

**Before the Planning Commission
in and for the County of Monterey, State of California**

In the matter of the application of:

TIMBER RIDGE PRESERVE LLC (PLN230310)

RESOLUTION NO. 25 -034

Resolution by the Monterey County Planning
Commission:

- 1) Considering an Addendum together with a previously certified EIR for the Santa Lucia Preserve Subdivision (EIR No. 94-005/Resolution No. 96-059) pursuant to CEQA Guidelines Section 15164;
- 2) Approving a Combined Development Permit consisting of:
 - a. Administrative Permit and Design Approval for a 3,870 square foot single family dwelling with a 977 square foot garage;
 - b. Use Permit to allow the removal of 28 protected trees (22 Valley Oaks & 6 Coastal Oaks); and
 - c. Use Permit for development on slopes in excess of 30%.

[PLN230310, Timber Ridge Preserve LLC, 40 Arroyo Sequoia, Carmel (Santa Lucia Preserve – Lot 115), Greater Monterey Peninsula Area Plan (Assessor's Parcel Number: 239-091-040-000)]

The TIMBER RIDGE PRESERVE LLC application (PLN230310) came on for a public hearing before the Monterey County Planning Commission on September 24, 2025.

Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Planning Commission 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 2010 Monterey County General Plan;
 - Greater Monterey Peninsula Area Plan; and
 - Monterey County Zoning Ordinance (Title 21).No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) Allowed Use. The 38.7-acre parcel is located at 40 Arroyo Sequoia, Carmel, (Assessor's Parcel Number 239-091-040-000), Santa Lucia Preserve Phase B (Lot 115) - within the Greater Monterey Peninsula Plan area. The parcel is zoned Resource Conservation with a maximum gross density of one unit/40 acres with Design Control and Site Plan Review overlays ("RC/40-D-S"), which allows one single family dwelling per legal lot of record. The project is a Combined Development Permit consisting of an Administrative Permit and Design Approval to allow the construction of a 4,847 square foot single family dwelling with an 1,142 square foot garage and associated site improvements, a Use Permit to allow development on slopes in excess of 30 percent and a Use Permit for removal of 28 protected oak trees. Grading consists of approximately 880 cubic yards of cut and 515 cubic yards of fill. Therefore, the project is an allowed use for this site.
- c) Lot Legality. The property is shown in its current configuration as Lot 115 on the map of Tract No. 1333 "Santa Lucia Preserve Phase B," filed for record December 7, 1999, in Volume 20 of Maps, "Cities and Towns," at Page 33, Official Records of Monterey County, California. Therefore, the County recognizes the parcel as a legal lot of record.
- d) Development Standards. The proposed structure is located within the "homeland boundary" (designated building envelope) on the property. The development standards for the RC zoning district are identified in Title 21 Section 21.36.060. Required setbacks for main dwellings are 30 feet - front, and 20 feet – side and rear. As proposed, the split-level single-family dwelling would be over 170-feet from the nearest property line. The maximum allowed height is 30 feet, while the height of the single-family dwelling would be 27 feet 2 inches above average natural grade.
- e) Site Coverage. Pursuant to Title 21 Section 21.36.060.E, the maximum allowed site coverage is 25 percent. The property is 38.7-acres, or approximately 1,683,947 square feet, which allows site coverage of 420,987 square feet. The structural site coverage proposed is 4,397 square feet (.3%) while the total site coverage (including decks, patios, asphalt driveway, walkways and auto court) is 20,018 square feet (1.2%). Thus, the project coverage is within the maximum thresholds allowed.
- f) Design/Neighborhood and Community Character. Pursuant to Title 21 Chapter 21.44, the project includes a Design Approval to allow for the proposed development. As demonstrated in Finding No. 3 and supporting evidence, the new single-family dwelling with attached garage is consistent with the purpose and regulations of the Design Control District.
- g) Site Plan Review. The property is subject to the Site Plan Review "S" overlay zoning district, which provides regulations for where development, by reason of its location, has the potential to adversely affect or be adversely affected by natural resources or site constraints. The development is restricted to the designated "homeland boundary" and has been appropriately sited to minimize impact to slopes in excess of 30 percent and to minimize removal of protected trees. A fuel management plan (LIB240081) was included in the application which

provides measures for maintaining vegetation surrounding the home in order to reduce fire hazards. A geotechnical report (LIB240066) was prepared for the project which analyzed the soil conditions of the site and determined that they are suitable for the proposed development. A condition of approval is included (#10 – “Notice of Report”) requiring that the recommendations contained in both of these documents are complied with.

- h) Land Use Advisory Committee (LUAC) Review. The proposed project did not require referral to a Land Use Advisory Committee (LUAC) as it is not located within a LUAC review boundary, pursuant to the Board of Supervisors' adopted LUAC Guidelines. Further, the project site is visible from other areas within the Preserve, and in accordance with the related Covenants, Conditions and Restrictions, the project has been reviewed and approved by the Santa Lucia Preserve Design Review Board.
- i) The project planner conducted a site inspection on August 20, 2025, to verify that the project on the subject parcel conforms to the plans submitted.
- j) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning as found in Project File PLN230310.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and Monterey County Regional Fire Protection District (FPD). County staff has reviewed the application materials and plans to verify that the project conforms to the applicable plans and regulations, and there has been no indications that the site is not suitable for the development. Conditions recommended have been incorporated.
 - b) Staff identified potential impacts regarding biological and tree resources, soils, and fuel management within a designated “very high” Fire Hazard Zone. The following reports have been prepared:

- "Fischell Residence Tree Resource Assessment and Management Plan" (Library No. LIB240065), prepared by Frank Ono on September 30, 2023
- "Lot 115 Fuel Management Plan" (LIB240081) prepared by Benjamin R. Eichorn on September 28, 2023.
- "Soil Engineering Investigation for the Fischell Residence" (LIB240066) prepared by Landset Engineers, August 2022"

County staff has 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 proposed. All development shall be in accordance with these reports.

- c) Staff conducted a site inspection on August 20, 2025, to verify that the site is suitable for this use.

- d) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning as found in Project File PLN230310.

3. FINDING: **DESIGN** – The design of the proposed project assures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity without imposing undue restrictions on the private property.

- EVIDENCE:**
- a) Pursuant to Chapter 21.44 of Title 21 of the Monterey County Code (MCC), the purpose of the Design Control District is to regulate the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character.
 - b) Neighborhood Character. The proposed single-family dwelling is comparable in size and appearance to other dwellings in the vicinity. The project includes construction of a single-family dwelling on a vacant lot within the Santa Lucia Preserve. The project is compliant with all codified height, setback, coverage, and floor area limitations.
 - c) Design, Materials and Colors. The proposed exterior colors and materials are consistent with the area's setting and with the surrounding residences. The single-family dwelling is a low-profile split-level design which integrates with the hillside location. Proposed colors and materials include light-grey stucco walls, weathered copper roofing and dark bronze fixtures. Exterior lighting will consist of path lights and wall mount fixtures which comply with the Monterey County lighting policies. A condition of approval is included (#9) which requires "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 project also includes a formal landscape plan and fuel management plan. Site improvements consist of an asphalt driveway, concrete retaining walls, an auto court, planter boxes and patios to include an outdoor kitchen.
 - d) Visual Resources. The site was staked and flagged, and a site visit was conducted on August 20, 2025, to verify the visual integrity of the proposed development. The single-family dwelling would be situated amongst the existing mature Coast live oak trees on the property and is designed to be subordinate to the natural features of the area. The project site is not visible from Carmel Valley Road. As proposed, the project assures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity.
 - e) The project planner conducted a site inspection on August 20, 2025, to verify that the project conforms to the plans submitted (**Exhibit C** of the September 24, 2025, Planning Commission Staff Report). Based on the evidence described above, the proposed structure and use are consistent with the surrounding residential neighborhood character.

- f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County HCD - Planning for the proposed development as found in Project File PLN230310.

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, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and Monterey County Regional (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. A letter from the Santa Lucia Community Services District (CSD) dated February 13, 2024, indicates “sufficient water flow and pressure” to serve the subject parcel. Sewer service is also confirmed – to be provided by the Santa Lucia Preserve wastewater reclamation facility.
 - c) The subject parcel is located within a State Responsibility Area classified with a “very high” fire hazard rating. Accordingly, the construction of the single-family dwelling is compliant with current fire and building code standards. The project also includes a Fuel Management Plan and a related condition of approval (#10) to ensure fire safety regulations are satisfied.
 - d) Staff conducted a site inspection on August 20, 2025, to verify that the site is suitable for this use.
 - e) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning as found in Project File PLN230310.

5. **FINDING:** **DEVELOPMENT ON SLOPE** – There is no feasible alternative which would allow development to occur on slopes less than 30 percent and the development better meets the objectives of the 2010 General Plan and Greater Monterey Peninsula Area Plan than development alternatives.

- EVIDENCE:**
- a) Greater Monterey Peninsula Area Plan Policy GMP-1.6 establishes Rancho San Carlos (Santa Lucia Preserve) as a Special Treatment Area. Accordingly, development follows the policies of the Santa Lucia Preserve Comprehensive Plan which utilizes a threshold of 30 percent or greater to define steep slopes. The overall subject parcel is predominately (75%+) slopes in excess of 30 percent, and roughly half of the 2.7-acre homeland boundary is comprised of slopes in excess of 30 percent. The total proposed development area on slopes in excess of 30% is 2,056 square feet – with 1,277 square feet (approx. 62%) attributed solely to the new driveway. Given the sloped nature of the

parcel and the predominant existing vegetation, there is no feasible alternative building site on the subject property that better meets the goals, policies and objectives of the Monterey County General Plan and Greater Monterey Peninsula Area Plan.

- b) The project planner conducted a site inspection on August 20, 2025, to verify that the project minimizes development on slopes exceeding 30 percent, in accordance with the applicable goals, policies of the General Plan and Title 21.
- c) A geotechnical investigation (LIB240066) prepared for the project concludes that the site is suitable for the proposed development.
- d) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning as found in Project File PLN230310.

6. FINDING: SANTA LUCIA PRESERVE SUBDIVISION (PHASE A, B and C): TREE REMOVAL – The project is consistent with all tree removal conditions pursuant to Use Permit PC94067 (Resolution No. 96-060) for the Santa Lucia Preserve Subdivision.

EVIDENCE: a) The project proposes the removal of 28 oak trees:

- Coast live oak – 6, no landmark sized
- Valley oak – 22, one landmark sized (24”+) and six deceased trees

Tree replacement will be consistent with the replacement measures approved for the Santa Lucia Preserve, at a ratio of 3:1 for non-landmark and 5:1 for landmark trees. Noting that the 6 deceased trees do not require replacement, the 21 living, non-landmark, oak trees will be replaced by 63 oaks (3:1) and the landmark tree will be replaced by 5 oaks – for 68 total replacement trees.

- b) A detailed Arborist Report (LIB240065) was prepared for this project. The project as originally proposed would have removed approximately 35 oak trees; however, the project has been redesigned to reduce removals to 28 trees.
- c) The project requires an addendum to the Santa Lucia Preserve EIR. Though the tree removal amount proposed exceeds what was approved for the individual lot, it is consistent with overall removals analyzed in the Santa Lucia Preserve EIR (Resolution No. 94-005).
- d) Pursuant to Title 21 Section 21.64.260, the project requires approval of a Use Permit for the removal of the oak trees. These removals require the making of a finding that the tree removal is the minimum required under the circumstances and that the removals will not involve a risk of adverse environmental impacts. The arborist report has identified 260 trees within the designated 2.7-acre homeland boundary building envelope – a density of nearly 100 trees per acre. Accordingly, development pertaining to a single family dwelling would require extensive tree removal. The applicant has re-designed the driveway to create an approach which is slightly longer than the initial design, but which also reduces the number of trees requiring removal. The project-specific “Tree Resource Assessment and Management Plan”

drafted by Frank Ono notes: *“The trees to be removed are in the driveway and building site. These removals are the minimum necessary for this design to succeed and do not pose a risk of substantial adverse impact on other valuable resources on the site. Areas of oaks are growing in a compacted stand, in need of thinning for reduced fuel load. The design maintains the existing 38+ acres of oak woodland environment and allows the woodland to continue to exist and regenerate over time.”*

- e) The County’s tree root protection condition was added to the project to prevent damage to the remaining oak trees on site during construction. Also, a condition of project approval has been applied which requires the applicant to submit evidence of tree replacement, as well as follow-up letter prepared by a County-approved tree consultant to confirm the long-term viability of the planted trees.
- f) The project is consistent with Title 21 Section 21.64.260 of the Monterey County Zoning Ordinance, in that the project has been sited to require the least amount of tree removal under the circumstance while also avoiding additional adverse environmental impacts.
- g) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning as found in Project File PLN230310.

7. FINDING: CEQA – (Addendum) – An Addendum to a previously certified EIR was prepared in accordance with CEQA Guidelines Section 15164 to reflect changes or additions in a project that do not cause substantial changes and which do not present new information that would require major revisions to the certified EIR.

- EVIDENCE:**
- a) An Environmental Impact Report for the Santa Lucia Preserve Subdivision was prepared and certified by the Board of Supervisors February 6, 1996 (EIR #94-005/Resolution #96-059).
 - b) An Addendum to the Environmental Impact Report for the Santa Lucia Preserve Subdivision was prepared for this project pursuant to CEQA Guidelines Section 15164 (*Addendum to an EIR or Negative Declaration* – Exhibit J of the September 24, 2025 staff report).
 - c) Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, when an EIR has been certified, no subsequent EIR shall be prepared for the project unless the lead agency determines that substantial changes are proposed which require major revisions to the previous EIR, or if newly acquired information indicates that the prior EIR may be inadequate. In this case, no new information has been presented to warrant further environmental review. The proposed structures are within a designated building envelope, and the proposed tree removal is within the overall tree removal previously analyzed for the subdivision. Accordingly, none of the conditions detailed in Section 15162 requiring the preparation of a subsequent EIR or Negative Declaration have occurred.

- d) The Forest Management Plan prepared by Ralph Osterling for the Environmental Impact Report (EIR) in 1994 provided specific tree removal estimates for each lot created by the subdivision. The subject Lot (#115) had an estimated removal of 2 protected trees. The addendum was prepared to address impacts related to the removal of 26 additional protected trees for this project.
- e) The project proposes construction of a new 3,870 square foot single-family dwelling with attached 977 square foot garage, 1,171 square feet of exterior patios and decks, and a 3,467 square-foot auto court.
- f) The subject application requests the removal of 28 protected trees (Coast live oak and Valley oak) to accommodate construction. The project is consistent with all tree removal conditions pursuant to Use Permit PC94067 (Resolution No. 96-060) for the Santa Lucia Preserve Subdivision. As part of the EIR, removal of 1,480 trees were contemplated for the subdivision Phases A-C (This project is within Phase B). To date, 724 trees have been approved for removal. As a whole, approximately 52.3% of the lots (133 of 254) in Phases A-C have been developed while allotted tree removals stand at approximately 48.9% (724 of 1480). The 28 trees proposed for removal for this project would represent an additional 1.9 percent of the total trees approved for removal within all of the homeland boundaries.
- g) Tree replacement will be consistent with replacement measures approved for the Santa Lucia Preserve, Potrero and Chamisal Subdivisions, at a ratio of 3:1 for non-landmark and 5:1 for landmark trees (24"+ in diameter). Accordingly, the 21 removed living oak trees will be replaced by 63 oaks (3:1) and the landmark tree will be replaced by 5 oaks (5:1) – for 68 total replacement trees. Deceased trees are not required to be replaced.
- h) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning as found in Project File PLN230310.

8. 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 conducted a site inspection on August 20, 2025, and reviewed Monterey County HCD-Planning and HCD-Building Services records. Staff is not aware of any violations existing on subject property.

b) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning as found in Project File PLN230310.

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

EVIDENCE: Pursuant to Title 21 Section 21.80.050.A, an appeal of the Planning Commission's approval or denial for this project may be made to the Board of Supervisors by any public agency or person aggrieved by their decision.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

1. Consider an Addendum together with a previously certified EIR for the Santa Lucia Preserve Subdivision (EIR No. 94-005/Resolution No. 96-059) pursuant to CEQA Guidelines Section 15164;
2. Approve a Combined Development Permit consisting of:
 - a. Administrative Permit and Design Approval for a 3,870 square foot single family dwelling with a 977 square foot garage;
 - b. Use Permit to allow the removal of 28 protected trees (22 Valley Oaks & 6 Coastal Oaks); and
 - c. Use Permit for development on slopes in excess of 30%.

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

PASSED AND ADOPTED this 24th day of September 2025, upon motion of Commissioner Gomez, seconded by Commissioner Hartzell, by the following vote:

AYES: Getzelman, Mendoza, Gomez, Hartzell, Gonzalez, Roberts, Work

NOES: None

ABSENT: Monsalve, Diehl, Shaw

ABSTAIN: None

DocuSigned by:

Melanie Beretti

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Melanie Beretti, AICP, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON **SEPTEMBER 24, 2025**.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD'S OFFICE ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **OCTOBER 6, 2025**.

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

NOTES

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

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or

until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

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

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

County of Monterey HCD Planning

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

PLN230310

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation This Combined Development Permit (PLN230310) allows:

Monitoring Measure:

- a. Administrative Permit and Design Approval for a 3,870 square foot single family dwelling with a 977 square foot garage;
- b. Use Permit to allow the removal of 28 protected trees (22 Valley Oaks & 6 Coastal Oaks); and
- c. Use Permit to allow development on slopes in excess of 30%.

The property is located at 40 Arroyo Sequoia, Carmel, Santa Lucia Preserve - Phase B (Assessor's Parcel Number 239-091-040-000), Carmel Valley Master 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 The applicant shall record a Permit Approval Notice. This notice shall state:

Monitoring Measure: "A Combined Development Permit (Resolution Number 25-034) was approved by the Monterey County Planning Commission for Assessor's Parcel Number 239-091-040-000 on September 24, 2025. The permit was granted subject to 16 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 Prior to the issuance of grading and building permits, certificates of compliance, or
Action to be commencement of use, whichever occurs first and as applicable, the Owner/Applicant
Performed: shall provide proof of recordation of this notice to the HCD - Planning.

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

Responsible Department: Planning

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

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

Action to be Prior to the issuance of grading or building permits and/or prior to the recordation of the
Performed: final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County HCD - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

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

4. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: Planning

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

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

5. PD007- GRADING WINTER RESTRICTION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of HCD - Building Services. (HCD - Planning and HCD - Building Services)

Compliance or Monitoring Action to be Performed: The Owner/Applicant, on an on-going basis, shall obtain authorization from the Director of HCD - Building Services Department to conduct land clearing or grading between October 15 and April 15.

6. PD011 - TREE AND ROOT PROTECTION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy 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 certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of HCD - 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 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. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to HCD - Planning for review and approval.

During construction, the Owner/Applicant/Arborist shall 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.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to HCD-Planning after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

7. 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.

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

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: 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 HCD - Planning . 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 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 fences shall be continuously maintained by the Owner/Applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

9. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The lighting source shall be shielded and recessed into the fixture. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of HCD - Planning, prior to the issuance of building permits.
(HCD - Planning)

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

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

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

10. PD016 - NOTICE OF REPORT

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:
"The following reports are on file in Monterey County HCD - Planning. All development shall be in accordance with these reports:
- "Fischell Residence Tree Resource Assessment and Management Plan" (Library No. LIB240065), prepared by Frank Ono on September 30, 2023
- "Lot 115 Fuel Management Plan" (LIB240081) prepared by Benjamin R. Eichorn on September 28, 2023.
- "Soil Engineering Investigation for the Fischell Residence" (LIB240066) prepared by Landset Engineers, August 2022"
(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. PD048 - TREE REPLACEMENT/RELOCATION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Within 60 days of permit approval, the applicant shall replace and or relocate each tree approved for removal as follows:

- Replacement ratio recommended by arborist: 3:1 for non-landmark and 5:1 for landmark trees (24"+ in diameter)
- Other: The 21 removed living oak trees will be replaced by 63 oaks (3:1) and the landmark tree will be replaced by 5 oaks – for 68 total replacement trees

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.

12. 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.

13. PD052 - PRE-CONSTRUCTION MEETING

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: A project arborist/forester shall be retained and before the start of construction a meeting and training session shall be conducted to communicate and instruct personnel about tree removal, retention, and protection. The pre-construction meeting will include instructions on required tree protection and exclusionary fencing installation before grading, excavation, and construction procedures.

Meeting attendees shall include all involved parties such as site clearance personnel, construction managers, heavy equipment operators, and tree service operators. A Monterey County-qualified forester or County-qualified arborist shall conduct the training.

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall be responsible for ensuring that all appropriate contractors and technical consultants are in attendance. A list of the pre-construction meeting attendees and the materials discussed shall be provided to HCD-Planning prior to the commencement of any grading or tree removal.

14. PW0006 - CARMEL VALLEY

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: The Applicant shall pay the Carmel Valley Master Plan Area Traffic Mitigation fee pursuant to the Board of Supervisors Resolution NO. 95-140, adopted September 12, 1995 (Fees are updated annually based on CCI).

Compliance or Monitoring Action to be Performed: Prior to Building Permits Issuance Owner/Applicant shall pay to PBI the required traffic mitigation fee.

15. 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.

16. 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 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 County'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.