

# Attachment A

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

In the matter of the application of:

**Bella Designs LLC (PLN140219)**

**RESOLUTION NO. 16-018**

Resolution by the Monterey County Planning

Commission:

- a) Adopting a Mitigated Negative Declaration; and
- b) Approving a Combined Development Permit consisting of: 1) Coastal Administrative Permit to demolish an existing 4,727 square foot residence and 650 square foot garage and construct a new 6,481 square foot single family dwelling, attached 1,265 square foot garage, 503 square foot loggia, 1,696 square foot covered terrace with 121 square foot spa; 2) Coastal Development Permit to allow development within 750 feet of a known archaeological resource; and 3) Design Approval; subject to 31 conditions of approval.

PLN140219, Bella Designs LLC, 165 Spindrift Road, Carmel (Assessor's Parcel Number 241-251-011-000), Carmel Area Land Use Plan

**The Bella Designs LLC application came on for public hearing before the Monterey County Planning Commission on August 31, 2016. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the 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) The application for a Combined Development Permit was submitted on September 18, 2014. The initial submittal was deemed complete on April 20, 2016. During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
  - the 1982 Monterey County General Plan;
  - Carmel Area Land Use Plan;
  - Monterey County Coastal Implementation Plan Part 4;
  - Monterey County Zoning Ordinance (Title 20);No conflicts were found to exist.  
b) The parcel is zoned “LDR/1-D (CZ)” [Low Density Residential, 1 acre per unit with a Design Control Overlay in the Coastal Zone], which

allows the establishment of a single-family dwelling, subject to the approval of a Combined Development Permit, consisting of a Coastal Administrative Permit for construction of a residence and a Coastal Development Permit for development within 750 feet of a known archaeological resource, and a Design Approval. Therefore, the project is an allowed land use for this site.

- c) The project planner conducted a site inspection on October 21, 2014 and verified that the project on the subject parcel conforms to the attached plans.
- d) The proposed project was reviewed by the Carmel Highlands Land Use Advisory Committee (LUAC) on October 6, 2014. The LUAC recommended approval of the project by a vote of 6-0 (Exhibit C). All LUAC concerns have been addressed by conditions of approval, which have been incorporated into Exhibit B of this staff report, specifically condition nos. 11 and 14 (exterior lighting and height verification).
- e) 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. There are no known violations on the subject parcel.
- f) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN150665.

**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, Carmel Highlands Fire Protection District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
- b) Staff identified potential impacts to Archaeological and Architectural/Historical Resources. The following reports have been prepared:
  - “Additional Plan Review for 165 Spindrift, Carmel Highlands” (LIB140345) prepared by Archaeological Consulting, Salinas, CA, March 2016.
  - “Focused Phase II Historic Assessment” (LIB130110) prepared by Kent L. Seavey, Pacific Grove, CA, February 10, 2013.
  - “Geotechnical Investigation” (LIB140346) prepared by Soil Surveys Inc., Salinas, CA, April 17, 2014.The above-mentioned 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 has independently reviewed these reports and concurs with their conclusions.

- c) Necessary public facilities are available. Water will be provided by California American Water Company and sewer will be provided by an onsite septic system, which has been reviewed by the Environmental Health Bureau.

3. **FINDING:** **Design.** The location, size, configuration, materials, and colors of structures and fences are designed to protect the public viewshed, neighborhood character, and to assure the visual integrity of the area.

**EVIDENCE:**

- a) The site has been designed to not require removal of any existing trees. The project has been conditioned to ensure protection of the trees that will remain. (Condition 30)
- b) The contemporary design of the proposed residence maintains a much lower profile than the existing main structure. Exterior materials and colors of the proposed structures will consist of stucco siding with stone veneer, aluminum framed doors and windows, copper rain gutters and downspouts, and a standing seam metal roof. Policy 2.2.3.6 of the Carmel Land Use Plan states: "*Structures shall be subordinate to and blended into the environment, using appropriate materials that that effect. Where necessary, modification of plans shall be required for siting, structural design, color, texture, building materials, access and screening.*" Implementation of the project would not require removal of trees and the proposed structure would have a lower profile than the existing structures on the site, with an approximate 18-foot differential between the existing roof peak and the ridge of the proposed roof. The lower house design is much more in keeping with being subordinate to and blended into the environment.
- c) In addition, the project has been conditioned to submit a lighting plan for review and approval prior to issuance of any construction permits to insure that there is no light spill over onto adjacent property and that all light sources are shielded. Implementation of the proposed design techniques and the standard condition (Condition 11) of approval for exterior lighting protect nighttime views in the area.

4. **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 in the Carmel Land Use Plan).

5. **FINDING:** **CEQA (Mitigated Negative Declaration)** - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration prepared for the project reflects the independent judgment and analysis of the County.

**EVIDENCE:**

- a) Monterey County RMA-Planning prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of RMA-Planning and is hereby incorporated by reference (PLN140219).
- b) The Initial Study identified potentially significant effects, however, the applicant has agreed to mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
- c) All actions required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan have been prepared in accordance with Monterey County regulations, and is intended to ensure compliance during project implementation, and is hereby incorporated by reference. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval (condition no. 6).
- d) The Mitigated Negative Declaration ("MND") for PLN140219 was prepared in accordance with CEQA and circulated for public review from July 6, 2016 through August 5, 2016.
- e) Issues that were analyzed in the Mitigated Negative Declaration include: aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, and utility/service systems.
- f) Due to the proximity of the work to a known archeological site, mitigation measures have been proposed to protect existing resources and to have an archaeological monitor present during excavation to determine if unexpected resources are uncovered during excavation.
- g) The Superior Court of the State of California, County of Monterey in Case number 15CV000862 determined that the existing home on site is not historic.
- h) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 2/Site Suitability), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings. These

documents are on file in RMA-Planning (PLN140219) and are hereby incorporated herein by reference.

- i) Staff analysis contained in the Initial Study and the record as a whole indicate the project would not result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Wildlife (CDFW) regulations, however, land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Wildlife determines that the project will have no effect on fish and wildlife resources.
- j) No comments from the public were received during the circulation period.
- k) Monterey County RMA-Planning, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

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

**EVIDENCE:** a) Section 20.86.030.A of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.  
b) Section 20.86.080.A.3 of the Monterey County Zoning Ordinance states that the proposed project is subject to appeal by/to the Coastal Commission because the application involves development between the sea and the first through public road.

## DECISION

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

- a) Adopts the Mitigated Negative Declaration; and
- b) Approve a Combined Development Permit consisting of: 1) Coastal Administrative Permit to demolish an existing 4,727 square foot residence and 650 square foot garage and construct a new 6,481 square foot single family dwelling, attached 1,265 square foot garage, 503 square foot loggia, 1,696 square foot covered terrace with 121 square foot spa; 2) Coastal Development Permit to allow development within 750 feet of a known archaeological resource; and 3) Design Approval, in general conformance with the attached plan and subject to the attached 31 conditions of approval, all being attached hereto and incorporated herein by reference.

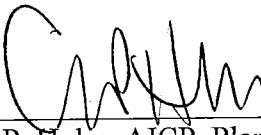
**PASSED AND ADOPTED** this 31<sup>st</sup> day of August, 2016 upon motion of Commissioner Vandevere, seconded by Commissioner Diehl, and passed by the following vote:

AYES: Ambriz, Diehl, Getzelman, Hert, Mendez, Padilla, Roberts, Vandevere

NOES: None

ABSENT: Duflock, Rochester

ABSTAIN: None



Carl P. Holm, AICP, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON SEP - 2 2016.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE SEP 12 2016.

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

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

NOTES

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

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

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

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

Form Rev. 5-14-2014

# Monterey County RMA Planning

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

PLN140219

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** This Combined Development Permit (PLN140219) allows the demolition of a 4,727 square foot single family dwelling and a 650 square foot attached garage, and the construction of a 6,481 square foot single-family dwelling with an attached 1,265 square foot garage, loggia, terrace, and spa, within 750 feet of a known archaeological resource. The property is located at 165 Spindrift Road, Carmel, Carmel Area Land Use Plan (Assessor's Parcel Number 241-251-011-000). 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 RMA - 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. (RMA - Planning)

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

### 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state: "A Combined Development Permit (Resolution Number 16-018) was approved by Planning Commission for Assessor's Parcel Number 241-251-011-000 on August 31, 2016. The permit was granted subject to 31 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

**Compliance or Monitoring Action to be Performed:** Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of grading and building permits. (RMA - Planning)

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

**3. PD002(A) - ATTACH RESOLUTION TO CONSTRUCTION PLANS**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** A copy of the Resolution of Approval (Resolution No. 16-018) for the Combined Development Permit (Planning File No.: PLN140219) shall be incorporated onto the construction plans for the project prior to the issuance of a grading or building permit. The Contractor/Owner/Applicant shall be responsible for compliance with all conditions of approval. (RMA - Planning)

**Compliance or Monitoring**  
**Action to be Performed:** Prior to commencement of any grading or construction activities, the Owner/Applicant shall submit evidence to RMA-Planning for review and approval, that the Resolution of Approval, for the project, has been incorporated onto the construction plans for the project/approved development.

Ongoing throughout construction and until all Conditions of Approval and/or Mitigation Measures have been complied with, the Contractor/Owner/Applicant shall provide evidence of compliance with Conditions of Approval to the Responsible Land Use Department as specified in the "Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan."

#### 4. PD003(B) - CULTURAL RESOURCES POSITIVE ARCHAEOLOGICAL REPORT

**Responsible Department:** RMA-Planning

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

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

If the coroner determines the remains to be Native American:

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

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

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

(RMA - Planning)

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

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final/parcel map.

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

## 5. PD005 - FISH & GAME FEE NEG DEC/EIR

**Responsible Department:** RMA-Planning

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

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

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

## 6. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

**Responsible Department:** RMA-Planning

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

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

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

## 7. PD006(A) - CONDITION COMPLIANCE FEE

**Responsible Department:** RMA-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.

## 8. PD007- GRADING WINTER RESTRICTION

**Responsible Department:** RMA-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 RMA - Building Services. (RMA - Planning and RMA - Building Services)

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

## 9. PD011 - TREE AND ROOT PROTECTION

**Responsible Department:** RMA-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 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 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)

**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 RMA - 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 RMA-Planning after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

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

**Responsible Department:** RMA-Planning

**Condition/Mitigation** 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 RMA - 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 RMA - 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. (RMA - Planning)

**Compliance or Monitoring** Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and contractor's estimate to RMA - 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."

**Action to be Performed:**

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 RMA-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 RMA-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 RMA - 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.

## 11. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN

**Responsible Department:** RMA-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 RMA - Planning, prior to the issuance of building permits.  
(RMA - 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 RMA - 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.

## 12. PD016 - NOTICE OF REPORT

**Responsible Department:** RMA-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 were prepared by outside consultants and are on file in Monterey County RMA - Planning. All development shall be in accordance with these reports:

- "Additional Plan Review for 165 Spindrift, Carmel Highlands" (LIB140345) prepared by Archaeological Consulting, Salinas, CA, March 2016.
- "Focused Phase II Historic Assessment" (LIB130110) prepared by Kent L. Seavey, Pacific Grove, CA, February 10, 2013.
- "Geotechnical Investigation" (LIB140346) prepared by Soil Surveys Inc., Salinas, CA, April 17, 2014

(RMA - 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 RMA - 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 RMA - Planning.

### 13. PD032(A) - PERMIT EXPIRATION

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The permit shall be granted for a time period of 3 years, to expire on August 10, 2019 unless use of the property or actual construction has begun within this period. (RMA-Planning)

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

### 14. PD041 - HEIGHT VERIFICATION

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible on-site until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor to the Director of RMA - Building Services 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 and RMA - Building Services)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading or building permits, the Owner/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.

Prior to the foundation pre-pour inspection, the Owner/Applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of RMA- Building Services for review and approval, that the height of first finished floor from the benchmark is consistent with what was approved on the building permit.

Prior to the final inspection, the Owner/Applicant/Engineer shall provide evidence from a licensed civil engineer or surveyor, to the Director of RMA- Building Services for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.

## 15. PD047 - DEMOLITION/DECONSTRUCTION (MBUAPCD RULE 439)

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** 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:

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.

All Air District standards shall be enforced by the Air District.

(RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of a demolition permit, if applicable, the Owner/Applicant/Contractor 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.

During demolition, the Owner/Applicant/Contractor shall obtain any required Air District permits and the Air District shall conduct all deconstruction or demolition inspection activities as required by the Air District.

## 16. PD052 - PRE-CONSTRUCTION MEETING

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Prior to the commencement of any grading or construction activities, a pre-construction meeting shall be held on the site. The meeting shall include representatives of each of the selected contractors, any consultant who will conduct required monitoring, the Owner/Applicant, the RMA-Planning Department and any other appropriate County Departments. The purpose of the meeting is to review the conditions of approval that are applicable to the grading and construction of the approved development. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to commencement of any grading or construction activities, the Owner/Applicant shall contact RMA-Planning to schedule a pre-construction meeting prior to commencement of any grading or construction activities. The Owner/Applicant shall be responsible for ensuring that all appropriate contractors and technical consultants are in attendance. RMA-Planning staff shall be responsible for identifying and notifying other County Departments that should attend the meeting (if applicable).

## 17. PW0044 - CONSTRUCTION MANAGEMENT PLAN

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** 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 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.

**Compliance or Monitoring Action to be Performed:**

1. Prior to issuance of the Grading Permit or Building Permit Owner/Applicant/Contractor shall prepare a CMP and shall submit the CMP to the RMA-Planning Department and the Department of Public Works for review and approval.
2. On-going through construction phases Owner/Applicant/Contractor shall implement the approved measures during the construction/grading phase of the project.

## 18. WR002 - STORMWATER CONTROL

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** The applicant shall provide a drainage plan, prepared by a registered civil engineer or licensed architect, to mitigate on-site and off-site impacts. Impervious surface stormwater runoff shall be dispersed at multiple points, on the least steep available slopes, away from and below any septic leach fields. Erosion control shall be provided at each outlet. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any construction permit, the owner/applicant shall submit a drainage plan with the construction permit application. The Building Services Department will route a plan set to the Water Resources Agency for review and approval.

## 19. SLOPE SETBACK REQUIREMENT

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The proposed building(s) shall be setback from the ascending and descending slopes in accordance with the California Building Code. The applicant shall submit plans that include supporting calculations and cross-sections certifying compliance. If an alternate setback is requested, the applicant shall submit an updated Geotechnical Report that considers the material, height of slope, slope gradient, load intensity, and erosion characteristics of slope material to demonstrate the intent of the setback requirement has been satisfied. (RMA-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit the information to RMA-Environmental Services for review and approval.

## 20. EROSION CONTROL PLAN

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit an Erosion Control Plan identifying the proposed methods to control runoff and erosion. The plan shall include the location and details for all selected erosion control measures. The Erosion Control Plan may be incorporated into other required plans provided it is clearly identified. (RMA-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit an Erosion Control Plan to RMA-Environmental Services for review and approval.

## 21. GEOTECHNICAL CERTIFICATION

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall provide certification from a licensed Geotechnical Engineer that all development has been constructed in accordance with the recommendations in the project Geotechnical Investigation. (RMA-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant shall provide RMA-Environmental Services a letter from a licensed Geotechnical Engineer.

## 22. GRADING PLAN

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a grading plan incorporating the recommendations from the Geotechnical Investigation prepared by Soil Surveys Inc. The Grading Plan shall be stamped by a licensed Geotechnical Engineer. (RMA-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit a Grading Plan to RMA-Environmental Services for review and approval.

### 23. INSPECTION-DURING ACTIVE CONSTRUCTION

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall schedule an inspection with RMA-Environmental Services, during active construction, to review the maintenance and effectiveness of BMPs installed, as well as, to verify that pollutants of concern are not discharged into receiving water bodies. (RMA – Environmental Services)

**Compliance or Monitoring Action to be Performed:** During construction, The applicant shall schedule an inspection with RMA-Environmental Services.

### 24. INSPECTION-FOLLOWING ACTIVE CONSTRUCTION

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall schedule an inspection with RMA-Environmental Services to ensure all disturbed areas have been stabilized and all temporary erosion and sediment control measures that are no longer needed have been removed. (RMA – Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant shall schedule an inspection with RMA-Environmental Services.

### 25. INSPECTION-PRIOR TO LAND DISTURBANCE (DURING THE RAINY SEASON)

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall schedule an inspection with RMA-Environmental Services to ensure all necessary sediment controls are in place and the project is compliant with Monterey County regulations. (RMA – Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to commencement of any land disturbance during the rainy season (October 15 – April 15), the owner/applicant shall schedule an inspection with RMA-Environmental Services.

### 26. Mitigation Measure No. 1

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** In order to protect archaeological resources found on the site from future development impacts, a conservation easement shall be conveyed to the County over the portions of the property where the resources exist. This easement shall be developed in consultation with a qualified archaeologist, show the exact location of the easement on the property with a metes and bounds description, and contain a clear and concise list of prohibited activities within the easement area.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of construction permits for grading or building, the owner/applicant shall submit the conservation easement deed to RMA-Planning for review and approval. Subsequent to RMA-Planning's approval, the Board of Supervisors shall accept the conveyance and the deed shall be recorded with the Monterey County Recorder's Office.

## 27. Mitigation Measure No. 2

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** In order to reduce potential impacts to cultural resources outside of the project impact area, a protection barrier shall be installed at the limits of construction prior to commencement of soil disturbing activities. Location of the barrier shall be developed in consultation with a qualified archaeologist and shall remain in place until construction is complete. Staging, material and equipment storage, or any other activities associated with construction shall be prohibited outside of the barrier.

**Compliance or Monitoring Action to be Performed:** Mitigation Measure Monitoring Action No. 2a: Prior to the issuance of construction permits for grading or building, the owner/applicant shall submit plans to RMA-Planning delineating where the protection barrier will be installed. A note shall be placed on the plans encompassing the language contained within Mitigation Measure No. 2.

Mitigation Measure Monitoring Action No. 2b: Prior to commencement of construction, the owner/applicant shall notify RMA staff when the protection barrier will be installed and staff shall conduct a site visit to verify installation.

Mitigation Measure Monitoring Action No. 2c: Prior to final of construction permits, RMA staff shall periodically conduct a site visit to verify the integrity of the protection barrier.

## 28. Mitigation Measure No. 3

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** In order to reduce potential impacts to cultural resources that may be discovered during grading and construction activities, a qualified archaeological monitor shall be present during soil disturbing activities. These activities include, but are not limited to: grading or lower-level/foundation excavation. If at any time, potentially significant archaeological resources or intact features are discovered, the monitor shall temporarily halt work until the find can be evaluated by the monitor and/or principal archaeologist. If the find is determined to be significant, work shall remain halted until mitigation measures have been formulated, with the concurrence of the County of Monterey Resource Management Agency, and implemented.

**Compliance or Monitoring Action to be Performed:** Mitigation Measure Monitoring Action No. 3a: Prior to the issuance of construction permits for grading or building, the owner/applicant shall include a note on the construction plans encompassing the language contained in Mitigation Measure No. 3. The owner/applicant shall submit plans to RMA-Planning for review and approval.

Mitigation Measure Monitoring Action No. 3b: Prior to the issuance of construction permits for grading or building, the owner/applicant shall submit to RMA-Planning a copy of the contract between the owner/applicant and a qualified archaeological monitor. The contract shall include provisions that the monitor shall be present during all activities that involve soil disturbance, how sampling of the excavated soil will occur, giving the monitor authority to stop work in the event that resources are found, and any other logistical information such as providing monitor sufficient notice of when soil disturbing activities will occur. The contract shall be submitted to the RMA-Planning Department for review and approval. Should RMA-Planning find the contract incomplete or unacceptable, the contract will be returned to the owner/applicant and a revised contract shall be re-submitted for review and approval.

## 29. Mitigation Measure No. 4

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Due to the project site's proximity to existing recorded archaeological resources and because the project includes excavation for a lower level, there is a potential for human remains to be accidentally discovered. If remains are uncovered, all work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.

**Compliance or Monitoring**  
**Action to be Performed:** Mitigation Measure Monitoring Action No. 4a. Prior to the issuance of construction permits for grading or building, the owner/applicant shall include a note on the construction plans encompassing the language within Mitigation Measure No. 4. The owner/applicant shall submit plans to RMA-Planning for review and approval.

Mitigation Measure Monitoring Action No. 4b. If human remains are accidentally discovered during construction activities, there shall be no further excavation or disturbance within 50 meters (160 feet) of the find until it can be evaluated by a qualified professional archaeologist and the following shall occur:

- The owner, applicant or contractor shall contact the Monterey County Coroner to determine that no investigation of the cause of death is required,
- If the coroner determines the remains to be Native American:
- The coroner shall contact the Native American Heritage Commission and RMA – Planning within 24 hours.
- The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costanoans/Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent.
- The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993.

## 30. PDSP-001 GRADING AROUND TREES

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The grading plan shall be modified to protect trees and minimize negative impacts. No grading shall be undertaken in areas to remain natural. No grading shall occur within the area of the existing driveway except to remove the existing pavement and restore natural grade. The grading along the new driveway shall be modified to protect the larger trees in close proximity to the driveway by maintaining the driveway base grade at or above existing grade unless the area within the root zone of the trees is excavated by hand and no roots over 1 inch in diameter will be cut. The excavation of the root zone shall be done by hand under the supervision of a certified arborist. The retaining wall around the patio shall be hand excavated and no roots over 1 inch in diameter can be cut. Roots shall either be bridged or allowed to pass through the retaining wall in a protective casing.

**Compliance or Monitoring**  
**Action to be Performed:** These requirements shall be shown on the construction plans subject to approval of the RMA Director and grading shall be done under the supervision of a Certified Arborist. A completion report shall be submitted by a Certified Arborist stating that all work was done in compliance with this condition prior to final occupancy.

### 31. CC01 INDEMNIFICATION AGREEMENT

**Responsible Department:** County Counsel

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

**Compliance or Monitoring**  
**Action to be Performed:** Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the County Counsel for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel.



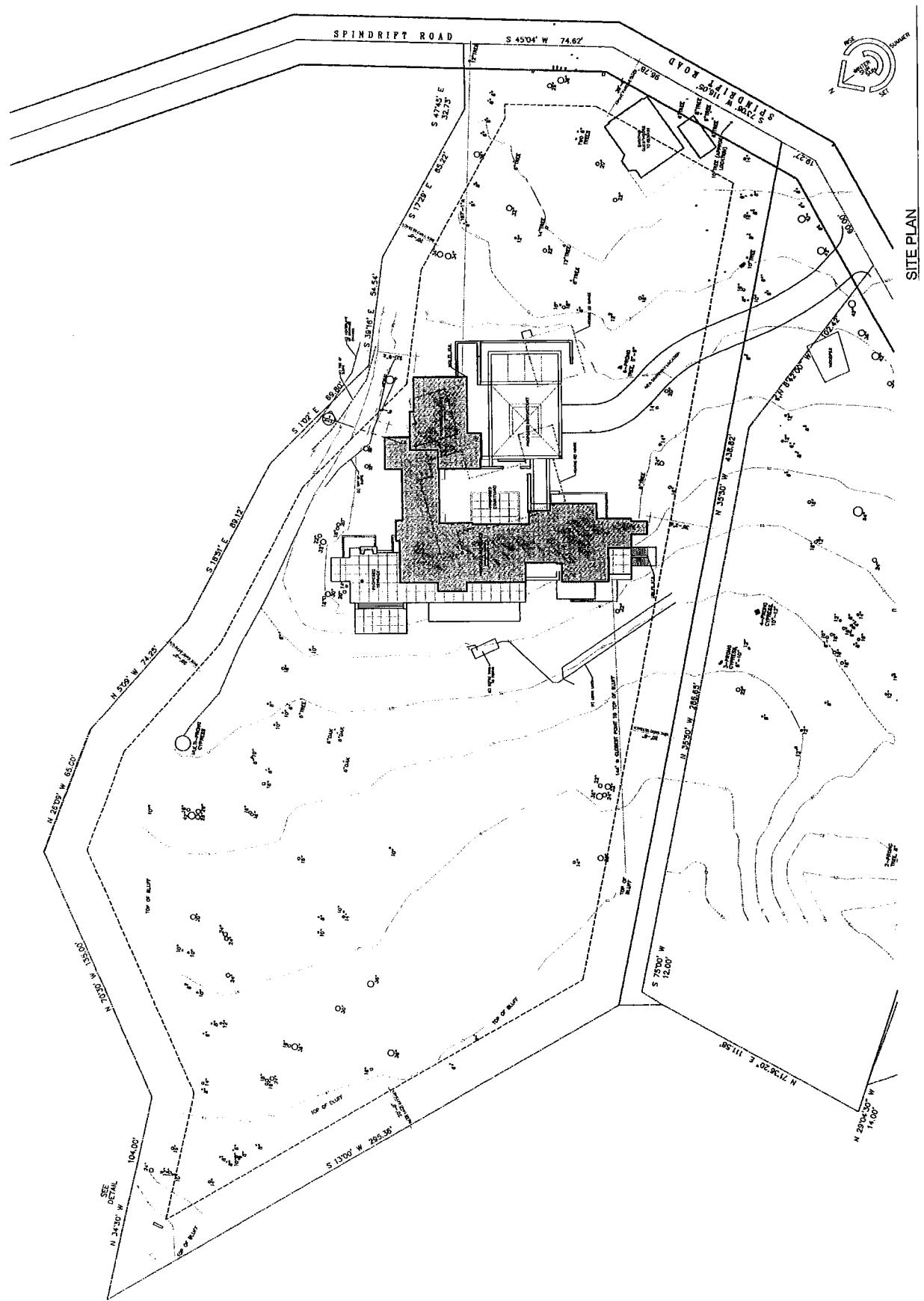


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CARMEL, CA

Preliminary  
PRELIMINARY

Site Plan  
A-1.1





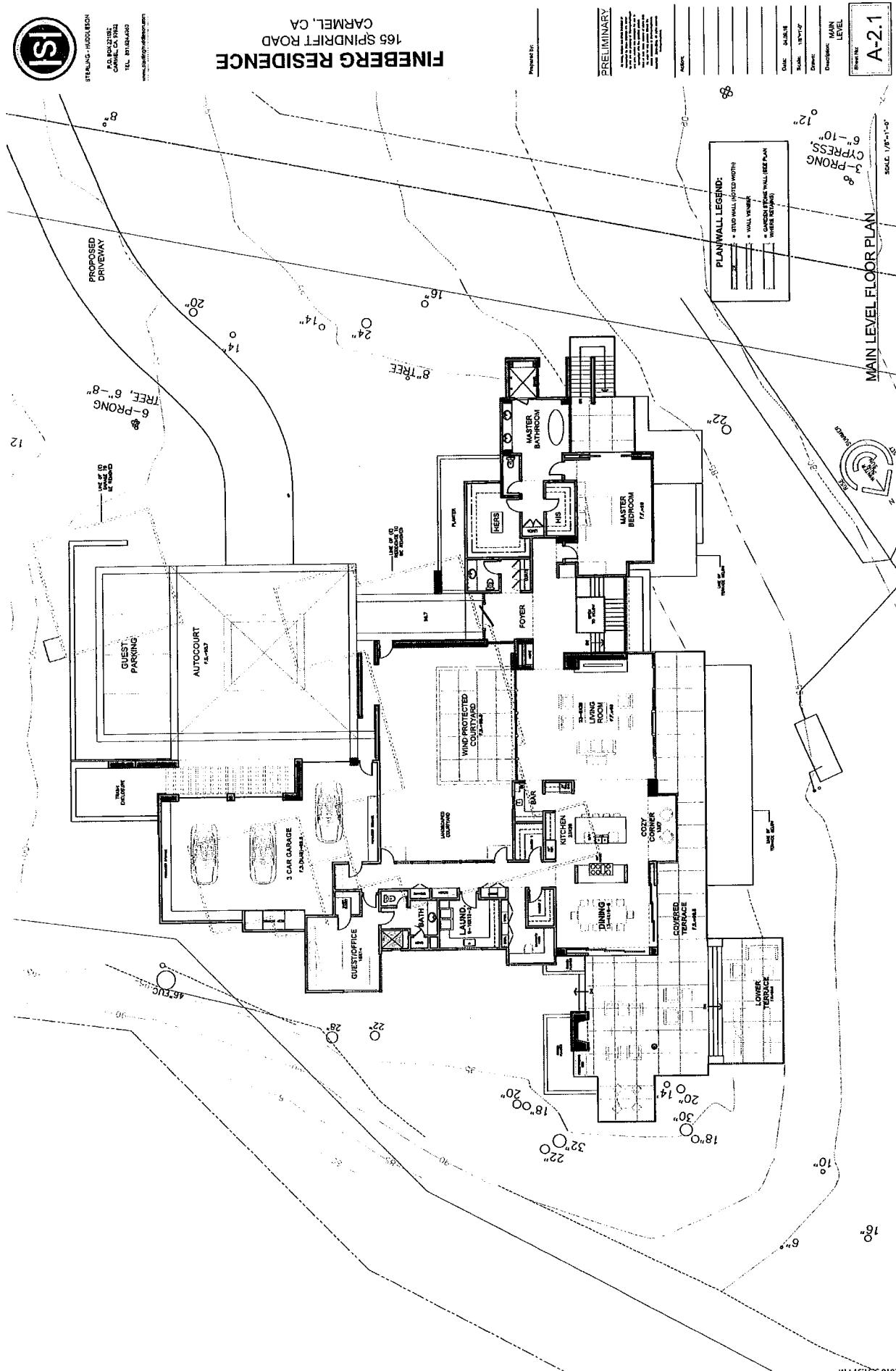
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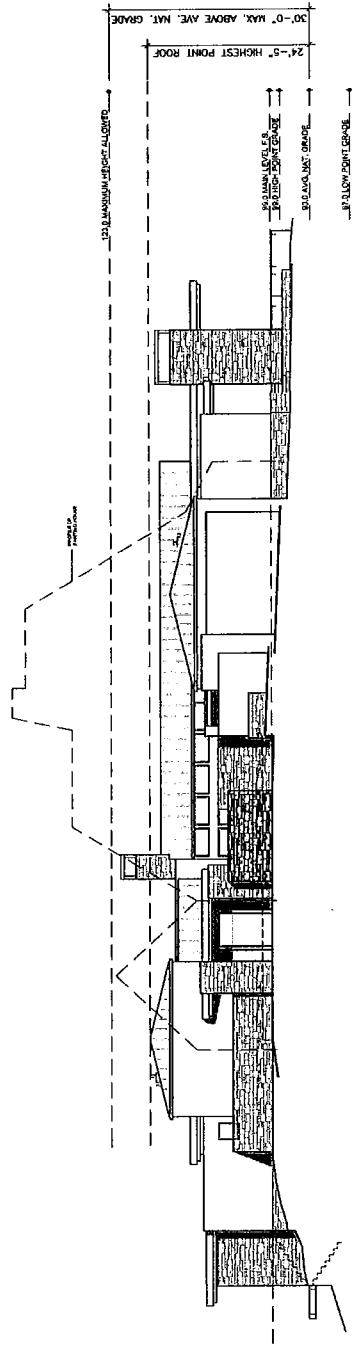
**FINEBERG RESIDENCE**  
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CARMEL, CA

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WEST ELEVATION

SCALE 1/60000

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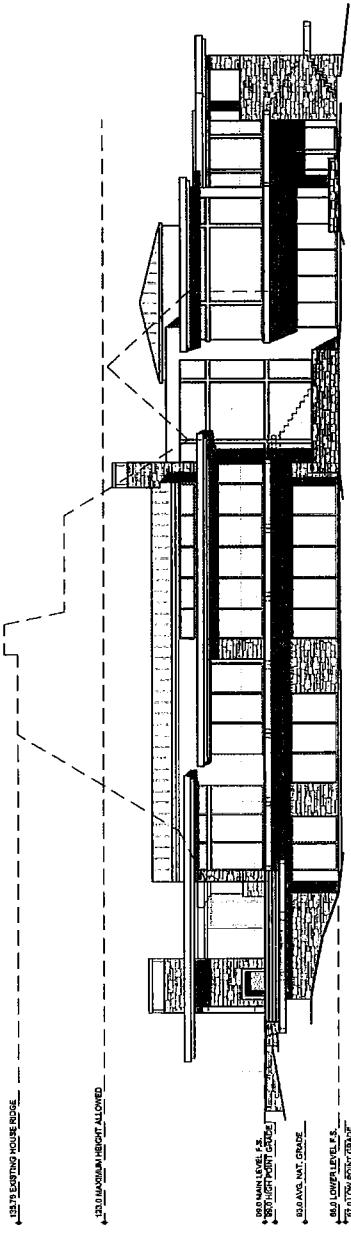


EAST ELEVATION

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

## EXTERIOR FINISHES

STAINING: 20A MELT, IRON, COLOR: IRON  
 1 NATIONAL COLORED, SMOOTH PROFILE, STONE, COLOR: BANISTON  
 2 LIGHTWEIGHT STONE, VENETIAN, BENTONITE, LEDGE STONE.  
 3 LIGHTWEIGHT STONE, VENETIAN, BENTONITE, LEDGE STONE.  
 4 ALUMINUM FRAMED DOOR & WINDOW, TYPICAL  
 5 COPPER RAIN GUTTER AND DOWNSPOUT



WEST EVALUATION

SCALE 1/60 - 1' - 0"



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