

EXHIBIT H
DRAFT ZONING ADMINSTRATOR
RESOLUTION (March 25, 2010)

PLN090253 – Jagers

Board of Supervisors
July 27, 2010

DRAFT RESOLUTION

Before the Zoning Administrator in and for the County of Monterey, State of California

In the matter of the application of:

JAGGERS (PLN090253)

RESOLUTION NO. 10 - _____

Resolution by the Monterey County Zoning
Administrator:

- 1) Categorically exempting PLN090253 per Section 15302 of the CEQA Guidelines, and
- 2) Approving a Combined Development Permit consisting of 1) a Coastal Administrative Permit for the demolition of an existing 4,095 square foot single family dwelling with 248 square feet of deck and an attached 429 square foot garage, the construction of a new 5,080 square foot single family dwelling with an attached 670 square foot garage and 644 square feet of deck, and cisterns, 2) a Coastal Development Permit to allow development within 750 feet of a known archaeological resource, 3) a Coastal Development Permit to allow development on slope greater than 30 percent, 4) a Variance from the 18 foot height limit to allow a height above average natural grade of approximately 21.73 feet (net reduction of approximately 1.62 feet from the existing residence), 5) Design Approval, and grading consisting of approximately 1,010 cubic yards of cut and 200 cubic yards of fill (net export of approximately 810 cubic yards).

(PLN090253, Jaggars, 2741 Calle la Cruz, Carmel Meadows, Carmel Area Land Use Plan, APN: 243-031-033-000)

The Jaggars application (PLN090253) came on for public hearing before the Monterey County Zoning Administrator on March 25, 2010. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

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

EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
- the Monterey County General Plan,

- Carmel Area Land Use Plan,
- Carmel Area Coastal Implementation Plan,
- Monterey County Zoning Ordinance (Title 20)

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

- b) The property is located at 2741 Calle la Cruz, Carmel Meadows (Assessor's Parcel Number 243-031-033-000), Carmel Area Land Use Plan. The parcel is zoned Medium Density Residential, 2 units per acre, with a Design Control District Overlay and an 18-foot height limit, Coastal Zone ["MDR/2-D (18) (CZ)"], which allows the construction of single family residences with a Coastal Administrative Permit, development within 750 feet of a known archaeological resource as a conditional use with the approval of a Coastal Development Permit, and development on slope greater than 30 percent as a conditional use with the approval of a Coastal Development Permit. Therefore, the project is an allowed land use for this site.
- c) Slope: Development on slopes that exceeds 30% is prohibited unless there is no feasible alternative that would allow development to occur on slopes of less than 30%, or the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan than other development alternatives. See Finding No. 7.
- d) Variance: See Finding Nos. 8, 9 and 10.
- e) Visual Resources/Public Viewshed: The property is located in an area identified on the Carmel Area Land Use Plan (LUP) General Viewshed Map (Map A of the LUP), and the property is visible from the following common public viewing areas: Highway 1, Scenic Drive, and Carmel River State Beach. The policies of the Carmel Area LUP direct that development within the viewshed must harmonize and be clearly subordinate to the natural scenic character of the area (LUP Key Policy 2.2.2). Staff conducted site visits on August 6, 2009, and February 1, 2010, to assess the potential viewshed impacts of the project. Based on these site visits, and the submitted plans, the project is consistent with the Visual Resource policies of the Carmel Area LUP. See Finding No. 11.
- f) Side Setback: Per Title 20, Section 20.12.060.C.1, the required side setback is 5 feet. The existing residence has a side setback of only 2.7 feet on the west side of the property. The proposed residence will have a setback of 13.3 feet on the west side and will correct this nonconforming setback.
- g) Archaeological Resources: County records identify the project site is within an area of high sensitivity for prehistoric cultural resources, and the project includes a Coastal Development Permit to allow development within 750 feet of a known archaeological resource. An archaeological survey prepared for the project site concluded that there is no surface evidence of potentially significant archaeological resources. The potential for inadvertent impacts to cultural resources is limited and will be controlled by the use of the County's standard project condition (Condition No. 3).
- h) The project planner conducted site inspections on August 6, 2009, and

February 1, 2010, to verify that the project on the subject parcel conforms to the plans listed above.

- i) The project was referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because it involves a Variance and a Design Approval subject to review by the Zoning Administrator. The Carmel Highlands LUAC continued the item at a public meeting held on January 4, 2010, and voted 4 – 2 to not support the project as proposed at a public meeting held on February 1, 2010. Neighbors raised concerns regarding private views and potential impacts to the neighborhood character. Specifically, neighbors stated that the proposed residence is “too big” for the area. No concerns were expressed about potential impacts to the public viewshed. However, the Carmel Area LUP does not protect private views, and staff has determined the project is consistent with the existing character of the neighborhood. Staff identified that three of four adjacent properties all have residences of a similar or larger footprint than that proposed by the project applicant. The fourth property, which is only .3 acres, has a residence of 4,475 square feet. This would equate to a residence of 6,116 square feet on the applicant’s parcel of .41 acres. Yet, the applicant is proposing a residence over 1,000 square feet below this amount. The LUAC members also commented during the public meeting that the proposed residence is well-designed to minimize visual impacts. The site coverage and floor area ratio proposed by the applicant remain significantly below the allowed maximums and most of the increase in floor area will be on the lower level. The applicant also reduced the height by approximately .5 feet in order to address the neighbor’s concerns.
- j) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN090253.

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

EVIDENCE: a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Carmel Highlands Fire Protection District, RMA - Public Works Department, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- b) Staff identified potential impacts to Biological Resources and Archaeological Resources. The project is consistent with applicable policies and regulations. Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:

- Biological Resources Report (LIB090486) prepared by Califauna,

Pebble Beach, California, September 27, 2009.

- Preliminary Archaeological Reconnaissance (LIB090487) prepared by Archaeological Consulting, Salinas, California, September 10, 2009.
 - Geotechnical Investigation (LIB090488) prepared by Soil Surveys, Inc., Salinas, California, April 14, 2009.
- c) Staff conducted site inspections on August 6, 2009, and February 1, 2010, to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN090253.

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

- EVIDENCE:**
- a) The project was reviewed by the RMA - Planning Department, Carmel Highlands Fire Protection District, RMA - Public Works Department, Environmental Health Division, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary public facilities are available. The existing residence has public water and sewer connections (Cal Am and Carmel Area Wastewater District, respectively). The proposed residence will continue to use these same connections. The Environmental Health Division reviewed the project application, and did not require any conditions of approval.
 - c) Preceding findings and supporting evidence for PLN090253.

4. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on the subject property.
 - b) Staff conducted site inspections on August 6, 2009, and February 1, 2010, and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090253.

5. **FINDING: CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15302 (Class 2) categorically exempts the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.
 - b) The project consists of the demolition of an existing 4,095 square foot single family dwelling with 248 square feet of deck and an attached 429 square foot garage, the construction of a new 5,080 square foot single family dwelling with an attached 670 square foot garage and 644 square feet of deck. The project also includes grading consisting of approximately 1,010 cubic yards of cut and 200 cubic yards of fill, resulting in a net export of approximately 810 cubic yards. The RMA - Public Works Department applied a standard condition (Condition No. 20) to require the applicant to submit a Construction Management Plan (CMP) for review and approval prior to issuance of building or grading permits. The CMP shall include measures to minimize traffic impacts during the grading and construction phases of the project. The applicant intends to minimize truck travel on Highway 1 by identifying sites near the project that could accept the export. The availability of sites will depend on the timing of the grading phase of the project. If other sites are not available, then the material will be transported to the Marina landfill for disposition. The project, as proposed, is consistent with the Class 2 categorical exemption per Evidence 5a above.
 - c) No adverse environmental effects were identified during staff review of the development application during site visits on August 6, 2009, and February 1, 2010.
 - d) Exceptions to exemptions listed in Section 15300.2.a-f are inapplicable. The project does not involve: a designated historical resource, a hazardous waste site, unusual circumstances that would result in a significant effect, development that would result in a cumulatively significant impact, nor development in a particularly sensitive environment. The project site is located within view of a scenic highway; however, the development proposed is consistent with the existing development on the site and in the area, and will not result in a significant impact to visual resources. See Finding No. 11.
 - e) See preceding and following findings and supporting evidence.

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

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.146.130 of the Monterey County Coastal Implementation Plan can be demonstrated.

- b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3, Public Access Map, in the Carmel Area Land Use Plan).
- c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090253.
- e) The project planner conducted a site inspection on August 6, 2009.

7. **FINDING: DEVELOPMENT ON SLOPE** – There is no feasible alternative which would allow development to occur on slopes of less than 30%.

EVIDENCE: a) In accordance with the applicable policies of the Carmel Area Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.

- b) The project includes application for development on slopes exceeding 30%. The existing residence was built on a steep slope, and there are no alternative building sites on the subject property. The existing slope areas of the property have been previously disturbed by structural development, retaining walls, deck supports, landscaping, driveway, and miscellaneous site improvements. The proposed development will not increase the area or coverage previously disturbed.
- c) The project application includes development on slopes exceeding 30%. Policy 2.7.4.1 of the Carmel Area Land Use Plan states that “All development shall be sited and designed to conform to site topography and to minimize grading and other site preparation activities.” The topography of the parcel significantly limits the available building area. Staff has reviewed the project plans and visited the site to analyze possible development alternatives. The parcel is essentially split in two by an area of 30% slope, and development of the existing residence resulted in development on slope greater than 30%. The upper portion of the parcel would significantly limit the building area, and result in greater impacts to visual resources. The lower portion of the parcel would place development much closer to environmentally sensitive habitat. The proposed placement of the new structure reduces visual impacts and avoids encroachment into areas of sensitive habitat. Furthermore, the proposed residence was carefully designed to avoid slopes in excess of 30% as much as possible, adhere to the site development standards, and blend with the surrounding topography and environment. Based on the site limitations and plans provided, there is no feasible alternative which would allow development to occur on slopes of less than 30%. In addition, due to the potential for impacts to either visual resources or sensitive habitat by shifting the building footprint, the proposed siting better achieves the goals, policies, and objectives of the Monterey County Local Coastal Program than other development alternatives.
- d) The Zoning Administrator shall require such conditions and changes in the development as it may deem necessary to assure compliance with Section 20.64.230.E.2 of the Monterey County Zoning Ordinance (Condition Nos. 4, 5, 6, 11, and 13).

- e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090253.
- f) The project planner conducted site inspections on August 6, 2009, and February 1, 2010.
- g) The subject project minimizes development on slopes exceeding 30% in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

8. **FINDING: VARIANCE (Authorized Use)** – The Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

- EVIDENCE:**
- a) The property has a zoning designation of Medium Density Residential, 2 units per acre, with a Design Control District Overlay and an 18-foot height limit, Coastal Zone [“MDR/2-D (18) (CZ)”].
 - b) A single family dwelling is a principal allowed use in the MDR zone (Section 20.12.040.A of the Monterey County Zoning Ordinance [Title 20]). Development standards for the MDR zone are identified in Section 20.12.060 of Title 20. Required setbacks for a residence in the MDR zone are 20 feet (front), 10 feet (rear), and 5 feet (sides). The property is oriented with a front set back from Calle la Cruz Road along the south property line, making the north property line the rear, and the east and west property lines side yards. The proposed residence will remedy an existing legal nonconforming side setback on the west property line. The project, as proposed, meets all applicable use and site development standards.
 - c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090253.

9. **FINDING: VARIANCE (Special Circumstances)** - Because of special circumstances applicable to the subject property, including the size, shape, topography, location of the lot, or the surrounding area, the strict application of development standards in the Monterey County Codes is found to deprive the subject property of privileges enjoyed by other property owners in the vicinity under identical zoning classification.

- EVIDENCE:**
- a) The zoning for the Carmel Meadows area requires an 18 foot height limit for main structures. The intent of this regulation is to preserve the public viewshed. The residence is proposed at 21.73 feet above average natural grade, which represents a height approximately 3.73 feet above the allowed maximum. The proposed height also represents a net reduction of approximately 1.62 feet from the height of the existing residence.
 - b) There are special circumstances on the site that warrant a variance to allow exceedance of the height limit provided there is no special privilege (Finding No. 10) and it is an authorized use (Finding No. 8).
 - c) The topography of the parcel significantly limits the available building area. The site is restricted with a steep slope that essentially splits the property in two. The upper portion of the parcel would significantly limit the building area, and result in greater impacts to visual resources. The lower portion of the parcel would place development much closer

to environmentally sensitive habitat. The proposed placement and height of the new structure reduces visual impacts and avoids encroachment into areas of sensitive habitat. Due to the potential for impacts to either visual resources or sensitive habitat by shifting or expanding the building footprint, the proposed siting and height better achieve the goals, policies, and objectives of the Monterey County Local Coastal Program.

- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090253.
- e) The project planner conducted site inspections on August 6, 2009, and February 1, 2010, to verify the circumstances related to the property.

10. **FINDING:** **VARIANCE (Special Privileges)** - The variance shall not constitute a grant of privileges inconsistent with the limitations upon other property owners in the vicinity and zone in which such property is situated.

- EVIDENCE:**
- a) The zoning for the Carmel Meadows area requires an 18-foot height limit for main structures. The intent of this regulation is to preserve the public viewshed. The residence is proposed at 21.7 feet above average natural grade, which represents a height approximately 3.73 feet above the allowed maximum. The proposed height also represents a net reduction of approximately 1.6 feet from the height of the existing residence, and would not result in an increase of visual impacts to the public viewshed. Site constraints regarding slope and avoidance of sensitive habitat restrict the possible location where a residence can be sited and best meet the policies of the Carmel Area Land Use Plan. However, the applicant has designed the proposed residence to minimize impacts and has used the site topography to blend the structure into the slope and surrounding environment to the greatest extent feasible. Therefore, allowing the proposed residence to exceed the height limit would not constitute a special privilege.
 - b) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090253.
 - c) The project planner conducted site inspections on August 6, 2009, and February 1, 2010, to identify circumstances related to other property in the vicinity and in the same zoning district.
 - d) Other property owners in the vicinity and under identical zoning classification have been afforded the same privilege sought by the property owner of this application. The adjacent property has been granted a similar entitlement (Kessler/PLN970312), which approved a variance to exceed height by approximately 5.5 feet or 23.5 feet above average natural grade. This variance actually increased the previously approved height by an additional 2 feet. Similar to this project, the subject project proposes to exceed the limit above average natural grade by approximately 3.7 feet. However, a key difference is that PLN090253/Jaggers will result in a net height reduction from the existing residence of approximately 1.6 feet. In addition, the proposed height remains lower than the height of several adjacent residences because of the drop in elevation from adjacent properties, and it retains a one story elevation on Calle la Cruz Street. Other property owners

enjoy similar privileges. The following list is a sampling of residences in the neighborhood, and is not all-inclusive: 2737 Calle la Cruz, approximately 23.5 feet above average natural grade (ANG); 2729 Calle la Cruz, approximately 22 feet above ANG; 2675 Ribera Road, approximately 20 feet above ANG; 2665 Ribera Road, approximately 23.5 feet above ANG; and 2655 Ribera Road, approximately 22.25 feet above ANG.

11. **FINDING:** **VIEWSHED** – The subject project minimizes development within the viewshed in accordance with the applicable goals and policies of the applicable area plan and zoning codes.
- EVIDENCE:**
- a) Due to the parcel location, the project includes development within a public viewshed. Specifically, the property is visible from Scenic Road, Highway 1, and the Carmel River State Beach.
 - b) The property is located in an area identified on the Carmel Area Land Use Plan (LUP) General Viewshed Map (Map A of the LUP), and the property is visible from the following common public viewing areas: Highway 1, Scenic Drive, and Carmel River State Beach. The policies of the Carmel Area LUP direct that development within the viewshed must harmonize and be clearly subordinate to the natural scenic character of the area (LUP Key Policy 2.2.2). In addition, the proposed development must conform to applicable LUP Policies 2.2.3.1, 2.2.3.3, 2.2.3.6, and 2.2.4.10.c. These policies direct 1) that the design and siting of structures shall not detract from the natural beauty of the public viewshed, 2) that new development on slopes within the public viewshed shall be sited in areas where existing topography can ensure that structures will not be visible from major public viewpoints and viewing corridors, 3) that structures shall be subordinate to and blended into the environment, 4) that structures located in the viewshed be designed so that they blend into the site and surroundings, and 5) the height and bulk of buildings shall be modified as necessary to protect the viewshed.
 - c) The entire parcel, from at least one of the viewing areas listed above, is visible within the public viewshed. Therefore, no building area on the parcel would ensure that structures would not be visible from major public viewpoints and viewing corridors. Also, the topography of the parcel significantly limits the available building area with regard to visual resources. However, the applicant has designed the proposed residence to minimize impacts and has used the site topography to blend the structure into the slope and surrounding environment to the greatest extent feasible. The County has reviewed the project plans and visited the site to analyze possible development alternatives. Based on this review, and per the applicable policies, it is determined that the design and siting does not detract from the natural beauty of the surrounding viewshed, that the proposed development blends with the surrounding topography and environment, that the proposed development harmonizes and is subordinate to the natural scenic character of the area, and the proposed development will not result in an increase in bulk or mass visible within the public viewshed nor result in any new penetration of the natural skyline. The total increase in site coverage is approximately 361 square feet, all of which is attributed to an increase

in deck coverage. The area of coverage of the actual residence will decrease by approximately 35 square feet. The proposed colors (green and natural stone) will blend with the natural scenic character of the area.

- d) The project, as proposed and conditioned, is consistent with the policies of the Carmel Area Land Use Plan dealing with visual resources and will have no significant impact on the public viewshed.
- e) The project planner conducted site inspections on August 6, 2009, and February 1, 2010, to verify that the project minimizes development within the viewshed, and to assess the potential viewshed impacts of the project. Based on these site visits, and the submitted plans, the project is consistent with the required policies identified above.
- f) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090253.

12. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.

- EVIDENCE:**
- a) Board of Supervisors: Section 20.86.030 of the Monterey County Zoning Ordinance allows an appeal to 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.
 - b) Coastal Commission: Section 20.86.080.A.1 and A.3 of the Monterey County Zoning Ordinance (Title 20). Approved projects between the sea and the first through public road paralleling the sea, and approved projects involving development in the underlying zone as a conditional use, are appealable to the Coastal Commission.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

- A. Categorically exempt PLN090253 per CEQA Guidelines Section 15302; and
- B. Approve a Combined Development Permit consisting of 1) a Coastal Administrative Permit for the demolition of an existing 4,095 square foot single family dwelling with 248 square feet of deck and an attached 429 square foot garage, the construction of a new 5,080 square foot single family dwelling with an attached 670 square foot garage and 644 square feet of deck, and cisterns, 2) a Coastal Development Permit to allow development within 750 feet of a known archaeological resource, 3) a Coastal Development Permit to allow development on slope greater than 30 percent, 4) a Variance from the 18 foot height limit to allow a height above average natural grade of approximately 21.73 feet (net reduction of approximately 1.62 feet from the existing residence), 5) Design Approval, and grading consisting of approximately 1,010 cubic yards of cut and 200 cubic yards of fill (net export of approximately 810 cubic yards), in general conformance with the attached sketch (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 25th day of March, 2010.

MIKE NOVO, ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ON OR BEFORE _____.

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

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

NOTES

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

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

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

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

RESOLUTION 10-_____ - EXHIBIT 1
Monterey County Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: JAGGERS
File No: PLN090253 **APN: 243-031-033-000**
Approved by: Zoning Administrator **Date: March 25, 2010**

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Condition	Compliance Monitoring Actions to be performed where applicable	Responsible Party Contributing	Verification of Compliance (date)
RMA – Planning Department			
1.	<p>PD001 - SPECIFIC USES ONLY This Combined Development Permit (PLN090253) consisting of 1) a Coastal Administrative Permit to allow the demolition of an existing 4,095 square foot single family dwelling with 248 square feet of deck and an attached 429 square foot garage, the construction of a new 5,080 square foot single family dwelling with an attached 670 square foot garage and 644 square feet of deck, and cisterns; 2) a Coastal Development Permit to allow development within 750 feet of a known archaeological resource, 3) a Coastal Development Permit to allow development on slope greater than 30 percent, 4) a Variance from the 18 foot height limit to allow a height above average natural grade of approximately 21.73 feet (net reduction of approximately 1.62 feet from the existing residence), 5) Design Approval, and grading consisting of approximately 1,010 cubic yards of cut and 200 cubic yards of fill (net export of approximately 810 cubic yards). The property is located at 2741 Calle la Cruz, Carmel Meadows (Assessor's Parcel Number 243-031-033-000), Carmel Area Land Use Plan. This permit was</p>	<p>Owner/ Applicant RMA - Planning</p> <p>WRA RMA - Planning</p>	<p>Ongoing, unless otherwise stated.</p>

<p>Permit Application</p>	<p>Responsible Agency</p>	<p>Applicable Ordinance</p>	<p>Comments</p>	<p>Priority</p>	<p>Notes</p>
			<p>approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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. (RMA-Planning Department)</p>		
2.	Owner/ Applicant RMA- Planning	<p>Obtain appropriate form from the RMA-Planning Department.</p> <p>The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.</p>	<p>PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Zoning Administrator for Assessor's Parcel Number 243-031-033-000 on March 25, 2010. The permit was granted subject to twenty (20) conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)</p>	Prior to the issuance of grading and building permits or commencement of use.	
3.	Owner/ Applicant per Archaeologist	<p>Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.</p>	<p>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Dept.)</p>	Ongoing	

Item Number	Conditions of Approval	Responsible Agency	Duration
4.	<p>PD007 - GRADING-WINTER RESTRICTION No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department. (RMA - Planning Department and Building Services Department)</p>	Owner / Applicant	Ongoing
5.	<p>PD009 - GEOTECHNICAL CERTIFICATION Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA - Planning Department and Building Services Department)</p>	Owner / Applicant / Geo-technical consultant	Prior to final inspection.
6.	<p>PD010 - EROSION CONTROL PLAN AND SCHEDULE The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)</p>	Owner / Applicant	Prior to the issuance of grading and building permits. Ongoing
7.	<p>PD011 - TREE AND ROOT PROTECTION Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy</p>	Owner / Applicant	Prior to final inspection. Prior to the issuance of grading and/or

	<p>driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by a certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of the RMA – Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by a certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning Department)</p>		<p>building permits.</p>	
8.	<p>PD012(D) - LANDSCAPE PLAN AND MAINTENANCE - MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (SINGLE FAMILY DWELLING ONLY)</p> <p>The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. 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 RMA - Planning</p>	<p>Submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.</p> <p>Submit photos of the trees on the property to the RMA – Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.</p> <p>Submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval. Landscaping plans shall include the recommendations from the biological survey as applicable.</p> <p>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 RMA - Planning Department.</p> <p>All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be</p>	<p>Owner / Applicant / Arborist</p> <p>Owner / Applicant</p> <p>Owner / Applicant / Licensed Landscape Contractor / Licensed Landscape Architect</p> <p>Owner / Applicant / Licensed Landscape Contractor / Licensed Landscape Architect</p> <p>Owner / Applicant</p>	<p>During construction.</p> <p>Prior to final inspection.</p> <p>Prior to issuance of building permit.</p> <p>Prior to occupancy.</p> <p>Ongoing</p>

		<p>Department. 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. (RMA - Planning Department)</p>	<p>continuously maintained in a litter-free, weed-free, healthy, growing condition.</p>		
9.	<p>PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN</p> <p>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 applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA - Planning Department)</p>	<p>Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.</p> <p>The lighting shall be installed and maintained in accordance with the approved plan.</p>	<p>Owner / Applicant</p>	<p>Prior to the issuance of building permit.</p>	
10.	<p>PD032(A) - PERMIT EXPIRATION</p> <p>The permit shall be granted for a time period of 3 years, to expire on March 25, 2013, unless use of the property or actual construction has begun within this period. (RMA - Planning Department)</p>	<p>The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.</p>	<p>Owner / Applicant</p>	<p>As stated in the conditions of approval</p>	
11.	<p>PD035 - UTILITIES - UNDERGROUND</p> <p>All new utility and distribution lines shall be placed underground. (RMA - Planning Department; Public Works)</p>	<p>Install and maintain utility and distribution lines underground.</p>	<p>Owner / Applicant</p>	<p>Ongoing</p>	

12.	<p>PD041 – HEIGHT VERIFICATION</p> <p>The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (RMA – Planning Department and Building Services Department)</p>	<p>1) The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection.</p> <p>2) The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.</p>	<p>Owner / Applicant</p>	<p>Prior to the issuance of grading and/or building permits.</p>
13.	<p>PD047 – DEMOLITION/DECONSTRUCTION OF STRUCTURES (MBUAPCD RULE 439)</p> <p>In accordance with Monterey Bay Unified Air Pollution Control District Rule 439, construction plans shall include "Demolition and Deconstruction" notes that incorporate the following work practice standards:</p> <ol style="list-style-type: none"> 1. Sufficiently wet the structure prior to deconstruction or demolition. Continue wetting as necessary during active deconstruction or demolition and the debris reduction process; 2. Demolish the structure inward toward the building pad. Lay down roof and walls so that they fall inward and not away from the building; 3. Commencement of deconstruction or demolition activities shall be prohibited when the peak wind speed exceeds 15 miles per hour. <p>All Air District standards shall be enforced by the Air District. (RMA – Planning Department)</p>	<p>Applicant shall incorporate a "Demolition/ Deconstruction" note on the demolition site plan that includes, but is not limited to, the standards set forth in this condition.</p> <p>Contractor shall obtain any required Air District permits and conduct all deconstruction or demolition activities as required by the Air District.</p>	<p>Owner / Applicant / Contractor</p>	<p>Prior to the issuance of a demolition permit.</p> <p>During demolition.</p>

Monterey County Water Resources Agency

14.	<p>WR1 - DRAINAGE PLAN The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)</p>	<p>Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.</p>	<p>Owner / Applicant / Engineer</p>	<p>Prior to issuance of any grading or building permits.</p>	
15.	<p>WR40 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to: a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system. b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)</p>	<p>Compliance to be verified by building inspector at final inspection.</p>	<p>Owner / Applicant</p>	<p>Prior to final building inspection / occupancy.</p>	
16.	<p>WR43 - WATER AVAILABILITY CERTIFICATION The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on</p>	<p>Submit the Water Release Form to the Water Resources Agency for review and approval.</p>	<p>Owner / Applicant</p>	<p>Prior to issuance of any building</p>	

the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. **(Water Resources Agency)**

Carmel Highlands Fire Protection District

17.	<p>FIRE011 - ADDRESSES FOR BUILDINGS</p> <p>All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Carmel Highlands Fire Protection District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection.</p>	<p>Owner / Applicant</p> <p>Owner / Applicant</p>	<p>Prior to issuance of building permit.</p> <p>Prior to final building inspection.</p>
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18.	<p>FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)</p> <p>The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (Carmel Highlands Fire Protection District)</p>	<p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. rough sprinkler inspection.</p> <p>Applicant shall schedule fire dept. final sprinkler inspection.</p>	<p>Owner / Applicant</p> <p>Owner / Applicant</p> <p>Owner / Applicant</p>	<p>Prior to issuance of building permit.</p> <p>Prior to framing inspection.</p> <p>Prior to final building inspection.</p>
19.	<p>FIRE027 - ROOF CONSTRUCTION - (VERY HIGH HAZARD SEVERITY ZONE)</p> <p>All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (Carmel Highlands Fire Protection District)</p>	<p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p>	<p>Owner / Applicant</p>	<p>Prior to issuance of building permit.</p>
RMA - Public Works Department				
20.	<p>PW0044 - CONSTRUCTION MANAGEMENT PLAN</p> <p>The applicant shall submit a Construction Management Plan (CMP) to the RMA-Planning Department and the Department of Public Works for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project and shall provide the following information: Duration of the construction, hours of operation, an estimate of the number of truck trips that will be</p>	<p>Applicant shall prepare a CMP and submit the CMP to the RMA-Planning Department and the Department of Public Works for review and approval.</p> <p>The approved measures shall be implemented during the construction/grading phases of the</p>	<p>Owner / Applicant / Contractor</p> <p>Owner / Applicant / Contractor</p>	<p>Prior to issuance of grading or building permits.</p> <p>Ongoing through all grading and con-</p>

Permit File Number	Conditions of Approval and/or Mitigation Measures and Proposed Implementation	Completion Timeline to be provided by the applicant (qualified professionals required for action to be accepted)	Responsible Party for Compliance	Verification of Compliance (date)
	generated, truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project. (Public Works)	project.	struction phases.	

END OF CONDITIONS