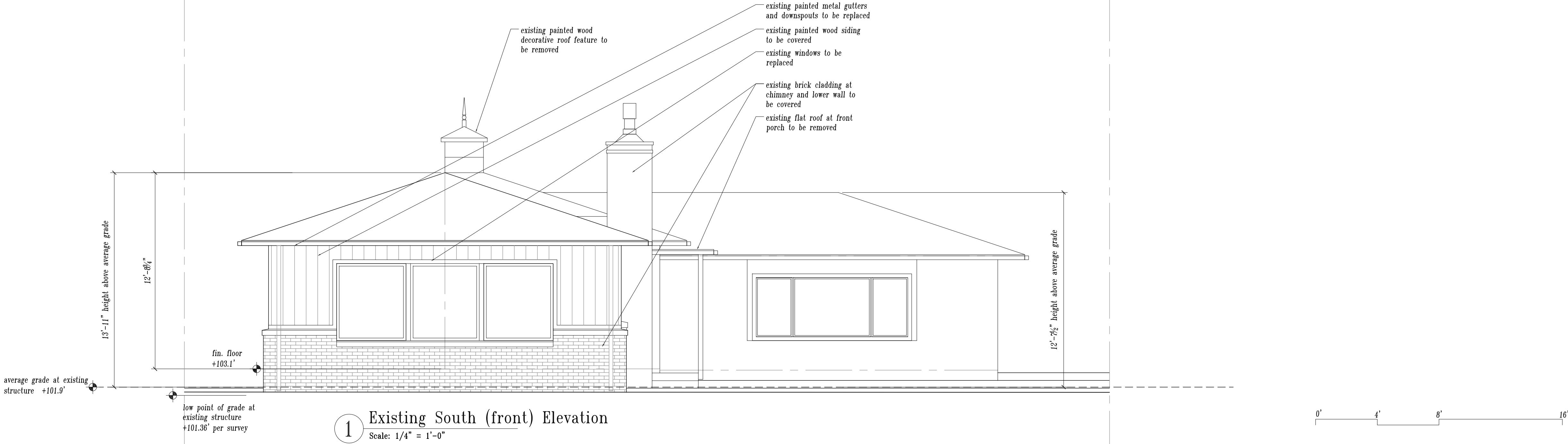
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Drawn By gk

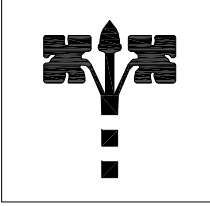
Job Number	2023-05
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Drawing Number

A203



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Revisions	Date
<i>planning submittal</i>	<i>08-23-2023</i>
<i>planning revision</i>	<i>01-23-2024</i>

King
Residence

2657 16th Avenue
Carmel, CA 93923

APN 009 394 006 000

Drawing Title

Existing Ext.
Elevations / Section

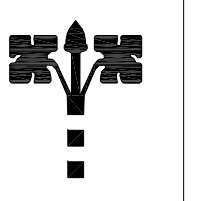
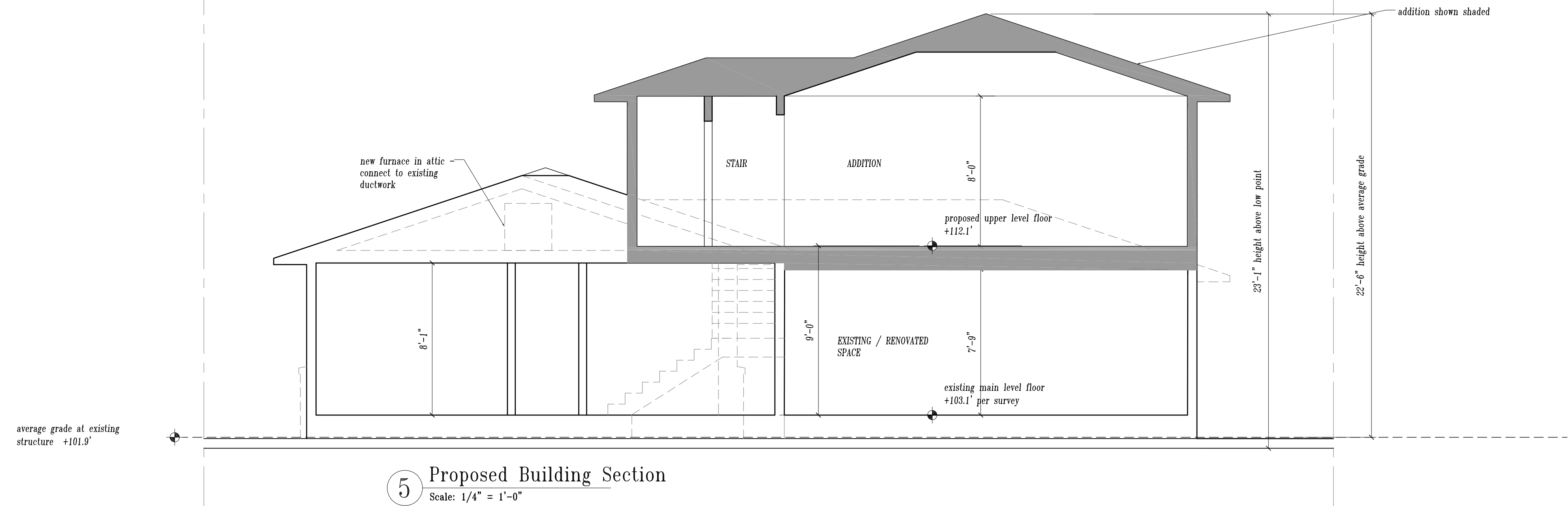
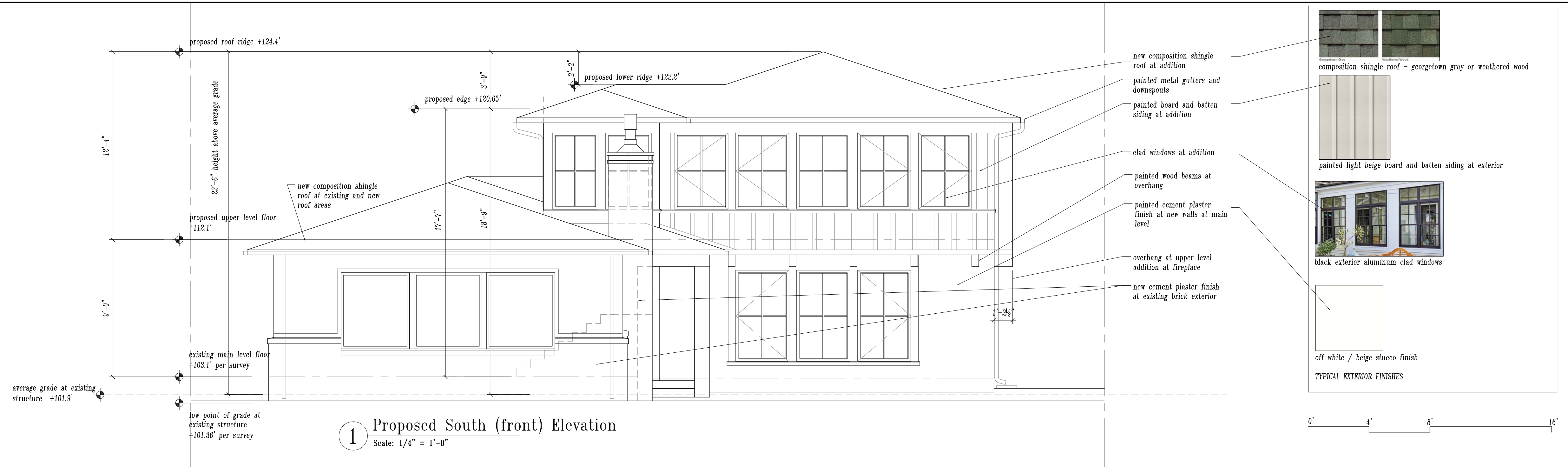
Scale 1/4"=1'-0"

Drawn By gk

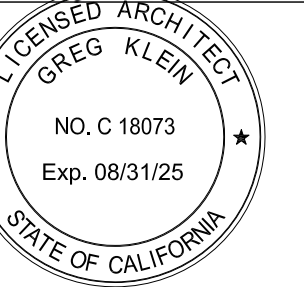
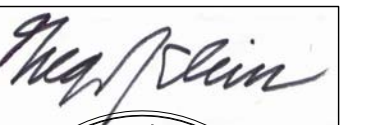
Job Number 2023-05

Drawing Number

A300



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regkleinarchitect@gmail.com



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Carmel, CA 93923

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Revisions	Date
<i>Planning submittal</i>	<i>08-23-2023</i>
<i>Planning revision</i>	<i>01-23-2024</i>

King
Residence

657 16th Avenue
 Carmel, CA 93923

APN 009 394 006 000

Drawing Title

Proposed Ext.
Elevations / Section

Scale 1/4"=1'-0"

Drawn By gk

Job Number	2023-05
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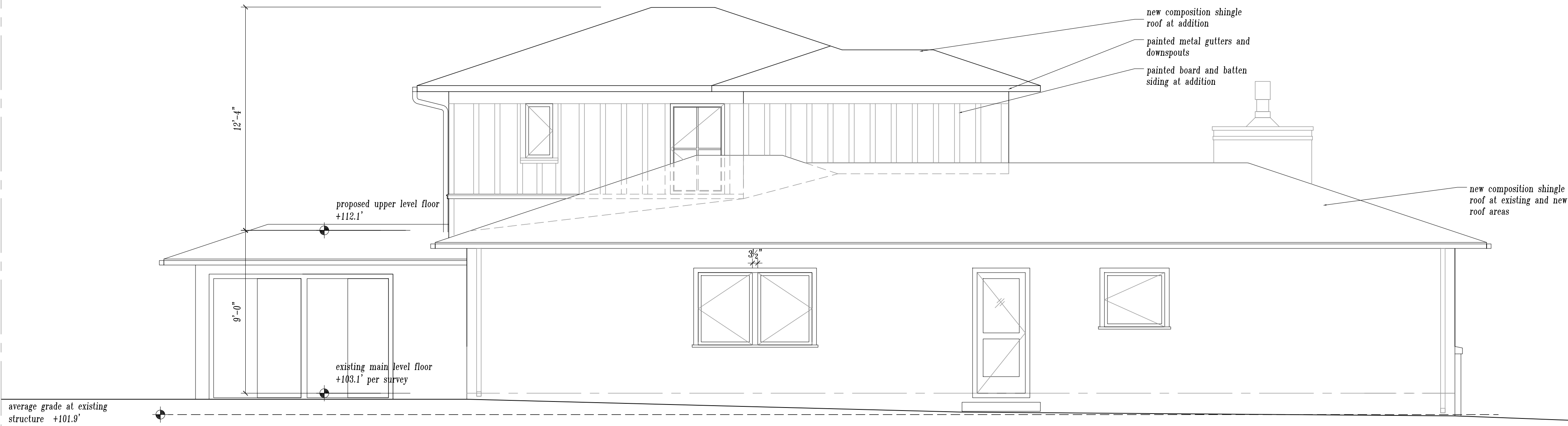
Drawing Number

A302



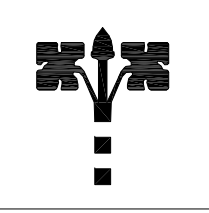
SEE A302 FOR ADDITIONAL INFORMATION

3 Proposed North Elevation
Scale: 1/4" = 1'-0"



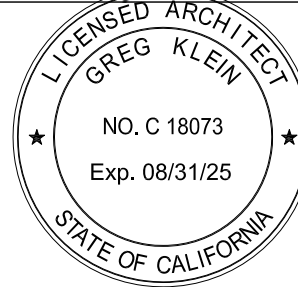
4 Proposed West Elevation
Scale: 1/4" = 1'-0"

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Revisions	Date
planning submittal	08-23-2023
planning revision	01-23-2024

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APN 009 394 006 000

Drawing Title

Proposed
Ext. Elevations

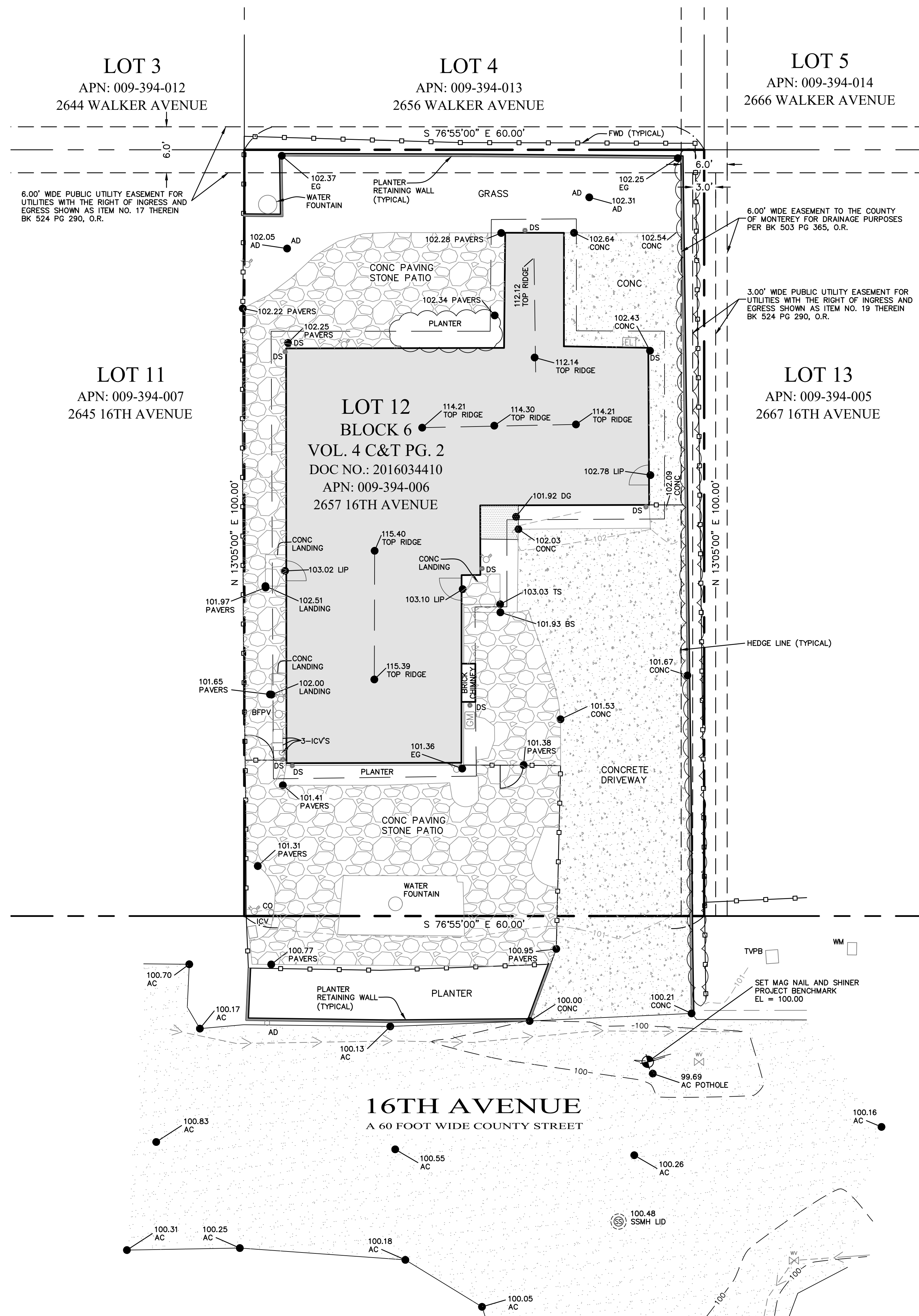
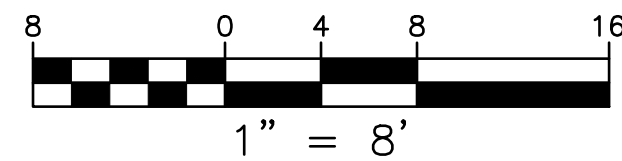
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Drawn By gk

Job Number 2023-05

Drawing Number

A303

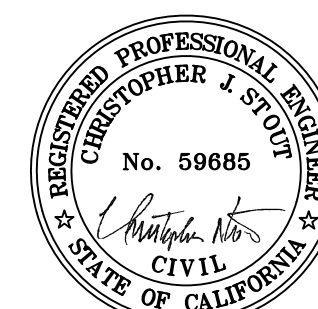


LEGEND

		PROPERTY LINE ROOF LINE FLOW LINE WOOD FENCE OVERHEAD WIRE MAJOR CONTOUR MINOR CONTOUR
		80.00 → SPOT ELEVATION
AC BS CONC CYP DG E EG ELEC FC FL FP FW JUN O PLM RL T TS TYP	ASPHALT BOTTOM STAIRS CONCRETE CYPRESS TREE DECOMPOSED GRANITE EXISTING EXISTING GRADE ELECTRICAL FACE OF CURB FLOW LINE FINISH PAVEMENT FACE OF WALL JUNIPER TREE OAK TREE PALM TREE RIDGE LINE TREE TOP OF STAIRS TYPICAL	WATER METER WATER VALVE IRRIGATION CONTROL FIRE HYDRANT HOSE BIB BACKFLOW PREVENTOR ELECTRICAL METER UTILITY POLE GUY WIRE GAS VALVE GAS METER SEWER MANHOLE SEWER CLEANOUT DOWNSPOUT
		AC PAVEMENT
		CONCRETE
		BRICK PAVERS
		STONE PAVERS
		DECOMPOSED GRANITE

NOTES

1. BOUNDARY DATA SHOWN HEREON WERE DETERMINED WITH THE BENEFIT OF A FIELD SURVEY SUPPLEMENTED BY RECORD DOCUMENTS. ALL BOUNDARY DATA SHOWN HEREON ARE FROM THE RECORDS PER GRANT DEED DOCUMENT NO. 2016034410 AND SHOWN APPROXIMATE ONLY.
2. THIS TOPOGRAPHIC SURVEY IS PREPARED FOR DESIGN PURPOSES ONLY.
3. ENTITLEMENTS OR ENCUMBRANCES AFFECTING THIS PROPERTY ARE SHOWN PER CHICAGO TITLE COMPANY PRELIMINARY REPORT ORDER NO. FWMN-5221600058-RS DATED 04/18/2016.
4. DISTANCES SHOWN ARE EXPRESSED IN FEET AND DECIMALS THEREOF.
5. CONTOUR INTERVAL = ONE FOOT.
6. TREE TYPES ARE INDICATED WHERE KNOWN. DIAMETERS OF TREES ARE SHOWN IN INCHES AND ARE APPROXIMATE ONLY, TO BE VERIFIED BY AN APPROVED ARBORIST. TREES SMALLER THAN 6" ARE NOT NECESSARILY SHOWN. DIRECTION OF GROWTH AND DRIP LINE SHAPE TO BE VERIFIED BY OTHERS.
7. POSITION AND DIMENSIONS (IF ANY) OF BUILDINGS AND OTHER STRUCTURES ARE SHOWN HEREON APPROXIMATE ONLY DUE TO MEASUREMENT LIMITATIONS, IRREGULAR SHAPE OF BRICK FACING, POP-OUTS, BULL NOSE CORNERS, ETC.
8. NOT ALL UTILITY BOXES AND/OR UTILITY STRUCTURES ARE SHOWN INCLUDING BUT NOT LIMITED TO HOSE BIBS AND IRRIGATION VALVES. ONLY THE VISIBLE UTILITY BOXES AND/OR UTILITY STRUCTURES THAT WERE CONSIDERED TO CONVEY THE GENERAL UTILITY CONDITIONS ARE SHOWN.
9. A LOCAL BENCHMARK FOR THIS PROJECT IS A MAG NAIL AND SHINER SET IN AC PAVEMENT AS SHOWN HEREON, HAVING AN ELEVATION OF 100.00 FEET BASED UPON AN ASSUMED DATUM.
10. THIS MAP CORRECTLY REPRESENTS A SURVEY PREPARED BY ME AND/OR UNDER MY DIRECTION, FROM FIELD DATA COLLECTED IN APRIL 2023.

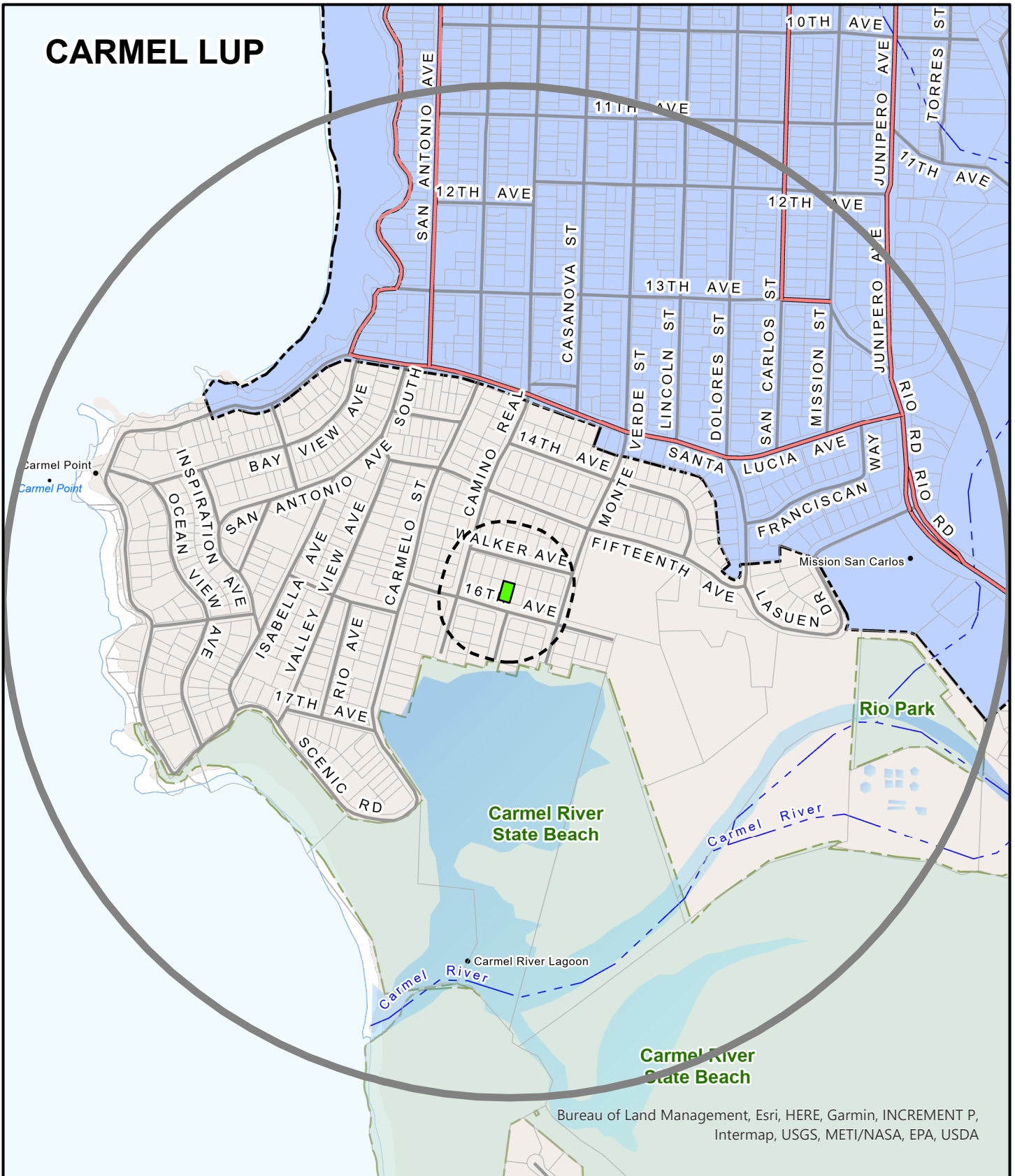


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Exhibit B

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CARMEL LUP



Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

APPLICANT: KING PHILIP M & DENA TRS

APN: 009-394-006-000

FILE # PLN230274



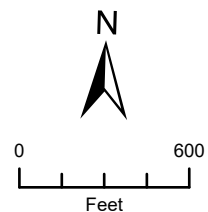
Project Site



300 FT Buffer



2500 FT Buffer



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County of Monterey

Item No.2

Board Report

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

Legistar File Number: AP 24-017

March 20, 2024

Introduced: 3/11/2024

Current Status: Agenda Ready

Version: 1

Matter Type: Administrative Permit

PLN230231 - KIRKPATRICK ERIN ET AL

Consider the Restoration of an approximately 2,500 square foot area, including replanting of 3 redwood trees, to abate Code Enforcement violation (23CE00225).

Project Location: Off of Coast Road, directly across from 39340 Coast Road, Monterey

Proposed CEQA action: Find the project Categorically Exempt pursuant to Section 15308 of the CEQA Guidelines and no exceptions under Section 15300.2 can be made.

RECOMMENDATIONS:

It is recommended that the HCD Chief of Planning adopt a resolution to:

- Find the project qualifies for a Class 8 Categorical Exemption pursuant to Section 15308 of the CEQA Guidelines and that there are no exceptions pursuant to Section 15300.2; and
- Approve a Restoration Plan to abate Code Enforcement Violation No. 23CE00225 consisting of the restoration of a 2,500 square foot area and replanting of 3 Redwood trees.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to 7 conditions of approval.

PROJECT INFORMATION:

Agent: Patricia Jackson Larsen

Property Owner: Kirkpatrick Erin Et Al

APN: 418-121-021-000

Parcel Size: 26,136 square feet (0.60 acres)

Zoning: Rural Density Residential, 40 acres per unit with Design Control Overlay, Coastal Zone, or "RDR/40-D (CZ)"

Plan Area: Big Sur Coast Land Use Plan

Flagged and Staked: No, not applicable

SUMMARY:

Staff is recommending approval of a Restoration Plan subject to the findings and evidence in the attached Resolution (see **Exhibit A**), and subject to the conditions of approval attached to the Resolution. 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 March 20, 2024, 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, March 19, 2024. 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 Monterey County Zoning Administrator if a public hearing is necessary. The decision on this project is appealable to the Board of Supervisors but not to the California Coastal Commission.

Prepared by: Hya Honorato, Assistant Planner, x5173

Reviewed and Approved by: Anna Quenga, AICP, Principal Planner

The following attachments are on file with HCD:

Exhibit A - Draft Resolution including:

- Recommended Conditions of Approval
- Site Plan

Exhibit B - Arborist Report (LIB240014)

Exhibit C - Restoration Plan (LIB240016)

Exhibit D - Biological Resource Review (LIB240015)

Exhibit E - Vicinity Map

cc: Front Counter Copy; Mid-Coast Volunteer Fire Brigade; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Hya Honorato, Assistant Planner; Anna Quenga, AICP, Principal Planner; Patricia Jackson Larsen, Property Owner; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Planning File PLN230231.



County of Monterey

Item No.2

Administrative Permit

Legistar File Number: AP 24-017

March 20, 2024

Introduced: 3/11/2024

Current Status: Agenda Ready

Version: 1

Matter Type: Administrative Permit

PLN230231 - KIRKPATRICK ERIN ET AL

Consider the Restoration of an approximately 2,500 square foot area, including replanting of 3 redwood trees, to abate Code Enforcement violation (23CE00225).

Project Location: Off of Coast Road, directly across from 39340 Coast Road, Monterey

Proposed CEQA action: Find the project Categorically Exempt pursuant to Section 15308 of the CEQA Guidelines and no exceptions under Section 15300.2 can be made.

RECOMMENDATIONS:

It is recommended that the HCD Chief of Planning adopt a resolution to:

- Find the project qualifies for a Class 8 Categorical Exemption pursuant to Section 15308 of the CEQA Guidelines and that there are no exceptions pursuant to Section 15300.2; and
- Approve a Restoration Plan to abate Code Enforcement Violation No. 23CE00225 consisting of the restoration of a 2,500 square foot area and replanting of 3 Redwood trees.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to 7 conditions of approval.

PROJECT INFORMATION:

Agent: Patricia Jackson Larsen

Property Owner: Kirkpatrick Erin Et Al

APN: 418-121-021-000

Parcel Size: 26,136 square feet (0.60 acres)

Zoning: Rural Density Residential, 40 acres per unit with Design Control Overlay, Coastal Zone, or "RDR/40-D (CZ)"

Plan Area: Big Sur Coast Land Use Plan

Flagged and Staked: No, not applicable

SUMMARY:

Staff is recommending approval of a Restoration Plan subject to the findings and evidence in the attached Resolution (see **Exhibit A**), and subject to the conditions of approval attached to the Resolution. 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 March 20, 2024, 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, March 19, 2024. 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 Monterey County Zoning Administrator if a public hearing is necessary. The decision on this project is appealable to the Board of Supervisors but not to the California Coastal Commission.

Prepared by: Hya Honorato, Assistant Planner, x5173

Reviewed and Approved by: Anna Quenga, AICP, Principal Planner

The following attachments are on file with HCD:

Exhibit A - Draft Resolution including:

- Recommended Conditions of Approval
- Site Plan

Exhibit B - Arborist Report (LIB240014)

Exhibit C - Restoration Plan (LIB240016)

Exhibit D - Biological Resource Review (LIB240015)

Exhibit E - Vicinity Map

cc: Front Counter Copy; Mid-Coast Volunteer Fire Brigade; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Hya Honorato, Assistant Planner; Anna Quenga, AICP, Principal Planner; Patricia Jackson Larsen, Property Owner; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Planning File PLN230231.

Exhibit A

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DRAFT RESOLUTION

Before the Housing and Community Development Chief of Planning in and for the County of Monterey, State of California

In the matter of the application of:

KIRKPATRICK ERIN ET AL (PLN230231)

RESOLUTION NO. 24 - ----

Resolution by the Monterey County HCD Chief of Planning:

- 1) Finding that the project qualifies for a Class 8 Categorical Exemption pursuant to CEQA Guidelines Section 15308 and there are no exceptions pursuant to Section 15300.2; and
- 2) Approving a Restoration Plan to abate Code Enforcement Violation No. 23CE00225 consisting of the restoration of a 2,500 square foot area and replanting of 3 Redwood trees.

[PLN230231 Kirkpatrick Erin Et Al, Off of Coast Road, directly across from 39340 Coast Road, Monterey, Big Sur Coast Land Use Plan, Coastal Zone (APN: 418-121-021-000)]

The KIRKPATRICK ERIN ET AL application (PLN230231) came on for an administrative decision hearing before the Monterey County HCD Chief of Planning on March 20, 2024. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented the Monterey County HCD Chief of Planning 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;
 - Big Sur Coast Land Use Plan;
 - Monterey County Coastal Implementation Plan, Part 3; 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) Existing Condition. The subject parcel is approximately 0.60 acres (26,136 square feet) and is located adjacent to Coast Road. The parcel does not currently have any structures on it. A landmark Cottonwood tree that appeared to be dead fell and damaged neighboring protected Redwood trees. The applicant had the Cottonwood tree removed as well

as two Redwood trees without a permit from the County. During removal of the trees and debris, the ground cover was scraped to remove cape ivy, an invasive species, over a large open area of the parcel (approximately 2,500 square feet). Staff conducted a site inspection on September 28, 2024 and confirmed that flora had begun re-establishing in the previously scraped area.

- c) Project Scope. The project consists of restoring the area where the trees and vegetation were removed. The applicant shall plant three Redwood trees and provide monitoring services through a restoration plan to ensure that the planting of the Redwood trees and eradication of invasive species is successful to allow for native flora to become established in the affected area.
- d) Allowed Use. The property is located on Coast Road, directly across from 39340 Coast Road, Monterey (Assessor's Parcel Number APN: 418-121-021-000) within the Big Sur Coast Land Use Plan. The parcel is zoned as Rural Density Residential, 40 acres per unit with a Design Control Overlay, coastal zone [RDR/40-D(CZ)]. The granting of this Restoration Permit would allow the after-the-fact removal and replanting of protected Redwood trees to restore the property to its original condition before the tree and vegetation removal. In accordance with Title 20 Section 20.90.020, the Chief of Planning is authorized to take actions deemed necessary or expedient to enforce and secure compliance with the provisions of Title 20, including ordering restoration of a site to its pre-violation state.
- e) Violation. Pursuant to Title 20 Section 20.90.130, no application for a discretionary land use permit shall be deemed complete while there is a violation on said property until that property has been restored to its pre-violation state. "Restoration" of the property shall include, but not be limited to replanting of three protected redwood trees and ongoing monitoring of native species plantings to ensure successful replanting.
- f) Lot Legality. The 0.60-acre lot is shown in its current size and configuration as Lot 21 in Block 121 on Book 418, page 12 Assessor's Parcel Map. Therefore, the County recognizes it as a legal lot of record.
- g) Tree Removal. During a winter storm, a landmark Cottonwood tree fell and needed to be removed due to the hazardous nature. Portions of the Cottonwood fell into adjacent Redwood trees, resulting in two additional Redwood trees cut down. An Arborist Report (LIB240014 – See Finding 2, Evidence "b") was prepared by Andrew Tope confirming that the evidence provided confirmed that the landmark Cottonwood tree was dead. However, there was not enough supporting evidence to determine the condition of the two removed Redwood trees. An Addendum to the Arborist Report (LIB240014) was provided on September 20, 2023 to address the removed Redwood trees and concluded that one Redwood has resprouted and is considered acceptable as a replant. It was recommended to replant two replacement trees for the Cottonwood, and one replacement tree for the Redwood; however, since there is a Redwood grove surrounding the open area, it was decided that the two replacement trees for the Cottonwood would also be Redwood, as this is consistent with the existing flora on the

property. Therefore, the total replacement trees for restoration are 3 Redwood trees.

- h) Cultural Resources. The site is in an area identified in County records as having high archaeology sensitivity. The ground had been previously disturbed pre-violation. Staff conducted a site inspection on September 28, 2023 and confirmed that the disturbed area showed evidence of regrowth. A Restoration Plan (LIB240016 – see Finding 2, Evidence “b”) determined that ground disturbance was not necessary to execute due to the re-establishment of the area. An eradication plan for invasive species will primarily involve manually removing invasive species before they obtain a height of three inches. Therefore, submittal of an archaeological report has been waived.
- i) The project planner conducted a site inspection on September 28, 2023 to verify that the project on the subject parcel conforms to the plans listed above.
- j) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN230231.

2. FINDING: SITE SUITABILITY – The site is physically suitable for the proposed development and/or use.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by HCD-Planning. County staff reviewed the restoration plan to verify that the project on the subject site conforms to the applicable plans and regulations, and there has been no indication that the site is not suitable for the development. Conditions recommended have been incorporated.
 - b) Proposed tree and vegetation replanting will be addressed in accordance with the Big Sur Coast Land Use Plan Policy 20.145.060. The following reports were prepared to address any potential impacts from the unpermitted tree and vegetation removal and those that may occur due to the restoration activities:
 - “Arborist Report” (LIB240014) prepared by Andrew Tope, Pacific Grove, CA, August 31, 2023; includes an Addendum prepared by Andrew Tope on September 20, 2023.
 - “Biological Resource Review” (LIB240015) prepared by Fred Ballerini, Pacific Grove, CA, November 11, 2023.
 - “Restoration Plan” (LIB240016) prepared by Fred Ballerini, Pacific Grove, CA, January 3, 2024.

County staff independently reviewed these reports and concurs with their conclusions. There are no physical or environmental constraints that would indicate that the site is not suitable for the use. All development shall be in accordance with these reports.

- c) Staff conducted a site inspection on September 28, 2023 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 Monterey County HCD-Planning found in Project File PLN230231.

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 activity 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 HCD-Planning, HCD- Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and the Mid-Coast Volunteer Fire Brigade. The respective 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) Staff conducted a site inspection on September 28, 2023 to verify that the site is suitable for this use.
 - c) The application, restoration plan, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN230231.

4. **FINDING:** **VIOLATIONS** – The subject property currently has a Code Enforcement violation. As a result of this action to restore the property to its pre-violation state, the subject property shall be considered in compliance with rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 20. Approval of this permit would abate said violation.

- EVIDENCE:**
- a) Staff reviewed Monterey County HCD-Planning and HCD-Building Services records and is aware of a violation (23CE00225) existing on subject property for grading, removal of landmark and protected trees, and vegetation removal. Staff conducted a site inspection on September 28, 2023 and confirmed that the disturbed area still retained much of its natural topography. It was determined that with the implementation of the restoration plan, with the restoration complete and finalized, will fully abate the existing Code Enforcement Case No. 23CE00225.
 - b) Staff conducted a site inspection on September 28, 2023 and researched County records to assess the violations on the subject property and how proposed activities would address them.
 - c) The application, restoration plan, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed restoration are found in Project File PLN230231.

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 15308, categorically exempts actions taken by a regulatory agency for the protection of the environment, including restoration.
 - b) The proposed project includes the restoration of undeveloped land. As conditioned as designed, the proposed restoration project does not pose any significant impacts to endangered, rare, or threatened species, or their habitat. No hazardous materials are known to exist at, or around, the project site.

- c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project is not located in a particularly environmentally sensitive area. There will be replanting of trees for the trees that were removed. The restoration project would not damage any scenic resources. The site is not known to be included on a list compiled pursuant to Section 65962.5 of the Government code, and there are no identified historical resources on the property which would be impacted by the execution of the project.
- d) See Finding Nos. 1 and 2 and supporting evidence.
- e) Staff did not identify any potential adverse impacts during review of the development application or during a site visit on September 28, 2023.
- f) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN230231.

6. **FINDING:** **APPEALABILITY** – The decision on this project may be appealed to the Board of Supervisors.
- EVIDENCE:** a) Title 20 Section 20.86.030.A states that the Board of Supervisors is the Appeal Authority to consider appeals from the discretionary decisions of an Appropriate Authority other than the Board of Supervisors.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the HCD Chief of Planning does hereby:

1. Find that the project qualifies for a Class 8 Categorical Exemption pursuant to CEQA Guidelines Section 1530 and there are no exceptions pursuant to Section 15300.2; and
2. Approve a Restoration Plan to abate Code Enforcement Violation No. 23CE00225 consisting of the restoration of 2,500 square foot area and replanting of 3 Redwood trees. All of which are in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 20th day of March, 2024.

Melanie Beretti, AICP
HCD Acting Chief of Planning

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

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 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 Monterey County HCD-Planning and HCD-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.

County of Monterey HCD Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN230231

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: This Restoration Permit (PLN230231) allows the restoration of approximately 2,500 square feet of area to abate Code Enforcement Violation No. 23CE00225 and replanting of 3 Redwood trees. The property is located off of Coast Road, directly across from 39340 Coast Road, Monterey (Assessor's Parcel Number 418-121-021-000), Big Sur Coast Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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 HCD - Planning. 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. (HCD - Planning)

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

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Restoration Plan (Resolution Number _____) was approved by the Chief of Planning for Assessor's Parcel Number 418-121-021-000 on March 20, 2024. The permit was granted subject to 7 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

Proof of recordation of this notice shall be furnished to the Director of HCD - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the HCD - Planning.

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

Responsible Department: Planning

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. Monterey County HCD - Planning 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.
(HCD - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County HCD - Planning 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. PDSP001 - RESTORATION PLAN & MONITORING

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall submit a restoration plan in accordance with the recommendations contained in the Restoration Plan (LIB240016) to HCD-Planning for review and approval. The restoration plan shall include the following: use local plant sources for seed and container plant revegetation material, removal of exotic species, revegetation, success criteria, yearly monitoring, establishment of a monitoring program to track the success of non-native vegetation control and establishment of native species, and establishment of an ongoing maintenance program for non-native plant control and other actions noted during monitoring. Quarterly monitoring of the restoration area will occur during the first year and then yearly for the following 3 years.

Compliance or Monitoring Action to be Performed: Upon approval of the Restoration Permit, the Owner/Applicant shall submit to HCD-Planning a copy of a contract between the owner/applicant and a qualified biologist indicating that the restoration plan and monitoring program will be implemented.

Prior to final inspection, the Project Biologist shall prepare and submit to HCD-Planning for review and approval, a report confirming that exotic species have been removed, and all replanting and revegetation activities have successfully occurred.

On an ongoing basis for the duration of the required monitoring period, annual reports shall be submitted to HCD-Planning for review and approval detailing compliance of the approved restoration plan.

5. PD016 - NOTICE OF REPORT

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states : A Biological Resource Review has been prepared for this parcel by Fred Ballerini, dated November 11, 2023, and is on record in Monterey County HCD-Planning, Library No. 240015. An arborist report has been prepared for this parcel by Andrew Tope, dated August 31, 2023, and is on record in the Monterey County HCD-Planning, Library No. 240014. All development shall be in accordance with these reports."

Compliance or Monitoring Action to be Performed: Submit proof that all development has been implemented in accordance with the report to HCD-Planning for review and approval.

Submit signed and notarized document to the HCD-Planning for review and signature by the County.

6. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final/parcel map, whichever occurs first and as applicable.

Owner/Applicant/Agent shall submit signed and notarized Indemnification Agreement to the Director of HCD – Planning for review and signature by the County.

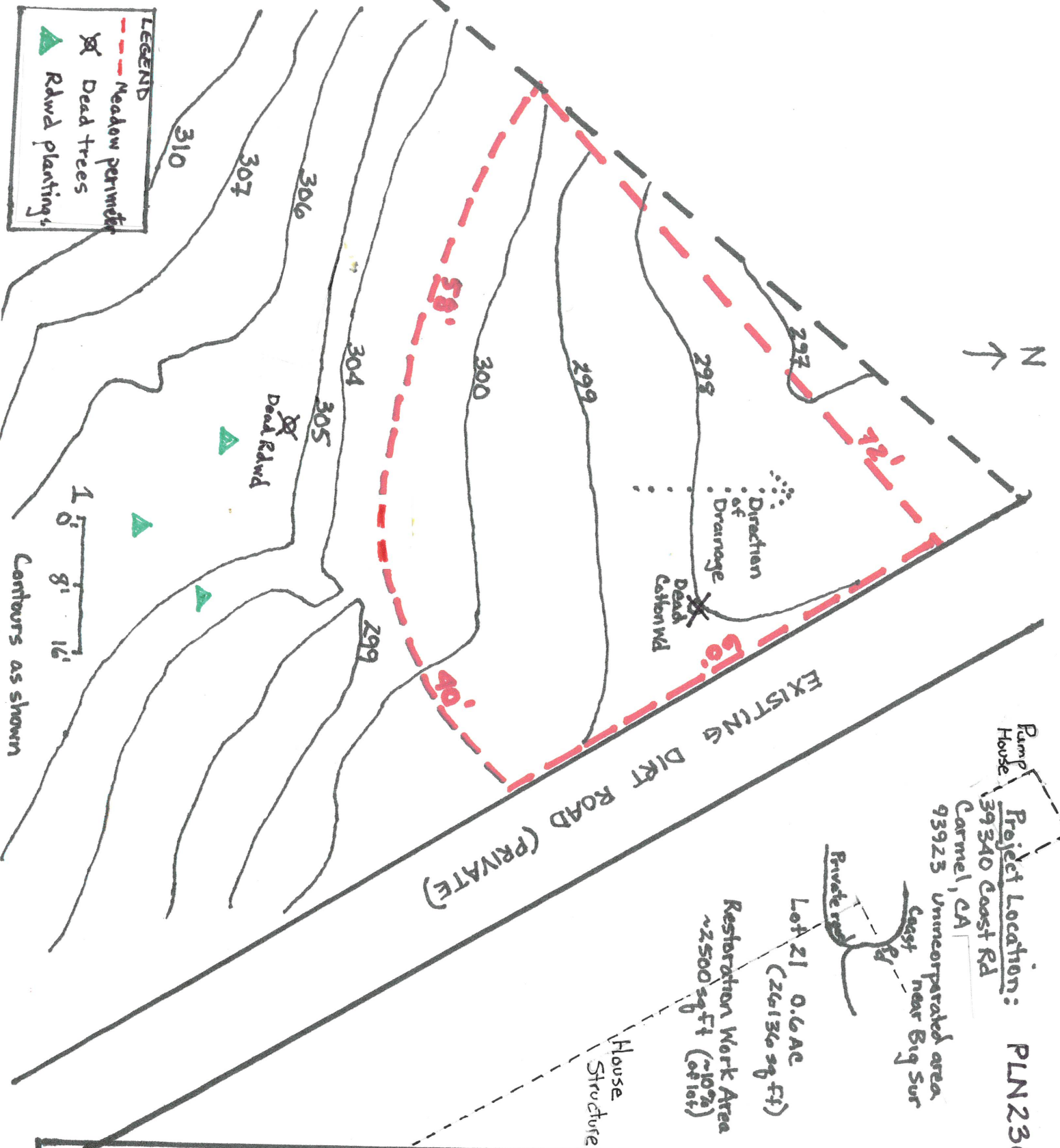
Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to HCD – Planning.

7. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.



Project Location: **PLN230231**
 39340 Coast Rd
 Carmel, CA
 93923 Unincorporated area
 East near Big Sur

Lot 21 0.6 AC
 (26136 sq ft)
 Restoration Work Area
 ~2500 sq ft (~10%)
 (of lot)

House
 Structure

Drawn by: Patricia Jackson Larsen
 Owner Representative 12/15/23
 39208 Coast Rd, Monterey CA 93940
 PH. (510) 520-2296

APN: 418-121-021-000
 Meadow restoration and RDWD
 planting
 owner
 Marguerite Jackson Reinhardt et al
 1150 High Court Berkeley, CA
 94708
 PH. (510) 364-8606

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Exhibit B

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TOPE'S TREE SERVICE

P.O. Box 51964, Pacific Grove, CA 93950
831-373-7765 • Fax 831-625-9318
LIC. # 669057



*You call...
We come runnin'!*

Just great old fashioned service since 1979!

Certified Arborist WE-7621A



LIB240014

August 31, 2023

PROJECT FILE: PLN230231
PROJECT TITLE: KIRKPATRICK
RE: REMOVED TREE

Hya Honorato,

On August 8, 2023 Trish Jackson Larsen contacted Tope's Tree Service Inc. in regards to 39340 Coast Rd, Carmel. The property had received a violation regarding un-permitted tree removal. I was asked to document the tree removed and make remedial recommendations.

TREE IN QUESTION

SPECIES: Cotton wood tree (*Populus fremontii*).

SIZE: 47in DBH

HEIGHT: 75' (estimated from pictures) SPREAD: 50' (estimated from pictures)

CONDITION: I was told the tree had failed in previous winter storms. The tree fell on the rd also striking neighboring redwood trees creating minimum broken branches. The homeowner provided me pictures showing the tree in question with no leaves. I was told the picture was taken in mid April of 2023. At this time of the year the tree should have already started pushing out new foliage, however none was observed. From the picture the tree looks to be dead.

RECOMMENDATIONS: Replant two 5 gallon or larger Cottonwoods near the removed tree.

Sincerely,

Andrew Tope
Certified Arborist WE-7621A

Image 1: Satellite view of site, tree is circled in red. The tree looks to have no live foliage on it.



Image 2: Remaining portion of tree



Image 3: Tree in question. Picture provided by property owner. Tree looks to be dead.



Image 4: Damage observed to the adjacent redwood tree. Several small diameter branches look to have been broken. The damage should have no long term affects to overall health.



ADDENDUM:

9/20/23

To whom it may concern:

Additional information has been provided since the original site visit. 2 additional redwood trees were also damaged when the Cottonwood tree fell. The trees were cut to low stumps, one tree has re-sprouted, while one has shown no new growth. The one tree that re-sprouted should be considered acceptable as a replant. A new tree should be planted to take place of the additional tree showing no new growth. I recommend 1, 15 gallon of larger California Redwood tree be replanted in close proximity to the existing stump.

Sincerely,
Andrew Tope

Image 1A (left): Sucker growth off old stump Image 1B (right), stump with no new growth.



Exhibit C

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FRED BALLERINI
BIOLOGICAL AND HORTICULTURAL SERVICES

January 3, 2024

To: Hya Honorato, Planner
 County of Monterey
 Housing and Community Development Planning Department
 1441 Schilling Place, South 2nd Floor
 Salinas, CA 93901-4527

RE: **Restoration Plan**
PLN230231
APN 418-121-021-000
39340 Coast Road Big Sur, CA

Dear Hya Honorato,

Per the request of Tricia Larsen (project applicant), please find the attached 6-page Restoration Plan for the subject parcel related to an Administrative Citation and Notice of Intent to Record a Notice of Violation (Ref. Case No: 23CE00225, May 9, 2023). The attached Restoration Plan (with tree planting mitigation and 3-year monitoring) is a requirement to satisfy and clear the violation.

The attached Restoration Plan is developed to provide management protocols to restore the disturbed area (approximately 2,500 SF) to native understory, eradicate invasive species, and replant 3 (three) coast redwood trees as mitigation for the unpermitted removal of one dead 47" black cottonwood tree (*Populus trichocarpa*) and one dead 9" coast redwood (*Sequoia sempervirens*) tree. Phone discussions with County Planner Hya Honorato on November 22, 2023 established that the tree planting mitigation (3 trees) includes two coast redwoods to replace the removal of the black cottonwood and one coast redwood to replace a dead coast redwood that was removed from the parcel. Three-year biological monitoring and reporting submittals are required and incorporated into the Restoration Plan to track the establishment of native vegetation, ensure eradication of invasive species, and observe the successful establishment of three planted coast redwood trees.

Please phone or email if you have any questions or comments.

Sincerely,

Fred Ballerini
 Consulting Biologist

RESTORATION PLAN
PLN230231, APN 418-121-021-000

The 0.6 acre undeveloped residential parcel (APN 418-121-021-000) lies within the lower Bixby Creek drainage corridor where the general vegetation of the area is a dominant Central Coast Arroyo Willow Riparian natural plant community found throughout the lower Bixby Creek Canyon.



Subject parcel plot map and aerial.

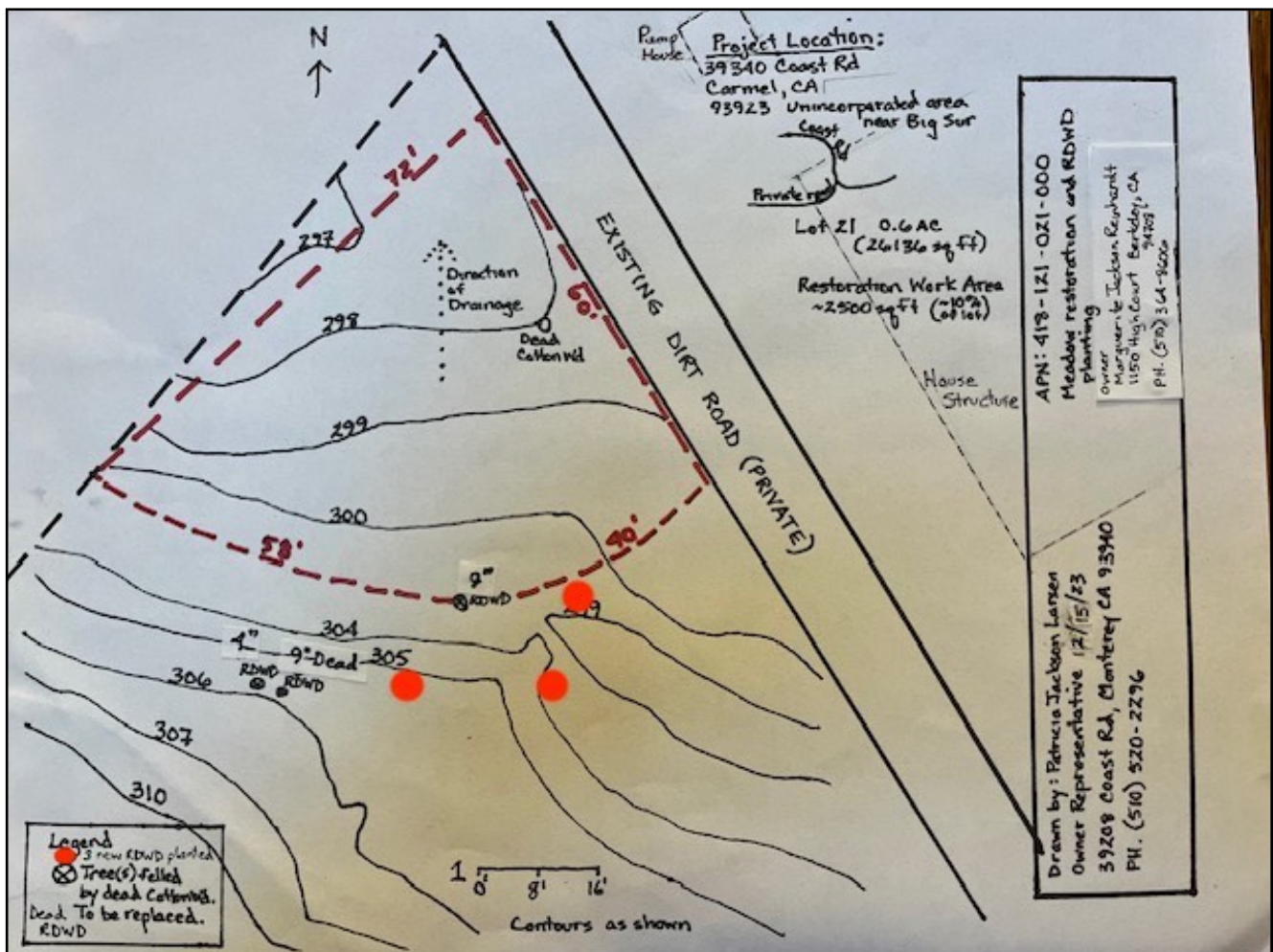
The fundamental goal of this Restoration Plan is to establish site appropriate native vegetation along a pre-disturbed 2,500 SF area, control invasive species, and replant three (3) coast redwood trees (*Sequoia sempervirens*) to satisfy a County code violation subjected to the parcel (Ref. Administrative Citation and Notice of Intent to Record a Notice of Violation, Case No: 23CE00225, May 9, 2023). Fuel management objectives shall also be considered as several residential structures are located within 100 feet of the Restoration Area.

The following action items are proposed to correct the County Violation:

1. No further removal of native trees (coast redwoods) or other live native vegetation is proposed.
2. Allow natural recruitment and growth of native understory and shrub species to proceed.
3. Aggressively control non-native, invasive weed species under the direction of a Qualified Biologist. Target species for controls include, but not limited to the following undesirable species: cape ivy (*Delairea odorata*) which previously dominated the site and is pervasive throughout the Bixby Canyon, sticky eupatorium (*Ageratina adenophora*), sweet alyssum (*Lobularia maritima*), poison hemlock (*Conium maculatum*), wild radish (*Raphanus sativus*), nasturtium (*Tropaeolum majus*), burr clover (*Medicago polymorpha*), and French broom (*Genista monspessulana*).
4. Replant three (3) coast redwood trees sourced from the Bixby Canyon to maintain genetic integrity of the indigenous grove.
5. Qualified Biologist shall monitor weed eradication efforts on a biannual basis, monitor native plant recruitment, monitor the health and success of the three coast redwood mitigation tree plantings and provide biannual invasive species control recommendations to the applicant.
6. On a yearly basis for a 3-year period beginning in the Winter (January 2024), engage a Qualified Biologist to report on weed control efforts, native plant recruitment, and status of the three (3) mitigation coast redwood trees. Document results for the applicant and submit annual reporting documents with photographic evidence to the County of Monterey Housing and Community Development Department, Project Planner.



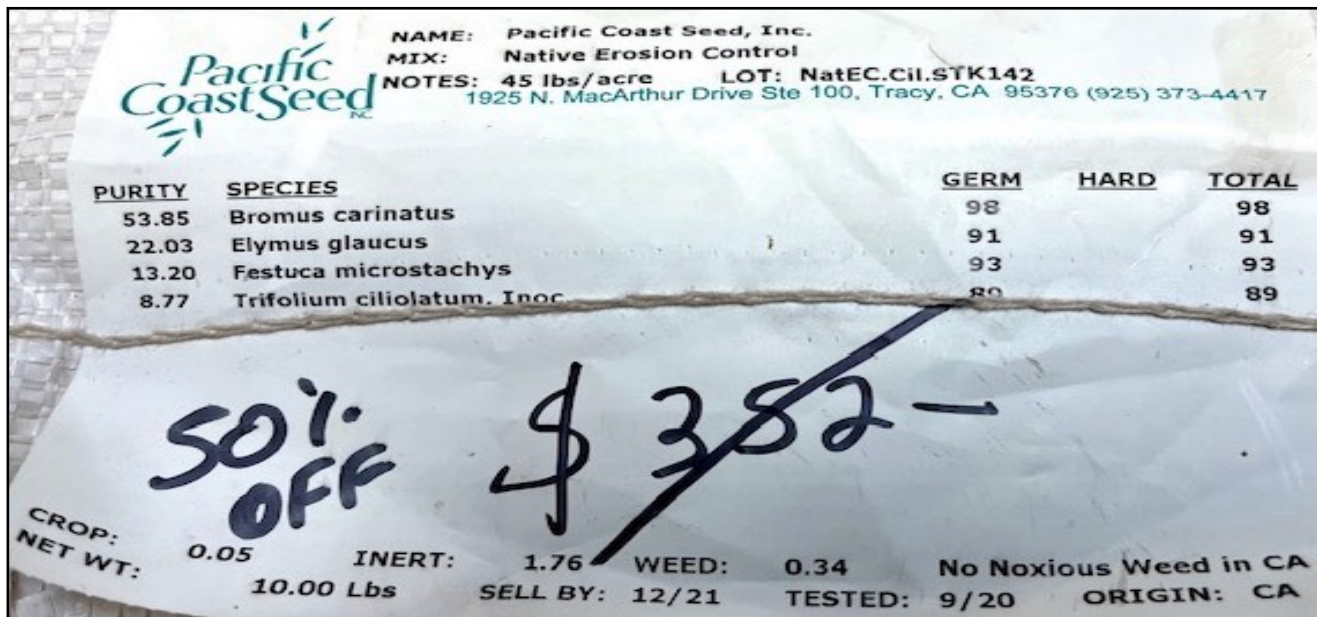
Restoration area (2,500 SF) prior to tree replanting (October 2, 2023).



Project site map showing restoration area (dashed line) and 3 mitigation coast redwood trees (red dots).

Restoration Implementation and Monitoring Schedule

1. Submit restoration application materials to County Code Enforcement staff and obtain appropriate permits.
2. Broadcast site appropriate perennial and annual cover-crop of native grass and forb seed to stabilize disturbed soils and allow for natural recruitment of native forb, sub-shrub and shrub species. This task was completed by the applicant in the Fall 2023 season prior to the arrival of seasonal rains. The native seed mix (see photo of seed mix label below) was applied by hand and temporary irrigation (garden hose with a sprinkler head) was utilized to augment germination.



3. Install three coast redwood trees along the border of the Restoration Area where the meadow transitions to the coast redwood grove, near the locations of the three previous redwoods that were impacted from the falling cottonwood limbs. This task was completed by the applicant on Monday, January 1, 2024 in consultation with the project biologist. The three coast redwood trees were sourced as indigenous, naturally-occurring seedlings from a neighboring Bixby Canyon property and potted up into 1-gallon containers. The rooted tree saplings were field-sited in the areas as noted on the attached site map (delineated by red dots) and planted in gopher baskets to prevent root predation by resident pocket gophers. The saplings were irrigated upon planting and water wells established around the plantings. A two-foot diameter was weeded around each water well.



Three local genetic stock coast redwoods.



Gopher basket materials.



Three mitigation coast redwood trees prior to installation (January 1, 2023).



Three mitigation coast redwood trees installed (January 1, 2023).

4. Each tree water well (2' diameter) shall be mulched with a 2" thick organic mulching which can be sourced from the duff layer in the adjacent redwood grove. Mulching shall be maintained throughout the 3-year tree establishment period. The mulching will suppress weed development around the tree wells and assist in conserving and extending available soil moisture and moderate topsoil temperatures. The mulched water wells will also act as a visual marker or barrier to limit any damage from maintenance or weed control efforts. Water wells shall be maintained in a weed-free condition to minimize competition from non-desirable plant species. Mulching shall not extend beyond the limits of the tree water wells as native plant recruitment will be encouraged and fostered for the remainder of the Restoration Area and native seed germination is enhanced partially by high light levels. This task has been implemented by the applicant on January 2, 2023.



Three coast redwood mitigation trees installed with water wells and mulching application (January 2, 2023)

5. No insecticides, herbicides, fungicides, or processed chemical fertilizers shall be applied within the Restoration Area.
6. No permanent irrigation system shall be installed. Supplemental hand irrigation to the 3 mitigation trees may be used solely for the establishment of the trees. The goal of supplemental irrigation, is to obtain growth with the least amount of irrigation. Frequent irrigation encourages weed invasion and leaches nutrients from the soil. The planted trees could be irrigated as long as necessary to establish the root systems in the native soils, usually through one or two summers. The irrigation methods employed will attempt to mimic wet rainfall years by incorporating evenly spaced, infrequent, deep applications of water to establish deep rooting systems. Supplemental irrigation during the summer dry season will occur as frequently as required. The critical period for irrigation is during the first winter and early spring following planting. During this time, roots are not well established, and an unseasonable drought can cause high mortality. The trees must survive and grow for at least one full growing season (during the 3rd monitoring year) without supplemental water for the Restoration Plan final success criteria to have been met.
7. If any of the three mitigation trees perishes during the 3-year monitoring period, the subject tree will be replaced at a 1:1 ratio and the replacement tree will be monitored for a 3-year period.
8. Aggressive invasive weed species eradication will minimize competition that could prevent the establishment of native species. The applicant and any maintenance personnel will be trained by the Qualified Biologist to distinguish invasive species from native restoration species to ensure only weed species are removed during maintenance. Invasive weed species shall be manually removed before they can attain a height of three inches (6") at intervals during the growing season of not more than 30 days for the first two years of the 3-year monitoring program. All portions of the plant will be removed, including the roots (which is vital for the eradication of several species including the highly invasive Cape Ivy). The Qualified Biologist shall direct the applicant regarding the selection of target weed species, their location, and the timing of weed control operations to

ensure that naturally pioneering native plants are avoided to the extent possible. Manually-pulled weeds containing flowering parts or seed heads shall be bagged and zip-locked upon removal to prevent any seeds from dispersing on site. Exotic species removal shall be done at least monthly for the first two years, and at least monthly during the rainy season (January through April) and quarterly from May through December for year three. As weeds become apparent, they should be immediately removed by hand. Invasive species debris shall be removed from the Restoration Area the same day as weed removal and responsibly disposed in a green waste facility or burned during appropriate burn days.

9. Three-year biological monitoring will assess the attainment of the three-year success criteria and identify the need to implement contingency measures in the event of failure to meet the performance standards. The first year monitoring will include quarterly monitoring and a first quarter, second quarter and first year report. The second and third year monitoring will include biannual monitoring and biannual reporting submittals for each year.
10. Performance standards include the successful establishment of the three mitigation coast redwood trees (successfully thriving and in good health without the aid of supplemental water during the third growing year) and eradication of all invasive weed species within the Restoration Area during the three year monitoring period. No quantitative metrics are suggested to measure the relative success of natural recruitment of native vegetation, rather a qualitative assessment of native plant vigor (relative increase in overall cover and density) and overall habitat function should be conducted and comparison made between current conditions (January 2024) and conditions as they appear during each subsequent biannual monitoring assessment.
11. Qualitative monitoring of native plant recruitment and invasive plant encroachment shall be conducted during each quarterly monitoring visit of the first year and biannual monitoring for year two and year three: during the active growing season in late Spring and during late Fall. Monitoring records will be kept of potential tree mortality and other potential site problems, such as weed infestations, new weed species pioneers, soil loss, herbivory of native pioneering plants, gopher or insect infestations, or other issues that may compromise the Restoration Area. Remedial measures undertaken will be referenced with photo documentation in the respective quarterly and biannual reporting submittals to the County of Monterey HCD-Planning.
12. The parcel lies within the Critical Habitat Range of federally listed threatened California red-legged frog (*Rana draytonii*) and federally endangered foothill yellow legged frog (*Rana boylei*). Additionally, coast range newt (*Taricha torosa*) is a California Department of Fish and Wildlife listed Species of Special Concern and likely occurs on the parcel. Any ground disturbance actions could potentially impact the upland habitat areas of these species. If any actions are proposed that may cause soil disturbance (grading or stump grinding), then the subject actions would require a biological monitoring survey and subsequent protection or avoidance protocols prior to disturbance. No visual amphibian sightings were noted during the October 2023 site visit but they are presumed to be present on site due to the suitable habitat conditions along the creek corridor.
13. If the black cottonwood stump is proposed to be cut down, it is recommended to remove the stump as soon as feasible before wildlife species begin to take up residence and conduct the removal during non-nesting season for birds (September 30 - February 1). The stump should be cut to just above ground level or above. Stump grinding is not recommended due to ground disturbance impacts to potential red legged frog critical habitat on the parcel.

- END -

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Exhibit D

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FRED BALLERINI
BIOLOGICAL AND HORTICULTURAL SERVICES

November 11, 2023

To: Zoe Zepp, Planner
 Hya Honorato, Planner
 Michael Braasch, Code Compliance Inspector
 County of Monterey
 Housing and Community Development Planning Department
 1441 Schilling Place, South 2nd Floor
 Salinas, CA 93901-4527

RE: Biological Resource Review
PLN230231
APN 418-121-021-000
39340 Coast Road Big Sur, CA

Dear Zoe Zepp, Hya Honorato and Michael Braasch,

Per the request of Trish Larsen (project applicant), please find the attached 8-page biological resource summary for the subject parcel related to an Administrative Citation and Notice of Intent to Record a Notice of Violation (Ref. Case No: 23CE00225, May 9, 2023).

The project was initially cited for the following violation actions:

1. Unpermitted development/grading.
2. Unpermitted/unapproved removal of protected Redwood tree(s).

The following corrective actions were required to clear violations:

1. Immediately cease all unpermitted/unapproved vegetation and tree removal and grading.
2. Apply for and obtain the required Restoration Permit from the County of Monterey Housing and Community Development Planning Department to restore the affected area back to pre-violation state OR apply for and obtain a Coastal Development permit to legalize completed work.

It has been relayed to me via the applicant that the initial violation pertaining to the unpermitted development/grading has been rescinded. This memo will analyze the subject biological resources as they relate to the unpermitted/unapproved removal of protected Redwood trees (violation action #2).

Please phone or email if you have any questions or comments.

Sincerely,

Fred Ballerini
 Consulting Biologist

PLN230231 Biological Resource Review (11/11/2023)

39340 Coast Road Big Sur, CA

Project Findings

On October 2, 2023, I visited the subject parcel with Trish Larsen (applicant) to review the biological resources in relation to the required corrective actions detailed in the County Administrative Citation (May 9, 2023). Additionally, I have provided consulting services to neighboring parcels along Bixby Creek and am familiar with the biological resources of the Bixby Creek and Coast Road corridor.

The undeveloped residential parcel (APN 418-121-021-000) lies within the lower Bixby Creek drainage corridor where the general vegetation of the area is a dominant Central Coast Arroyo Willow Riparian natural plant community found throughout the lower Bixby Creek Canyon. Riparian habitat is identified in the Big Sur Land Use Plan as Environmentally Sensitive Habitat Area and is also identified as a natural community "rare and worthy of consideration" by the California Department of Fish and Wildlife rare plants and animals database (California Natural Diversity Database - CNDDDB). This plant community generally grows where watertable levels remain high enough throughout the year to provide moisture in the root zone for these phreatophytic plant types.

Vegetation associated with this natural community is characteristic of the coastal Santa Lucia Range river corridors with the river bank lined with white alder (*Alnus rhombifolia*) and arroyo willow trees (*Salix lasiolepis*) growing beneath coast redwoods and riparian hardwoods. Understory along the river bank includes native giant chain ferns (*Woodwardia fimbriata*), redwood sorrel (*Oxalis oregana*), common horsetail (*Equisetum arvense*), thimbleberry (*Rubus parviflorus*) and stinging nettle (*Urtica dioica*). Moving away from the river banks, the vegetation along the Bixby Canyon corridor is dominant with arroyo willow and coffeeberry (*Frangula californica*) with a thick bramble of mixed understory species such as cream bush (*Holodiscus discolor*), California blackberry (*Rubus ursinus*), poison oak (*Toxicodendron diversilobum*), California hedgenettle (*Stachys bullata*), western sword fern (*Polystichum munitum*) and diverse herbaceous species found throughout canyon floor growing in microhabitat species compositions directly correlated to varying sun and shade exposure. The dry canyon slopes outside the parcel transition to coastal scrub alliances to the north and mixed redwood and oak woodland to the south.



Subject parcel plot map and aerial.

Historical use of the canyon stretches back thousands of years with the Ohlone (or Costanoan) tribelets found north of Point Sur that utilized and occupied the canyon. Big Sur pioneers began arriving in the late 1800's and several developments in the canyon, including the Rainbow Lodge and the original Big Sur Post Office found along the west side of the Bixby Creek on Coast Road near where the Old Coast Road crosses Bixby Creek, predated the opening of Highway 1 in 1937. Within

the subject parcel, the historical chronology of site development is unknown though portions of the parcel including the area of the subject tree removal violation appear to have experienced ongoing human induced disturbance as the area in general appears ruderal and void of significant native vegetation.

The subject area lies along the west side of Coast Road between the road margin and a wind sculpted stand of coast redwoods (*Sequoia sempervirens*) where the elevation begins to rise westward from the canyon floor. Redwood Forest natural community is considered rare by the California Department of Fish and Wildlife and environmentally sensitive habitat (ESHA) under the provisions of the Big Sur Coast LUP (Ref. Policy 3.3.3.A.8). Current conditions appear to show the cleared terrace area recently stabilized with straw mulching and possibly reseeded. A hose was noted in the area (shown in the image below) appearing to supply irrigation to the site.



Area of inspection and cottonwood stump (right side of image).
October 2, 2023

Mixed non-native ruderal herbaceous and native vegetation were observed throughout the area. Non native species included a dominant cover of exotic annual grasses that includes wild oat (*Avena fatua*), ripgut brome (*Bromus diandrus*), soft chess (*Bromus hordaceus*), foxtail brome (*Bromus madritensis*), and others. Additional herbaceous exotic plant species including sticky eupatorium (*Ageratina adenophora*), sweet alyssum (*Lobularia maritima*), poison hemlock (*Conium maculatum*), wild radish (*Raphanus sativus*), cape ivy (*Delairea odorata*), nasturtium (*Tropaeolum majus*) and burr clover (*Medicago polymorpha*) were noted germinating in the site. These species, and others that may appear when favorable environmental conditions develop for plant germination, are recognized as invasive species by the California Invasive Plant Council (Cal-IPC).

These species, particularly cape ivy, have the ability to cause various degrees of disruptive ecological impacts to native coastal plant communities as the species are locally persistent and problematic in outlining sensitive native habitats that are unique to the Big Sur coastal region. Implementing invasive species eradication controls will be consistent with several LUP policies regarding environmentally

sensitive habitats (Ref. LUP Policies 3.3.2.1 + 3.3.2.7). The Big Sur LUP Policy 3.3.3.10 encourages Big Sur residents to undertake restoration of natural environments by removal of exotic, invasive plants and Policy 3.3.2.7 stipulates that land uses adjacent to environmentally sensitive habitats be compatible with the long-term maintenance of the resource.

Native herbaceous and shrub species were also noted in the early stages of establishment with California hedgenettle (*Stachys bullata*), Douglas' nightshade (*Solanum douglasii*), poison oak (*Toxicodendron diversilobum*), California blackberry (*Rubus ursinus*) and others.

Three flush-cut redwood stumps were noted in the area with one 9" and one 4" diameter stumps resprouting from basal tissues. The third redwood stump (9" diameter) was observed without any basal resprouting suckers.



4" Coast Redwood stump resprouting.



9" Coast Redwood stump resprouting.



9" Coast Redwood stump without basal sprouting.

The project applicant disclosed that the three coast redwood trees located on the outer, eastern boundary of the windswept coast redwood grove, were damaged during large limb failures related to the 47" DBH landmark black cottonwood. The three redwood trees had fallen (pictured below) or had severely damaged mainstems broken off from a naturally occurring black cottonwood limb failure and the coast redwoods were subsequently cut to the stumps by the applicant.



Photo supplied by the applicant showing partial black cottonwood limb failure and downed 9" coast redwood tree with an understory dominant with highly invasive cape ivy.
March 2023

The subject black cottonwood tree (*Populus trichocarpa*), misidentified as Fremont's cottonwood (*Populus fremontii*) in the arborist report, was reportedly experiencing limb failure as the applicant indicated it was standing dead. The tree was recently cut (May 7, 2023) to its current state after several large limbs fell onto the open area and on Coast Road near the redwood grove. Black

cottonwoods are the largest American poplar and largest hardwood tree in western North America. They are a pioneer species with shallow root systems that grows in alluvium soils and generally found in riparian habitats, but have a low drought tolerance. They often regenerate from vegetative sprouts and readily sprout prolifically from stumps (cut or otherwise) or from buried fragments of branches when tissues are live and viable. Root suckers are abundant and generally considered a maintenance problem in urban sites. Field observations of the cottonwood stump during the October 2, 2023 site visit and during stump photo inspections requested of the applicant from November 4, 2023 indicate that no evidence of vegetative stump sprouting or emergence of root suckers has occurred which would fall in line with the applicants assessment that the tree was dead prior to being cut in May 2023 (if the tree had been alive prior to cutting, the cottonwood would currently be regenerating from vegetative sprouts). Additionally, mycelium fruiting bodies were noted near the tree base which could be an indication of decomposition of dead root materials from the cottonwood.



No vegetative resprouting on cottonwoods during recent trunk inspections.
October 2, 2023.



No vegetative resprouting on the cottonwood stump during recent trunk inspections.
October 2, 2023.

Site observations and conversations with the applicant appear to indicate the subject black cottonwood was standing dead, experienced several natural limb failures that impacted the three (9", 9" and 4" DBH) coast redwood trees and was hazardous to the Coast Road community. Natural acts resulting in tree failure would not typically warrant a code violation or trigger a replanting mitigation if the subject natural act (dead limb failure) caused damage or failure of a protected tree (coast redwood). Emergency tree removal actions implemented by the applicant to remove a hazardous dead tree would however require notification to County of Monterey Director of Planning within 10 working days thereafter (Ref. 16.60.040.G., included below). In this case, the Monterey County Code Compliance Inspector visited the site two days after the subject cottonwood was cut to its current state.

Monterey County Code 16.60 - Preservation of Oak and Other Protected Trees

16.60.040.G. Emergencies. In the case of emergency caused by hazardous or dangerous condition of a tree and requiring immediate action for the safety of life or property, such necessary action may be taken to remove the tree or otherwise reduce or eliminate the hazard without complying with the other provisions of this Section, except that the person responsible for cutting or removal of the tree(s) shall report such action to the Director of Planning within ten (10) working days thereafter.

Recommendations:

1. Remove supplemental irrigation to the seeded area as the added moisture is benefitting aggressive non-native and invasive species that can easily outcompete and overwhelm native habitat populations.
2. Mow the herbaceous plant material in the cleared area to prevent exotic and invasive species from developing seed that could further spread to neighboring natural communities. Mowing should take place prior to bird nesting season (February 15 - September 30) Protect or fence resprouting coast redwood trees prior to mowing.
3. Continue exotic species abatement through the growing season to prevent pioneering and encroachment of invasive species (with emphasis on eradicating cape ivy).
4. Maintain fire clearance mandates as required by state and local policies.
5. The parcel lies within the Critical Habitat Range of federally listed threatened California red-legged frog (*Rana draytonii*) and federally endangered foothill yellow legged frog (*Rana boylei*). Additionally, coast range newt (*Taricha torosa*) is a California Department of Fish and Wildlife listed Species of Special Concern and likely occurs on the parcel. Any ground disturbance actions could potentially impact the upland habitat areas of these species. If any actions are proposed that may cause soil

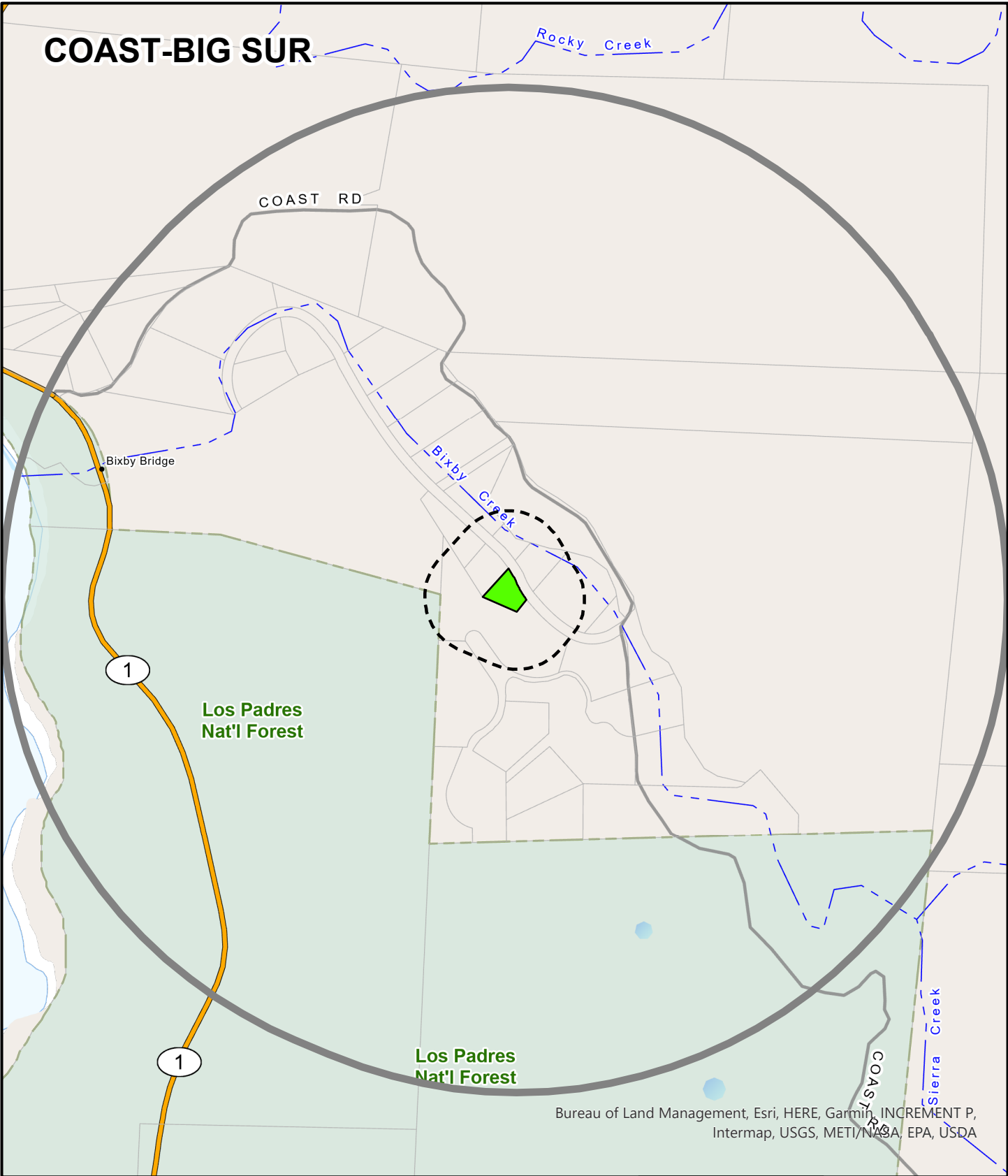
disturbance (grading, stump grinding), then the subject actions would require a biological monitoring survey and subsequent protection or avoidance protocols prior to disturbance. No visual amphibian sightings were noted during the site visit but they are presumed to be present on site due to the suitable habitat conditions along the creek corridor.

6. It is recommended to leave the cottonwood stump in place as a habitat refuge. Tree stumps provide shelter and food sources for a variety of diverse wildlife species including insects, birds, mammals, bats, amphibians, and reptiles. However if the stump is proposed to be cut down, it is recommended to remove the stump as soon as feasible before wildlife species begin to take up residence and conduct the removal during non-nesting season for birds (September 30 - February 1).

- END -

Exhibit E

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APPLICANT: KIRKPATRICK ERIN ET AL

APN: 418121021000

FILE # PLN230231



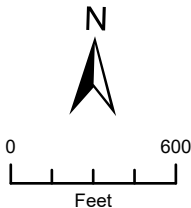
Project Site



300 FT Buffer



2500 FT Buffer



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