

Attachment B

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ATTACHMENT B
DRAFT RESOLUTION

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

In the matter of the application of:

JOHNSON HAL W JR & ALLISON H (PLN210061)

RESOLUTION NO. 25--

Resolution by the County of Monterey Board of Supervisors:

- 1) Adopting a Mitigated Negative Declaration pursuant to CEQA Guidelines section 15074;
- 2) Denying an appeal of the Monterey County Planning Commission's May 28, 2025 decision to approve the Combined Development Permit (PLN210061); and
- 3) Approving a Combined Development Permit consisting of a:
 - a. Coastal Administrative Permit and Design Approval to allow construction of a 3,525 square foot single-family residence, inclusive of a 244 square foot single-car garage; and associated site improvements, including 700 cubic yards of cut and 390 cubic yards of fill, resulting in net cut of 310 cubic yards; an auto-court, a patio area, an emergency fire access stairway, tiered retaining walls, paving the access road leading to the site, and utility improvements including a septic tank, centralized water quality treatment for Highway 1 Water Distribution System #12, and approximately 400 lineal feet of sewer line;
 - b. Coastal Development Permit to allow development within 50 feet of a coastal bluff;
 - c. Coastal Development Permit to allow removal of four trees, including three Monterey cypress and one Monterey pine;
 - d. Coastal Development Permit to allow 3,095 square feet of development on slopes in excess of 30%;

- e. Coastal Development Permit to allow development within 750 feet of known archaeological resources; and
- 4) Adopting a Condition of Approval and Mitigation Monitoring and Reporting Plan.

[PLN210061 JOHNSON HAL W JR & ALLISON H, 226 Highway 1, Carmel, Carmel Area Land Use Plan (APNs: 241-182-003-000, 241-182-004-000 and 241-182-005-000, and 241-182-006-000)]

The appeal of the Johnson Hal W Jr & Allison H application (PLN210061) came on for public hearings before the County of Monterey Board of Supervisors on July 1, 2025. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented the County of Monterey Board of Supervisors finds and decides as follows:

FINDINGS

- 1. FINDING:** **PROCESS** – The County has processed the subject Combined Development Permit application [HCD-Planning File No. PLN210061/ Johnson Hal W Jr & Allison H] in compliance with all applicable procedural requirements.
- EVIDENCE:**
 - a) On September 21, 2021, pursuant to Monterey County Code (“MCC”) Chapter 20.82, Eric Miller Architects, Inc. filed an application on behalf of Hal and Allison Johnson (“Applicant”) for a discretionary permit to allow construction of a single-family residence on their property at 226 Highway 1, in unincorporated County of Monterey.
 - b) The application went through multiple rounds of completeness review, and on March 23, 2023, the application was deemed complete by the County of Monterey. After deeming the application complete, the County determined the project was an activity subject to the California Environmental Quality Act (“CEQA”) and would not qualify for an exemption from environmental review.
 - c) The County initiated preparation of an Initial Study in accordance with CEQA Guidelines sections California Environmental Quality Act (CEQA) Guidelines Sections 15063. The Initial Study and Mitigated Negative Declaration (IS/MND) is on file in the offices of HCD-Planning and is hereby incorporated by reference (HCD-Planning File No. PLN210061). The IS/MND was filed with the County Clerk on July 11, 2024; and was circulated for public review from July 11, 2024 through August 12, 2024 (State Clearinghouse Number 2024070467). Finding No. 10 and its supporting evidence further details the environmental review.
 - d) The County of Monterey Planning Commission held a duly noticed public hearing on the application on October 30, 2024. 10 days in advance of the hearing, notices for public hearing were published in the Monterey County Weekly; posted at and near the project site; and mailed to vicinity property owners. At that hearing, after deliberation and consideration of public testimony, the Planning Commission adopted a

motion of intent to deny the project, directed staff to prepare a draft resolution for denial, and continued the hearing to a date uncertain.

- e) Following the hearing, on October 31, 2024, the Applicant's representatives requested the opportunity to re-design the project to address the issues identified at the October 30, 2024 hearing. The Applicant submitted supplemental application materials and a revised design in April 2025.
- f) The project returned to the Planning Commission on May 28, 2025. As the hearing on the matter had been continued to a date uncertain, the application was re-noticed. 10 days in advance of the hearing, notices for public hearing were published in the Monterey County Weekly; posted at and near the project site; and mailed to vicinity property owners. The Planning Commission considered the revised design and supplemental materials submitted. After deliberation and additional public comment, the Planning Commission adopted a resolution approving the project with the revised designs by a vote of 10 ayes and 0 noes, with no absences.
- g) Title 20, section 20.86.030.A states that an appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors. On June 9, 2025, Rutan and Tucker, LLP filed a timely appeal on behalf of Carmel LLC, the property owners of 230 Highway 1 (Appellant).
- h) In accordance with Title 20, section 20.98.070, the Board of Supervisors shall consider an appeal within 60 days of receipt. Therefore, the Board of Supervisors held a duly noticed public hearing on the appeal on July 1, 2025. 10 days in advance of the hearing, notices for public hearing were published in the Monterey County Weekly; posted at and near the project site; and mailed to vicinity property owners.
- i) The application, project plans, and related support materials submitted by the Applicant to County of Monterey HCD-Planning for the proposed development found in Project File No. PLN210061.

2. FINDING: **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

EVIDENCE: a) During the course of review of this application, the project has been reviewed for and found consistent with the text, policies, and regulations in the:

- 1982 County of Monterey General Plan;
- Carmel Area Land Use Plan (LUP);
- County of Monterey Coastal Implementation Plan (CIP) Part 4, Regulations for Development in the Carmel Area Land Use Plan Area; and
- County of Monterey Coastal Implementation Plan Part 1, the County of Monterey Zoning Ordinance (Title 20).

Communications were received from Rutan & Tucker LLP indicating inconsistency with the policies and regulations of the LUP and CIP from the appellant. However, these were found to be without merit as discussed in Finding No. 13, Appeal and supporting evidence. Correspondence was also received from the general public and

California Coastal Commission staff with concerns regarding floor area, coastal hazards, scenic views, sewer service, tree removal, erosion, and the general scale of the project. However, the project is consistent with the policies and regulations that address these subject areas within the LUP, CIP, and Title 20, as detailed throughout the evidence supporting the findings in resolution. No conflicts were found to exist.

- b) Allowed Use. The project site (or “subject property”) is located at 226 Highway 1 (APN: 241-182-003-000), Carmel. Offsite improvements to the water system within an easement conveyed over Assessor Parcel Numbers (APNs) 241-182-004-000 and 241-182-005-000, and installation of a sewer line and driveway improvements within an access and utilities easement conveyed over APNs 241-182-003-000; 241-182-004-000 and 241-182-005-000; and 241-182-006-000 are also included. These properties are zoned Low Density Residential, 1 acre per unit, with a Design Control overlay, in the coastal zone [LDR/1-D (CZ)], which principally allows a single-family dwelling on a legal lot of record, non-habitable accessory structures, and water system facilities serving fourteen or fewer connections, subject to a Coastal Administrative Permit (Title 20 sections 20.14.040.A, 20.14.040.F, and 20.14.040.J, respectively). The project proposes the construction of a single-family residence with an associated garage, associated site improvements, and water treatment system upgrades to an existing mutual water system. Therefore, the project is an allowed land use for this site.
- c) Lot Legality. The 0.63-acre lot is shown in its current configuration as Parcel 3 in the 1964 Assessor’s Map Book 241 Page 18, and under separate ownership in page 256 of the 1964 Assessor’s Ownership book. Therefore, the County recognizes it as a legal lot of record.
- d) Development Standards. Site development standards for the LDR zoning are found in Title 20 Chapter 20.14. The project is consistent with the minimum setbacks, maximum height, and maximum building site coverage requirements, as detailed in subsequent Evidence “e” through “h”.
- e) Setbacks – Main Structures. Within the LDR zoning a minimum front setback of 30 feet and side and rear yard setbacks of 20 feet are required for the “main structure;” here, the single-family dwelling. The property has a unique configuration, with the western side parallel to the Pacific Ocean subject to a side setback, and the far northern property line subject to a rear yard setback. The property also has multiple front setbacks, as it is both a flag lot (located at the end of a driveway access easement) and is bounded by Highway 1 along its eastern and northeastern property lines. Front setbacks for flag lots are measured as a radius from the centerline of the access, or “pole”. This radius is depicted on the attached project plans. The front setback for the northern and northeastern property lines bounded by Highway 1 is measured from the edge of the highway right-of-way. As proposed, the project meets all the required setbacks. The setback along the northeastern property line is 38 feet and 5 inches, and the setback along the eastern property line is 30 feet, both complying with the minimum front yard setback along those property lines. The setback from the residence

southeast to the access easement flag lot “pole” is 56 feet and 5 inches, complying with the 30-foot radius front setback for the flag lot. The setback from the residence west to the Pacific Ocean is 56 feet and 10 inches, complying with the 20-foot minimum rear yard setback, and the setback from the residence to the northern property line is 99 feet and 2 inches, complying with the minimum 20-foot rear yard setback.

- f) Setbacks – Site Improvement Exceptions. A fence and two access gates leading to the main entrance of the property and the entrance to the well site south of the property, respectively, encroach into the front setback. Two five-foot and eleven-inch retaining walls with a fire access stairway on the southeast corner of the property and a terraced retaining wall on the southwest corner of the property both encroach into these front setbacks. Both the fences and these walls have been designed to be less than six feet in height. Title 20 section 20.06.1200 defines structures to exclude fences under six feet high, so they aren’t subject to setbacks. The County Setbacks for Structures Below Grade interpretation dated December 28, 2006, states that as a matter of practice, retaining walls have been treated similarly to fences, making ones less than six feet not subject to setbacks. Therefore, encroachment of both of these improvements into the setback is permissible.
- g) Maximum Height. The maximum allowable height for main structures in the LDR zoning is 30 feet. The proposed residence will comply, as it will be 22 feet in height when measured from average natural grade.
- h) Maximum Building Site Coverage. The property is 0.63 acres (27,400 square feet). The maximum allowable building site coverage in the LDR district is 15%, 4,110 square feet. The proposed building site coverage is 10.5%, 2,865 square feet, complying with this requirement.
- i) Visual Resources and Design Control. As detailed in Finding No. 5 and supporting evidence, the project is consistent with the LUP policies protecting Visual Resources and their implementing regulations set forth in Title 20 and the CIP.
- j) Forest Resources. The project includes the removal of five trees, including three landmark Monterey cypress trees and one Monterey pine and a non-native Acacia tree. As detailed in Finding No. 6, the project is consistent with the LUP policies protecting trees and Forest Resources and its implementing regulations in the CIP. The criteria to grant a Coastal Development Permit to allow the removal of four protected trees have been met in this case.
- k) Environmentally Sensitive Habitat Areas. In accordance with the LUP Policy 2.3.3.5 and CIP section 20.146.040.A, a biological assessment was prepared (see Finding 3, Evidence “b”) to assess the potential presence of environmentally sensitive habitat areas and provide recommendations, as applicable. The report stated that their expectation from reviewing available database information and site locations on the bluff was that the site’s primary plant communities would be northern bluff scrub and coastal sage scrub, which would be considered environmentally sensitive habitat area. However, after their site survey, they noted that the site was significantly disturbed and supports more nonnative invasive species than native species. The report further stated that these native plant communities have been obliterated, such that the

site no longer supports environmentally sensitive habitat area. As there is no environmentally sensitive habitat area on site, the project will be consistent with LUP Policies 2.3.3.1 and 2.3.3.2, and CIP sections 20.146.040.B.2 and 20.146.040.B.3, limit development in sensitive habitat to resource-dependent uses, and development compatible with long-term maintenance of adjacent environmentally sensitive habitat areas. The biologist recommended the use of appropriate native species in proposed landscaping, which is required by LUP Policy 2.3.3.8. The biologist subsequently reviewed the draft landscaping plans and provided a number of recommendations on appropriate planting species, which were incorporated into the plan. Landscaping Condition No. 7 has been incorporated. It also states that the landscaping plans shall incorporate the recommendations of the biological survey, as applicable, ensuring consistency with this LUP Policy. Therefore, the project is consistent with the policies protecting environmentally sensitive habitat areas in the LUP and their implementing regulations in the CIP.

- l) Cultural Resources. As detailed in Finding No. 7 and its supporting evidence, the project is consistent with the LUP policies protecting archaeological and paleontological resources and their implementing regulations in the CIP. The criteria to grant a Coastal Development Permit to allow development within 750 feet of known archaeological resources have been met.
- m) Hazardous Areas. As detailed in Finding No. 8 and its supporting evidence, the project is consistent with LUP policies regarding geological hazards and development in proximity to coastal bluffs, and their implementing regulations in the CIP. The criteria to grant a Coastal Development Permit to allow development within 50 feet of a coastal bluff have been met.
- n) Land Use Advisory Committee (LUAC) Review. In keeping with the LUAC guidelines adopted through Board of Supervisors Resolution No. 15-43, the project was reviewed by the Carmel Unincorporated/Highlands LUAC. The LUAC considered the project at their December 5, 2022 meeting and recommended approval as proposed 6-0 with 1 member absent. The LUAC had questions regarding how the site would be accessed, whether a variance was required to take advantage of the flat area on the site, whether the project included development on slopes in excess of 30 percent, the sources of water and sewer, anticipated construction timeline, and the roof material. The applicant responded answering the questions to the LUAC's satisfaction, stating that they would access the site through the existing access easement, that a variance was proposed for the setback along Highway 1 and that they had revised plans to pull the home away from the bluff, that both the front and the back of the house include development on slopes in excess of 30 percent, that the property is served by a three connection mutual water system and would connect to public sewer, providing information about the anticipated construction duration, and that the roofing would be a vinyl roofing material. Since that meeting, the request for a variance was removed from the proposed project; it is not sought as part of this requested approval.

- o) The project planner conducted site inspections on May 4, 2021, September 15, 2021, and July 26, 2024 to verify that the project on the subject parcel conforms to the plans and regulations listed above.
- p) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN210061.

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

EVIDENCE:

- a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, the Environmental Health Bureau (EHB), and the Carmel Highlands Fire Protection District (FPD). County staff reviewed the application materials and plans to verify that the project on the subject site conforms to the applicable plans and regulations. There has been no indication from these departments/agencies that the site is not suitable for the development. Recommended conditions have been incorporated.
- b) The following reports were prepared to assess the geological and geotechnical suitability of the site for development; and the potential for the development to impact archaeological, biological, and forest resources:
 - Geologic Feasibility Assessment prepared by Easton Geology, Inc., dated August 17, 2020, (LIB210218);
 - Geologic Investigation, Johnson Property, also prepared by Easton Geology, Inc., dated December 15, 2022 (LIB240060);
 - Preliminary Geotechnical Investigation prepared by Rock Solid Engineering, Inc., dated August 14, 2020, (LIB210219);
 - Geotechnical Investigation also prepared by Rock Solid Engineering, Inc., dated December 15, 2022 (LIB240059);
 - Preliminary Archaeological Reconnaissance Report and Archaeological Supplemental Report, both prepared by Patricia Paramoure Archaeological Consulting, dated June 4, 2021 and April 4, 2024, respectively (LIB210216);
 - Biological Assessment, prepared by Regan Biological and Horticultural Consulting, dated June 12, 2021 (LIB210217);
 - Construction Impact Assessment and Tree Management Plan, prepared by Ono Consulting, dated June 17, 2021 (LIB210215); and
 - A revised Construction Impact Assessment and Tree Management Plan, prepared by Ono Consulting, dated March 15, 2025 (LIB210215).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 site inspections on May 4, 2021, September 15, 2021, and July 26, 2024, to verify that the site is suitable for this use.

- d) See also supporting Findings No. 4, 8, and supporting evidence, which address health and safety and the hazardous areas and bluff development policies and regulations applicable in the LUP and CIP, respectively.
- e) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN210061.

4. FINDING: **HEALTH AND SAFETY** – The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE:

- a) The project was reviewed by HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, EHB, and Carmel Highlands FPD. 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) Necessary public facilities will be provided. The property has road access through shared access and utilities easements along adjoining properties (APNs 241-182-004-000, 241-182-005-000, 241-182-006-000). Necessary domestic water and sewer are available to serve the property as discussed in Evidence “c” and Evidence “d”.
- c) Domestic Water. The project will have sufficient domestic water for the proposed single-family residence. The property will receive domestic water from Highway 1 Water Distribution system No. 12, an existing system permitted to serve three service connections on the properties with Assessor’s Parcel Numbers 241-182-003-000, 241-182-004-000, 241-182-005-000, and 241-182-006-000. The County of Monterey issued a Coastal Administrative Permit on August 31, 2012 to allow construction of this system (HCD-Planning File No. PLN120263), the Monterey Peninsula Water Management District (MPWMD) permitted this system through Water Distribution System Permit No. M13-05-L2, and the County of Monterey Environmental Health Bureau permitted the system as a small water system (System ID No. 2702809). The water distribution system provided a can and will serve letter for the project dated August 10, 2021.

The water system has an annual production limit of 1.87 acre-feet per year, which is set by a condition of approval from the MPWMD permit. Estimated water usage for the other two properties is 0.65 acre-feet per year. The project has an anticipated water demand of approximately 0.42 acre-feet per year. After completion of the project, total water use would be 1.07 acre-feet per year for the system, within the production limitation.

The project includes installation of a centralized water quality treatment system to address 2021 drinking water quality test results, which

showed it was out of compliance for fluoride. The water treatment system will be on APNs 241-182-004-000 and 241-182-005-000 within the shared access and utilities easement, and include filtration and treatment for iron, manganese, fluoride, and water acidity. Schematics for this treatment system were reviewed by EHB, which found them acceptable.

d) Sewer. Sewer service will be provided by the Carmel Area Wastewater District (“CAWD”) through a shared private sewer lateral (known as the “Highlands Point Association”) presently serving three properties, with a fourth planning to connect to the system per an approved planning permit:

- APNs 241-182-004-000 and 241-182-005-000 connected per PLN120558;
- APN 241-182-020-000 connected per PLN170248;
- APN 241-182-015-000 connected per CAWD correspondence dated February 28, 2024; and
- APN 241-182-006-000 planning to connect per PLN210005.

This sewer service is for effluent only, where it is conveyed through the system while solid waste will be collected in an onsite septic tank. The project would include installing an onsite ejector pump, and an approximately 400 lineal foot sewer line traversing through the subject property and APN’s 241-182-004-000, 241-182-005-000 and 241-182-006-000. CAWD provided a can and will serve letter dated May 4, 2023, with a duration of 2 years (until May 4, 2025). As this CAWD letter has expired, the applicant would be required to secure new permission to connect to the system, however, the letter as appropriate evidence to support that sewer serve could be available to serve the project. Gary Weigand, P.E., Principal Engineer of Utility Services, who designed the system, also prepared a letter dated March 27, 2024, analyzing the capacity of the private lateral to accept new connections and concluded the system would be able to accept effluent from 10 residents. Therefore, there is adequate sewer capacity available for the new connection and the municipal sewer entity responsible for service in this area has indicated that they can and will serve the property. Condition No. 28 has been applied, which requires the owner/applicant to submit evidence to HCD-Planning that they have secured a sewer connection permit from CAWD prior to issuance of grading/construction permits.

e) As detailed in Finding No. 8 and supporting evidence, the project is consistent with LUP policies and CIP implementing regulations addressing hazardous areas and development near coastal bluffs.

f) In accordance with CIP section 20.146.050.E.4, a preliminary erosion control plan, including drainage and grading, was submitted as part of the application submittal and subsequently found acceptable by HCD-Environmental Services. In accordance with Monterey County Code section 16.12.060, final erosion control plans will be re-reviewed prior to issuance of ministerial grading permits.

g) Pursuant to LUP Policy 2.4.4.C.5, the project includes onsite drainage through a storm drain system, which would capture runoff from

structures and impervious surfaces in catch basins, and then be released into dispersion trenches where water would infiltrate into the soil.

- h) Staff conducted site inspections on May 4, 2021, September 15, 2021, and July 26, 2024 to verify that the site is suitable for this use.
- i) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN210061.

5. FINDING: **VISUAL RESOURCES** – The project is consistent with the applicable policies to protect Visual Resources in the Carmel Area Land Use Plan (LUP) and with implementing regulations in the County of Monterey Coastal Implementation Plan (CIP) Parts 1 and 4.

EVIDENCE:

- a) The project is subject to LUP and CIP Visual Resources protection policies and regulations as well as the Design Control “D” zoning overlay district, which requires a design review of structures and fences to assure protection of the public viewshed and neighborhood character. As stated in LUP section 2.2.1, the “public viewshed” is the composite area visible from major public use areas, including 17-Mile Drive views of Pescadero Canyon, Scenic Road, Highway 1, and Point Lobos Reserve.
- b) The property is in the Carmel Highlands area with a dominant visual character of dramatic rocky granitic cliffs and the Pacific Ocean. The primary built environment features are Highway 1, access roads, and an eclectic mixture of one and two-story custom single-family residences. No architectural style appears to dominate, with residences demonstrating neoclassical, Mediterranean revival, and modernist characteristics. Many of the residences feature natural materials such as wood or stone. The proposed residence is a modern-style two-story residence comparable to other homes in the area, and in accordance with the CIP section 20.146.030.C.1.c, has natural primary finish materials include smooth and split-face warm tan stone veneers, light brown cedar and oak horizontal wood, grey stone paving, and light grey concrete retaining walls and steps. Additional colors and materials include stainless steel trench covers, glass, black and stainless-steel cable rails, black metal frame windows and doors, and a dark grey built up roof system. As proposed, the design is appropriate in the public viewshed and will not detract from the neighborhood character.
- c) LUP Policy 2.2.3.3 requires that new development on slopes in the public viewshed be carefully reviewed for siting and design to protect public views. Structures are required to be sited within existing forested areas or in areas where it would not be visible from public viewpoints and viewing corridors. LUP Policy 2.2.4.6 also requires maintenance of the existing forested corridor along Highway 1 to serve as a natural screen for existing and new development, with new development sufficiently setback from the highway to preserve the forested corridor effect and minimize visual impact. Consistent with these policies, the project is sited significantly below the elevation of both the highway and vista point, minimizing its visibility. The trees parallel to the highway will also be preserved to screen the proposed dwelling when viewed from the turnout on Highway 1. Over the course of development

review, the project has also been re-sited and re-designed to bring it further into conformance with this policy. After the October 2024 Planning Commission hearing, the ridge height of the residence was reduced by 2.5 feet (from an elevation of 108.5 to 106 feet), and the residence has been re-sited and re-designed to pull the northwestern roof overhang and balcony (the only elements of the residence visible from the vista point) inland and minimize, and nearly eliminate, its visibility. The preservation of Tree #53 behind the residence would also assist in integrating the project into the surrounding vegetation.

- d) LUP Specific Policy 2.2.4.10.a states that buildings located on slopes shall be sited on existing level areas and sufficiently set back from the frontal face. In this case, the building has been centrally sited approximately 27 feet away from the edge of the bluff on the most level portion of the property, a small cut and fill pad graded in the 1960's.
- e) LUP Policy 2.2.3.7 and 2.2.4.5 require that structures and driveways be sited and designed to minimize grading for the building site and access road and prohibits extensive landform alteration. Over the course of review, the project has been re-designed to bring it into conformance with this policy. The previous design, considered at the Planning Commission on October 31, 2024, would have required grading a large portion of the steep area on the eastern half of the project site sloping upward to Highway 1 flat to accommodate the design, including portions of the residence, site improvements, and an approximately 26-foot-tall retaining wall parallel to Highway 1. Grading and site preparation for the previous design estimated approximately 2,270 cubic yards of grading cut and 395 cubic yards of fill, resulting in a net cut/export of 1,875 cubic yards. Grading has been dramatically reduced in the proposed plans (attached) and now better respects the existing form and topography of the site. The estimated quantity of grading for the revised proposal is 700 cubic yards of cut, with 390 cubic yards of fill, resulting in 310 cubic yards of net export. This reduces net export by 83%. In accordance with LUP Policies 2.2.3.7 and 2.2.4.5 this quantity of grading is minimized to that necessary to develop the property with reasonable and beneficial residential use, including a residence, utilities, and safe ingress and egress.
- f) To ensure consistency with LUP Specific Policy 2.2.4.10.D and CIP section 20.146.030.C.1.d, Condition No. 8 (exterior lighting plan) has been applied. This Condition will require that the all exterior lighting on the property 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.
- g) The project was referred to the Carmel Unincorporated/Highlands Land Use Advisory Committee ("LUAC"), whose recommendations focus on site design and local considerations. On December 5, 2022 the LUAC recommended approval of the project before modifications to the design were incorporated to minimize impacts.
- h) Staff conducted site inspections on May 4, 2021, September 15, 2021, and July 26, 2024 to assess the potential of the project to impact Visual Resources. In accordance with CIP section 20.146.030.A.1, prior to the September 15, 2021 site visit the structure was staked and flagged. After the on-site review, the applicant re-designed the project by pulling the

residence inland approximately 12 feet, minimizing its visibility from Highway 1 and the vista point identified LUP Figure 3 and section 5.3.4 as an existing bluff top overlook adjacent to the Highland Inn. Photo-simulations were submitted of the revised design in-lieu of re-flagging the project. The photo-simulations demonstrated that only small portions of the residence would be visible from either Highway 1 or the vista point and, as proposed, the project would not significantly impact the character of the vista.

- i) CIP section 20.146.030.C.1.e states that native vegetation must be retained to the maximum extent possible, and landscaping screening may be used wherever a moderate extension of native forest areas is appropriate. CIP section 20.146.030.C.2 further clarifies that when landscaping is appropriate, it should only be used as a secondary protection of scenic quality and visual access. Consistent with this, the project includes three screening trees to extend the Monterey cypress tree line adjacent to Highway 1 westward and further minimizing the project's visibility from the vista point to the immediate north. Condition No. 7 has been applied to this effect. This condition requires that the site be landscaped, and existing vegetative screening be retained to protect the scenic quality of the area and visual access. The Condition specifies that its intent is to preserve screening along Highway 1 and from the nearby vista point, without obstructing views of the rocky promontories and bluffs along the shoreline from the vista point.
- j) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN210061.

6. FINDING: **TREE REMOVAL** – The subject project minimizes tree removal in accordance with the Carmel Area Land Use Plan (LUP) policies protecting Forest Resources, and their implementing regulations in the County of Monterey Coastal Implementation Plan, Part 4, Regulations for Development in the Carmel Area Land Use Plan (CIP).

EVIDENCE:

- a) The project includes removal of five trees, one Acacia three landmark Monterey cypress one Monterey pine. Acacia is a non-native tree and no permit is required for its removal. The native trees proposed for removal are identified in the Forest Management Plans (LIB210215) prepared for the project as follows:
 - #50, landmark Monterey cypress
 - #51, landmark Monterey cypress
 - #52, Monterey pine
 - #54, landmark Monterey cypress
- b) Forest Management Plan. A Construction Impact Assessment and Tree Management Plan (“Forest Management Plan” dated June 17, 2021, and a revised assessment dated March 15, 2025 were prepared for the project by Ono Consulting to assess the proposed tree removal and provide recommendations to preserve overall forest health, as required by CIP section 20.146.060.B. Both are available in HCD-Planning Library File No. LIB210215. In accordance with CIP section 20.146.060.D.7, Condition No. 9 has been applied, which requires the

applicant to record a notice on the property stating that all development shall be in accordance with the Forest Management Plan.

- c) Tree removal in the LUP area requires a Coastal Development Permit unless the removal falls under the exemptions detailed in CIP section 20.146.060.A.1. Here, CIP section 20.146.060.A.1.a allows the removal of non-native trees (with certain exceptions) without a Coastal Development Permit, and therefore, no permit is required to remove the Acacia. The other four native trees require a Coastal Development Permit to remove.
- d) CIP section 20.146.060.D.1 prohibits the removal of landmark trees, unless the decision-making body finds that the trees are not visually or historically significant and there are no alternatives whereby the tree removal can be avoided. The three Monterey cypresses are greater than 24 inches in diameter, making them landmark trees. The findings can be met to allow the removal of the landmark trees. The trees are not considered visually or historically significant, exemplary of their species, or more than 1000 years old. See subsequent Evidence “e” demonstrating no alternatives.
- e) LUP policy 2.2.3.7 states that structures shall be located and designed to minimize tree removal and grading for building sites and access roads. CIP section 20.146.060.D.3 also dictates that the removal of native trees be limited to those necessary for the proposed development, and that development shall be required to be adjusted for siting, location, size, and design as necessary to minimize tree removal. Here, the proposed removal is the minimum under the circumstances. During development review, the project was re-sited and re-designed to reduce tree removal, resulting in the preservation of two Monterey cypress trees, #53 and #58. The remaining four trees are in the immediate footprint of the proposed residence. Siting of the proposed development is constrained by slopes, access, and other limitations. The Forest Management Plan states that the trees are generally in poor condition due to crown fragmentation, limb dieback, or uprooting, and would not be safe to retain when any development occurs near them. Therefore, alternatives such as re-siting, re-design, and reduction in development would not save these trees.
- f) CIP section 20.146.060.D.6 requires replanting on a 1:1 basis of all trees greater than 12 inches in diameter. This is incorporated as Condition No. 13, which requires replanting of three Monterey cypress and one Monterey pine.
- g) To ensure that trees not being removed are protected through the construction process, and protected in accordance with the forester’s recommendations, Condition No. 14 is applied. This Condition requires the applicant install and implement tree protection measures recommended in the Forest Management Plan, provide photos documenting that the tree protection has been installed prior to commencement grading or construction permits, and verify if tree protection has been successful or if follow-up remediation measures or additional permits are required after construction.

- h) Staff conducted site inspections on May 4, 2021, September 15, 2021, and July 26, 2024, to assess the visual character of the trees proposed for removal.
- i) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN210061.

7. FINDING: **CULTURAL RESOURCES** – The project has been reviewed and conditioned to minimize or avoid impacts to archaeological consistent with the applicable policies to protect Cultural Resources in the Carmel Area Land Use Plan (LUP) and with implementing regulations in the County of Monterey Coastal Implementation Plan (CIP).

EVIDENCE:

- a) County of Monterey GIS identifies the property as being within 750 feet of known archaeological resources and having a high sensitivity for the presence of archaeological resources. In accordance with 20.146.080.B, an archaeological report (LIB210216) was prepared by Patricia Paramoure Archaeological Consulting (PPAC) which included archival research; a surface field survey within the project site; evaluation of field findings and potential project impacts; and management recommendations. PPAC also prepared a supplemental letter report dated April 5, 2024, evaluating the installation of the sewer line along the access and utilities easement, which runs along the subject property and continues south through APNs 241-182-004-000, 241-182-005-000, and 241-182-006-000. In conducting its analysis, the County also reviewed available archaeological reports for projects in the vicinity, including a Preliminary Archaeological Assessment (HCD-Planning File No. LIB210182) prepared by Brenna Wheelis of Paleowest evaluating APNs 241-182-006-000, and a letter report (HCD-Planning File No. LIB100282) prepared by Gary S. Breschini, Archaeological Consulting evaluating APNs 241-182-004-000 and 241-182-005-000.
- b) As outlined in the PPAC archaeological report LIB210216, seven previously recorded cultural resources are located within 0.25 mile of the project site. One mapped site, CA-MNT-1348, overlaps with the access and utilities easement where the proposed sewer line and paving of the existing private access roadway would occur. The recorded site occupies several properties, and the extent/location of any specific resources associated with it is not known. The resource contains precontact shell midden, and citing previous work by Gary Breschini conducted in 2017, Brenna Wheelis' report (LIB210182) describes the resource as a possible late period coastal gathering site.
- c) Residence. After a records search and field reconnaissance, PPAC's 2021 preliminary archaeological report concluded that there was no evidence of archaeological resources on the subject property. The archaeologist therefore concluded that no archaeological impacts were anticipated. However, in line with the County's requirements for negative archaeological reports, the archaeologist recommended that, if construction activities expose unanticipated resources, work be halted and a qualified archaeologist contacted to inspect the find. These recommendations are made conditions of approval [Mitigation Measure CUL-3 (Condition No. 20) and Condition No 3].

d) Sewer Line and Roadway. The proposed sewer line excavation and paving of the existing private access roadway run through a more archaeologically sensitive area, and during PPAC's field reconnaissance in 2024 the archaeologist identified three fragments of abalone shell, likely evidence of the site CA-MNT-1348 within the recorded access and utilities easement in the general vicinity of where the sewer line and access driveway paving are proposed to be installed. To address potential impacts, the report recommends:

- That archaeological monitoring take place during trench excavations within the easement corridor, and within 50 feet of the boundary of the resource;
- That the field archaeologist present an archaeological sensitivity training to all construction personnel involved with the sewer line excavations in the monitoring area
- If buried resources are encountered during subsurface construction related excavations, operations shall stop within 50 feet of the find, and a qualified archaeologist be contacted to assess the find and give appropriate recommendations for treatment, including appropriate mitigation as appropriate.

The mitigation measures contained in the archaeological survey prepared for the site have been incorporated as conditions of approval pursuant to CIP section 20.146.090.D.1.a. The recommendation for a monitor is included in Mitigation Measure CUL-2 (Condition No. 19) and the recommendation for archaeological sensitivity training is incorporated as Mitigation Measure CUL-1 (Condition No. 18). Recommendation regarding stopping work procedures and the formulation of mitigation if any resources are incorporated and detailed through the County's positive archaeological site Condition No. 3, Mitigation Measure CUL-3 Cultural Resources Stop Work Procedures (Condition No. 20), and CUL-4 Archaeological Mitigation Plan (Condition No. 21). The Cultural Resources stop work procedures expand the radius in which work would halt from 50 feet to 50 meters (165 feet), incorporating the feedback of the Ohlone/Costanoan Esselen Nation (OCEN) received during the tribal consultation process. After sewer line installation, the existing private access roadway would be paved. The paving scope of work does not add any additional archaeological impacts beyond those already contemplated and mitigated for in analyzing the sewer system.

e) Sewer Line, cont'd. The Wheelis' report (LIB210182) contained similar analyses and conclusions to the PPAC report prepared for the project. This report included archival research, a pedestrian reconnaissance, and subsurface testing including four auger boring and one shovel test pit. The report identified one isolated flaked stone debitage fragment and two shell fragments, however it stated that because they lacked anthropogenic associations and data potential they were considered insignificant finds, concluding "Auger testing and an intensive pedestrian survey did not encounter evidence of the previously recorded site MNT-1348 site." The report continues, "However, the lack of evidence from the auger testing and pedestrian survey does not conclusively confirm that the site has been completely destroyed in the Project parcel." Therefore, that report recommended a cultural

sensitivity training, archaeological monitoring, and halting work if any human remains are identified, similar to the recommendations of the PPAC report. This report also recommended tribal cultural monitoring for ground disturbing activities on APN 241-182-006-000. Tribal Cultural Monitoring was recommended during the County's tribal consultation process and incorporated as Mitigation Measure TR-CUL-1 (Condition No. 22)

f) Water Treatment System. The installation of the Centralized Water Quality Treatment System is an alteration to the existing mutual water system, including minor plumbing modifications such as valves, filters, and meters. This system would not require significant ground disturbance; therefore, it would not have significant potential to impact cultural resources. Additionally, a letter report prepared by Gary S. Breschini, Archaeological Consulting, evaluating Assessor's Parcel Numbers 241-182-004-000 and 241-182-005-000 was prepared to analyze the construction of the test well in 2010 for the mutual water system on that property. The report concludes there was no evidence of potentially significant cultural materials. Therefore, the report recommended that the well not be delayed for archaeological reasons. Therefore, alterations to the existing constructed Mutual Water System would similarly not impact archaeological resources.

g) CIP section 20.146.090.D.3 requires that projects be designed to avoid identified archaeological resources. Section 20.146.090.D.4 states that when impacts to an archaeological site cannot be avoided, an archaeological mitigation plan with preservation measures is required. LUP Policy 2.8.3.4 also emphasizes avoiding or substantially reducing impacts to sites, rather than excavation and removal of resources. For the archaeological mitigation plan, a final report prepared by the archaeologist documenting the results of the preservation activities would also be required. Mitigation Measures CUL-1 through CUL-4 (Condition No. 18 through 21), along with Condition No. 3 work in conjunction to ensure that the project is consistent with these requirements:

- CUL-1 (Condition No. 18) Cultural Resources Awareness Training shall ensure that construction crews for the most archaeologically sensitive areas of the project be trained to identify resources so that work can be halted appropriately if anything is found;
- CUL-2 Archaeological Monitor (Condition No. 19) would require that an archaeological monitor be present during the most archaeologically sensitive areas of the project to stop work and evaluate any finds, and that an on-call archaeologist be available for any activities not actively being monitored by an archaeologist;
- CUL-3 (Condition No. 20) Cultural Resources Stop Work Steps and County standard condition PDP003(B) (Condition No. 3) establish clear procedures on halting work and the required steps if any previously unknown resources or human remains are encountered; and
- CUL-4 (Condition No. 21) would require an archaeological mitigation plan be prepared if any resources are identified, as well as considering the input of the tribal cultural monitor in the disposition of any resources. The mitigation specifies that avoiding

shall be pursued prior to consideration of excavation and recovery, consistent with LUP Policy 2.8.3.4.

- h) There are no known paleontological resources on or near the site. Nevertheless, Condition No. 16 is applied, which shall require if paleontological resources are encountered during construction, work would be halted within 50 meters (165 feet) of the find until a qualified professional can evaluate the find. This Condition ensures that the project would not impact such resources, and consistency with CIP sections 20.146.090.D.3 and 4 as they relate to paleontological resources.
- i) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN210061.

8. FINDING:

HAZARDS AND DEVELOPMENT WITHIN 50 FEET OF A

COASTAL BLUFF – The project has been sited and designed to minimize risk from geologic, flood, and fire hazard consistent with the Carmel Area Land Use Plan (LUP) policies addressing hazardous areas and development in proximity to coastal bluffs, and their implementing regulations in the County of Monterey Coastal Implementation Plan Part 4, Regulations for Development in the Carmel Area Land Use Plan (CIP).

EVIDENCE:

- a) The project includes development within 50 feet of a coastal bluff, and approximately 3,095 square feet of this grading would occur on slopes in excess of 30%.
- b) Geological and Geotechnical Reports. LUP Specific Policy 2.7.4.3 and CIP section 20.146.080.B.1 require that all development within 50 feet of a cliff or bluff requires preparation of a geologic report prior to consideration of the proposed project. In conformance with these requirements, coordinated preliminary and final geological (HCD-Planning File Nos. LIB210218 and LIB240060), and geotechnical (HCD-Planning File Nos. LIB210219 and LIB240059) reports have been prepared for the project by Easton Geology, Inc., and Rock Solid Engineering, Inc., respectively. The reports assessed the suitability of the site for single-family residential development and contained detailed hazards analysis and recommendations.
- c) Relative to its geological context, the property is on a tall granitic bluff between Highway 1 and the ocean, just north of Wildcat Cove. The bluff was formed over thousands of years through combined geologic processes of fluctuations in sea level, tectonic uplift, and base surf erosion. As previously discussed, grading that created the building pad occurred sometime in the 1960's. The preliminary geotechnical investigation characterized the soil profile as generally consisting of fill, colluvium, and highly weathered granite that becomes less weathered and stronger with depth. Artificial fill was encountered on the west side of the graded pad.
- d) In its conclusions, the geological report (LIB240059) stated that the primary geological concerns for the site are slope instability, long-term coastal erosion, and seismic shaking. These hazards are discussed in subsequent Evidences "e" through "g" and in detail in the Initial Study prepared for the project. In summary, both the geological and

geotechnical reports considered the site suitable for a single-family residence, provided that their recommendations were followed. Recommendations included criteria for site preparation, grading, foundations, and other improvements; either siting the residence landward of a projected 100-year bluff setback or embedding of foundations below the projected 100-year bluff erosion profile; direction of concentrated drainage away from the ground surface or steep slopes to prevent shallow landsliding or ponding; and review of grading and foundation plans. The proposed project includes a foundation system consisting of soil nails and micro-piles that embed below the 100-year bluff erosion profile, keeping with the geologist and geotechnical engineers' recommendations. To ensure the geologists' and geotechnical engineers' recommendations are adhered to, Conditions Nos. 10 and 11 are incorporated. These Conditions require that the applicant record a notice on the property stating that all development shall be in accordance with the geological and geotechnical reports. Additionally, Monterey County Code section 16.08.110.D requires that recommendations included in soil engineering reports be included into grading plans and specifications.

- e) Slope Instability. Strong ground shaking can cause landslides or slope failure. The geological report states that while deep landsliding is possible, the initiation of new large landslides is exceedingly rare and relatively uncommon in granodiorite. In their on-site investigation, the geologist saw no indicators of previous slides on the site, such as scarps, large bowl-shaped swales, or "hummocky" topography. The geologist concluded that improvements too close to the bluff would have a high risk of damage resulting from bluff instability; however, the likelihood of retreat to impact these improvements is low, provided any improvement is well-founded below the 100-year bluff profile mentioned above, or adequately setback from the bluff. The proposed project incorporates a foundation design that would penetrate below the 100-year projected bluff profile. The geotechnical report also included a quantitative slope stability analysis, which indicated that the soil condition and granite slopes should meet or exceed the industry standard minimum safety factors for slope failures above weathered granite. Similar to the geological report, the geotechnical report recommends either siting improvements landward of the 100-year bluff setback or embedding their foundations below the 100-year bluff profile to address landslides. Both reports emphasized controlling and not directing drainage toward the steep bluff to prevent erosion and avoid impacts bluff stability. The civil engineer also wrote a letter dated September 20, 2024 describing how the drainage system has been designed to not accelerate erosion, by using rock spreader trenches and multiple points of release, so that the flow of stormwater's velocity is reduced and it is not concentrated on any one area.
- f) Long-term Coastal Erosion. In accordance with LUP Policy 2.7.4.7, the geologic report analyzes cliff geometry, historic bluff retreat, and foreseeable cliff erosion. The geologist evaluated aerial photographs of the site dating back to 1929, and conservatively estimated that historical bluff retreat has been one foot every 10 years. Using this projection,

retreat of the bluff face would be approximately 10 feet over the next 100 years. While not necessarily a representative sample, between 2010 and 2016, retreat of the bluff face near the site was significantly less, approximately one-tenth of a foot in 10 years, indicating retreat rates along the granitic coast at the site are very slow. Sea level rise has the potential to accelerate coastal erosion. However, the report concludes that due to the site's very low bluff erosion rate, a hypothetical erosion rate increase of 25% over the next century (erosion would total approximately 12.5 feet over the next 100 years) would have a negligible impact over the life of the project. The geologist's bluff retreat analysis also looked at retreat from potential rock topple or sliding along dipping joint planes. Using these factors, the geologist mapped a geologically feasible building envelope but indicated that development seaward of this envelope would be feasible provided that foundation improvements were installed below the 100-year anticipated bluff retreat profile. Portions of the proposed development are within this geologically feasible building envelope, while much of the residence is seaward of it. Consistent with the geologist's recommendation, the project includes a micro-pile foundation that would be installed below the 100-year anticipated bluff retreat profile.

- g) Seismic Shaking. Ground shaking is the soil column's response to seismic energy transmission. Ground shaking caused by earthquakes is a complex phenomenon, and transmission of earthquake vibrations into buildings from the ground can structurally damage them. The geological report states that seismic shaking will be strong during the next major earthquake along local fault systems, and that the controlling reference for the property's seismic design criteria was the nearby San Gregorio-Hosgri fault, which is approximately three miles west of the site. The geologist included recommendations for seismic design factors, including the anticipated earthquake magnitude of M_w 7.0, an expected strong shaking duration of 14 seconds, and a "ground acceleration" factor of 0.80g. The geotechnical engineer stated that all proposed structures would be designed with the corresponding seismic design parameters in accordance with the California Building Code, and included recommendations for grading and site preparation, drainage, utility trenches, and the foundation system. The recommendations of both reports ensure that ground shaking would not significantly impact structures or occupants, and incorporation of the County's standard notice of report Conditions No. 10 and 11 and the grading and building permit processes would ensure these recommendations are adhered to.
- h) LUP Policy 2.7.3.1 requires that development be sited and designed to minimize risk from geologic, flood, and fire hazards. The same policy notes that areas of the parcel subject to high hazards should generally be considered unsuitable for development. Where development is proposed in high-hazard areas, a geotechnical report shall be required prior to the County's consideration of the project. As discussed above, coordinated geological and geotechnical reports have been prepared to address geotechnical hazards, and recommendations for a deep foundation system have been incorporated. The proposed residence has been sited centrally on the flattest portion of the property, and during the

development review process, was re-sited landward 21 feet further away from the bluff. Therefore, the development has been sized and designed to minimize geologic hazards. The project includes a turnaround area for fire trucks in the auto court. Due to site constraints, including the hairpin turn required to access the driveway leading to the site and the narrowness of the driveway easement, a secondary means of egress is included in the form of an emergency fire access stairway. Therefore, the development has been sized and designed to minimize fire and geologic hazards.

- i) On October 28, 2024, the County received a geotechnical/geologic peer review letter from Rutan and Tucker, LLP prepared by Cornerstone Earth Group as a public comment on the project. The peer review letter had specific comments on the technical analysis and methodology of the geologic and geotechnical reports prepared for the project. Easton Geology Inc and Rock Solid Engineering Inc (the geologist and geotechnical engineer for the project) provided response letters addressing the peer review comments. The comments are highly technical and in the realm of the project geologist and engineer. However, County staff reviewed the submitted letter and reports prepared for the project, and do not believe they identify any new hazards nor affect staff's conclusion that the site is suitable for the proposed use. At this time staff have accepted the final geological (HCD-Planning File Nos. LIB210218 and LIB240060), and geotechnical (HCD-Planning File Nos. LIB210219 and LIB240059) report.
- j) In accordance with LUP Policy 2.7.3.4, projects shall be conditioned requiring the owner to record a deed restriction describing the nature of identified hazards and long-term maintenance requirements. LUP Policy 2.7.4.10 states that revetments and sea walls shall only be allowed to protect existing (rather than new) development. Therefore, Condition 17 requires the applicant to record a deed restriction identifying that the site is subject to coastal hazards, assuming the risks of such development, waiving liability, indemnifying the County of Monterey for any damages due to coastal hazards, prohibiting future coastal armoring, requiring further geotechnical analysis evaluating whether existing development is safe should land sliding or bluff erosion threaten it, and re-location/removal should the development become unsafe without the installation of new sea walls or shoreline protective structures.
- k) LUP Policy 2.7.4.1 requires that all development be sited and designed to conform to site topography and to minimize grading and other site preparation activities. The residence and improvements have been centrally sited on the flattest portion of the property, and over the course of review, the project has been re-designed to bring it into conformance with this policy. The previous version of the project considered by the Planning Commission in October 2024 would have required grading a large portion of the steep area on the eastern half of the project site sloping upward to Highway 1 flat to accommodate the design, including portions of the residence, site improvements, and an approximately 26-foot-tall retaining wall parallel to Highway 1. Grading and site preparation for the previous design estimated approximately 2,270 cubic

yards of grading cut and 395 cubic yards of fill, resulting in a net cut/export of 1,875 cubic yards. Grading has been dramatically reduced in the approved plans, much better respecting the existing form and topography of the site. The estimated quantity of grading for the revised proposal is 700 cubic yards of cut, with 390 cubic yards of fill, resulting in 310 cubic yards of net export. This reduces net export by 83% from the prior design.

- 1) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN210061.

9. FINDING: **DEVELOPMENT ON SLOPES** – There is no feasible alternative that would allow development to occur on slopes exceeding 30 percent.

EVIDENCE:

- a) The project includes approximately 3,095 square feet of development on slopes, 500 square feet of which is for the residence and 2,595 for the associated site improvements. LUP Policy 2.2.4.10.a and CIP section 20.146.030.C.1.a both state that buildings should not be located on slopes exceeding 30 percent. However, CIP section 20.146.030.C.1.a allows an exception to this where there is no alternative which would allow development to occur on slopes of less than 30 percent. Title 20 section 20.64.230 also prohibits development on slopes in excess of 30 percent unless a finding can be made, either that either there is no feasible alternative that would allow development to occur on slopes of less than 30 percent, or that the proposed development would better achieve the goals, policies and objectives of the County of Monterey Local Coastal Program than development alternatives. In this case, there is no alternative to avoid development on slopes.
- b) The only contiguous area of the site not on slopes in excess of 30 percent is a narrow pad graded in the 1960's (approximately 1,875 square feet). Remaining areas to the east and west are highly constrained by a coastal bluff and steep slopes. This extremely constrained site, combined with the narrow width, makes it unavoidable to construct a residence and associated site improvements without developing on slopes in excess of 30 percent.
- c) Alternative designs have been considered in the course of review. The project has been re-designed to minimize development on slopes to the extent feasible. Between the project scope considered at the October 2024 Planning Commission meeting and the proposed project, development on slopes was reduced from approximately 6,758 square feet to 3,095 square feet, a reduction of 3,663 square feet or approximately 54%.
- d) The re-designed project substantially reduced the originally considered project's portion of the residence that would be on slopes. The residential footprint in the new design is pulled inward toward the flat portion of the site by 7 feet and 10 inches on the northwest elevation, 21 feet on the southwest elevation, and 10 feet on the northeast elevation. This resulted in a reduction of 948 square feet on slopes (from 1,448 to 500 square feet), or 65%. The footprint of the proposed residence is 30 feet and 6 inches wide, which is wide enough for an entryway and two parking spaces (a single-car garage and a covered carport), required to

meet the minimum off-street parking requirements of the zoning ordinance.

- e) Proposed development on the sloped southeastern portion of the site consists of an auto court with a fire truck turnaround and access easement area for the mutual water system well, an emergency access stairway, as well as stepped retaining walls seaward of the turnaround. The auto court is necessary to allow fire truck turnaround and access for maintenance vehicles, a well pump rig, and a well drill rig to the well site when necessary. The retaining walls are necessary to keep this area level. The emergency access stairway provides a secondary means of egress in case of emergency.
- f) A septic tank and pump necessary for wastewater service is proposed northeast of the residence. The septic tank is sited to meet the minimum setback requirements in Monterey County Code Chapter 15.20 Sewage Disposal: 5 feet between the tank and structures (retaining wall) and 100 feet from the tank to a body of water (the Pacific Ocean).
- g) An area east of the residence would be graded for a trash and utility enclosure. The utility enclosure includes an electrical service panel and trash enclosure which are necessary to provide utility services to the project.
- h) In accordance with CIP section 20.146.120.A.6, Condition No. 12 is applied, which requires that the applicant record a conservation and scenic easement over portions of the property with slopes in excess of 30%. The general location of the easement is Attachment 4 to this resolution, and would include those sloped areas west, northwest, southwest of the residence between it and the Pacific Ocean.
- i) The application, plans, and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development are found in Project File PLN210061.

10. FINDING: **CEQA (Mitigated Negative Declaration)** - On the basis of the whole record before the County of Monterey Board of Supervisors, there is no fair argument that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. Conclusions in the Mitigated Negative Declaration are supported by substantial evidence in the record and reflect the independent judgment and analysis of the County.

EVIDENCE: a) Pursuant to Public Resources Code section 21083, and California Environmental Quality Act (CEQA) Guidelines sections 15063(a) and 15063(b)(2), the Lead Agency shall conduct an Initial Study to determine whether the Project would have a significant effect on the environment. If the Initial Study concludes that there is no substantial evidence that the Project may cause a significant effect on the environment, either as proposed or with basic mitigation, the Agency shall prepare a Negative Declaration or, as here, a Mitigated Negative Declaration.

b) County of Monterey, as lead agency, prepared an Initial Study and Mitigated Negative Declaration in accordance with the CEQA Guidelines. The Initial Study and Mitigated Negative Declaration are on file in the offices of HCD-Planning and is hereby incorporated by

reference (HCD-Planning File No. PLN210061); was filed with the County Clerk on July 11, 2024; and was circulated for public review from July 11, 2024 through August 12, 2024 (State Clearinghouse Number 2024070467).

- c) The Initial Study identified potentially significant effects (see subsequent Evidence “e”). However, the County’s standard regulatory process, applicable standard conditions of approval, and the applicant’s agreement to implement mitigation measures, either avoid the environmental effects or mitigate them to a point where clearly no significant effects would occur. Evidence received and considered includes: the application, technical studies/reports, staff reports that reflect the County’s independent judgment, and information and testimony presented during public meetings and hearings. These documents are on file in HCD-Planning (HCD-Planning File No. PLN210061) and are hereby incorporated by reference. Based upon the analysis of the Initial Study, HCD-Planning prepared a Mitigated Negative Declaration.
- d) As discussed in section IV of the Initial Study, no project impacts were identified for IV.1 Agriculture and Forest Resources, IV.2 Mineral Resources, IV.3 Population/Housing, IV.4 Public Services, or IV.5 Recreation.
- e) As discussed in section VI of the Initial Study, project impacts to the following resource areas would be rendered less than significant with the application of uniformly applicable regulations, permitting requirements, and conditions of approval for development projects: VI.1 Aesthetics, VI.3 Air Quality, VI.4 Biological Resources, VI.6 Energy, VI.7 Geology and Soils, VI.8 Greenhouse Gas Emissions, VI.9 Hazards and Hazardous Materials, VI.10 Hydrology and Water Quality, and VI.13 Noise, and VI.17 Transportation, and VI.19 Utilities and Service Systems.
- f) As discussed in section VI of the Initial Study, potentially significant project impacts were identified for the following resource areas: VI.5 Cultural Resources, VI.11 Land Use and Planning, VI.18 Tribal Cultural Resources, VI.19 Utilities and Service Systems, and VI.21 Mandatory Findings of Significance. Conditions and mitigations that avoid or reduce impacts to a level of insignificance have been incorporated and agreed to by the applicant. All Project changes required to avoid significant effects on the environment have been incorporated into the Project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with County of Monterey regulations. That Plan is designed to ensure compliance during Project implementation. That Plan is hereby incorporated herein by reference. The applicant must enter into an “Agreement to Implement a Mitigation Monitoring and/or Reporting Plan” as a condition of Project approval (Condition No. 5).
- g) Pursuant to Public Resources Code section 21080.3.1 et seq., County of Monterey HCD-Planning initiated consultation with local Native American tribes prior to circulating the Initial Study. The County received responses requesting consultation from the Ohlone/Costanoan-Esselen Nation (OCEN) and the Esselen Tribe of Monterey County. No other tribes responded. The County conducted consultation with the OCEN on

July 28, 2023 and the Esselen Tribe of Monterey County on July 31, 2023. Neither tribe identified evidence of any specific tribal cultural resources onsite. The Esselen tribe's written request for consultation included a request for a phase II subsurface archaeological evaluation of the site, preconstruction training regarding tribal cultural resources for all project personnel, and tribal monitoring of all ground disturbance. After these initial consultation meetings, the County requested a supplemental archaeological assessment be prepared to address the proposed sewer line running in the existing access and utilities easement through Assessor's Parcel Numbers 241-182-004-000, 241-182-005-000, and 241-182-006-000. Thereafter, the County reached out to both tribes that had previously participated in consultation and provided them the supplemental archaeological assessment (the Ohlone/Costanoan Esselen Nation (OCEN) and the Esselen Tribe of Monterey County) on May 8, 2024 to see if they had any remaining questions, concerns, or additional input on the project. On May 14, 2024, the County took part in a subsequent consultation meeting with OCEN. OCEN sent a follow-up letter dated May 14, 2024 after the second consultation meeting requesting that a tribal monitor be present on excavation, soil disturbing tests on positive archaeological sites, and removal of oak trees; reburial of ancestral remains and artifacts; return of cultural items to OCEN rather than placement in a museum or public facility; copies of all archaeological reports/surveys; use of an OCEN affiliated monitor; and a 50 meter buffer surrounding any ancestors remains or cultural disturbances. The Esselen Tribe of Monterey County did not provide any additional input on the project or comment on the Initial Study during the public circulation period. The recommendation regarding pre-construction training and tribal cultural monitoring has been considered and incorporated into mitigation measures CUL-1 (Condition No. 18) and TR-CUL-1 (Condition No. 22). Additional subsurface investigation was determined not to be warranted, as subsurface testing has already been performed for CA-MNT-1348 and the mitigation measures reduce any potential impacts to cultural or tribal cultural resources to a less than significant level. Finally, the 50 meter stop work buffer recommended by OCEN was incorporated into CUL-3 (Condition No. 20).

h) The Initial Study identified potential impacts to archaeological/tribal cultural resources which could be mitigated to a less than significant level with the imposition of Mitigation Measures, CUL-1 (Condition No. 18), CUL-2 (Condition No. 19), CUL-3 (Condition No. 20), CUL-4 (Condition No. 21), and TR-CUL-1 (Condition No. 22), and the County's standard positive archaeological stop work condition (Condition No. 3). These mitigations measures and conditions are summarized below:

- CUL-1 Cultural Resources Awareness Training would ensure that construction crews doing earthwork on the most archaeologically sensitive areas of the project be trained to identify resources so that work can be halted appropriately if anything is found;
- CUL-2 Archaeological Monitor would require that an archaeological monitor be present during the most archaeologically sensitive areas of the project to stop work and evaluate any finds,

- and that an on-call archaeologist be available for any activities not actively being monitored by an archaeologist;
- CUL-3 Cultural Resources Stop Work Steps and County standard condition PDP003(B) establish clear procedures on halting work and the required steps if any previously unknown resources or human remains are encountered;
- CUL-4 would require an archaeological mitigation plan be prepared if any resources are identified, as well as considering the input of the tribal cultural monitor in the disposition of any resources; and
- TR-CUL-1 shall require a tribal cultural monitor be present for earth work and ground disturbance.

These measures incorporate recommendations provided by archaeologists and tribal representatives and will reduce or avoid potential impacts to cultural and tribal cultural resources or reduce them to a less-than-significant level.

- i) The Initial Study also identified potential project impacts related to land use and planning, utilities and service systems, and cumulative impacts. However, the potential impacts in all of these categories relate to cultural and tribal cultural resources, all of which will be mitigated to a less than significant level through the mitigation measures detailed in the previous evidence, as discussed below:
 - As detailed in section VI.11(b) of the Initial Study, potential impacts related to land use and planning are potential inconsistencies with the cultural resources sections of the LUP and CIP, and the incorporation of the mitigation measures ensures consistency with the policies and regulations in these documents.
 - As detailed in section VI.19(a) of the Initial Study, the potential impacts related to utilities and service systems are that the project would require installation of a sewer line, which has the potential to impact archaeological resources. However, such impacts will be reduced to a less than significant level by the same mitigation measures identified and discussed in the cultural and tribal cultural resources sections of both the Initial Study and Finding 10, Evidence “h”, of this Resolution.
 - As discussed in section VII(a) of the Initial Study, potential impacts in the mandatory findings of significance are relative to whether the project would eliminate import examples of California history or prehistory, in this case archaeological and tribal cultural resources. The potential for this is mitigated to a less than significant level by the same mitigation measures identified and discussed in the cultural and tribal cultural resources sections of both the Initial Study and Finding 10, Evidence “h”, of this Resolution.
- j) Analysis in the Initial Study and a review of the record as a whole indicate the Project could result in changes to the resources listed in section 753.5(d) of the California Department of Fish and Wildlife (CDFW) regulations. All land development projects that are subject to environmental review are subject to a state filing fee plus the County recording fee, unless CDFW determines that the Project will have no effect on fish and wildlife resources. In this case, for purposes of the Fish and Game Code, the Project may have a significant adverse impact

on the fish and wildlife resources upon which the wildlife depends. Consequently, the Initial Study was sent to CDFW for review, comment, and recommendations of necessary conditions to protect biological resources in this area. Although no comments from CDFW have been received, the Project will be required to pay the state fee plus a fee payable to the County of Monterey Clerk/Recorder for processing said fee and posting the Notice of Determination.

- k) Pursuant to CEQA Guidelines section 15073(e), no public agencies submitted comments on the Initial Study and Mitigated Negative Declaration.
- l) One comment letter on the Initial Study was received during the public circulation period, by Matthew D. Francois of Rutan & Tucker, LLP on behalf of the owner of the property at 230 Highway 1. However, none of the contentions raised in the letter require recirculation pursuant to CEQA Guidelines section 15073.5. While responses to comments received on a Mitigated Negative Declaration are not required under CEQA, responses to some of the key contentions are detailed in subsequent Evidences “o” through “z” below, as well as how the Initial Study has been clarified, amplified, and/or corrected to address them.
- m) Geological Hazards. Page 3 of the letter states that the “geological concerns” identified in the Initial Study are environmental impacts, and that the study fails to so characterize these concerns or impose mitigation. However, these subject areas are fully analyzed in the Initial Study, which concluded that compliance with adopted standards including incorporation of geotechnical and geologic engineer recommendations and compliance with the adopted building codes would result in less than significant impacts to geological resources.
- n) Conditions of Approval. Page 4 of the letter states that incorporation of conditions of approval as part of a project to avoid environmental impacts rather than mitigation measures is inappropriate. As a best practice of writing mitigation measures, the County avoids re-stating federal, state, or local requirements as mitigation. The conditions are described in section II.A of the Initial Study as standard requirements that are incorporated into and part of the project, rather than mitigation measures. Finally, all conditions of approval and mitigation measures shall fully enforceable in accordance with CEQA Guidelines section 15126.4(a)(2). As previously stated, the applicant shall be required by Condition No. 5 to enter into a Condition of Approval and Mitigation Monitoring and Reporting Plan.
- o) Deed Restriction. Pg. 4 of the letter also states that the County is taking an extreme measure by requiring a condition that development be re-evaluated if/when it becomes threatened by coastal hazards, as much of the development is seaward of the 100-year bluff setback. The referenced deed restriction condition is in addition to the requirement that the development have foundations that penetrate below the 100-year bluff profile per the geologists' and geotechnical engineers' recommendations. This condition has been applied based on LUP Policy 2.7.3.4. Similar armoring prohibition conditions have been applied to other sites subject to coastal hazards in the County's coastal zone, including PLN210093, PLN210228, and PLN230064. The condition

avoids potential future impacts that could occur from construction of sea walls and coastal armoring.

p) Landslides. Page 5 of the letter identifies an inaccuracy in section VI.7(a.iv and c) on Page 62 of the Initial Study, which identified that there are no indicators of landslides in the area. This inaccuracy has been corrected, as a landslide occurred south and west of the project site along the driveway at 255 Highway 1 as noted in the October 24, 2022 letter from California Coastal Commission staff. This clarification did not modify the findings or conclusions in the Initial Study.

q) Roadway Improvements. Page 6 of the letter states that the Initial Study fails to consider the impacts of necessary roadway, storm drain, and water treatment system improvements. The storm drainage and water system improvements are appropriately analyzed by the Initial Study. The Initial Study did not describe the paving of the access roadway to the property. The project description has been corrected in Section II.A, pages 2 and 11. However, as such improvements are limited to paving an existing access roadway within an existing roadway easement, where a roadway is presently constructed, additional analysis would neither reveal new environmental effects or increase the severity of previously identified and analyzed environmental effects.

r) Drainage. Page 6 of the letter states that the Initial Study inappropriately defers analysis of the drainage system to the ministerial stage of review. However, grading, drainage, and erosion control plans were submitted and reviewed by HCD-Environmental Services as part of the planning entitlement process. The civil engineer Guy R. Giraudo, Landset Engineers, Inc., also wrote a letter dated September 20, 2024, describing how the drainage system has been designed not to accelerate erosion. Section VI.7(b) of the Initial Study, Page 63 has been clarified and amplified to add this additional information.

s) Construction Schedule. Page 7 of the letter states that the Initial Study has an inconsistent construction schedule, with one section stating the estimated construction duration is 12 months, and another that the construction schedule is estimated at 24 months. The estimated construction schedule is 24 months, and this information has been corrected in Section II.A of the Initial Study, Page 10.

t) Cultural Resources. Page 10 of the letter states the mitigation measure CUL-4 (Condition No. 21), which requires an Archaeological Mitigation Plan if any resources are identified in the course of construction, is inconsistent with CIP section 20.146.090.D.3, which requires avoidance of development in areas with archaeological resources. The Commentor argues that requiring a plan inappropriately defers the mitigation and insists that Initial Study does not explain why it is not practical/feasible to prepare a mitigation plan now. Additionally, Commentor claims that the mitigation measure, as written, lacks specific performance standards.

This mitigation is consistent with the CIP. While CIP section 20.146.090.D.3 states that development on cultural sites shall be required to avoid impacts to such cultural sites by project design, CIP section 20.146.090.D.4 provides that where construction to an

identified archaeological site cannot be avoided, a mitigation plan shall be required. These two sections operate together, with avoidance being preferred first, and a mitigation plan prepared if such avoidance is infeasible. Moreover, Public Resources Code section 21083.2.(i) provides that an agency may make provisions for sites accidentally discovered during construction as part of its mitigation. Additionally, an Archaeological Mitigation Plan would be premature, as the concentration, significance, and tribal recommendations regarding the disposition of any unknown subterranean resources could not be properly assessed unless resources are discovered in the course of construction. The mitigation measure also includes two performance measures for determining whether avoiding cultural resources would be infeasible, that avoiding them would preclude developing the site with a single-family residence and associated utilities entirely, or that avoiding them would result in a reduction of square footage of 10% of the single-family dwelling and attached garage.

- u) Hydrology. Page 11 of the letter states that the storm drain system would likely result in significant, unmitigated impacts to erosion and flooding.

Recommendations of the geologist and geotechnical regarding drainage and erosion will be required to be adhered to as required in Condition Nos. 10 and 11, and pursuant to Monterey County Code Chapters 16.08 and 16.12. ;The applicants prepared grading, drainage, and erosion control plans, were prepared by a licensed civil engineer. These plans describe how the drainage system would function to prevent excessive erosion in a letter dated September 20, 2024. These plans were reviewed by HCD-Environmental Services as part of the planning entitlement process and found appropriate to adequately control drainage.

- v) Additional Corrections. Footnote 6 on page 4 of the letter notes that the figure numbers (on Page 60) of the Initial Study are incorrect. These have been corrected. Additionally, on page 11 of the Initial Study, the variance description has been removed as Applicant is no longer seeking such an entitlement.
- w) The Board of Supervisors finds that there is no substantial evidence supporting a fair argument of a significant environmental impact. Pursuant to CEQA Guidelines section 15064(f)(4), public controversy over the environmental effects of a project alone does not trigger an EIR. The Board of Supervisors has considered the application, public comment, technical studies/reports, the staff report that reflects the County's independent judgment, and information and testimony presented during public hearing and finds that 1) there is no new substantial evidence submitted to the Lead Agency indicating either inaccuracies or that the proposed project may have a significant effect on the environmental; and 2) that Mitigated Negative Declaration properly analyzes the project's potential impacts. See the evidence of this Finding, and Finding Nos. 1 through 9 and the supporting evidence referenced in each respective Finding.
- x) Other minor modifications were made to the Initial Study after the October 30, 2024 Planning Commission hearing, all of which are in

redline strike through and underline in the revised Initial Study. Those corrections update the project description information reflecting the revised design, note the change to Condition No. 28 from the October hearing (which removed a requirement that the applicant submit evidence of permission to connect to the Highlands Point Association to HCD-Planning), and correct figure numbers.

- y) All of these modifications were made in redline strike through and underline in the Initial Study. None of the changes described in this Finding substantially revised the document or triggered new or substantially more severe impacts requiring recirculation under CEQA Guidelines section 15073.5. Furthermore, CEQA Guidelines section 15073.5(c)(2) provides that recirculation is not required when project revisions are added in response to comments as to project impacts that are not new and avoidable. Finally, Guidelines section 15073.5(c)(4) states that recirculation is not required when new information is added that merely clarifies, amplifies, or makes insignificant modifications to the Mitigated Negative Declaration. Revisions made have clarified and amplified the analysis in the mitigation in response to comments.
- z) County of Monterey HCD-Planning, located at 1441 Schilling Place, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based.
- aa) The application, plans and supporting materials submitted by the Project applicant to County of Monterey HCD-Planning for the proposed development are found in Project File PLN210061.

11. FINDING: **PUBLIC ACCESS** – The project conforms with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and applicable Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

EVIDENCE:

- a) No public access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.146.130 of the County of Monterey Coastal Implementation Plan (CIP) either has or can be demonstrated.
- b) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- c) The subject properties are designated as being inappropriate for beach access in the Carmel Area Land Use Plan (LUP) Figure 3.
- d) The property is approximately 140 feet southwest of the visual access point identified in LUP figure 3 and section 5.3.4 as an existing bluff top vista point adjacent to the Carmel Highland Inn and is adjacent to Scenic Highway 1. LUP visual access policies 5.3.3.4.a and 5.3.3.4.c require that visual access to the shoreline from major viewing corridors be protected for visitors and residents alike, and that structures and landscaping installed west of Highway 1 be sited and designed to retain public views of the shoreline and roads. The home is partially visible from the overlook, Nevertheless, the home is heavily obscured from view by existing trees. It would not obstruct views of the rocky promontories and bluffs along the shoreline that are currently visible from the vista point. Additionally,

other residences are partially visible from the vista point. Accordingly, the Board finds that the project will be consistent with the existing natural landscape and features currently visible from the vista point and would not degrade the visual quality of the area and would not detract from the natural beauty of the scenic shoreline (LUP Policy 2.2.3.1). The project site slopes steeply down from Highway 1 westward, with the edge of the road being at an elevation of approximately 117 feet while the building site is at an elevation of approximately 87 feet. The topmost point of the residence is at an elevation of 106 feet. This is 8 feet below the maximum allowable height of 114 feet and 11 feet below the edge of the road. At this height, visibility of the residence from Highway 1 is minimal, as demonstrated in the photo simulation submitted as part of the project application and included in the Initial Study. Therefore, the project would not impact visual access either from this vista point or along the Highway 1 corridor. The project includes construction of a single-family dwelling on a residentially zoned property. Finally, requiring that any development of this parcel not be visible from Highway 1 could preclude reasonable use and development of the property.

- e) See also Finding No. 4, Visual Resources detailing how the home would be compatible with the surrounding neighborhood setting.
- g) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN210061.

12. FINDING: **NO VIOLATIONS** – The subject property complies 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 County of Monterey HCD-Planning and HCD-Building Services records and is not aware of any violations existing on subject property.
b) Staff conducted site inspections on May 4, 2021, September 15, 2021, and July 26, 2024. Staff also researched County records to assess if any violation exists on the subject property.
c) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN210061.

13. FINDING: **APPEAL** – The Appellant contends that the Planning Commission's decision was not supported by the evidence and is contrary to law. Upon consideration of the documentary information in the files, the staff reports, the oral and written testimony, all other evidence presented before the Board of Supervisors, and the administrative record as a whole, the Board of Supervisors finds that the appeal does not contain merit, and responds to the appeal contentions as follows:

EVIDENCE: a) The Notice of Appeal contends that the *"The project does not conform with key provisions of the Carmel Area Land Use Plan and Monterey County Coastal Implementation Plan pertaining to (1) restriction on developments on slopes exceeding 30 percent-the project involves approximately 3,095 square feet of development on slopes exceeding 30*

percent, ”. The project is consistent with the Carmel Area Land Use Plan (LUP) policies and Monterey County Coastal Implementation Plan (CIP) regulations regarding development on slopes in excess of 30 percent, as detailed in Finding No. 9 and its supporting evidence. Therefore, this contention lacks merit.

- b) The Notice of Appeal contends that *“The project does not conform with key provisions of the Carmel Area Land Use Plan and Monterey County Coastal Implementation Plan pertaining to... (2) retention of existing trees and native vegetation to the maximum extent possible—the project results in the removal of four protected trees (three Monterey Cypress and one Monterey Pine), ”*. The project is consistent with LUP policies and CIP regulations regarding retention of existing vegetation and minimization of tree removal as detailed in Findings No. 5 and 6 and their supporting evidence. Therefore, the Board finds that this contention is meritless.
- c) The Notice of Appeal argues that *“The project does not conform with key provisions of the Carmel Area Land Use Plan and Monterey County Coastal Implementation Plan pertaining to... (3) prohibition on development being visible from scenic vantage points—the Project is visible from Highway 1 and the Vista Point across from the Highland Inn. ”* This contention appears to interpret the text of the first sentence of LUP Policy 2.2.3.3, “New development on slopes and ridges within the public viewshed shall be sited within existing forested areas or in areas where existing topography can ensure that structures and roads will not be visible from major public viewpoints and viewing corridors,” to be a strict prohibition on visible development from public viewing areas.

Here, however, the development will not be on a ridge. The Policy does not specify whether it intends that new development on slopes not be visible, or that new development on slopes where the slopes are within the public viewshed not be visible. However, the standard of review in the Carmel Area Land Use Plan is one of minimization, rather than total prohibition on visible development (such as the Big Sur Coast Land Use Plan Critical Viewshed). This reading is supported by the rest of the policy, the context of the LUP, and the existing pattern of development. Policy 2.2.3.3 continues, “New development in the areas of Carmel Highlands and Carmel Meadows must be carefully sited and designed to minimize visibility,” which the project is consistent with. Additionally, if the policy were to be interpreted to prohibit development that is visible, an exception to this policy would be applicable, as provided Section 20.02.060 of the CIP (Part 1), because the application of such policy would preclude reasonable use of the property. The projects consistency with other scenic resource protection policies (both Visual Resources and Visual Public Access) and regulations is further detailed in Findings No. 5 and 11 and their supporting evidence. Therefore, this contention does not have merit.

- d) As previously stated, while all the findings of this resolution support that the project is consistent with the LUP and CIP, even if it were determined inconsistent with certain provisions, this is a project where the circumstances in Section 20.02.060 of the CIP (Part 1) apply. This

section allows exceptions to the provisions of the LUP or CIP to be granted in circumstances where their strict application would preclude all reasonable use of the subject property.

- If the LUP and CIP were interpreted along the lines of the Notice of Appeal, such as a strict prohibition on development on slopes or a requirement that development not be viewable at all from common public viewing areas, it would preclude reasonable development of the property with a residence.
- The grant of an exception would not allow a special privilege to the property inconsistent with the limitations upon other properties in the vicinity. The neighborhood consists of 13 properties. Three, including the subject site, are undeveloped, and the other ten are developed with single-family residences. These properties feature comparable site constraints to the subject property, including slopes, vegetation, and proximity to coastal bluffs. The proposed residence, at 3,525 square feet and having a floor area ratio of approximately 13%, is comparable to other properties in the neighborhood, which have an average square footage of 4,801 square feet and average floor area ratio of approximately 14%.
- The proposed project is the least environmentally alternative project, and the development has been minimized to reduce impacts to the greatest extend possible. Several alternatives and design changes have been made throughout the development review process, including after the October 30, 2024 Planning Commission hearing.
- The proposed uses are allowable as detailed in Finding No. 2 evidence "b".

e) The Notice of Appeal states that "*Additionally, there is a fair argument of significant environmental impacts related to these and other environmental resources requiring an environmental impact report pursuant to the California Environmental Quality Act (CEQA).*" The Notice of Appeal also attaches an August 12, 2024 letter previously submitted and considered by the County. Pg. 7, section 4 of the August letter contend that there is a fair argument that the project would have significant environmental impacts to Aesthetics, Biological Resources, Cultural Resources, Geology, Greenhouse Gas Emissions, Hazards, Hydrology, Land Use, Noise, and Tribal Cultural Resources. However, these subject areas were all analyzed in the Initial Study prepared for the project. The letter does not provide any substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. While responses to comments received on a Mitigated Negative Declaration are not required under CEQA, responses to some of the key contentions are detailed in the supporting evidence for Finding No. 9. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County as detailed in Finding No. 9.

f) The Notice of Appeal states "*The Planning Commission approved the project without approving requisite variances or making the findings needed to approve such variances.*" The project includes a fence and two access gates, as well as terraced retaining walls within the front

setbacks. Both the fences and these walls have been designed to be less than six feet in height. Title 20 section 20.06.1200 defines “structures” to exclude fences under six feet, so they are not subject to setbacks. The December 28, 2006, HCD Monterey County Code (MCC) Interpretation, “County Setbacks for Structures Below Grade,” states that as a matter of practice, retaining walls have been treated similarly to fences, making ones less than six feet not subject to setbacks. Based on this analysis, encroachment of both of these improvements into the setback is permissible.

The May 27 letter attached to the Notice of Appeal disagrees with this interpretation, as the MCC defines a structure as anything “constructed or erected, except fences under six feet in height, the use of which requires location on the ground or attachment to something having location on the ground, but not including any trailer or tent” (Title 20 section 20.06.1200). Further, interpreting retaining walls to be similar to fences would impermissibly add word to the language of the ordinance. (See *People v. Leal* (2004) 33 Cal.4th 999, 1008.)

While the MCC definition of a structure includes anything constructed or erected upon the ground or attached to something on the ground, and that the zoning ordinance generally provides that setbacks are established between structures and either property lines or rights of way, retaining walls less than six feet tall have generally not been considered “structures” for purposes of setbacks. Reading the definition as applicant suggests would lead to absurd results and contravene the policy underpinnings of the County Zoning Code, in violation of standard statutory interpretation principles. (*Weber v. Superior Court* (2024) 101 Cal.App.5th 342, 364, citation omitted.) While there are setback exceptions detailed in Title 20 Chapter 20.62, they are not sufficiently comprehensive enough to capture every conceivable situation. Otherwise, site improvements such as driveways, landscape exterior lighting fixtures, landscaping irrigation lines, walking paths connecting to sidewalks, mailboxes, and utility lines would be subject to minimum setbacks and impermissible without a variance. Requiring such improvements to either adhere to minimum setbacks or secure a variance does not serve the purposes of the zoning ordinance to protect the character of residential areas while assuring orderly and beneficial development. These structures or improvements often must be located close to property lines to serve their intended purpose. For example, a driveway could not function if it was 30 feet from the road right of way at the closest point.

Retaining walls that are less than six feet in height are an example of this. Practically, as here, retaining walls are often required to support driveways or other improvements necessary to develop a property. The retaining walls support an auto-court, which must connect to the access easement to the south of the property so that vehicles can enter it, and be large enough to both accommodate a fire truck turnaround and maintain vehicular access for an access to the well site on the property to the

south. That said, large retaining walls such as the approximately 26-foot-tall retaining wall considered at the October 24, 2024 Planning Commission (and is no longer part of the project) would both meet the technical definition of a structure and have the potential to adversely impact adjoining property owners, so requiring that it adhere to setbacks or justify a variance would be appropriate. The re-design removes this large retaining wall, making it consistent with the County's existing interpretation regarding retaining walls less than six feet in height. This interpretation is consistent with how these regulations have been applied for nearly twenty years, and is appropriately justified. Therefore, this contention does not have merit.

g) The Notice of Appeal also contends *"The findings for approval are: not supported by substantial evidence; conflict with the LUP, CIP, and County Code; and violate CEQA and the State Planning & Zoning Law. Additional details concerning the invalidity of the findings and the Planning Commission's approval of the project can be found in the August 14, 2024 and May 27, 2025 letters attached hereto and incorporated herein by reference."* Responses regarding the LUP, CIP, and CEQA are above in evidences "a" through "d". The State Planning and Zoning Law reference appears to be in reference to variances not being supportable in this case; however the project does not include or would require a variance as described above in evidence "e". The approval findings are also supported by substantial evidence, as detailed in this resolution.

14. FINDING: **APPEALABILITY** – The decision on this project may be appealed to the California Coastal Commission.

EVIDENCE: a) Pursuant to Title 20, section 20.86.080.A.1, the project is subject to appeal by/to the California Coastal Commission because it involves approved development between the sea and the first through public road paralleling the sea, in this case Highway 1.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Board of Supervisors does hereby:

1. Adopt a Mitigated Negative Declaration pursuant to CEQA Guidelines section 15074 ;
2. Deny an appeal of the Monterey County Planning Commission's May 28, 2025 decision to approve the Combined Development Permit (PLN210061);
3. Approve a Combined Development Permit consisting of a:
 - a. Coastal Administrative Permit and Design Approval to allow construction of a 3,525 square foot single-family residence, inclusive of a 244 square foot single-car garage; and associated site improvements, including 700 cubic yards of cut and 390 cubic yards of fill, resulting in net cut of 310 cubic yards; an auto-court, a patio area, an emergency fire access stairway, tiered retaining walls, paving the access road leading to the site, and utility improvements including a septic tank, centralized water quality treatment for Highway 1 Water Distribution System #12, and approximately 400 lineal feet of sewer line;
 - b. Coastal Development Permit to allow development within 50 feet of a coastal bluff;

- c. Coastal Development Permit to allow removal of four trees, including three Monterey cypress and one Monterey pine;
- d. Coastal Development Permit to allow 3,095 square feet of development on slopes in excess of 30%;
- e. Coastal Development Permit to allow development within 750 feet of known archaeological resources; and

4. Adopt a Mitigation Monitoring and Reporting Plan.

All of which are in general conformance with the attached conditions, coastal hazards deed restriction language, project plans, and approximate conservation and scenic easement location, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED upon motion of Supervisor _____, seconded by Supervisor _____, and carried this July 1, 2025, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof Minute Book _____ for the meeting on July 1, 2025.

Date:

File Number: PLN210061

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy

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 County of Monterey 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

County of Monterey HCD Planning
DRAFT Conditions of Approval/Implementation Plan/Mitigation
Monitoring and Reporting Plan

PLN210061

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: This Combined Development Permit (PLN210061) allows:

- a. Coastal Administrative Permit and Design Approval to allow construction of a 3,525 square foot single-family residence, inclusive of a 244 square foot single-car garage; and associated site improvements, including 700 cubic yards of cut and 390 cubic yards of fill, resulting in net cut of 310 cubic yards; an auto-court, a patio area, an emergency fire access stairway, tiered retaining walls, paving the access road leading to the site, and utility improvements including a septic tank, centralized water quality treatment for Highway 1 Water Distribution System #12, and approximately 400 lineal feet of sewer line;
- b. Coastal Development Permit to allow development within 50 feet of a coastal bluff;
- c. Coastal Development Permit to allow the removal of four trees, including three Monterey cypress and one Monterey pine;
- d. Coastal Development Permit to allow 3,095 square feet of development on slopes in excess of 30%; and a
- e. Coastal Development Permit to allow development within 750 feet of known archaeological resources

The property is located at 226 Highway 1 (Assessor's Parcel Number 241-182-003-000), and off-site improvements are located on Assessor's Parcel Numbers 241-182-004-000, 241-182-005-000, and 241-182-006-000, 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 on-going 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 Combined Development Permit (Resolution Number 25-XX) was approved by the County of Monterey Board of Supervisors for Assessor's Parcel Number 241-182-003-000 on July 1, 2025. The permit was granted subject to 28 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(B) - CULTURAL RESOURCES POSITIVE ARCHAEOLOGICAL REPORT

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken:

There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of the county in which the remain are discovered must be contacted to determine that no investigation of the cause of death is required.

If the coroner determines the remains to be Native American:

- The coroner shall contact the Native American Heritage Commission and HCD - Planning within 24 hours.
- The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costanoans/Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendant.
- The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, Or

Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:

1. The Native American Heritage Commission is unable to identify a most likely descendant or the most likely descendant failed to make a recommendation within 24 hours after being notified by the commission.
2. The descendant identified fails to make a recommendation; or
3. The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

(HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits or approval of Subdivision Improvement Plans, whichever occurs first, the Owner/Applicant, per the archaeologist, shall submit the contract with a Registered Professional Archaeologist for on-call archaeological services should resources be discovered during construction activities. Submit the letter to the Director of the HCD – Planning for approval.

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, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final/parcel map.

Prior to Final, the Owner/Applicant, per the Archaeologist , shall submit a report or letter from the archaeologist summarizing their methods, findings, and recommendations if their services are needed during construction or if no resources were found.

4. PD005 - FISH & GAME FEE NEG DEC/EIR

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of HCD - Planning.

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of HCD - Planning prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.

5. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed Agreement. The agreement shall be recorded. (HCD- Planning)

Compliance or Monitoring Action to be Performed: Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.
- 2) Fees shall be submitted at the time the property owner submits the signed Agreement.
- 3) Proof of recordation of the Agreement shall be submitted to HCD-Planning.

6. PD011(A) - TREE REMOVAL

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Tree removal shall not occur until a construction permit has been issued in conformance with the appropriate stage or phase of development in this permit. Only those trees approved for removal shall be removed. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to tree removal, the Owner/ Applicant/ Tree Removal Contractor shall demonstrate that a construction permit has been issued prior to commencement of tree removal.

7. PD012(D) - LANDSCAPE PLAN & MAINTENANCE (MPWMD-SFD ONLY)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The site shall be landscaped and existing vegetative screening maintained. Prior to the issuance of building permits, a landscaping plan shall be submitted to the Director of HCD - Planning for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable.

In accordance with Monterey County Coastal Implementation Plan sections 20.146.030.C.1.e and 20.146.030.C.2, the landscaping plan shall retain the existing native trees and vegetation to the maximum extent possible, with new tree plantings being used as a moderate extension of this vegetation. The landscaping plan shall serve as a means of maintaining the scenic quality of the area and visual access. Both any plantings and existing native trees and vegetation shall be preserved as a partial screening of the development from the sensitive viewing corridor of Highway 1 and the scenic overlook northeast of the site. Care shall be taken in planting locations to ensure the screening does not inadvertently obstruct views of the rocky promontories and bluffs along the shoreline from the scenic overlook.

The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan.

Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County HCD - Planning. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (HCD - Planning)

Compliance or Monitoring Action to be Performed:	Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and contractor's estimate to HCD - Planning for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."
	Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit one (1) set landscape plans of approved by HCD-Planning, a Maximum Applied Water Allowance (MAWA) calculation, and a completed "Residential Water Release Form and Water Permit Application" to the Monterey Peninsula Water Management District for review and approval.
	Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/ shall submit an approved water permit from the MPWMD to HCD-Building Services.
	Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall ensure that the landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to Monterey County HCD - Planning.
	On an on-going basis, all landscaped areas and the vegetative screening on the site parallel shall be continuously maintained by the Owner/Applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

8. 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 one (1) copy 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.

9. PD016 - NOTICE OF REPORT (FOREST MANAGEMENT PLAN)

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(n) Construction Impact Assessment and Tree Management Plan (Library No. LIB210215), was prepared by Ono Consulting on June 17, 2021 and revised on March 15, 2025, and is on file in Monterey County HCD - Planning. All development shall be in accordance with this report."

(HCD - Planning)

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

Prior to occupancy, the Owner/Applicant shall submit proof, for review and approval, that all development has been implemented in accordance with the report to the HCD - Planning.

10. PD016 - NOTICE OF REPORT (GEOLOGICAL 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(n) Geologic Investigation (Library No. LIB240060), was prepared by Easton Geology, Inc. on December 15, 2022 and is on file in Monterey County HCD - Planning. All development shall be in accordance with this report."

(HCD - Planning)

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

Prior to occupancy, the Owner/Applicant shall submit proof, for review and approval, that all development has been implemented in accordance with the report to the HCD - Planning.

11. PD016 - NOTICE OF REPORT (GEOTECHNICAL 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(n) Geotechnical Investigation (Library No. LIB240059), was prepared by Rock Solid Engineering, Inc. on December 15, 2022 and is on file in Monterey County HCD - Planning. All development shall be in accordance with this report."

(HCD - Planning)

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

Prior to occupancy, the Owner/Applicant shall submit proof, for review and approval, that all development has been implemented in accordance with the report to the HCD - Planning.

12. PD023 - CONSERVATION AND SCENIC EASEMENT (SLOPE)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: In accordance with Monterey County Coastal Implementation Plan section 20.146.120.A.6, a conservation and scenic easement shall be conveyed to the County over those portions of the property where the slope exceeds 30% percent.

The easement area shall be reviewed and approved by HCD-Planning prior to issuance of grading and building permits. The general intent is that the easement area include steep slopes west and northwest of the proposed residence, and exclude areas east of the residence between it and Highway 1, and exclude areas between the residence and south and southeasterly property lines. The approximate location of the easement is shown in teal in Board of Supervisors Resolution No. 25-XX Exhibit 4.

The easement shall be developed in consultation with certified professional. A conservation and scenic easement deed shall be submitted to, and approved by, the Director of HCD - Planning and accepted prior to issuance of grading or building permits, and by the Board of Supervisors prior to recording the parcel/final map or prior to final inspection or commencement of the use. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, the Owner/Applicant/Certified Professional shall submit the conservation and scenic easement deed and corresponding map, showing the exact location of the easement on the property along with the metes and bound description developed in consultation with a certified professional, to HCD - Planning for review and approval.

Prior to final inspection or commencement of use, the Owner/Applicant shall record the deed and map showing the approved conservation and scenic easement. Submit a copy of the recorded deed and map to HCD-Planning.

13. PD048 - TREE REPLACEMENT/RELOCATION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to final of construction permits, the applicant shall replace and or relocate each tree approved for removal as follows:
- Replacement ratio: 3 Monterey cypress and 1 Monterey pine
Replacement tree(s) shall be located within the same general location as the tree being removed. (HCD - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall submit evidence of tree replacement to HCD -Planning for review and approval. Evidence shall be a receipt for the purchase of the replacement tree(s) and photos of the replacement tree(s) being planted.

Six months after the planting of the replacement tree(s), the Owner/Applicant shall submit evidence demonstrating that the replacement tree(s) are in a healthy, growing condition.

One year after the planting of the replacement tree(s), the Owner/Applicant shall submit a letter prepared by a County-approved tree consultant reporting on the health of the replacement tree(s) and whether or not the tree replacement was successful or if follow-up remediation measures or additional permits are required.

14. PD049 - TREE AND ROOT PROTECTION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to beginning any tree removal, trees which are located close to trees approved for removal shall be protected from inadvertent damage from equipment or tree removal activity by fencing off the canopy drip-lines and/or critical root zones (whichever is greater) with protective materials. Any tree protection measures recommended by a County-approved tree consultant, in addition to the standard condition, shall be implemented. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to construction or tree removal, the Owner/Applicant/Tree Removal Contractor submit evidence of tree protection to HCD -Planning for review and approval.

After construction or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit photos of the trees on the property to HCD -Planning to document that the tree protection has been successful or if follow-up remediation measures or additional permits are required.

15. PD050 - RAPTOR/MIGRATORY BIRD NESTING

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Any tree removal activity that occurs during the typical bird nesting season (February 22-August 1), the County of Monterey shall require that the project applicant retain a County qualified biologist to perform a nest survey in order to determine if any active raptor or migratory bird nests occur within the project site or within 300 feet of proposed tree removal activity. During the typical nesting season, the survey shall be conducted no more than 30 days prior to ground disturbance or tree removal. If nesting birds are found on the project site, an appropriate buffer plan shall be established by the project biologist. (HCD - Planning)

Compliance or Monitoring Action to be Performed: No more than 30 days prior to ground disturbance or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit to HCD -Planning a nest survey prepared by a County qualified biologist to determine if any active raptor or migratory bird nests occur within the project site or immediate vicinity.

16. PDSP001 - PALEONTOLOGICAL STOP WORK

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: If, during the course of construction, 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/paleontologist can evaluate it. Monterey County HCD - Planning and a qualified archaeologist/paleontologist shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist/paleontologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery.

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/paleontologist immediately if paleontological resources are uncovered."

When contacted, the project planner and the archaeologist/paleontologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

17. PDSP002 - BLUFF/COASTAL HAZARDS DEED RESTRICTION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: In accordance with Carmel Area Land Use Plan Hazards Policy 3.7.2.4, the owner shall record a deed restriction on the property describing the nature of the properties hazards (Coastal Hazards, including but not limited to waves, storms, flooding, landslide, bluff erosion, and earth movement, many of which will worsen with future sea level rise) and long-term maintenance requirements. The deed restriction shall say the text of Exhibit 2 of this resolution, with the Board of Supervisors resolution number replacing the highlighted placeholder text.

Compliance or Monitoring
Action to be Performed: Prior to issuance of construction permits, owner/applicant shall record the deed restriction, and provide HCD-Planning with evidence that it has been recorded. Such evidence shall be in the form of a copy of the recorded document with the recorders seal.

18. PDSP003 - CUL-1 - CULTURAL RESOURCES AWARENESS TRAINING

Responsible Department: Planning

Condition/Mitigation Monitoring Measure:	Prior to ground disturbance for installation of the sewer line running through the utility and access easement on assessor's parcel numbers 241-182-020-000, 241-182-004-000, 241-182-005-000, and 241-182-015-000, or any ground disturbing activities within 50 feet of the boundary of P-27-001377 / CA-MNT-1348, a qualified archaeologist either on the County of Monterey's list of approved archaeological consultants, a Registered Professional Archaeologist, or an archaeologist working under the direct supervision of a Registered Professional Archaeologist shall provide an Archaeological Resources Sensitivity Training to all construction personnel involved in these earth disturbing activities. The training shall include information on how to identify potential cultural resources, and the procedures for if unanticipated cultural resources are discovered during the course of work.
Compliance or Monitoring Action to be Performed:	<p>CUL-1a: Prior to issuance of grading/construction permits, the owner/application shall submit an executed contract with a qualified archaeologist for the Archaeological Resource Sensitivity training to HCD-Planning for review and approval.</p> <p>CUL-1b: Prior to issuance of grading/construction permits, the owner/applicant shall submit a construction schedule to HCD-Planning with the anticipated dates when sewer line excavation and any work within 50 feet of the boundary of P-27-001377 / CA-MNT-1348 would occur.</p> <p>CUL-1c: Prior to issuance of grading/construction permits, the qualified archaeologist shall review the schedule required by mitigation monitoring action CUL-1b, identify which activities would require the training, and submit that information to HCD-Planning.</p> <p>CUL-1d: Prior to ground disturbance for any work requiring an Archaeological Resources Sensitivity Training as determined by mitigation monitoring action CUL-1c, the owner/applicant/qualified archaeologist shall submit evidence to HCD-Planning that the training required by this mitigation measure occurred. The evidence shall consist of the training materials provided to the construction crew, a list of attendees, and written verification from the qualified archaeologist.</p>

19. PDSP004 - CUL-2 ARCHAEOLOGICAL MONITOR

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: A qualified archaeologist either on County of Monterey's list of approved archaeological consultants, a Registered Professional Archaeologist, or an archaeologist working under the direct supervision of a Registered Professional Archaeologist shall be retained to provide on-call services and monitor the excavations for installation of the sewer line running through the utility and access easement on assessor's parcel numbers 241-182-020-000, 241-182-004-000, 241-182-005-000, and 241-182-015-000, and any earthwork within 50 feet of the boundary of P-27-001377 / CA-MNT-1348. The archaeological monitor shall have the authority to temporarily halt work to examine any potentially significant cultural materials or features.

Compliance or Monitoring Action to be Performed: CUL-2a: Prior to issuance of grading/construction permits, the owner/application shall submit an executed contract with a qualified archaeologist for the archaeological monitoring to HCD-Planning for review and approval. The contract shall also include on-call services in the event that cultural resources are discovered outside of the monitoring schedule required by Mitigation Monitoring Action CUL-2b.

CUL-2b: Prior to issuance of grading/construction permits, the owner/applicant shall submit a construction schedule to HCD-Planning with the anticipated dates when sewer line excavation and any work within 50 feet of the boundary of P-27-001377 / CA-MNT-1348 would occur. The qualified archaeologist shall review the schedule, identify which activities would require archaeological monitoring, and submit that information to HCD-Planning.

CUL-2c: During the course of construction, if any archaeological resources are discovered the owner/applicant shall adhere to the requirements of Mitigation Measures CUL-3, and if any human remains are discovered County Standard Condition PD003(B).

20. PDSP005 - CUL-3 CULTURAL RESOURCES STOP WORK PROCEDURES

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: If, during the course of construction, archaeological or tribal cultural resources are discovered at the site, the owner/applicant/on-site construction superintendent shall halt work immediately within 50 meters (165 feet) of the find until a qualified archaeologist and tribal cultural monitor can evaluate it. If archaeological or tribal cultural resources are discovered, the owner/applicant/on-site construction superintendent shall also immediately notify County of Monterey HCD – Planning, a qualified archaeologist under contract pursuant to Mitigation Measure CUL-2, and the tribal cultural monitor under contract pursuant to mitigation Measure TR-CUL-1.

When contacted, a qualified archaeologist shall visit the site within 48 hours to determine the extent of resources. Any artifacts found that are not associated with a finding of human remains shall be cataloged by both the Tribal Monitor and a qualified archaeologist. If archaeolgoical resources are uncovered the qualified archaeologist, with recommendations from the tribal cultural monitor, develop an archaeological mitigation plan as outlined in Mitigation Measure CUL-4, which the owner/applicant would be required to adhere to.

A final technical report containing the results of all analyses shall be completed within one year following completion of the field work. This report shall be submitted to HCD-Planning and the Northwest Regional Information Center at Sonoma State University. Artifacts associated with a finding of human remains shall be reburied in accordance with State Law and penalty for violation pursuant to PRC section 5097.994.

Compliance or Monitoring Action to be Performed:	<p>CUL-3a: Prior to the issuance of grading or building permits, the Owner/Applicant shall include the text of this mitigation measure and all mitigation monitoring actions on all grading/building plans.</p> <p>CUL-3b: During construction, should any archaeological or tribal cultural resources be discovered at the site, the owner/applicant/on-site superintendent shall halt work immediately within 50 meters (165 feet) of the find until a qualified archaeologist and tribal cultural monitor can evaluate it.</p> <p>CUL3c: During construction, should any archaeological resources, tribal cultural resources, and/or human remains be encountered, the owner/applicant shall establish a 100 foot radius buffer zone of no disturbance and no entry with stakes and flagging tape until a qualified archaeologist and/or the County coroner can inspect the find. The owner/applicant/applicant's contractor shall be responsible to work in cooperation with the on-site monitors and protect the resource until it can be evaluated.</p> <p>CUL-3d: During construction, if archaeological or tribal cultural resources are discovered, the owner/applicant/on-site construction superintendent shall also immediately notify HCD – Planning, a qualified archaeologist under contract pursuant to Mitigation Measure CUL-2, and the tribal cultural monitor under contract pursuant to mitigation Measure TR-CUL-1.</p> <p>CUL-3e: If contacted pursuant to mitigation monitoring action CUL-3c, a qualified archaeologist shall visit the site within 48 hours to determine the extent of resources. The owner/applicant/qualified archaeologist shall consult the tribal cultural monitor for recommendations on the disposition of any tribal cultural resources with appropriate dignity. Any artifacts found that are not associated with a finding of human remains shall be catalogued by both the Tribal Monitor and a qualified archaeologist. Once catalogued, the qualified archaeologist shall prepare an archaeological Mitigation Plan as required by CUL-4.</p> <p>CUL-3f: On an on-going basis, the owner/applicant shall ensure that artifacts associated with a finding of human remains shall be reburied in accordance with State Law and penalty for violation pursuant to PRC section 5097.994.</p>
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21. PDSP006 - CUL-4 ARCHAEOLOGICAL MITIGATION PLAN

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: If archaeological resources are identified during the course of construction, a qualified archaeologist shall prepare an archaeological mitigation plan in accordance with Monterey County Coastal Implementation Plan section 20.146.090.D.4. In preparing the plan the archaeologist shall consult with the tribal cultural monitor for the treatment of any cultural resources with appropriate dignity, and the final disposition of any artifacts, and submit the plan to HCD-Planning for review and approval.

The goals of the plan are to avoid disturbance of resources to the extent feasible, document any unique archaeological resources which would be directly impacted by construction activities, and ensure that the recommendations of the Tribal Cultural Monitor are considered.

- Measures to avoid disturbance of resources include re-siting or re-designing approved project components if feasible, or capping/covering the resource in a non-destructive manner.
- In accordance with Carmel Area Land Use Plan Policy 2.8.3.4, avoidance shall be pursued prior to considering excavation and recovery.
- Avoidance shall be considered infeasible if re-design would preclude developing the site with a single-family residence and associated utilities entirely, or result in a reduction of square footage of 10% of the single-family dwelling and attached garage.
- If avoidance is determined infeasible, the qualified archaeologist shall formulate measures for their treatment and recovery that document the unique resource prior to removal.
- Recommendations of the Tribal Cultural monitor shall be in the plan considered, such as leaving resources in place, reburial onsite, returning them within one (1) year to a representative of the appropriate tribe as recognized by the Native American Heritage Commission, or donating them to the Monterey County Historical Society.

Compliance or Monitoring Action to be Performed: CUL-4a: If archaeological resources are identified during the course of construction, a qualified archaeologist shall convene with the applicant, project designer(s), HCD-Planning, and the Tribal Cultural Monitor to assess whether avoiding Cultural or Tribal Cultural resources is feasible.

CUL-4a(i): If avoidance of resources is determined to be infeasible by the qualified archaeologist with concurrence from HCD-Planning, the qualified archaeologist shall document this in a letter report and submit it to HCD-Planning.

CUL-4a(ii): If avoidance of resources is feasible, the qualified archaeologist shall incorporate those avoidance measures in the archaeological mitigation plan, and the owner/applicant shall submit revised plans to Housing and Community Development incorporating any feasible re-design/avoidance for review and approval.

CUL-4b: If archaeological resources are identified during the course of construction, and after the completion of mitigation monitoring action CUL-4a, the qualified archaeologist shall prepare an archaeological mitigation plan in accordance with Monterey County Coastal Implementation Plan section 20.146.090.D.4. The qualified archaeologist shall consult with the tribal cultural monitor for recommendations regarding treatment with appropriate dignity and disposition of any cultural resources, and submit the plan to HCD-Planning for review and approval. Beyond avoidance, measures in the plan may include testing, evaluation, and documentation by a qualified archaeologist, and placement of an archaeological protection easement, based on the recommendations of the qualified archaeologist.

CUL-4c: The owner/applicant shall be required to adhere to the approved archaeological mitigation plan on an on-going basis.

CUL-4d: Within one year of the completion of all field work, the qualified archaeologist shall prepare a final technical report containing the results of all analyses, and submit it to HCD-Planning and the Northwest Regional Information Center at Sonoma State University. This technical report shall also document how the measures in the archaeological mitigation plan were adhered to, or if any other follow up action is required to ensure compliance with this mitigation plan.

22. PDSP007 - TR-CUL-1 TRIBAL CULTURAL MONITOR

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: A tribal monitor approved by the appropriate tribal authority traditionally and culturally affiliated with the vicinity of the subject site and that has consulted with the County and designated one lead contact person in accordance with AB 52 requirements (or other appropriately recognized NAHC-recognized representative) shall be on-site and site grading and earth disturbing activity for the project, including rough grading and site preparation, trenching for installation of the sewer running through the utility and access easement on assessor's parcel numbers 241-182-020-000, 241-182-004-000, 241-182-005-000, and 241-182-015-000, any earth disturbing activity within 50 feet of the boundary of P-27-001377 / CA-MNT-1348. The tribal monitor shall have the authority to temporarily halt work to examine any potentially significant cultural materials or features. If resources are discovered, the tribal cultural monitor shall provide recommendations on the disposition of any tribal cultural resources with appropriate dignity.

Compliance or Monitoring Action to be Performed: TR-CUL-1a: Prior to issuance of a grading or building permits, the Applicant/Owner shall submit an executed contract with a tribal cultural monitor approved by the appropriate tribe traditionally and culturally affiliated with the vicinity of the subject parcel and that has consulted with the County and designated one lead contact person in accordance with AB 52 requirements (or other appropriately NAHC-recognized representative) to HCD-Planning. This Tribal Monitor shall be retained for the duration of earthwork requiring tribal cultural monitoring as detailed in TR-CUL-1b. The monitor shall also be retained on an on-call basis for the duration of construction in the event that any tribal cultural resources are uncovered during construction outside of the monitoring schedule required by Mitigation Monitoring Action TR-CUL-1b.

TR-CUL-1b: Prior to issuance of grading/construction permits, the owner/applicant shall submit a construction schedule to HCD-Planning with the anticipated dates of earth disturbing activity, including when sewer line excavation and any work within 50 feet of the boundary of P-27-001377 / CA-MNT-1348 would occur. The tribal monitor required by this mitigation shall review the schedule, identify which activities require tribal monitoring, and submit that information to HCD-Planning. The duration of monitoring is not limited to activity specifically for the sewer line or within 50 feet, and would include rough grading of the site and excavation work for utilities and foundations. Fill of previously graded areas and minor work in previously graded areas such as installation of landscaping in planters need not be monitored.

TR-CUL-1c: During the course of construction, if any archaeological resources are uncovered the owner/applicant shall adhere to the requirements of Mitigation Measures CUL-3 and County Standard Condition PD003(B).

23. CC01 INDEMNIFICATION

Responsible Department: County Counsel-Risk Management

Condition/Mitigation Monitoring Measure: Owner/Applicant agrees as a condition and in consideration of 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 and/or its agents, officers, and/or employees from any claim, action, or proceeding against the County and/or its agents, officers, and/or employees to attack, set aside, void, or annul this approval and/or related subsequent approvals, including, but not limited to, design approvals, which action is brought within the time provided for under law. Owner/Applicant shall reimburse the County for any court costs and attorney's fees that the County may be required by a court to pay as a result of such action.

The County shall notify Owner/Applicant of any such claim, action, and/or proceeding as expeditiously as possible. The County may, at its sole discretion, participate in the defense of such action. However, such participation shall not relieve Owner/Applicant of his/her/its obligations under this condition. Regardless, the County shall cooperate fully in defense of the claim, action, and/or proceeding.

(County Counsel-Risk Management)

Compliance or Monitoring Action to be Performed: This Indemnification Obligation binds Owner/Applicant from the date of approval of this discretionary development permit forward. Regardless, on written demand of the County Counsel's Office, Owner/Applicant shall also execute and cause to be notarized an agreement to this effect. The County Counsel's Office shall send Owner/Applicant an indemnification agreement. Owner/Applicant shall submit such signed and notarized Indemnification Agreement to the Office of the County Counsel for County's review and signature. Owner/Applicant shall then record such indemnification agreement with the County of Monterey Recorder's Office. Owner/Applicant shall be responsible for all costs required to comply with this paragraph including, but not limited to, notary costs and Recorder fees.

24. PW0031 – BOUNDARY SURVEY

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Owner/Applicant shall have a professional land surveyor perform a boundary survey of the easterly, northeasterly, and southeasterly boundary line(s) of the subject parcel and have said lines monumented.

Compliance or Monitoring Action to be Performed: Prior to foundation inspection, Owner/Applicant shall have a professional land surveyor survey and monument the easterly, northeasterly, and southeasterly boundary line of the subject parcel and provide evidence to the County Surveyor of conformance to the setbacks shown on the approved Site Plan. The surveyor shall be responsible for compliance with the requirements of Section 8762 of the California Business and Professions Code (PLS Act).

25. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule.

Compliance or Monitoring Action to be Performed: Prior to issuance of Building Permits Owner/Applicant shall pay Monterey County Building Services Department the traffic mitigation fee. Owner/Applicant shall submit proof of payment to the HCD-Engineering Services.

26. 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 - Public Works 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.

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 Department and the Department of Public Works 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.

27. PW0045 – COUNTYWIDE TRAFFIC FEE

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, the Owner/Applicant shall pay the Countywide Traffic Fee or the ad hoc fee pursuant to General Plan Policy C-1.8. The fee amount shall be determined based on the parameters in the current fee schedule.

Compliance or Monitoring Action to be Performed: Prior to issuance of Building Permits, the Owner/Applicant shall pay Monterey County HCD-Building Services the traffic mitigation fee. The Owner/Applicant shall submit proof of payment to HCD-Engineering Services.

28. PDSP008 - PRIVATE SEWER CONNECTION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of any grading or construction permits, the owner/applicant shall be required to provide evidence that they have secured a sewer connection permit from the Carmel Area Wastewater District (CAWD).

Compliance or Monitoring Action to be Performed: Prior to issuance of grading/construction permits by HCD-Building Services, the owner/applicant shall be required to secure a sewer connection permit from CAWD, and submit a copy of the approved sewer connection permit to HCD-Planning.

Attachment B – Exhibit 2 Coastal Hazards Deed Restriction

Condition No. 13 PDSP001 – Coastal Hazards Deed Restriction Text:

- a. General Provisions. This deed restriction is being recorded to satisfy Condition No. 17 of the Combined Development Permit Approval (PLN210061), approved by County of Monterey Board of Supervisors Resolution No. 25-XX. By accepting this permit, the property owner has accepted the following conditions and restrictions, which shall run with the land and also bind subsequent property owners:
- b. Coastal Hazards. The site is subject to coastal hazards, including but not limited to waves, storms, flooding, landslide, shoreline retreat, erosion, and earth movement, many of which will worsen with future sea level rise. This site is on a coastal bluff and is subject to known bluff erosion and slope stability hazards. Geological reports prepared for the Combined Development Permit PLN210061 identified a “100-year blufftop line,” and stated that structures should either be setback landward of this 100-year blufftop line or have foundations that penetrate below the 100-year projected bluff profile.
- c. Assume Risks. To assume all risks to the Permittee and the properties that are the subject of this permit of injury and damage from such hazards in connection with this permitted development.
- d. Liability Waiver. To unconditionally waive any claim of damage or liability against the County of Monterey, and their officers, agents, and employees for injury or damage from such hazards.
- e. Indemnification. To indemnify and hold harmless the County of Monterey, and their officers, agents, and employees with respect to the County’s approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards. This indemnification obligation is in addition to, and cumulative of, the indemnification obligation imposed by the County of Monterey Board of Supervisors in its Resolution No. 25-XX, Condition No. 23. Property owner understands and agrees that both indemnification obligations shall be memorialized in the indemnification agreement required by Board of Supervisors Resolution No. 25-XX, Condition No. 23.
- f. Permittee Responsible. That any adverse effects to property caused by the permitted project shall be fully the responsibility of the Permittee.
- g. Shoreline Armoring Prohibited. That no shoreline armoring shall ever be constructed to protect the development approved pursuant to this permit, including in the event that the development is threatened with damage or destruction from coastal hazards in the future.
- h. Waiver of Rights to Construct Armoring. The Permittee hereby waives, on behalf of itself and all successors and assigns, any rights to construct such armoring that may exist under applicable law.

i. Repair. The property owner may conduct ordinary maintenance and repair on approved structures and their foundations as long as such repair work does not cause the structures to function as shoreline armoring, including sea walls. Shoreline armoring shall be defined as structures which re-direct wave energy during a typical tide or storm to protect development, including prevention of inland habitat migration and accelerated erosion up or down the coast. This provision shall not alleviate the requirement for coastal development permits for development activity / repair that requires a coastal development permit. Should a coastal development permit be required for any repair work, it shall only be approved if the necessary findings to issue a permit can be made by the appropriate authority, and the repair would not function as shoreline armoring.

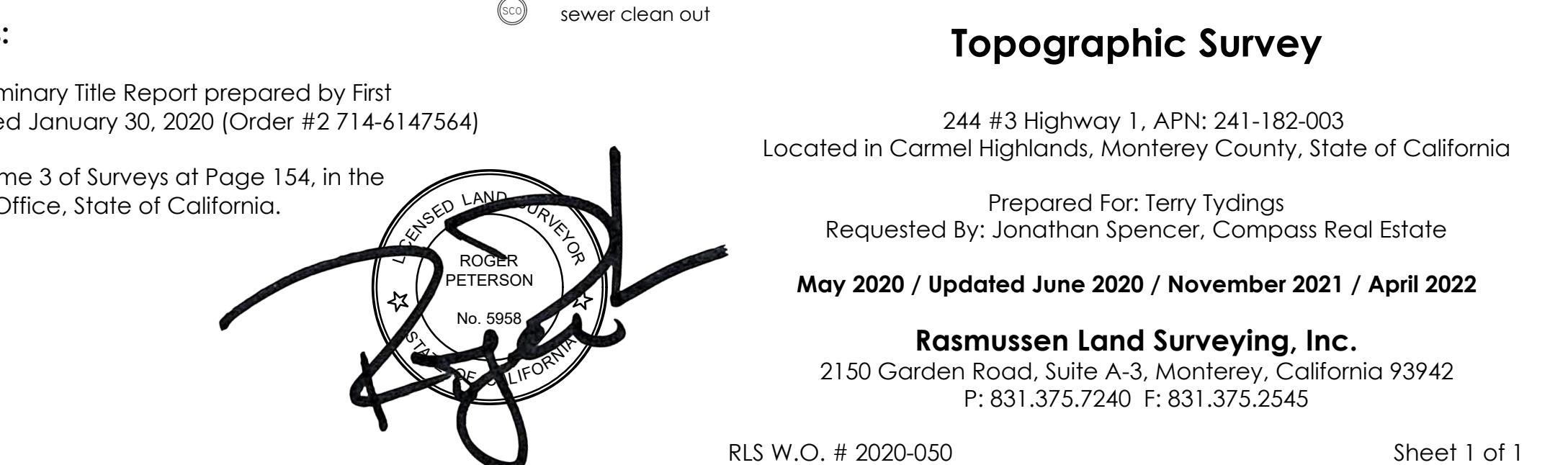
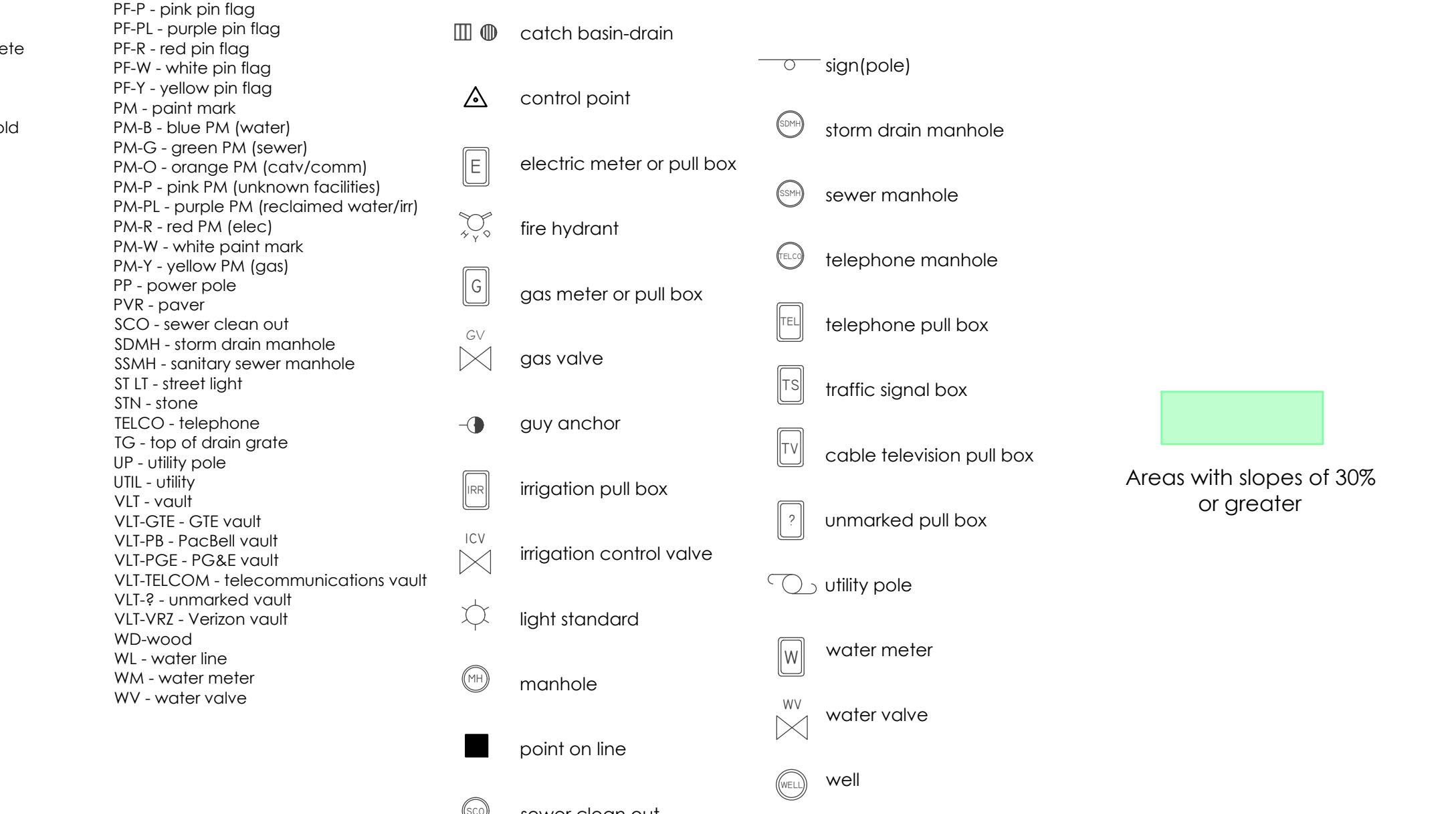
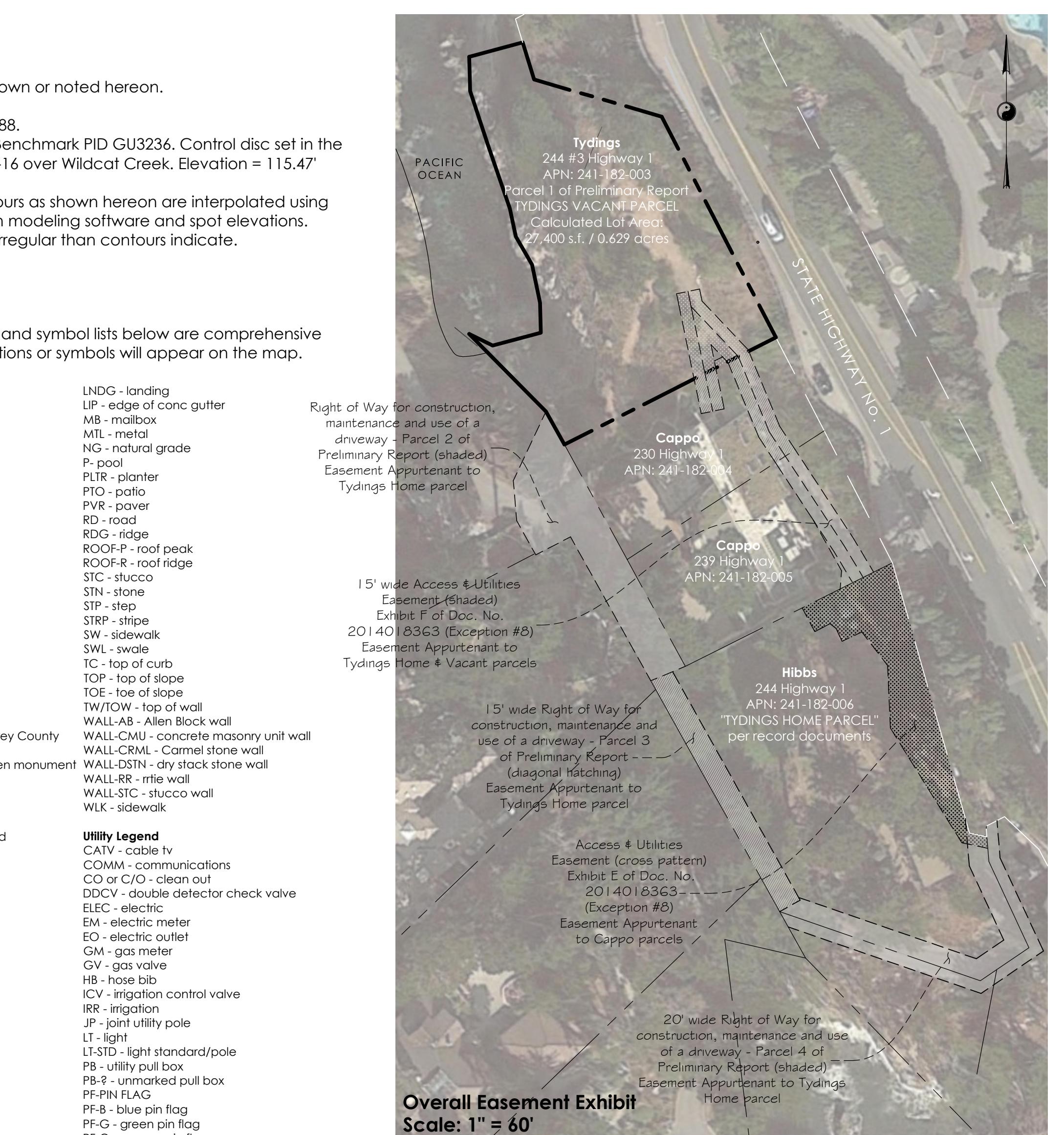
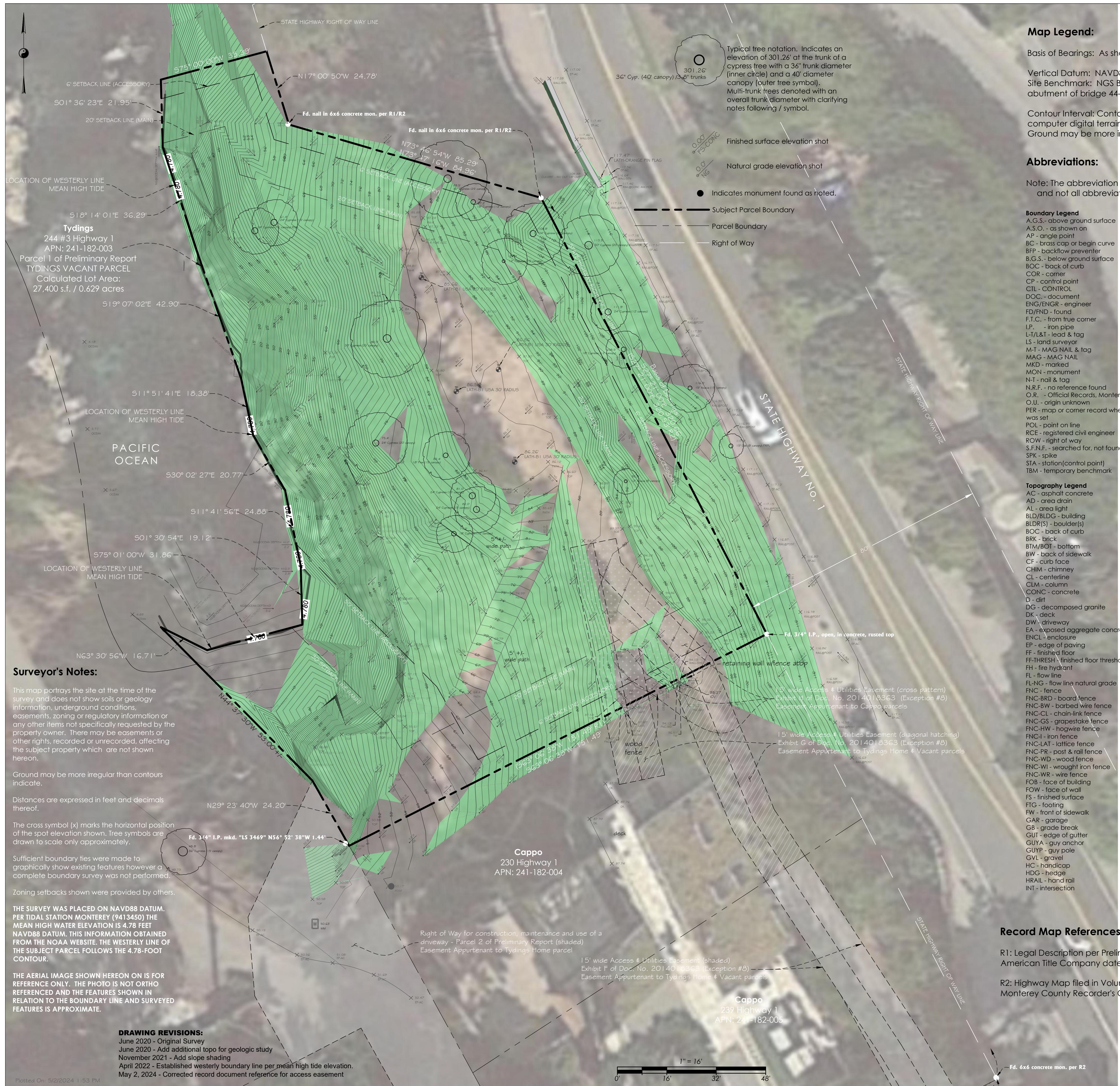
j. Safety and geotechnical investigation. Safety and geotechnical investigation. The approved project may be constructed and used consistent with the terms and conditions of this permit for only as long as development on the property remains safe for use and occupancy. If any portion of the development is deemed unsafe by an appropriate public agency including the County of Monterey; the coastal bluff edge migrates within five feet of the residence; erosion exposes the residence's pile foundation; or a storm surge event, bluff erosion, or landslide event cause damage to any major structural component of the residence (including any load bearing beam, column, foundation slab, grade beam, or pile), the applicant shall have a geotechnical and coastal hazards investigation prepared by a licensed geotechnical engineer and geologist or engineering geologist at their own expense and submit it to the County of Monterey for review. The investigation shall address whether portions of the approved development are immediately threatened by coastal hazards and/or are unsafe without the installation of new sea walls or shoreline protective structures, and shall identify all those immediate or potential future measures that could stabilize the threat of coastal hazards without shoreline armoring including, but not limited to, removal or relocation of portions of the approved project.

k. Removal/Relocation. If the geotechnical and coastal hazards investigation determines that portions or the entirety of the approved development are immediately threatened by coastal hazards and/or are presently unsafe, the property owner shall, within 90 days of submitting the investigation, submit a Removal/Relocation Plan to the County of Monterey HCD for its review and approval. The Removal/Relocation Plan shall clearly describe how such development is to be removed/relocated and the affected area restored so as to best protect coastal resources. The Removal/Relocation plan shall be processed as an amendment to the Combined Development Permit PLN210061, consistent with the procedures for such amendments in the Monterey County Code. The owner shall be required to undertake the Removal/Relocation work in a reasonable timeframe which shall be established in the Removal/Relocation Plan. Full removal of the development shall only be considered if partial removal or relocation would either require shoreline armoring or the development would still be unsafe for use and occupancy after partial removal or relocation. If portions of the development are destroyed by coastal hazards before they are removed/relocated, the property owner shall remove all recoverable debris associated with the development from the bluff; shall lawfully dispose of the material; and shall restore the affected area so as to best protect coastal resources.

1. This deed restriction shall not prohibit the County of Monterey from considering Emergency Permits consistent with Monterey County Code to abate immediate health and safety risks. However, as required by this deed restriction, such emergency permits shall not allow construction of shoreline armoring.

JOHNSON RESIDENCE

226 Highway 1 Carmel, California 93923



REVISION	No.

CONSULTANT:

RELOCATION / COMPACTION

PROPOSED BUILDING FOOTPRINT
DECREASED FROM PREVIOUS BUILDING
FOOTPRINT BY THE FOLLOWING DIMENSIONS:

NORTH WEST = -7°-10"
NORTH EAST = -10°-0"
SOUTH EAST = 0°-0"
SOUTH WEST = -21°-0"

DATA COMPARISON

FLOOR AREA:

PREVIOUS BLDG.	=	4,921 S.F.
PROPOSED BLDG.	=	3,525 S.F.
DIFFERENCE	=	-1,396 S.F.

BUILDING SITE COVERAGE:

PREVIOUS BLDG.	=	4,096 S.F.
PROPOSED BLDG.	=	2,865 S.F.
DIFFERENCE	=	-1,231 S.F.

TREE REMOVAL COUNT:

PREVIOUS BLDG.	=	6 PROTECTED
PROPOSED BLDG.	=	4 PROTECTED
<hr/>		
DIFFERENCE	=	-2 PROTECTED

BUILDING HEIGHT:

PREVIOUS BLDG.	=	24.75'
PROPOSED BLDG.	=	22.0'
DIFFERENCE	=	-2.75'

PERCENTAGE IN 30% SI OF

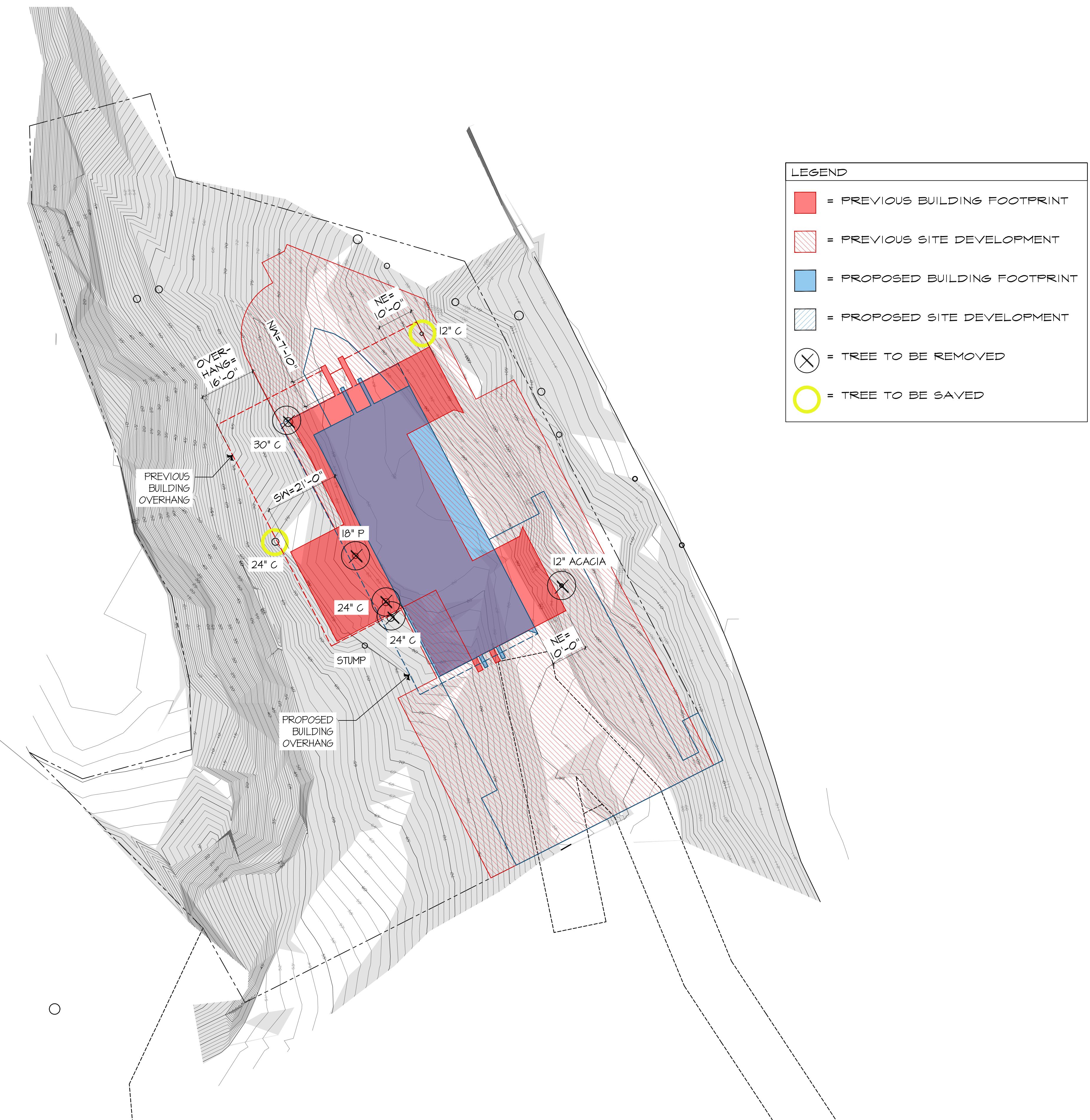
PREVIOUS BUILDING:

BUILDING FOOTPRINT = 3,119 S.F.*
FOOTPRINT IN 30% = 1,448 S.F.

PROPOSED BUILDING

BUILDING FOOTPRINT	=	2,371 S.F.*
FOOTPRINT IN 30%	=	500 S.F.
PERCENTAGE IN 30%		
PERCENTAGE IN 30%	=	21%

*CALCULATION EXCLUDES CANTILEVER DECKS WHICH DO NOT TOUCH GROUND



ORIGINAL & PREVIOUS SITE PLAN

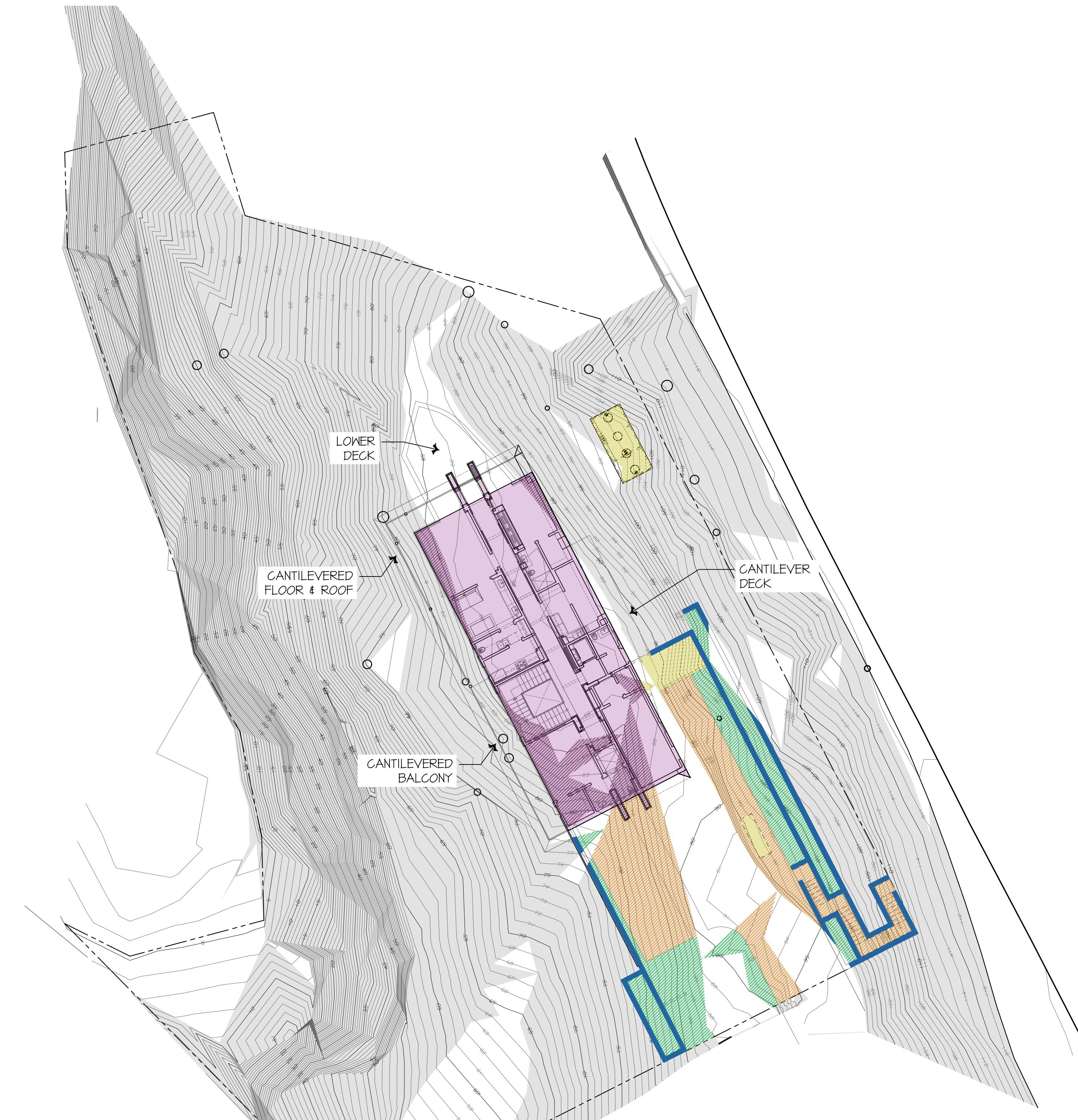
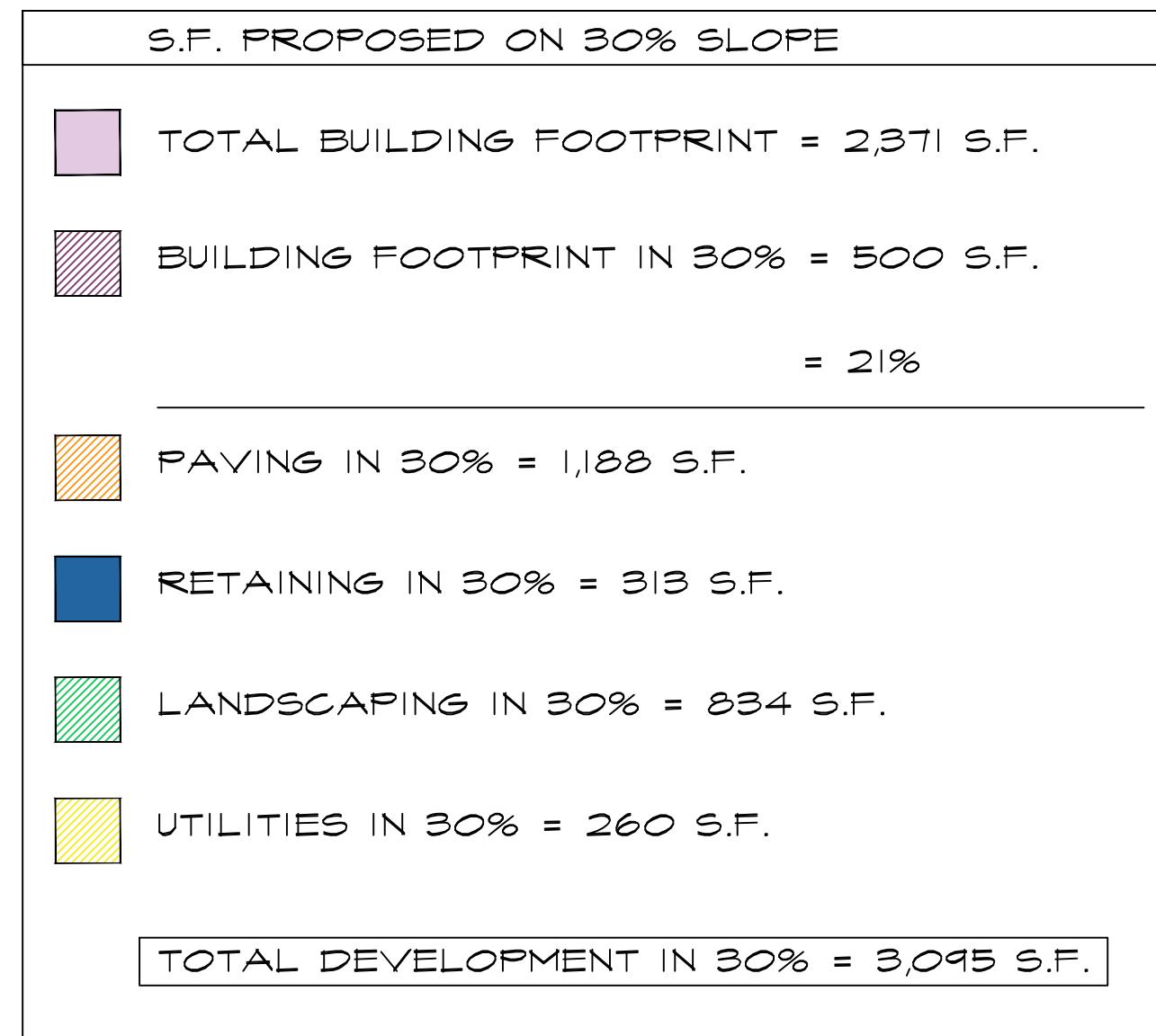
REVISION	No.
CONSULTANT:	
 <p>ERIC MILLER ARCHITECTS, INC.</p> <p>HOFFMAN AVENUE MONTEREY, CA 93940 PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: www.ericmillerarchitects.com</p>	

NAME: Johnson Residence
226 Highway 1
Carmel, CA 93923
A.P.N.: 241-182-003

DATE: 4/29/2025
SCALE: 1/16" = 1'-0"
DRAWN: HRM

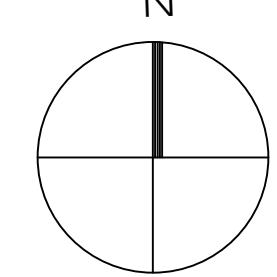
A-1.2a

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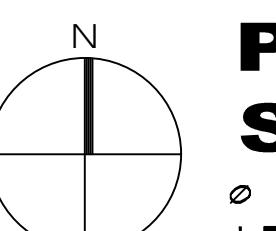
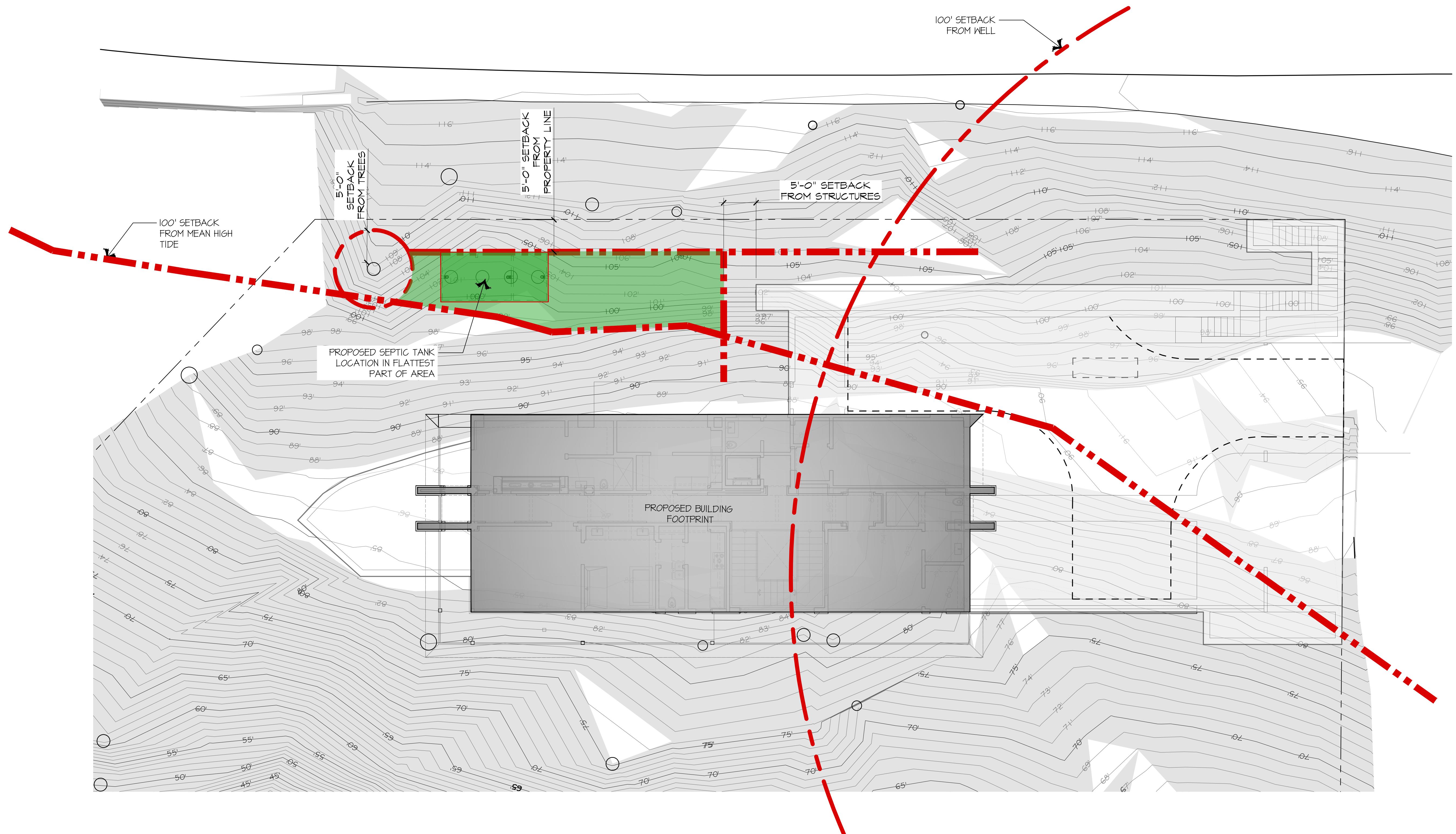


SLOPE ANALYSIS DIAGRAM

50 A1 E 1/16" - 1" O"



SLOPE ANALYSIS DIAGRAM	
DATE:	4/29/2025
SCALE:	1/16" = 1'-0"
DRAWN:	2025
JOB NUMBER:	2025-001
CONSULTANT:	ERIC MILLER ARCHITECTS, INC.
REVISION	No.
A-1.2b SHEET OF	



**PROPOSED
SEPTIC PLAN**

SCALE: 1/8" = 1'-0"

A-1.3

SHEET OF

ARCHITECT

ERIC MILLER ARCHITECTS, INC.

CONSULTANT:

211 HOFFMAN AVENUE MONTEREY, CA 93940
PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: www.emillerarchitects.com

PROPOSED SEPTIC PLAN

DATE:

4/29/2025

SCALE:

1/8" = 1'-0"

DRAWN:

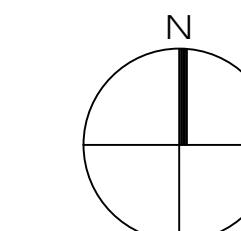
HRM

JOB NUMBER:

20.09

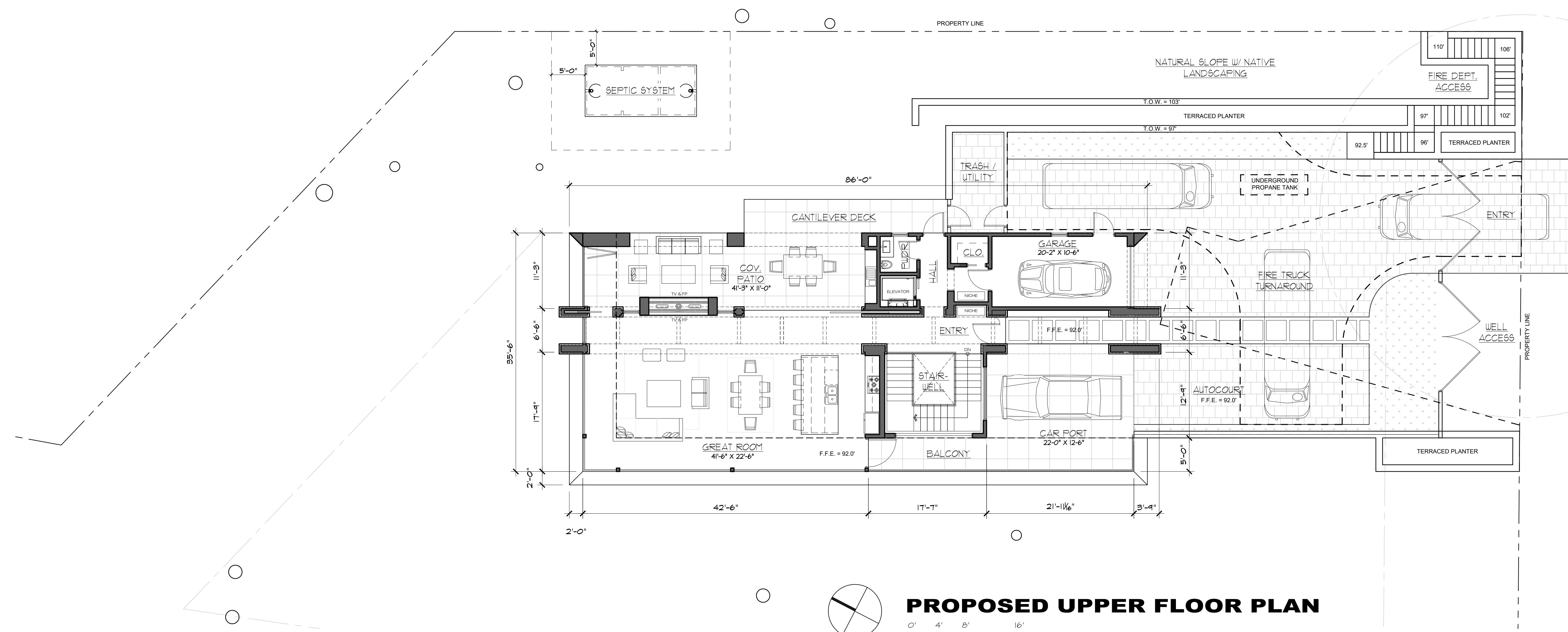
REVISION

No.

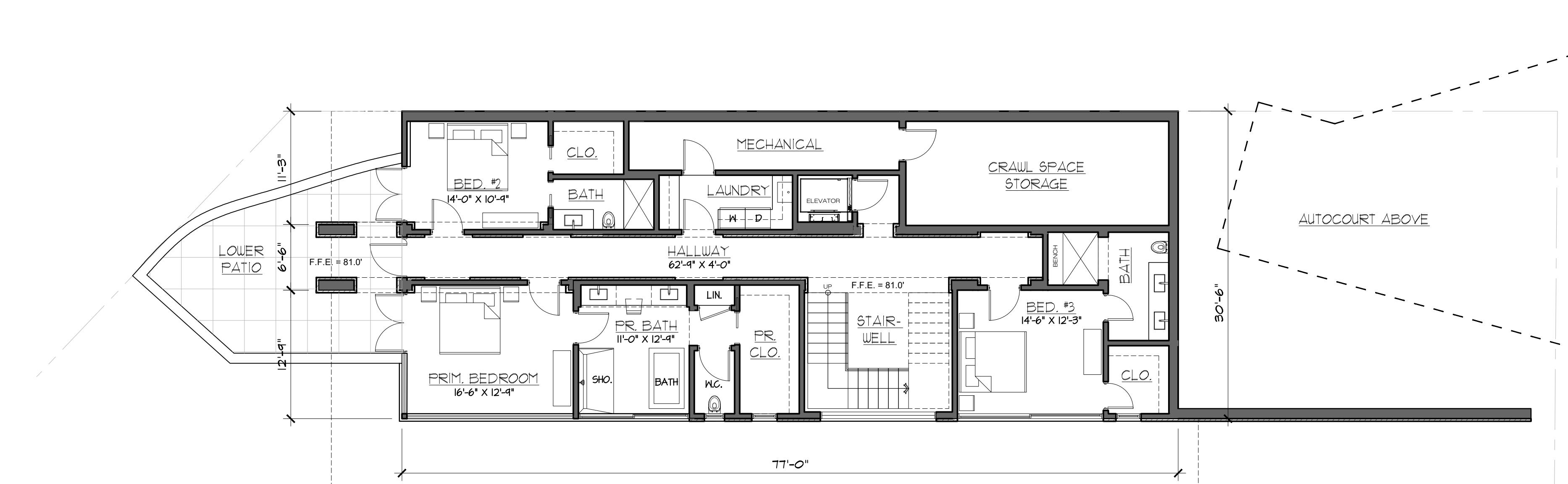


AERIAL PHOTOGRAPH

A-1.4



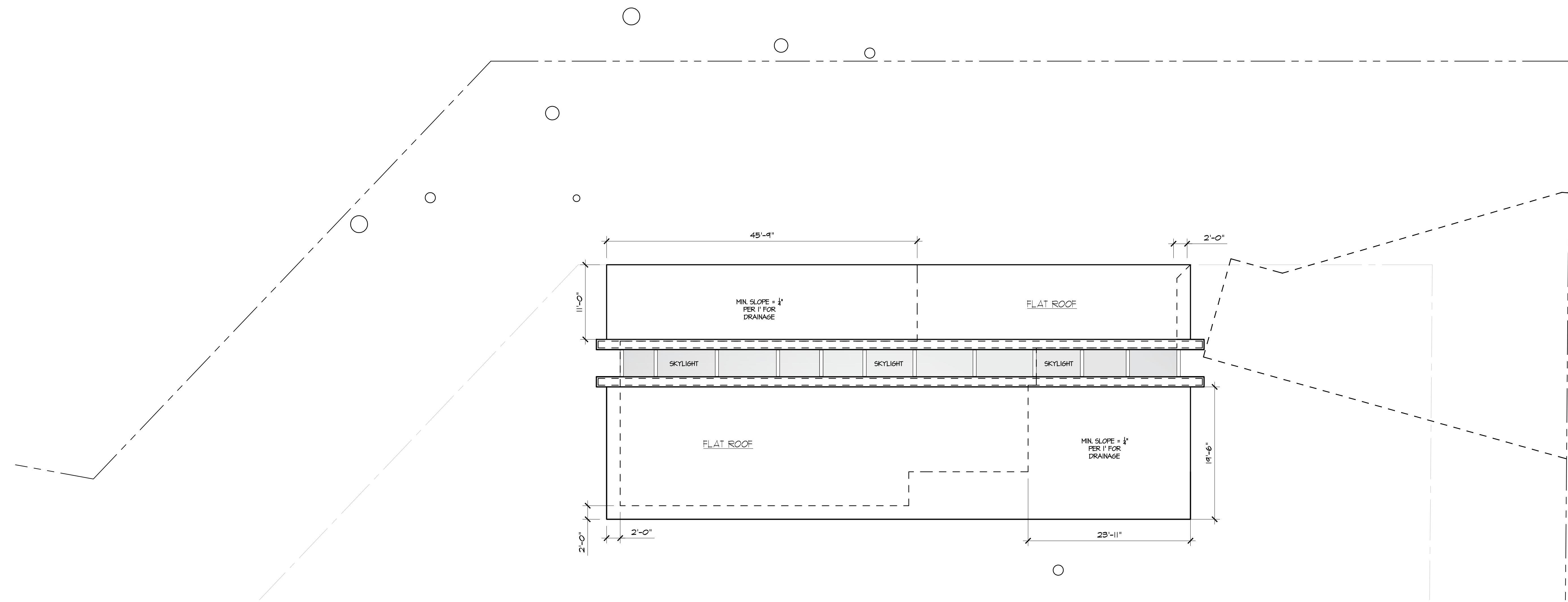
PROPOSED UPPER FLOOR PLAN



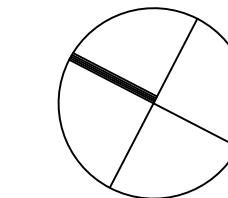
PROPOSED LOWER FLOOR PLAN

DATE:	4/29/2025
SCALE:	1/8" = 1'-0"
DRAWN:	5/2
JOB NUMBER:	2025-001
FLOOR PLANS	
ERIC MILLER ARCHITECTS, INC.	
Johnson Residence 226 Highway 1 Carmel, CA 93923 A.P.N.: 241-182-003	
ARCHITECT	CONSULTANT:
REVISION	No.

A-2.1

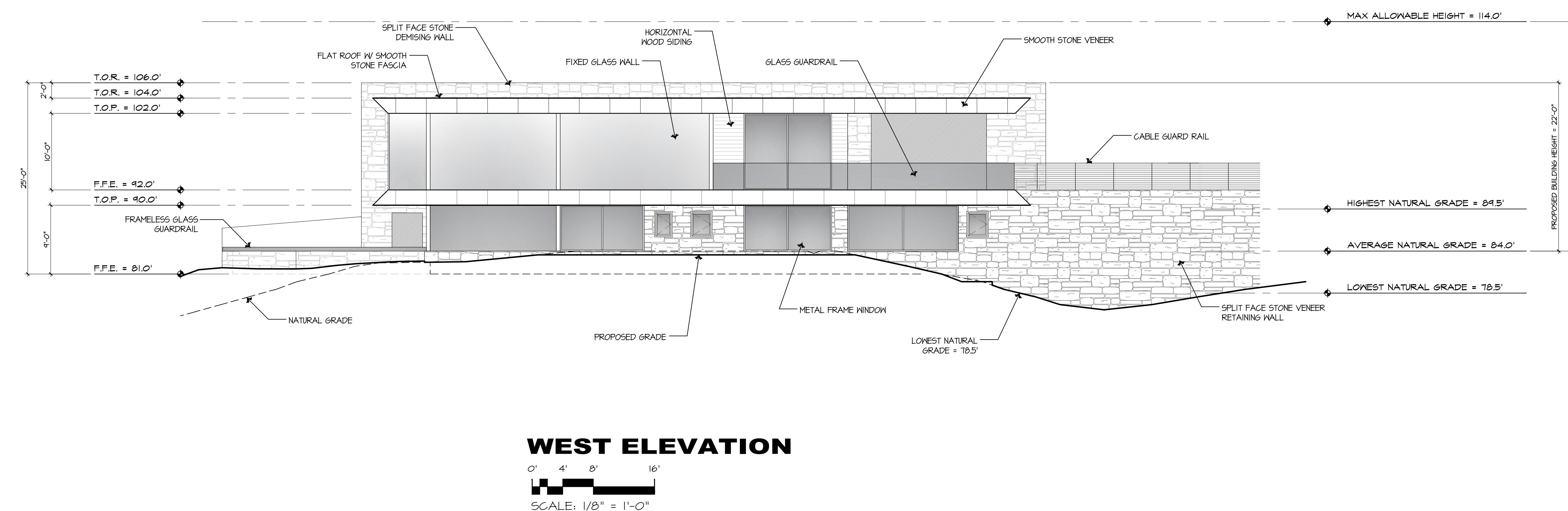
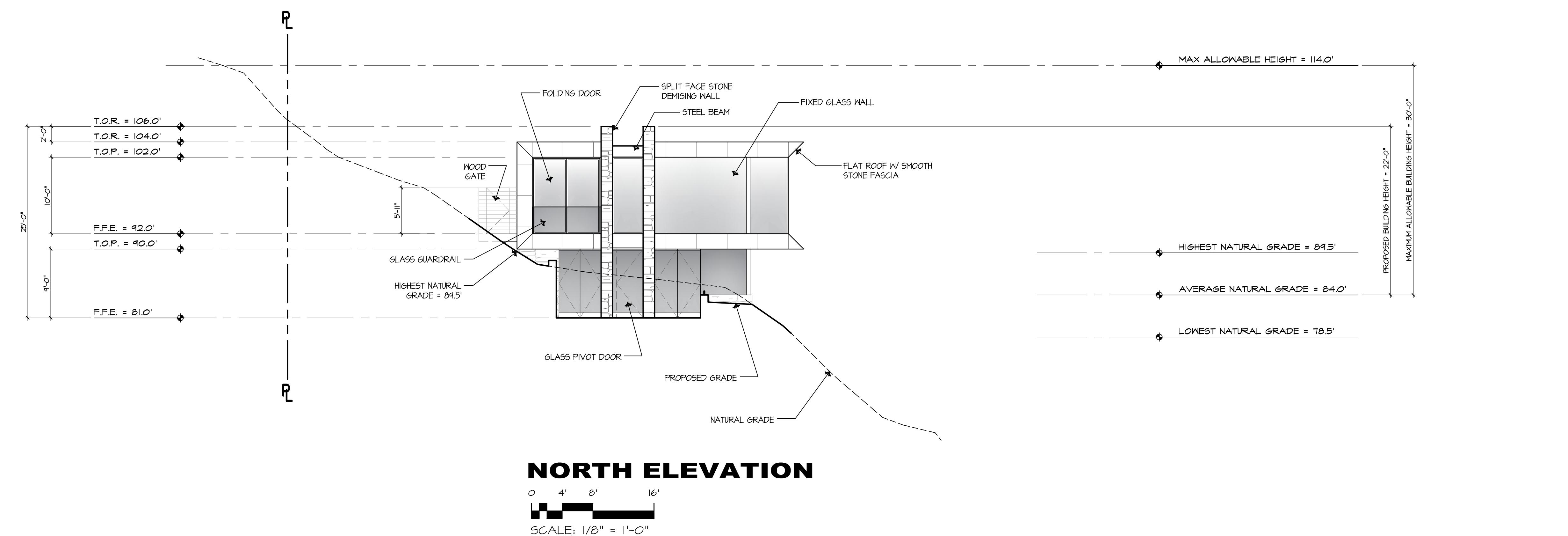


PROPOSED ROOF PLAN



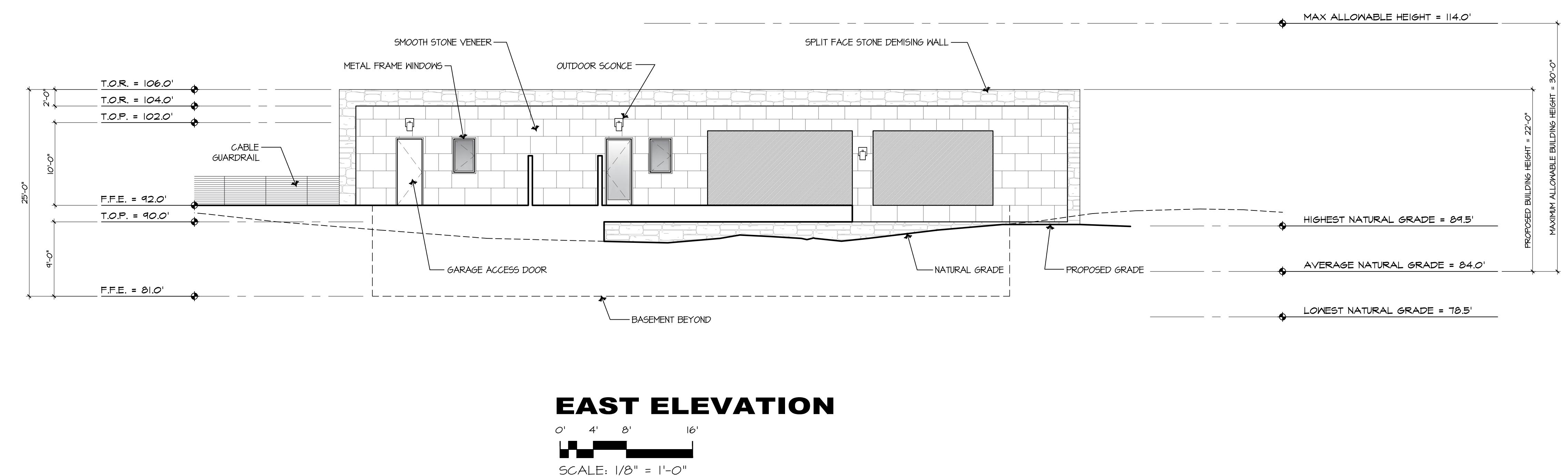
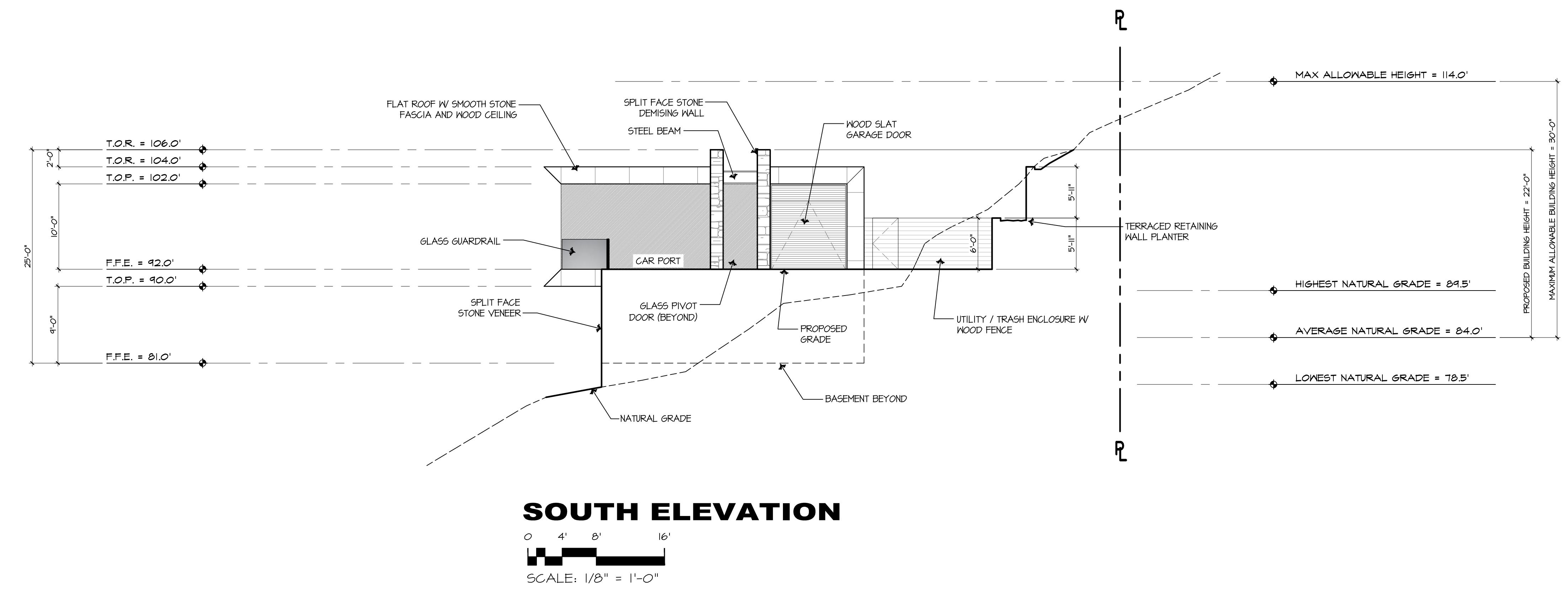
© 2015 Pearson Education, Inc.

SCALE: 1/8" = 1'-0"



REVISION	No.			
CONSULTANT:				
ARCHITECT	 <p>ERIC MILLER ARCHITECTS, INC.</p> <p>211 HOFFMAN AVENUE MONTEREY, CA 93940 PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: www.ericmillerarchitects.com</p>			
<p>NORTH & WEST ELEVATION</p> <p>JOB NAME: <u>Johnson Residence</u> 226 Highway 1 Carmel, CA 93923</p> <p>DATE: <u>4/29/2025</u></p> <p>SCALE: <u>1/8" = 1'-0"</u></p> <p>DRAWN: <u>4/29/2025</u></p> <p>JOB NUMBER: <u>241-182-003</u></p>				
<p>A-3.1</p> <p>SHEET <u>4</u> OF <u>4</u></p>				

A-3.1

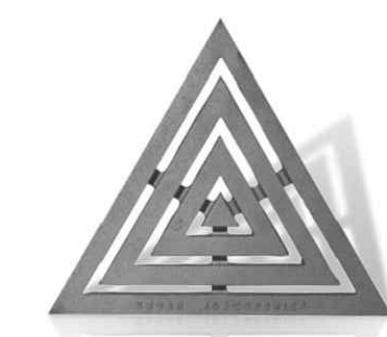


REVISION	No.			
CONSULTANT:				
ARCHITECT	 <p>ERIC MILLER ARCHITECTS, INC.</p> <p>211 HOFFMAN AVENUE MONTEREY, CA 93940 PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: www.ericmillerarchitects.com</p>			
SOUTH & EAST ELEVATION	<p>JOB NAME: <u>Johnson Residence</u></p> <p>226 Highway 1 Carmel, CA 93923</p> <p>APPN: 241-182-003</p>			
DATE:	4/29/2025			
SCALE:	1/8" = 1'-0"			
DRAWN:	4/29/2025			
JOB NUMBER:	241-182-003			

A-3.2



URBAN ACCESSORIES
STYLE: FLOW



URBAN ACCESSORIES
STYLE: TRIANGLE



FRAMELESS PIVOT
GLASS DOOR



MINIMAL FRAME SLIDING
GLASS DOOR



METAL FRAME WINDOWS



BLACKENED STAINLESS STEEL



BUILT UP ROOF SYSTEM
WITH HIGH ALBEDO / HIGH EMISSIVITY

REVISION	No.

CONSULTANT:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ERIC MILLER ARCHITECTS, INC.

211 HOFFMAN AVENUE MONTEREY, CA 93940
PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: www.emillerarchitects.com

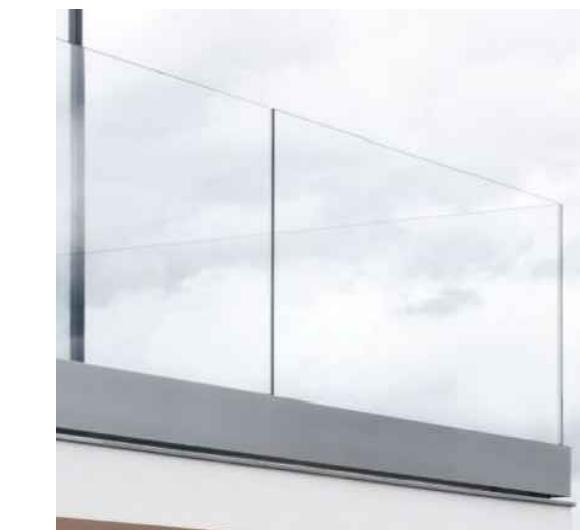
10 TRENCH GRATES DRAIN COVER



RECESSED DOWN LIGHT
STAINLESS STEEL
7W LED



WALL SCONCE
BRONZE BRUSHED
6.6W LED



Glass



Cable



HORIZONTAL CEDAR FENCE
STAINED TO MATCH SIDING

4 STEEL PANEL

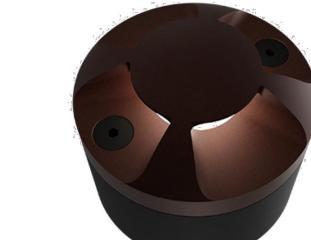


WOOD SLAT GARAGE DOOR, HORIZONTAL

11 EXTERIOR LIGHTING



WALL DOWNLIGHT
STAINLESS STEEL FINISH
3W LED



*Designed for use with 12 VAC. LED transformer.

**For use up to 24" maximum overall height.

PATH DOWNLIGHT
STAINLESS STEEL FINISH
3W LED

DRIVEWAY SURFACE DOWNLIGHT
STAINLESS STEEL FINISH
3W LED

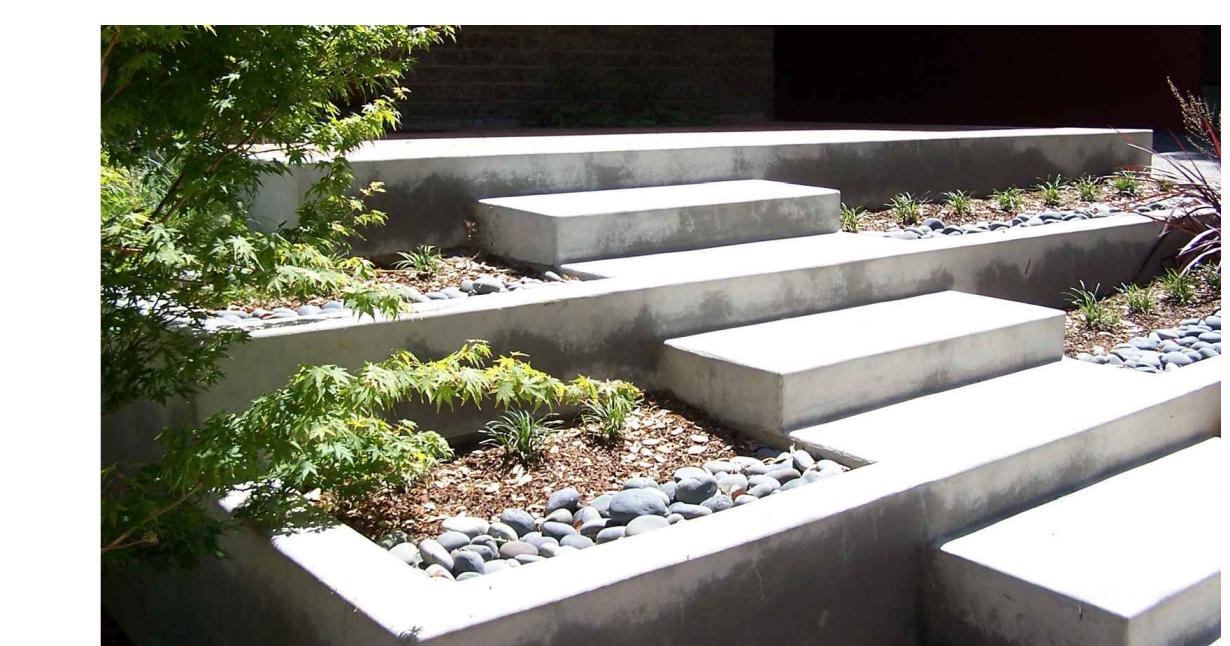


COLOR: GOLDEN OAK
MANUFACTURER: MILLBOARD



COLOR: GOLDEN OAK
MANUFACTURER: MILLBOARD

5 GARAGE DOOR

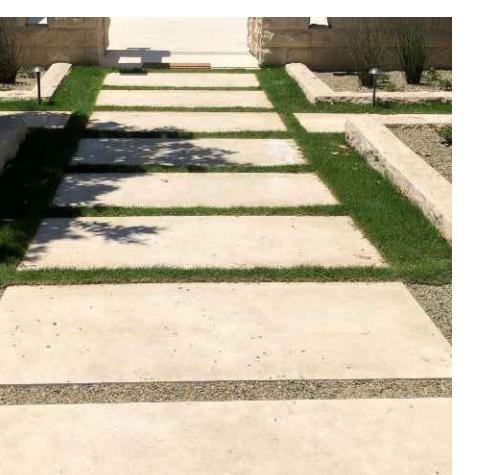


TERRACED RETAINING WALLS W/ STEPS

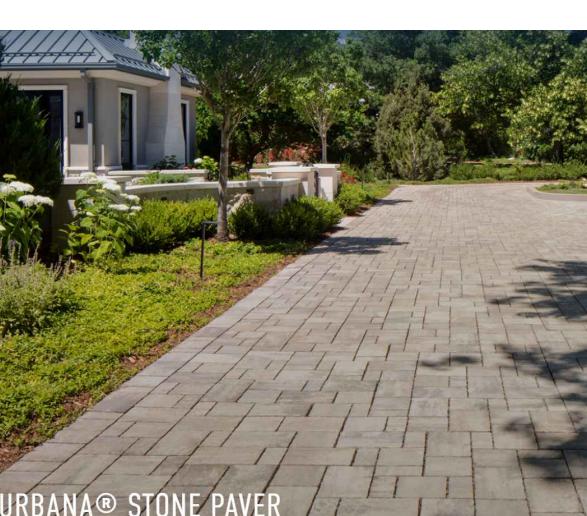
12 LANDSCAPE LIGHTING



DECK PAVING: STONE



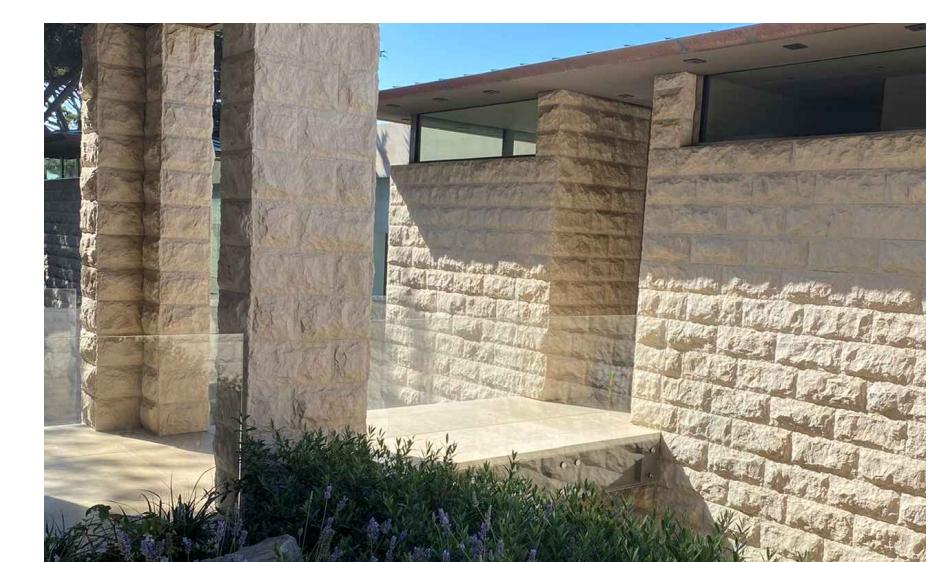
STEPPING STONES



BELGARD URBANA STONE PAVER, PERMEABLE



SMOOTH STONE VENEER



SPLIT FACE STONE VENEER

6 RETAINING WALL

7 WOOD SIDING & CEILING

8 RAILING, GUARDRAIL, & FENCE

9 LANDSCAPE LIGHTING

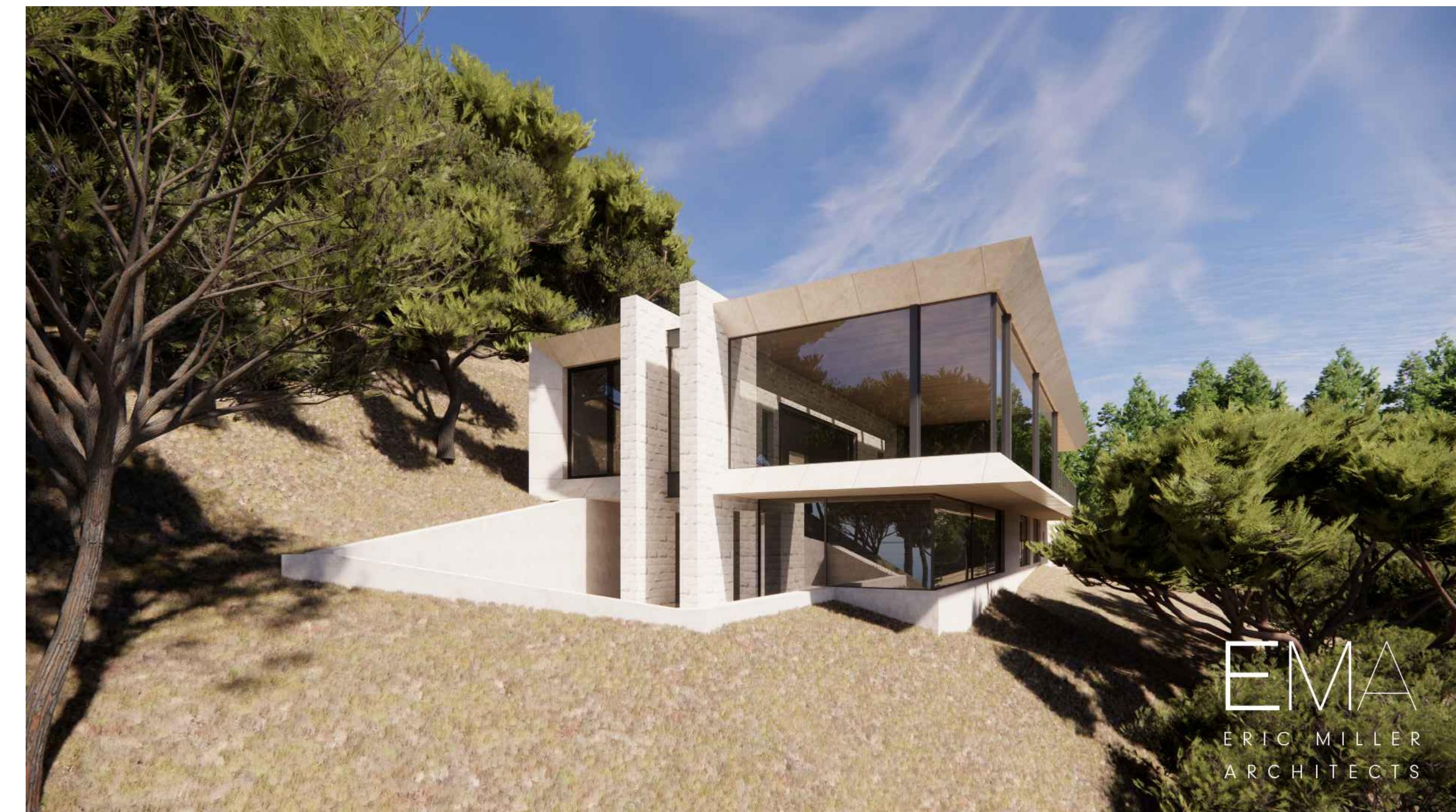
10 STONE VENEER

MATERIAL SAMPLE	Johnson Residence 226 Highway 1 Carmel, CA 93923 A.P.N.: 241-82-008
DATE:	4/24/2025
SCALE:	N.T.S.
DRAWN:	HRM
JOB NUMBER:	20.09

DATE:	4/24/2025
SCALE:	N.T.S.
DRAWN:	HRM
JOB NUMBER:	20.09



ENTRY PERSPECTIVE



CLIFF SIDE PERSPECTIVE

A-7.2



PREVIOUS PERSPECTIVE FROM LOOK OUT POINT



PROPOSED PERSPECTIVE FROM LOOK OUT POINT
*SEE PAGE A-1.4 FOR LOCATION DIAGRAM

DATE:	4/29/2025
SCALE:	N.T.S.
DRAWN:	1/25/2025
JOB NUMBER:	241-182-003
JOB NAME: Johnson Residence	
ERIC MILLER ARCHITECTS, INC. 	
CONSULTANT:	
ARCHITECT	
REVISION	No.

Attachment B - Exhibit 4

The logo for Eric Miller Architects, Inc. is positioned at the top of the page. It features a stylized letter 'E' formed by a 2x2 grid of four squares. To the right of the 'E', the company name 'ERIC MILLER ARCHITECTS, INC.' is written in a bold, sans-serif font, with a horizontal line separating the two lines of text. Below the logo, the address '211 HOFFMAN AVENUE MONTEREY, CA 93940' is printed in a smaller, all-caps sans-serif font. Below the address, the phone number 'PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: www.ericmillerarchitects.com' is also printed in a smaller, all-caps sans-serif font.

ORG. & PRO. SITE PLAN	
ARCHITECT ERIC 211 HOF PHONE (83	
JOB NAME: <i>Johnson Residence</i> <i>226 Highway 1</i> <i>Carmel, CA 93923</i>	
A.P.N.: <i>241-1822-003</i>	
DATE: <i>4/29/2025</i>	
SCALE: <i>1/16"=1'-0"</i>	
DRAWN: <i>HRM</i>	
JOB NUMBER: <i>20.09</i>	
A-1.2a	
SHEET	OF

RELOCATION / COMPACTION

PROPOSED BUILDING FOOTPRINT
DECREASED FROM PREVIOUS BUILDING
FOOTPRINT BY THE FOLLOWING DIMENSIONS:

NORTH WEST = -7°-10"
NORTH EAST = -10°-0"
SOUTH EAST = 0°-0"
SOUTH WEST = -21°-0"

DATA COMPARISON

FLOOR AREA:

PREVIOUS BLDG.	=	4,921 S.F.
PROPOSED BLDG.	=	3,525 S.F.
DIFFERENCE	=	-1,396 S.F.

BUILDING SITE COVERAGE:

PREVIOUS BLDG.	=	4,096 S.F.
PROPOSED BLDG.	=	2,865 S.F.
DIFFERENCE	=	-1,231 S.F.

TREE REMOVAL COUNT:

PREVIOUS BLDG.	=	6 PROTECTED
PROPOSED BLDG.	=	4 PROTECTED
<hr/>		
DIFFERENCE	=	-2 PROTECTED

BUILDING HEIGHT:

PREVIOUS BLDG.	=	24.75'
PROPOSED BLDG.	=	22.0'
DIFFERENCE	=	-2.75'

PERCENTAGE IN 30% SI OFF

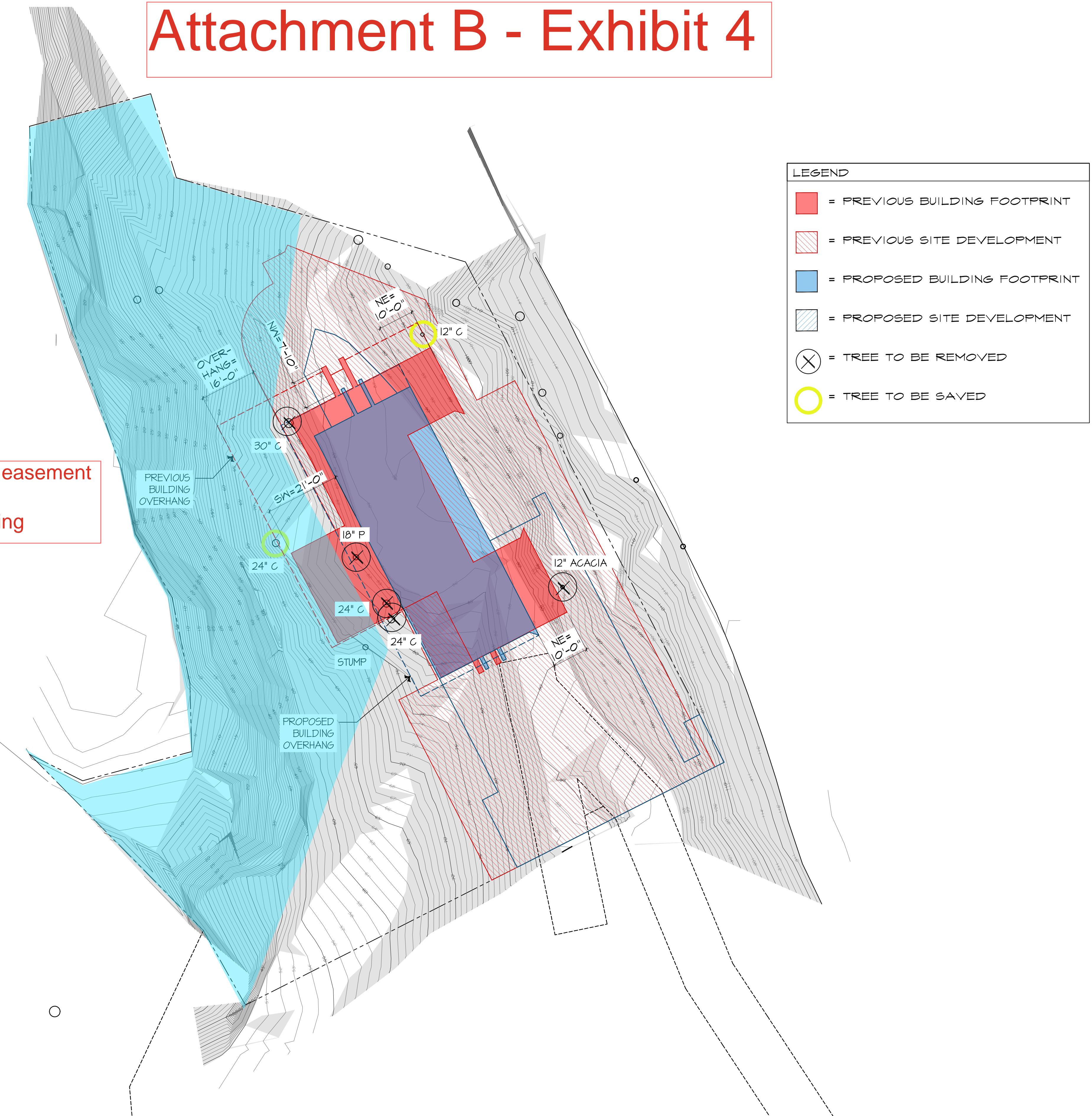
PREVIOUS BUILDING:

BUILDING FOOTPRINT	=	3,119 S.F.*
FOOTPRINT IN 30%	=	1,448 S.F.
PERCENTAGE IN 30%	=	46%

PROPOSED BUILDING:

BUILDING FOOTPRINT	=	2,371 S.F.*
FOOTPRINT IN 30%	=	500 S.F.
PERCENTAGE IN 30%	=	21%

*CALCULATION EXCLUDES CANTILEVER DECKS WHICH DO NOT TOUCH GROUND



ORIGINAL & PREVIOUS SITE PLAN

A-1.2a

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