

Exhibit B

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DRAFT RESOLUTION

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

In the matter of the application of:

JOHNSON HAL W JR & ALLISON H (PLN210061)

RESOLUTION NO. ----

Resolution by the County of Monterey Planning Commission:

- 1) Adopting a Mitigated Negative Declaration pursuant to Section 15074 of the CEQA Guidelines;
- 2) Approving a Combined Development Permit consisting of a:
 - a. Variance to the required setbacks for the single-family residence to reduce the front setback parallel to Highway 1 from 30 feet to 20 feet;
 - b. Variance to reduce the required setbacks for a retaining wall and emergency access stairway, reducing the setback from 30 feet to between 2 and 14 feet along the eastern, northeastern, and southerly property lines;
 - c. Coastal Administrative Permit and Design Approval to allow construction of: a 4,921 square foot single-family residence, inclusive 803 square feet of non-habitable space for an attached garage and a mechanical room; and associated site improvements including grading with 2,305 cubic yards of cut and 355 cubic yards of fill; an auto-court, interior courtyard, and patio area with a hot tub; an emergency fire access stairway; a foundation system consisting of micropiles and soil nails; retaining walls parallel to Highway 1; paving the access road leading to the site; and utility improvements including a septic tank, centralized water quality treatment for Highway 1 Water Distribution System #12, and approximately 400 lineal feet of sewer line;

- d. Coastal Development Permit to allow development within 50 feet of a coastal bluff;
- e. Coastal Development Permit to allow removal of 6 trees, including 5 Monterey cypress (four of which are landmark trees) and 1 Monterey pine;
- f. Coastal Development Permit to allow 6,758 square feet of development on slopes in excess of 30%; and a
- g. Coastal Development Permit to allow development within 750 feet of known archaeological resources; and

3) Adopting a Condition of Approval and Mitigation Monitoring and Reporting Plan.

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

The JOHNSON HAL W JR & ALLISON H application (PLN210061) came on for a public hearing before the County of Monterey Planning Commission on October 30, 2024. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented the County of Monterey 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:
 - 1982 County of Monterey General Plan;
 - Carmel Area Land Use Plan (LUP);
 - County of Monterey Coastal Implementation Plan (CIP) Part 4, Regulations for Development in the Carmel Area Land Use Plan Area; and
 - County of Monterey Coastal Implementation Plan Part 1, the County of Monterey Zoning Ordinance (Title 20).

Communications were received indicating inconsistencies with LUP policies regarding (geologic) hazards and visual resources, as well as Title 20 regulations regarding the granting of Variances. These are addressed in Finding No. 14, and no additional inconsistencies with the text, policies, and regulations in the above documents were identified.
 - b) Allowed Use. The project site (or “subject property”) is located at 226 Highway 1 (APN: 241-182-003-000), Carmel. The project also includes improvements to the water system within an easement conveyed over APNs 241-182-004-000 and 241-182-005-000, and installation of a sewer line and driveway improvements within an access and utilities

easement conveyed over APNs 241-182-003-000; 241-182-004-000 and 241-182-005-000; and 241-182-006-000. The properties are zoned Low Density Residential, 1 acre per unit, with a Design Control overlay, in the coastal zone [LDR/1-D (CZ)], which principally allows a single-family dwelling on a legal lot of record, non-habitable accessory structures, and water system facilities serving fourteen or fewer connections, subject to a Coastal Administrative Permit (Title 20 sections 20.14.040.A, 20.14.040.F, and 20.14.040.J, respectively). The project proposes the construction of a single-family residence with an associated garage, associated site improvements, and water treatment system upgrades to an existing mutual water system. Therefore, the project is an allowed land use for this site.

- c) Lot Legality. The 0.63 acre lot is shown in its current configuration as Parcel 3 in the 1964 Assessor's Map Book 241 Page 18, and under separate ownership in page 256 of the 1964 Assessor's Ownership book. Therefore, the County recognizes it as a legal lot of record.
- d) Development Standards. Site development standards for the LDR zoning are found in Title 20 Chapter 20.14. The project is consistent with the side and rear yard minimum setbacks, maximum height, and maximum building site coverage requirements, as detailed in subsequent Evidence "e" through "i". The project encroaches into the front setbacks, however, as detailed below the findings to allow a Variance to these setbacks can be met.
- e) Setbacks – Main Structures. Main structures in LDR zoning require a minimum front setback of 30 feet and side and rear yard setbacks of 20 feet. The property has a unique configuration, with the western side parallel to the Pacific Ocean subject to a side setback, and the far northern property lines subject to a rear yard setback. The property is both a flag lot, being at the end of a driveway access easement, and bounded by Highway 1 along its eastern and northeastern property lines. Front setbacks for flag lots are measured as a radius from the centerline of the access, or "pole". As shown on the attached project plans, the residence meets all required minimum side and rear setbacks. However, the residence does encroach into the front setback from Highway 1 along its eastern and northeastern property lines by 10 feet, necessitating a Variance to reduce the setback from 30 feet to 20 feet. However, the findings can be met to allow this Variance from the front setback. See Findings No. 9, 10, and 13.
- f) Setbacks – Attached Accessory Structures. A retaining wall that ranges in height, with a maximum height of approximately 26 feet, is proposed along the property's southern, eastern, and northeastern property lines. The retaining wall varies in distance from the property line, with 2 feet at the closest point. An approximately 14 foot tall emergency fire access stairway is located on the southeast corner of the wall, 2 feet from the eastern and southern property lines. The retaining wall and emergency access stairway are all structurally attached to the main residence, requiring them to meet main structure setbacks. This would place the retaining wall and stairway within the 30 foot radius flag lot setback and within the 30 foot Highway 1 setback. Similarly to the residence, a Variance to reduce these setbacks would be required to reduce the

setback for these improvements. However, the findings can be met to allow a Variance to reduce this setback and allow these structures in the locations they area proposed. See Finding Nos. 11, 12, 13 and supporting evidence.

- g) Setbacks – Setback and Height Exceptions (northern Stairs). The uncovered stairs on the northeastern portion of the property between the courtyard and lower deck would encroach approximately 4 feet into the reduced 20 foot front setback adjacent to Highway 1 (see Findings 9, 10, 13 and supporting evidence). The additional 4 foot encroachment is allowed by the height and setback exception detailed in Title 20 section 20.62.040.D.
- h) Maximum Height. The maximum allowable height for main structures in the LDR zoning is 30 feet. In conformance with this requirement, the proposed residence is 24 feet and 9 inches in height when measured from average natural grade.
- i) Maximum Building Site Coverage. The property is 0.63 acres (27,400 square feet) and the maximum allowable building site coverage in the LDR district is 15% (4,110 square feet). The proposed building site coverage is 14.9%, 4,096 square feet, complying with this requirement.
- j) Visual Resources and Design Control. As detailed in Finding No. 4 and supporting evidence, the project is consistent with the LUP policies protecting Visual Resources and their implementing regulations in Title 20 and the CIP.
- k) Forest Resources. The project includes removal of 6 trees, including 5 Monterey cypress (four of which are landmark trees) and 1 Monterey pine. As detailed in Finding No. 5, the project is consistent with the LUP policies protecting trees and Forest Resources and their implementing regulations in Title 20 and the CIP.
- l) Environmentally Sensitive Habitat Areas. In accordance with the LUP policy 2.3.3.5 and CIP section 20.146.040.A, a biological assessment was prepared (see Finding 2, Evidence “b”) to assess the potential presence of environmentally sensitive habitat areas and provide recommendations, as applicable. The report stated that their expectation from reviewing available database information and sites location on the bluff was that the sites primary plant communities would be northern bluff scrub and coastal sage scrub, which would be considered environmentally sensitive habitat area. However, after their site survey they noted that the site was significantly disturbed and supports more nonnative invasive species than native species, and stated that these native plant communities have been obliterated, such that the site no longer supports environmentally sensitive habitat area. As there is no environmentally sensitive habitat area on site, the project would be consistent with LUP policies 2.3.3.1 and 2.3.3.2, and CIP sections 20.146.040.B.2 and 20.146.040.B.3, that in summary development be avoided in sensitive habitat areas, that development in environmentally sensitive habitat areas be limited to resources dependent uses, and that new land uses be compatible with long-term maintenance of adjacent environmentally sensitive habitat area. The biologist recommended use of appropriate native species in proposed landscaping, which is required by LUP policy 2.3.3.8. The biologist subsequently reviewed the draft

landscaping plans and provided a number of recommendations on appropriate planting species, which were incorporated into the plan, ensuring consistency with this LUP policy. Therefore, the project is consistent with the policies protecting environmentally sensitive habitat areas in the LUP and their implementing regulations in the CIP.

- m) Cultural Resources. As detailed in Finding No. 6 and its supporting evidence, the project is consistent with the LUP policies protecting archaeological and paleontological resources and their implementing regulations in the CIP.
- n) Hazardous Areas. As detailed in Finding No. 7 and its supporting evidence, the project is consistent with LUP policies regarding geological hazards and development in proximity to coastal bluffs, and their implementing regulations in the CIP.
- o) Land Use Advisory Committee (LUAC) Review. Keeping with the LUAC guidelines adopted through Board of Supervisors Resolution No. 15-43, the project was reviewed by the Carmel Unincorporated/Highlands LUAC. The LUAC considered the project on at their December 5, 2022 meeting and recommended approval as proposed 6-0 with 1 member absent. The LUAC had questions regarding how the site would be accessed, whether a variance was required to push take advantage of the flat area on the site, whether the project included development on slopes in excess of 30 percent, the sources of water and sewer, anticipated construction timeline, and the roof material. The applicant responded answering the questions to the LUAC's satisfaction, stating that they would access the site through the existing access easement, that a variance was required for the setback along Highway 1 and that they had revised plans to pull the home away from the bluff, that both the front and the back of the house include development on slopes in excess of 30 percent, that the property is served by a three connection mutual water system and would connect to public sewer, providing information about the anticipated construction duration, and that the roofing would be a vinyl material.
- p) The project planner conducted site inspections on May 4, 2021, September 15, 2021, and July 26, 2024 to verify that the project on the subject parcel conforms to the plans and regulations listed above.
- q) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN210061.

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, the Environmental Health Bureau, and the Carmel Highlands Fire Protection District (FPD). County staff reviewed the application materials and plans to verify that the project on the subject site conforms to the applicable plans and regulations, and there has been no indication from these departments/agencies that the site is not suitable for the development. Conditions recommended have been incorporated.

- b) The following reports were prepared to assess the geological and geotechnical suitability of the site for development; and the potential for the development to impact archaeological, biological, and forest resources:
 - Geologic Feasibility Assessment prepared by Easton Geology, Inc., dated August 17, 2020, (LIB210218);
 - Geologic Investigation, Johnson Property, also prepared by Easton Geology, Inc., dated December 15, 2022 (LIB240060);
 - Preliminary Geotechnical Investigation prepared by Rock Solid Engineering, Inc., dated August 14, 2020, (LIB210219);
 - Geotechnical Investigation also prepared by Rock Solid Engineering, Inc., dated December 15, 2022 (LIB240059);
 - Preliminary Archaeological Reconnaissance Report and Archaeological Supplemental Report, both prepared by Patricia Paramoure Archaeological Consulting, dated June 4, 2021 and April 4, 2024, respectively (LIB210216);
 - Biological Assessment, prepared by Regan Biological and Horticultural Consulting, dated June 12, 2021 (LIB210217); and
 - Construction Impact Assessment and Tree Management Plan, prepared by Ono Consulting, dated June 17, 2021 (LIB210215).

County staff independently reviewed these reports and concurs with their conclusions. There are no physical or environmental constraints that would indicate that the site is not suitable for the use. All development shall be in accordance with these reports.
- c) Staff conducted site inspections on site inspections on May 4, 2021, September 15, 2021, and July 26, 2024 to verify that the site is suitable for this use.
- d) See also supporting Findings No. 3, 7 and supporting evidence, which address health and safety and the hazardous areas and bluff development policies and regulations applicable in the LUP and CIP, respectively.
- e) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN210061.

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

- EVIDENCE:**
- a) The project was reviewed by HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau (EHB), and Carmel Highlands FPD. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary public facilities will be provided. The property has road access through shared access and utilities easements along adjoining property with APN 241-182-004-000 and 241-182-005-000, and the

property with 241-182-006-000. Necessary domestic water and sewer is available to serve the property as discussed in Evidence “c” and Evidence “d”.

- c) Domestic Water. The project will have sufficient domestic water for the proposed single-family residence. The property will receive domestic water from Highway 1 Water Distribution system No. 12, an existing system permitted to serve three service connections on the properties with Assessor’s Parcel Numbers 241-182-003-000, 241-182-004-000 and 241-182-005-000, and 241-182-006-000. The County of Monterey issued a Coastal Administrative Permit on August 31, 2012 to allow construction of this system (HCD-Planning File No. PLN120263), the Monterey Peninsula Water Management District (MPWMD) permitted this system through Water Distribution System Permit No. M13-05-L2, and the County of Monterey Environmental Health Bureau permitted the system as a small water system (System ID No. 2702809). The water distribution system provided a can and will serve letter for the project dated August 10, 2021.

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

The project includes installation of a centralized water quality treatment system to address drinking water quality test results, dated 2021, which showed it out of compliance for fluoride. The water treatment system will be located on APNs 241-182-004-000 and 241-182-005-000 within the shared access and utilities easement, and include filtration and treatment for iron, manganese, fluoride, and water acidity. Schematics for this treatment system were reviewed by EHB and found acceptable.

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

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

This sewer service is for effluent only, where it is conveyed through the system while solid waste will be collected in an onsite septic tank. The project would include installing an onsite ejector pump, and an approximately 400 lineal foot sewer line traversing through the subject property and APN’s 241-182-004-000; 241-182-005-000 and 241-182-006-000. CAWD provided a can and will serve letter dated May 4, 2023

with a duration of 2 years (until May 4, 2025). Gary Weigand, P.E., Principal Engineer of Utility Services who designed the system also prepared a letter dated March 27, 2024 analyzing the capacity of the private lateral to accept new connections and concluded the system would be able to accept effluent from 10 residents. Therefore, there is adequate sewer capacity available for the new connection and the municipal sewer entity responsible for service in this area has indicated that they can and will serve the property. Condition No. 28 has been applied, which requires the owner/applicant to submit evidence to CAWD and HCD-Planning that they have permission to connect to the Highlands Point Association System from the owners of that system prior to issuance of grading/construction permits, and that the applicant provide a secured sewer connection permit from CAWD to HCD-Planning prior to issuance of grading/construction permits.

- e) As detailed in Finding No. 7 and supporting evidence, the project is consistent with LUP policies and CIP implementing regulations addressing hazardous areas and development in proximity to coastal bluffs.
- f) In accordance with CIP section 20.146.050.E.4, a preliminary erosion control plan, including drainage and grading, was submitted as part of the application submittal and subsequently found acceptable by HCD-Environmental Services. In accordance with Monterey County Code section 16.12.060, final erosion control plans would be re-reviewed prior to issuance of ministerial grading permits.
- g) Pursuant to LUP Policy 2.4.4.C.5, the project includes onsite drainage through a storm drain system which would capture runoff from structures and impervious surfaces in catch basins then released into dispersion trenches where water would infiltrate into the soil.
- h) Staff conducted site inspections on site inspections on May 4, 2021, September 15, 2021, and July 26, 2024 to verify that the site is suitable for this use.
- i) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN210061.

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

- EVIDENCE:**
- a) The project is subject to LUP and CIP Visual Resources protection policies and regulations as well as the Design Control “D” zoning overlay district, which requires a design review of structures and fences to assure protection of the public viewshed and neighborhood character.
 - b) The property is in the Carmel Highlands area with a dominant visual character of natural landscape consisting of rolling hills, dense vegetation and tree coverage, dramatic rocky granitic cliffs, and the Pacific Ocean. The primary built environment features are Highway 1, access roads, and an eclectic mixture of one and two story custom single-family residences. No architectural style appears to dominate, with residences comprising neoclassical, Mediterranean revival, and

modernist characteristics. Many of the residences feature natural materials such as wood or stone. The residence is a modern style two-story residence comparable to other homes in the area, and in accordance with the CIP section 20.146.030.C.1.c has natural materials of smooth and split face stone veneers, teak wood, concrete shaped as natural stone, and stone paving. Therefore, the design of the proposed project assures protection of the public viewshed and neighborhood character.

- c) LUP Policy 2.2.3.3 requires that new development on slopes within the public viewshed be sited within existing forested areas or areas where it would not be visible from public viewpoints and viewing corridors, and be carefully sited and designed to minimize visibility. LUP Policy 2.2.4.6 also requires maintenance of the existing forested corridor along Highway 1 to serve as a natural screen for existing and new development, with new development sufficiently setback from the highway to preserve the forested corridor effect and minimize visual impact. Consistent with these policies, the project is sited significantly below the elevation of both the highway and vista point, minimizing its visibility. The trees parallel to the highway will also be preserved, maintaining its forested corridor.
- d) LUP Specific Policy 2.2.4.10.a states that buildings located on slopes shall be sited on existing level areas and sufficiently set back from the frontal face. In this case the building has been centrally sited approximately 14 feet away from the edge of the bluff on the most level portion of the property, a small cut and fill pad graded in the 1960's.
- e) To ensure consistency with LUP Specific Policy 2.2.4.10.D and CIP section 20.146.030.C.1.d, exterior lighting plan Condition No. 8 has been applied. This will require that the all exterior lighting on the property be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled.
- f) The project was referred to the Carmel Unincorporated/Highlands Land Use Advisory Committee ("LUAC"), whose recommendations focus on site design and local considerations. On December 5, 2022 the LUAC recommended approval as proposed.
- g) Staff conducted site inspections on May 4, 2021, September 15, 2021, and July 26, 2024 to assess the potential of the project to impact Visual Resources. In accordance with CIP section 20.146.030.A.1, prior to the September 15, 2021 site visit the structure was staked and flagged. After the on-site review, the applicant re-designed the project by pulling the residence inland approximately 12 feet, minimizing its visibility from Highway 1 and the vista point identified LUP Figure 3 and section 5.3.4 as an existing bluff top overlook adjacent to the Highland inn. Photo-simulations were submitted of the revised design in-lieu of re-flagging the project. The photo-simulations demonstrated that only small portions of the residence would be visible from either Highway 1 or the vista point, and would not significantly impact the character of the vista. Three screening trees are also proposed along the northern property line which would further screen the residence from the vista point.

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

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

- EVIDENCE:**
- a) The project proposes removal of 7 trees, 1 Acacia and 6 native trees, consisting of 5 Monterey cypress (4 of which are landmark size), and 1 Monterey pine. The native trees proposed for removal are identified in the Forest Management Plan prepared for the project as follows:
- #50, landmark Monterey cypress
 - #51, landmark Monterey cypress
 - #52, landmark Monterey cypress
 - #53, Monterey pine
 - #54, landmark Monterey cypress
 - #58, Monterey cypress
- b) Forest Management Plan. A Forest Management Plan (LIB210215) was prepared for the project by Ono Consulting to assess the proposed removal and provide recommendations to preserve overall forest health as required by CIP section 20.146.060.B. In accordance with CIP section 20.146.060.D.7, Condition No. 9 has been applied, which requires the applicant to record a notice on the property stating that all development shall be in accordance with the Forest Management Plan.
- c) Tree removal in the LUP requires a Coastal Development Permit unless the removal falls under the exemptions detailed in CIP section 20.146.060.A.1. In this case, CIP section 20.146.060.A.1.a allows the removal of non-native trees (with certain exceptions) without a Coastal Development Permit, therefore the Acacia does not require a permit. The other 6 trees native trees require a Coastal Development Permit to remove.
- d) CIP section 20.146.060.D.1 prohibits the removal of landmark trees, unless the decision-making body finds that the trees are not visually or historically significant and there no alternatives whereby the tree removal can be avoided. Four of the Monterey cypress are greater than 24 inches in diameter, making them landmark trees. The findings can also be met to allow the removal of the landmark trees, none of which are visually or historically significant, exemplary of their species, or more than 1000 years old. See subsequent Evidence “e” demonstrating no alternatives.
- e) CIP section 20.146.060.D.3 states that removal of native trees be limited to those necessary for the proposed development, and that development shall be required to be adjusted for siting, location, size, and design as necessary to minimize tree removal. In this case the removal is the minimum under the circumstances and alternatives such as re-siting, re-design, and reduction in development would not be successful in saving these trees. All 6 trees are in the immediate footprint of the residence and the site is steeply sloped requiring significant earthwork of cut and

fill to allow for the construction of a residence. The Forest Management Plan states that the trees are generally in poor condition structurally due to crown fragmentation, limb dieback, or are uprooting, and would not be safe to retain when any development occurs near them, due to soil disturbance.

- f) CIP section 20.146.060.D.6 requires replacement on a 1:1 basis of all trees greater than 12 inches in diameter. This is incorporated as Condition No. 13, which requires replacement of 5 Monterey cypress and 1 Monterey pine.
- g) To ensure that trees not being removed are protected through the construction process, and protected in accordance with the forester's recommendations, Condition No. 14 is applied. This condition requires the applicant install and implement tree protection measures recommended in the Forest Management Plan, provide photos documenting that the tree protection has been installed prior to commencement grading or construction permits, and verify if tree protection has been successful or if follow-up remediation measures or additional permits are required after construction.
- h) Staff conducted site inspections on May 4, 2021, September 15, 2021, and July 26, 2024 to assess the visual character of the trees proposed for removal.
- i) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN210061.

- 6. FINDING:** **CULTURAL RESOURCES** – The project is consistent with the applicable policies to protect Cultural Resources in the Carmel Area Land Use Plan (LUP) and with implementing regulations in the County of Monterey Coastal Implementation Plan (CIP).
- EVIDENCE:**
- a) County of Monterey GIS identifies the property as being within 750 feet of known archaeological resources and having a high sensitivity for the presence of archaeological resources. In accordance with 20.146.080.B, an archaeological report (LIB210216) was prepared by Patricia Paramoure Archaeological Consulting (PPAC) which included archival research; a surface field survey within the project site; evaluation of field findings and potential project impacts; and management recommendations. PPAC also prepared a supplemental letter report dated April 5, 2024 evaluating the installation of the sewer line along in the access and utilities easement which runs along the subject property and continues south through APNs 241-182-004-000, 241-182-005-000, and 241-182-006-000. In conducting its analysis, the County also reviewed available archaeological reports for projects in the vicinity, including a Preliminary Archaeological Assessment (HCD-Planning File No. LIB210182) prepared by Brenna Wheelis of Paleowest evaluating APNs 241-182-006-000, and a letter report (HCD-Planning File No. LIB100282) prepared by Gary S. Breschini, Archaeological Consulting evaluating APNs 241-182-004-000 and 241-182-005-000.
 - b) As outlined in the PPAC archaeological report LIB210216, seven previously recorded cultural resources are located within 0.25 mile of the project site. One mapped site, CA-MNT-1348, overlaps with the

access and utilities easement where the proposed sewer line and paving of the existing private access roadway would occur. The recorded site occupies several properties, and the extent/location of any specific resources associated with it are not known. The resource contains precontact shell midden, and citing previous work by Gary Breschini conducted in 2017, Brenna Wheelis' report (LIB210182) describes the resource as a possible late period coastal gathering site.

- c) Residence. After a records search and field reconnaissance, PPAC's 2021 preliminary archaeological report concluded that there was no evidence of archaeological resources on the subject property, therefore, the archaeologist concluded that no archaeological impacts would be anticipated. However, in line with the County's requirements for negative archaeological reports, recommended that work be halted and a qualified archaeologist contacted to inspect the find if construction activities expose unanticipated resources. These are included in Mitigation Measure CUL-3 (Condition No. 20) and Condition No 3.
- d) Sewer Line and Roadway. The proposed sewer line excavation and paving of the existing private access roadway run through a more archaeologically sensitive area, and during PPAC's field reconnaissance in 2024 the archaeologist identified three fragments of abalone shell, likely evidence of the site CA-MNT-1348 within the recorded access and utilities easement in the general vicinity of where the sewer line and access driveway paving are proposed to be installed. Therefore, this report recommends:
- That archaeological monitoring take place during trench excavations within the easement corridor, and within 50 feet of the boundary of the resource;
 - That the field archaeologist present an archaeological sensitivity training to all construction personnel involved with the sewer line excavations in the monitoring area
 - If buried resources are encountered during subsurface construction related excavations, operations shall stop within 50 feet of the find, and a qualified archaeologist be contacted to assess the find and give appropriate recommendations for treatment, including appropriate mitigation as appropriate.

The mitigation measures contained in the archaeological survey prepared for the site have been incorporated as conditions of approval pursuant to CIP section 20.146.090.D.1.a: the recommendation for a monitor is included in Mitigation Measure CUL-2 (Condition No. 19) and the recommendation for archaeological sensitivity training is incorporated as Mitigation Measure CUL-1 (Condition No. 18). Recommendation regarding stopping work procedures and the formulation of mitigation if any resources are incorporated and detailed through the County's positive archaeological site Condition No. 3, Mitigation Measure CUL-3 Cultural Resources Stop Work Procedures (Condition No. 20), and CUL-4 Archaeological Mitigation Plan (Condition No. 21). The Cultural Resources stop work procedures expand the radius in which work would halt from 50 feet to 50 meters (165 feet), incorporating the feedback of the Ohlone/Costanoan Esselen Nation (OCEN) received during the tribal consultation process. After sewer line installation the existing private

access roadway would be paved. The paving scope of work does not add any additional archaeological impacts beyond those already contemplated and mitigated for in analyzing the sewer system.

- e) Sewer Line, cont. The Wheelis' report (LIB210182) which analyzed Assessor's Parcel Number (APN) 241-182-006-000, one of the properties where the access and utilities easement is located contained similar analyses and conclusions to the PPAC report prepared for the project. This report included archival research, a pedestrian reconnaissance, and subsurface testing including four auger boring and one shovel test pit. The report identified one isolated flaked stone debitage fragment and two shell fragments, however it stated that because they lacked anthropogenic associations and data potential they were considered insignificant finds, concluding "Auger testing and an intensive pedestrian survey did not encounter evidence of the previously recorded site MNT-1348 site." The report continues, "However, the lack of evidence from the auger testing and pedestrian survey does not conclusively confirm that the site has been completely destroyed in the Project parcel." Therefore, that report recommended a cultural sensitivity training, archaeological monitoring, and halting work if any human remains are identified, similar to the recommendations of the PPAC report. This report also recommended tribal cultural monitoring for ground disturbing activities on APN 241-182-006-000. Tribal Cultural Monitoring was recommended during the County's tribal consultation process and incorporated as Mitigation Measure TR-CUL-1 (Condition No. 22)
- f) Water Treatment System. The installation of the Centralized Water Quality Treatment System is an alteration to the existing mutual water system, including minor plumbing modifications such as valves, filters, and meters. This system would not require significant ground disturbance; therefore it would not have significant potential to impact cultural resources. Additionally, a letter report prepared by Gary S. Breschini, Archaeological Consulting evaluating Assessor's Parcel Numbers 241-182-004-000 and 241-182-005-000 was prepared to analyze the construction of the test well in 2010 for the mutual water system on that property. The report concludes there was no evidence of potentially significant cultural materials. Therefore, the report recommended that the well not be delayed for archaeological reasons. Therefore, alterations to the existing constructed Mutual Water System similarly would similarly not impact archaeological resources.
- g) CIP section 20.146.090.D.3 requires that projects be designed to avoid identified archaeological resources, and section 20.146.090.D.4 states that when impacts to an archaeological site cannot be avoided, an archaeological mitigation plan with preservation measures be required. LUP policy 2.8.3.4 also emphasizes avoiding or substantially reducing impacts to sites over excavation of resources. For the archaeological mitigation plan, a final report prepared by the archaeologist documenting the results of the preservation activities would also be required. Mitigation Measures CUL-1 through CUL-4 (Condition No. 18 through 21), along with Condition No. 3 work in conjunction to ensure that the project is consistent with these requirements:

- CUL-1 (Condition No. 18) Cultural Resources Awareness Training shall ensure that construction crews for the most archaeologically sensitive areas of the project be trained to identify resources so that work can be halted appropriately if anything is found;
 - CUL-2 Archaeological Monitor (Condition No. 19) would require that an archaeological monitor be present during the most archaeologically sensitive areas of the project to stop work and evaluate any finds, and that an on-call archaeologist be available for any activities not actively being monitored by an archaeologist;
 - CUL-3 (Condition No. 20) Cultural Resources Stop Work Steps and County standard condition PDP003(B) (Condition No. 3) establish clear procedures on halting work and the required steps if any previously unknown resources or human remains are encountered; and
 - CUL-4 (Condition No. 21) would require an archaeological mitigation plan be prepared if any resources are identified, as well as considering the input of the tribal cultural monitor in the disposition of any resources. The mitigation specifies that avoiding shall be pursued prior to consideration of excavation and recovery, consistent with LUP policy 2.8.3.4.
- h) There are no known paleontological resources on or near the site. Nevertheless, Condition No. 16 is applied, which shall require that in the event that a potential paleontological resources is encountered during construction, work would be halted within 50 meters (165 feet) of the find until a qualified professional can evaluate the find. This condition ensures that the project would not impact such resources, and consistency with CIP sections 20.146.090.D.3 and 4 as they relate to paleontological resources.
- i) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN210061.

7. FINDING: HAZARDS AND DEVELOPMENT WITHIN 50 FEET OF A COASTAL BLUFF – The project is consistent with the Carmel Area Land Use Plan (LUP) policies addressing hazardous areas and development in proximity to coastal bluffs, and their implementing regulations in the County of Monterey Coastal Implementation Plan Part 4, Regulations for Development in the Carmel Area Land Use Plan (CIP).

- EVIDENCE:**
- a) The project includes development within 50 feet of a coastal bluff, and site grading would entail 2,305 cubic yards of cut and 355 cubic yards of fill, resulting in net cut of 1,950 cubic yards; approximately 6,758 square feet of this grading would occur on slopes in excess of 30%.
 - b) Geological and Geotechnical Reports. LUP Specific Policy 2.7.4.3 and CIP section 20.146.080.B.1 require that all development within 50 feet of a cliff or bluff requires preparation of a geologic report prior to consideration of the proposed project. In conformance with these requirements, coordinated preliminary and final geological (HCD-Planning File Nos. LIB210218 and LIB240060), and geotechnical (HCD-Planning File Nos. LIB210219 and LIB240059) reports have

been prepared for the project by Easton Geology, Inc., and Rock Solid Engineering, Inc., respectively. The preliminary versions generally assessed the suitability of the site for single-family residential development, while the final versions contained more detailed hazards analysis and recommendations.

- c) Relative to its geological context, the property is situated on a tall granitic bluff between Highway 1 and the ocean, just north of Wildcat Cove. The bluff was formed over thousands of years through combined geologic processes of fluctuations in sea level, tectonic uplift, and base surf erosion. As previously discussed, grading creating a building pad occurred sometime in the 1960's. The preliminary geotechnical investigation characterized the soil profile as generally consisting of fill, colluvium, and highly weathered granite that becomes less weathered and stronger with depth. Artificial fill was encountered on the west of the graded pad.
- d) In its conclusions, the geological report (LIB240059) stated that the primary geological concerns for the site are slope instability, long-term coastal erosion, and seismic shaking. These hazards are discussed in subsequent Evidence "e" through "g" and in detail in the Initial Study prepared for the project (**Exhibit C** to the County staff report prepared for the Planning Commission hearing on October 30, 2024). In summary both the geological and geotechnical reports considered the site suitable for a single-family residence, provided that the recommendations within them were followed. These included criteria for site preparation, grading, foundations, and other improvements; either siting the residence landward of a projected 100-year bluff setback or embedding of foundations below the projected 100-year bluff erosion profile; direction of concentrated drainage away from the ground surface or steep slopes to prevent shallow landsliding or ponding; and review of grading and foundation plans. The majority of the residence is landward of the 100-year bluff setback shown in Figure 5, but includes a micro-piled foundation penetrating below the projected 100-year bluff erosion profile as shown in the section view Figure 6. To ensure the geologists and geotechnical engineers recommendations are adhered to, Condition Nos. 10 and 11 are incorporated, which would require that the applicant record a notice on the property stating that all development shall be in accordance with the geological and geotechnical reports. Additionally, Monterey County Code section 16.08.110.D shall require that recommendations included in soil engineering reports be included into grading plans and specifications.
- e) Slope Instability. Strong ground shaking can cause landslides or slope failure. The geological report states that while deep landsliding, incorporating a large part of, or the entire slope is possible, the initiation of new large landslides is exceedingly rare and relatively uncommon in granodiorite. In their on-site investigation, the geologist saw no indicators of previous slides on the site, such as scarps, large bowl-shaped swales, or "hummocky" topography. The geologist concluded that improvements too close to the bluff would have a high risk of damage resulting from bluff instability, however, the likelihood of retreat to impact improvements is low provided any improvement is

well founded, below the 100 year bluff profile mentioned above, or adequately setback from the bluff. In this case the application includes foundations which would penetrate below the 100-year projected bluff profile. The geotechnical report also included a quantitative slope stability analysis which indicated that the soil condition and granite slopes meet or exceed the industry standard minimum safety factors for slope failures above weathered granite. Similar to the geological report, the geotechnical report recommends either siting improvements landward of the 100 year bluff setback or embedding their foundations below the 100 year bluff profile to address landslides. Both reports emphasized controlling and not directing drainage toward the steep bluff to prevent erosion and avoid impacts bluff stability. The civil engineer also wrote a letter (**Exhibit H** of the October 30, 2024 Planning Commission staff report) describing how the drainage system has been designed to not accelerate erosion, by using rock spreader trenches and multiple points of release, so that the flow of stormwater's velocity is reduced and it isn't concentrated on any one area.

- f) Long-term Coastal Erosion. In accordance with LUP Policy 2.7.4.7, the geologic report includes an analysis of cliff geometry, historic bluff retreat, and foreseeable cliff erosion. The geologist evaluated aerial photographs of the site dating back to 1929, and conservatively estimated that historical bluff retreat has been one foot every 10 years. Using this projection, retreat of the bluff face would be approximately 10 feet over the next 100 years. While not necessarily a representative sample, between 2010 and 2016 retreat of the bluff face near the site was significantly less, approximately one tenth of a foot in 10 years, indicating retreat rates along the granitic coast at the site are very slow. Sea level rise does have the potential to accelerate coastal erosion, however the report concludes that due to the site's very low bluff erosion rate, a hypothetical erosion rate increase of 25% over the next century (erosion would total approximately 12.5 feet over the next 100 years) would have a negligible impact over the lifetime of the project. The geologist's bluff retreat analysis also included retreat from potential rock topple or sliding along dipping joint planes. Using these factors, the geologist mapped a geologically feasible building envelope (see Figure 5) but indicated that development seaward of this envelope would be feasible provided that foundation improvements were installed below the 100-year anticipated bluff retreat profile (See Figure 6). Portions of the proposed development are within this geologically feasible building envelope, while much of the residence is seaward of it. Consistent with the geologist's recommendation, the project includes a micro-pile foundation that would be installed below the 100-year anticipated bluff retreat profile.
- g) Seismic Shaking. Ground shaking is the soil column's response to seismic energy transmission. Ground shaking caused by earthquakes is a complex phenomenon, and transmission of earthquake vibrations into buildings from the ground can structurally damage them. The geological report states that seismic shaking will be strong during the next major earthquake along local fault systems, and that the controlling reference for the properties seismic design criteria was the nearby San Gregorio-

Hosgri fault, which is approximately three miles west of the site. The geologist included recommendations for seismic design factors, including the anticipated earthquake magnitude of M_w 7.0, an expected strong shaking duration of 14 seconds, and a “ground acceleration” factor of 0.80g. The geotechnical engineer stated that that all proposed structures would be designed with the corresponding seismic design parameters in accordance with the California Building Code, and included recommendations for grading and site preparation, drainage, utility trenches, and the foundation system. The recommendations of both reports ensure that ground shaking would not significantly impact structures or occupants, and incorporation of the County’s standard notice of report Conditions No. 10 and 11 and the grading and building permit processes would ensure these recommendations are adhered to.

- h) LUP Policy 2.7.3.1 requires that development be sited and designed to minimize risk from geologic, flood, and fire hazards; and that areas of the parcel subject to high hazards be generally considered unsuitable for development. Where development is proposed in high hazard areas, a geotechnical report shall be required prior to County consideration of the project. As discussed above, coordinated geological and geotechnical reports have been prepared to address geotechnical hazards and recommendations for a deep foundation system has been incorporated. The residence has been sited centrally on the flattest portion of the property, and during the development review process was re-sited approximately 12 feet landward, further away from the bluff. Therefore, the development has been sized and designed to minimize geologic hazards. The project includes a turnaround area for fire trucks in the auto court. Due to the constraints of the site, including the hairpin turn required to access the driveway leading to the site and the narrowness of the driveway easement, a secondary means of egress is included in the form of an emergency fire access stairway. Therefore, the development has been sized and designed to minimize fire and geologic hazards.
- i) In accordance with LUP Policy 2.7.3.4, projects shall be conditioned requiring the owner to record a deed restriction describing the nature of identified hazards and long-term maintenance requirements. LUP Policy 2.7.4.10 states that revetments and sea walls shall only be allowed for the protection of existing (rather than new) development. Therefore, Condition 17 is recommended requiring the applicant to record a deed restriction identifying that the site is subject to coastal hazards, assuming the risks of such development, waiving liability, indemnifying the County of Monterey for any damages due to coastal hazards, prohibiting future coastal armoring, requiring further geotechnical analysis evaluating whether existing development is safe should land sliding or bluff erosion threaten it, and re-location/removal should the development become unsafe without the installation of new sea walls or shoreline protective structures.
- j) LUP Policy 2.7.4.1 requires that all development be sited and designed to conform to site topography and minimize grading and other site preparation activities. The residence and improvements have been centrally sited on the flattest portion of the property. Additionally, over

the course of the development review, the residence and associated improvements have both been re-sited to minimize slope development, which requires additional fill or excavation: plans submitted to the County dated September 3, 2022 included a total of 7,750 square feet of development on slopes, while the attached plans have a total of 6,758 square feet, a reduction of 992 square feet (12.8 percent).

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

8. FINDING: DEVELOPMENT ON SLOPES – There is no feasible alternative which would allow development to occur on slopes of less than 30 percent.

- EVIDENCE:**
- a) The project includes approximately 6,758 square feet of development on slopes, 1,448 square feet of which is for the residence, 536 square feet is for the retaining walls, and 1,633 square feet is for landscaped areas. Title 20 section 20.64.230 prohibits development on slopes in excess of 30 percent unless a finding can be made that either there is no feasible alternative which would allow development to occur on slopes of less than 30 percent; or the proposed development better achieves the goals, policies and objectives of the County of Monterey Local Coastal Program than other development alternatives. In this case there is no alternative to avoid development on slopes.
 - b) The only contiguous area of the site not on slopes in excess of 30 percent is the narrow pad graded in the 1960's (approximately 1,875 square feet). Remaining areas to the east and west (over 25,000 square feet) are highly constrained by a coastal bluff and steep slopes. This extremely constrained site, combined with the narrow width make it unavoidable to construct a residence and associated site improvements without developing on slopes in excess of 30 percent. Specific site improvements necessitating slope development are detailed in Evidence "c" through "e".
 - c) Proposed development on the sloped southeastern portion of the site consists of an autocourt with a fire truck turnaround and access easement area for the mutual water system well, an emergency access stairway, as well as stepped retaining walls seaward of the turnaround. The autocourt is necessary to allow both the fire truck turnaround and access for maintenance vehicles, a well pump rig, and a well drill rig to the well site when necessary. The retaining walls are necessary to keep this area level and the emergency access stairway provides a secondary means of egress in case of emergency.
 - d) The centralized courtyard contains a septic tank and pump necessary for wastewater service and meets the minimum setback requirements in Monterey County Code Chapter 15.20 Sewage Disposal: 5 feet between the tank and structures (retaining wall) and 100 feet from the tank to a body of water (the Pacific Ocean).
 - e) Cut of slopes for the eastern retaining wall parallel to Highway 1 is required in order to create a building pad suitable for the construction of a residence and septic tank.

- f) Design changes have been made through the development review process, minimizing development on slopes for the residence. Footprint of the residence was reduced by 184 square feet, from 3,376 square feet to 3,192 square feet, and re-sited approximately 12 feet landward to the northeast (see Figure 7). This footprint of the residence that is on slopes by 730 square feet, from 2,178 square feet to 1,448 square feet, and reduced the percentage of the building footprint on slopes from 65% to 46%. Site improvements were also re-designed to further reduce the overall quantity of the development on slopes, from 7,750 square feet (see Figure 8) to 6,758 square feet (see Figure 9), a reduction of 992 square feet.
- g) In accordance with CIP section 20.146.120.A.6, Condition No. 12 is applied, which shall require that the applicant record a conservation and scenic easement over all portions of the property with slopes in excess of 30%, excepting those areas on slopes in excess of 30% approved for development in this permit.
- h) The application, plans, and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development are found in Project File PLN210061.

9. FINDING: VARIANCE (Special Circumstances, Highway 1 Home Front Setback) – Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance (Title 20) is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

- EVIDENCE:**
- a) A Variance has been requested to reduce the front setback from 30 feet from the edge of the right of way of Highway 1 along the eastern and northeastern property line by 10 feet, from 30 feet to 20 feet.
 - b) The property is extremely constrained by slopes in excess of 30 percent and a steep coastal bluff, which is subject to coastal erosion and potential slope instability. Siting the residence inland from the bluff, to keep as much building area as possible landward of the geologically feasible building envelope and to minimize development on slopes in excess of 30 percent necessitates siting the residence closer to Highway 1, therefore encroaching into the 30 foot front setback. This also ensures greater consistency with LUP Policies 2.2.4.10.a and 2.7.4.1. Policy 2.2.4.10.a states that buildings located on slopes shall be sited on existing level areas and sufficiently set back from the frontal face, and specific geological hazards LUP policy 2.7.4.1 by designing the development to conform to the topography to the maximum extent feasible.
 - c) Additionally, one of the primary functions of a larger front setback in low density or suburban neighborhoods is to create larger front yards. These allow a uniform aesthetic design for residential neighborhoods and visually distance buildings from the street view. This condition is not applicable for this setback, as the elevation of the residence would be far below the right of way and pulling the residence closer to the right of way minimizes its potential for visibility.

- d) Therefore, there are unique topographic and geologic conditions on the property wherein denial of the Variance would encourage development further from the highway and closer to a coastal bluff, something not required of neighboring properties and discouraged by the LUP.
- e) Staff conducted a site visit on May 4, 2021, September 15, 2021, and July 26, 2024 to verify the special circumstances related to the property.
- f) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN210061.

10. FINDING: VARIANCE (Special Privilege, Highway 1 Home Front Setback) – the front setback variance shall not constitute a grant of special privileges inconsistent with the limitations upon other property in the vicinity and zone in which such property is situated.

- EVIDENCE:**
- a) Due to the unique configuration, topography, and access conditions (all of the residences in the neighborhood have access from a shared private driveway), some of these residences have received similar setback reductions.
 - b) The property most similar to the subject property is located at 243 Highway 1 (Assessor’s Parcel Number 241-182-015-000), which is also directly between the Highway 1 right of way and a steep coastal bluff. The residence was approved by PLN070388 which included a Variance from the Board of Zoning Adjustment on October 11, 1960, reducing the front setback from the highway, which was later expanded by the Zoning Administrator on August 18, 1983 (ZA-5576). These Variances remain in effect for that property and, “resulted in the construction of the existing residence almost completely within the front setback.”
 - c) The house on the property at 255 Highway 1 (APN 241-182-020-000), west of the subject site and opposite the cove was approved by PLN170428. This approval included three Variances, including a reduction of the front setback for main structures from 30 feet to 6 feet and 7 inches, citing the nature of the site as a steep slope, the private right of way, and bluff as constraining factors.
 - d) The house south of the subject site at 230 Highway 1 (APN 241-182-004-000) was approved by PLN110359. While no Variance was included in this approval, the property is bounded by private road rights of way on both its western and eastern property lines. The residence is sited with a compliant front setback along its western property line, but within the front setback from the 15 foot wide utilities and access right of way along its eastern property line.
 - e) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN210061.

11. FINDING: VARIANCE (Special Circumstances, Highway 1 Retaining Wall and Stair Setbacks) – Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance (Title 20) is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

- EVIDENCE:**
- a) A Variance has been requested to reduce the setbacks along the northeast, east, and southern property lines for the proposed retaining wall between the residence and Highway 1 and the emergency access stairway on the southeastern corner of the site. The Variance reduces the setback approximately from 30 feet to between 9 and 13 feet along the northeastern property line, between 2 and 14 feet along the eastern property line, and 2 feet along the southerly property line. This Variance shall allow those improvements in the locations they are proposed, but does not allow a reduction in setback for any other structures proposed in the future. Condition No. 24 has been applied, which shall require that the owner applicant have land surveyor survey the southeasterly, easterly, northeasterly boundary lines and provide evidence of conformance with the setbacks shown on the approved site plan attached to this resolution.
 - b) The evidence supporting this finding is similar to that supporting the reduced setback for the residence, including all the discussion regarding the property's steep slopes and coastal bluff in Finding No. 9. Additionally, the emergency access stairway is a secondary means of access for emergency responders due to the hairpin turn of the access driveway and the siting of the property, accessible only by a narrow 15 foot wide access easement that traverses over two other properties. The narrow roadway would be restrictive for current fire engines and difficult for emergency medical aid removal. This is a condition unique to the subject site. The other two properties that this easement runs through have paved driveway access directly to the private easement that serves this entire area.
 - c) Therefore there are unique topographic and geologic conditions on the property wherein denial of the setback would restrict emergency access to the property, encourage development further from the highway and closer to a coastal bluff, something not required of other property owners in the neighborhood and discouraged by the LUP.
 - d) Staff conducted a site visit on May 4, 2021, September 15, 2021, and July 26, 2024 to verify the special circumstances related to the property.
 - e) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN210061.

12. FINDING: VARIANCE (Special Privilege, Highway 1 Retaining Wall and Stair Setbacks) – the setback variance shall not constitute a grant of special privileges inconsistent with the limitations upon other property in the vicinity and zone in which such property is situated.

- EVIDENCE:**
- a) The setback Variance for the retaining wall and emergency access stairway is a unique condition to the property. However, as previously discussed, due to the unique configuration, topography, and access conditions (all of the residences in the neighborhood have access from a shared private driveway), some of these residences have received similar setback reductions.
 - b) The retaining wall and emergency stairway are supporting infrastructure required to develop the site with a single-family residence for health and safety. Each of the 10 developed properties in this neighborhood are

constructed with single-family residences. The floor area of the project and the nearby residences (inclusive of any accessory structures) is roughly commensurate with the level of development of other properties in the area, who have similar constraints. All properties are developed with large single-family residences, and the overall size of residences in the area ranges from 2,160 square feet to 8,941 square feet. The average overall was approximately 4,800 square feet (121 square feet less than the project), while the average of properties constructed in the last 10 years was 5,446 square feet (825 square feet more than the project).

- c) The variance for the stairway and retaining wall would allow development of a residence in similar scale to others in the neighborhood allowed under an identical zoning classification, therefore it would not grant a special privilege.
- d) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN210061.

- 13. FINDING:** **VARIANCE (Use)** – Approval of the setback variances does not authorize a use or activity which is not otherwise expressly authorized by the zone regularly governing the parcel of property.
- EVIDENCE:**
- a) As indicated in Finding No. 1, Evidence “b”, all the proposed uses are allowable land uses for this site.
 - b) Staff conducted site visits on May 4, 2021, September 15, 2021, and July 26, 2024 and there was no indication that the approval of the requested variances would grant a land use that would otherwise not be authorized by the zoning.
 - c) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN210061.

- 14. FINDING:** **CEQA (Mitigated Negative Declaration)** - On the basis of the whole record before the County of Monterey 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 reflects the independent judgment and analysis of the County.
- EVIDENCE:**
- a) Pursuant to Public Resources Code Section 21083, and California Environmental Quality Act (CEQA) Guidelines Sections 15063(a) and 15063(b)(2), the Lead Agency shall conduct environmental review in the form of an Initial Study to determine if the Project may have a significant effect on the environment, and shall prepare a Negative Declaration (in this case a Mitigated Negative Declaration) if there is no substantial evidence that the Project or any of its aspects may cause a significant effect on the environment.
 - b) County of Monterey, as lead agency, prepared an Initial Study and Mitigated Negative Declaration in accordance with the CEQA Guidelines. The Initial Study and Mitigated Negative Declaration are on file in the offices of HCD-Planning and is hereby incorporated by reference (HCD-Planning File No. PLN210061); was filed with the County Clerk on July 11, 2024; and was circulated for public review from

July 11, 2024 through August 12, 2024 (State Clearinghouse Number 2024070467).

- c) The Initial Study identified potentially significant effects, but the County's standard regulatory process, applicable standard conditions of approval, and applicant agreed to mitigation measures either avoid the effects or mitigate them to a point where clearly no significant effects would occur. Evidence received and considered includes: the application, technical studies/reports, staff reports that reflect the County's independent judgment, and information and testimony presented during public meetings and hearings. These documents are on file in HCD-Planning (HCD-Planning File No. PLN210061) and are hereby incorporated by reference. Based upon the analysis of the Initial Study, HCD-Planning prepared a Mitigated Negative Declaration.
- d) As discussed in section IV of the Initial Study no impacts were identified for IV.1 Agriculture and Forest Resources, IV.2 Mineral Resources, IV.3 Population/Housing, IV.4 Public Services, or IV.5 Recreation.
- e) As discussed in section VI of the Initial Study, impacts to the following resource areas would be less than significant with the application of uniformly applicable regulations, permitting requirements, and conditions of approval for development projects: VI.1 Aesthetics, VI.3 Air Quality, VI.4 Biological Resources, VI.6 Energy, VI.7 Geology and Soils, VI.8 Greenhouse Gas Emissions, VI.9 Hazards and Hazardous Materials, VI.10 Hydrology and Water Quality, and VI.13 Noise, and VI.17 Transportation, and VI.19 Utilities and Service Systems.
- f) Additionally, as discussed in section VI of the Initial Study, potentially significant impacts were identified for the following resource areas: VI.5 Cultural Resources, VI.11 Land Use and Planning, VI.18 Tribal Cultural Resources, VI.19 Utilities and Service Systems, and VI.21 Mandatory Findings of Significance. As previously discussed, while there is no evidence of resources on the site where the house is proposed, a mapped archaeological site (CA-MNT-1348) overlaps with the access and utilities easement. The project includes excavation of a new sewer line in this vicinity, and disturbance or destruction of a unique archaeological resource as defined by CEQA Statute section 21083.2.(g), disturbance or destruction of a tribal cultural resource, disturbance or improper handling of human remains, or inconsistency with the LUP policies and their implementing regulations in the County of Monterey Coastal Implementation Plan (CIP) protecting archaeological resources would be a potentially significant impact. However, considering the archaeological reports discussed in Finding No. 6, Cultural Resources, and the results of the tribal consultation process, discussed in subsequent Evidence "g" through "i", mitigation measures and the County's standard condition of approval for positive archaeological sites are incorporated into the project that reduce these impacts to less a than significant level. These mitigation measures are summarized in Evidence "j".
- g) Pursuant to Public Resources Code section 21080.3.1 et seq., County of Monterey HCD-Planning initiated consultation with local Native American tribes. The County received responses requesting consultation from the Ohlone/Costanoan-Esselen Nation (OCEN) and the Esselen Tribe

of Monterey County. The County conducted consultation with the OCEN on July 28, 2023 and the Esselen Tribe of Monterey County on July 31, 2023. Neither of these consultation meetings consultation identified evidence of any specific tribal cultural resources onsite, and the County did not receive requests for consultation from any other tribes. The Esselen tribe's request for consultation letter included a request for a phase II subsurface archaeological evaluation of the site, preconstruction training regarding tribal cultural resources for all project personnel, and tribal monitoring of all ground disturbance.

- h) After these initial consultation meetings the County requested a supplemental archaeological assessment be prepared for the project to address the proposed sewer line running in the existing access and utilities easement through Assessor's Parcel Numbers 241-182-004-000, 241-182-005-000, and 241-182-006-000. Therefore, the County reached out to both tribes that had previously participated in consultation, the Ohlone/Costanoan Esselen Nation (OCEN) and the Esselen Tribe of Monterey County, on May 8, 2024 to see if they had any questions, concerns, or additional input on the project. subsequent consultation meeting was conducted with OCEN on May 14, 2024. OCEN sent a follow-up letter in requesting that a tribal monitor be present on excavation, soil disturbing tests on positive archaeological sites, and removal of oaky trees; reburial of ancestral remains and artifacts; return of cultural items to OCEN rather than placement in a museum or public facility; copies of all archaeological reports/surveys; use of an OCEN affiliated monitor; and a 50 meter buffer surrounding any ancestors remains or cultural disturbances. The Esselen Tribe of Monterey County did not provide any additional input on the project or comment on the Initial Study during the public circulation period.
- i) The recommendation regarding pre-construction training and tribal cultural monitoring has been considered and incorporated into mitigation measures CUL-1 (Condition No. 18) and TR-CUL-1 (Condition No. 22). Additional subsurface investigation was determined not to be warranted for the project, as subsurface testing has already been performed for CA-MNT-1348 and the mitigation measures for the project reduce any potential impacts to cultural or tribal cultural resources to a less than significant level, and the 50 meter stop work buffer recommended by OCEN was incorporated into CUL-3 (Condition No. 20).
- j) Mitigation Measures CUL-1 through CUL-4 and County standard condition of approval PDSP003(B), as well as the tribal cultural monitor Mitigation Measure TR-CUL-1 Tribal Cultural Monitor below, would mitigate impacts to both Cultural Resources and Tribal Cultural Resources to a less than significant level. CUL-1 through CUL-4 (Condition Nos. 18 through 21) and PDSP003(B) (Condition No. 3) are described in Finding No. 6, Evidence "g", and TR-CUL-1 (Condition No. 22) shall require a tribal cultural monitor be present for earth work and ground disturbance. Taken together, these mitigations and condition ensure construction crews are trained regarding cultural resources, that appropriate archaeological and tribal cultural monitoring is in place, that if any previously unknown resources are discovered that work is halted appropriately, and that any resources are discovered that a mitigation

- plan be formulated and carried out as required by County of Monterey Coastal Implementation Plan section
- k) All Project changes required to avoid significant effects on the environment have been incorporated into the Project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with County of Monterey regulations, is designed to ensure compliance during Project implementation, and is hereby incorporated herein by reference. The applicant must enter into an “Agreement to Implement a Mitigation Monitoring and/or Reporting Plan” as a condition of Project approval (Condition No. 5).
 - l) Analysis contained in the Initial Study and the record as a whole indicate the Project could result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Wildlife (CDFW) regulations. All land development projects that are subject to environmental review are subject to a state filing fee plus the County recording fee, unless CDFW determines that the Project will have no effect on fish and wildlife resources. In this case, for purposes of the Fish and Game Code, the Project may have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. The Initial Study was sent to CDFW for review, comment, and to recommend necessary conditions to protect biological resources in this area. Although no comments from CDFW have been received, the Project will be required to pay the state fee plus a fee payable to the County of Monterey Clerk/Recorder for processing said fee and posting the Notice of Determination.
 - m) Pursuant to CEQA Guidelines Section 15073(e), no public agencies submitted comments on the Initial Study and Mitigated Negative Declaration.
 - n) One comment letter on the Initial Study was received within the public circulation period, by Matthew D. Francois of Rutan & Tucker, LLP on behalf of the owner of the property at 230 Highway 1. However, none of the contentions raised in the letter require recirculation pursuant to CEQA Guidelines section 15073.5. While responses to comments received on a Mitigated Negative Declaration are not required under CEQA, responses to some of the key contentions are detailed in Evidence “o” through “z” below, as well as how the Initial Study has been clarified, amplified, or corrected to address them.
 - o) Geological Hazards. Pg. 3 of the letter states that the “geological concerns” identified in the Initial Study are environmental impacts, and that the study fails to identify this or impose any mitigation. However, these subject areas are fully analyzed in the Initial Study, which concludes that they would cause less than significant impacts.
 - p) Conditions of Approval. Page 4 of the letter states that incorporation of conditions of approval as part of a project to avoid environmental impacts rather than mitigation measures is inappropriate. As a best practice of writing mitigation measures, the County avoids re-stating federal, state, or local requirements as mitigation. The conditions are described in section II.A of the Initial Study as part of the project, and are required by the County’s land use policies and regulations, typical

requirements that are routinely required in the County's review of development applications, or both, so re-stating them as mitigation would be redundant. Finally, all conditions of approval and mitigation measures shall fully enforceable in accordance with CEQA Guidelines section 15126.4(a)(2). As previously stated the applicant shall be required by Condition No. 5 to enter into a Condition of Approval and Mitigation Monitoring and Reporting Plan.

- q) Deed Restriction. Pg. 4 of the letter also states that the County is taking an extreme measure of requiring a condition that development be re-evaluated if/when it becomes threatened by coastal hazards, as the much of the development is seaward of the 100-year bluff setback. The referenced deed restriction condition is in addition to requiring that the development have foundations penetrating below the 100-year bluff profile per the geologists and geotechnical engineers recommendations. This condition has been applied based on LUP policy 2.7.3.4, and similar armoring prohibition conditions have been applied to other sites subject to coastal hazards in the County's coastal zone, including PLN210093, PLN210228, and PLN230064.
- r) Landslides. Page 5 of the letter identifies an inaccuracy in section VI.7(a.iv and c) on pg. 60 of the Initial Study, that there are no indicators of landslides in the area. This has been corrected as a landslide occurred south and west of the project site at 255 Highway 1.
- s) Roadway Improvements. Page 6 of the letter states that the Initial Study fails to consider the impacts of necessary roadway, storm drain, and water treatment system improvements. The storm drainage and water system improvements are appropriately analyzed within the Initial Study. The study did not include the paving of the access roadway to the property. However, the project description has been corrected in section II.A pgs. 1 and 11. However, as such improvements are limited to paving an existing access roadway within an existing roadway easement, where a roadway is presently constructed, they would not introduce any new environmental effects or increase the severity of any previously identified and analyzed environmental effects.
- t) Drainage. Page 6 of the letter states the Initial Study inappropriately defers analysis of the drainage and system to the ministerial stage of review. However grading, drainage, and erosion control plans which were submitted and reviewed by HCD-Environmental Services as part of the planning entitlement process. The civil engineer Guy R. Giraud, Landset Engineers, Inc. also wrote a letter dated September 20, 2024 describing how the drainage system has been designed in a manner that would not accelerate erosion. Section VI.7(b) of the Initial Study, pg. 61 has been clarified and amplified to add this additional information.
- u) Construction Schedule. Page 7 of the letter states that the Initial Study has an inconsistent construction schedule, with one section stating the estimated construction duration is 12 months, and another that the construction schedule is estimated at 24 months. The estimated construction schedule is 24 months, and this information has been corrected in section II.A of the Initial Study, pg. 10.
- v) Cultural Resources. Page 10 of the letter states the mitigation measure CUL-4 (Condition No. 21), which requires an Archaeological Mitigation

Plan if any resources are identified in the course of construction, is inconsistent with the CIP as CIP section 20.146.090.D.3 requires avoidance of archaeological resources; and inappropriately defers the mitigation, because the Initial Study does not explain why it is not practical/feasible to prepare a mitigation plan now, and the mitigation measure lacks specific performance standards. This mitigation is consistent with the CIP. While CIP section 20.146.090.D.3 states development on cultural sites shall be required to avoid impacts to such cultural sites by project design, CIP section 20.146.090.D.4 addresses where construction to an identified archaeological site cannot be avoided, a mitigation plan shall be required. These two sections operate together, with avoidance being required first, and a mitigation plan if avoidance cannot be avoided. CEQA statute section 21083.2.(i) specifically states that an agency may make provisions for sites accidentally discovered during construction as part of its mitigation. It would also not be feasible to prepare an Archaeological Mitigation Plan at this point, as the concentration, significance, and tribal and recommendations regarding the disposition of any unknown subterranean resources could not be assessed unless resources are discovered in the course of construction. The mitigation measure also includes two specific performance measures for determining if the resource is unfeasible to avoid, that developing the site with a single-family residence and associated utilities entirely, or result in a reduction of square footage of 10% of the single-family dwelling and attached garage.

- w) Hydrology. Page 11 of the letter states that the storm drain system would likely result in significant, unmitigated impacts to erosion and flooding. However, the recommendation of the geologist and geotechnical regarding drainage will be required to be adhered to through Condition Nos. 10 and 11, and pursuant to MCC Chapters 16.08 and 16.12; the applicants prepared grading, drainage, and erosion control plans which were submitted and reviewed by HCD-Environmental Services as part of the planning entitlement process; and the project civil engineer described how the drainage system would function to prevent excessive erosion in a letter dated September 20, 2024.
- x) Tribal Cultural Resources. Page 12 of the letter states that an EIR is required as there is a very high likelihood of impacts to tribal cultural resources, and tribal representatives requested phase II archaeological assessments for the project, which were not required of the project applicant. However, in exercising its independent judgement, the County determined that additional subsurface investigation was determined not to be warranted for the project, as subsurface testing has already been performed for CA-MNT-1348 and the mitigation measures for the project reduce any potential impacts to cultural or tribal cultural resources to a less than significant level. It would not be feasible for phase II testing to rule out the possibility of a significant resource at this time, as that would entail essentially trenching the entirety of the sewer line. Additionally, the project archaeologist provided a letter dated September 4, 2024 stating that they do not believe additional subsurface

testing is warranted, and due to the limited scope of disturbance, a sewer line trench approximately 18 inches wide by 24 inches deep, additional archaeological excavation may cause more impact to the site than the project itself. Section VI.5(b and c), pg. 46 of the Initial Study has been amplified with the analysis from this letter.

- y) Construction Hours. Page 12 of the letter requests confirmation on whether construction work would comply with Monterey County Code, as it isn't in the draft construction management plan. This is confirmed.
- z) Additional Corrections. Footnote 6 on page 4 of the letter notes that the figure numbers on pg. 57 of the Initial Study are incorrect. These have been corrected. Additionally, on page 11 of the Initial Study the Variance description has been updated to match the text of this resolution.
- aa) The Planning Commission finds that there is no substantial evidence supporting a fair argument of a significant environmental impact. Pursuant to CEQA Guidelines section 15064(f)(4), public controversy over the environmental effects of a project alone does not trigger an EIR. The Planning Commission has considered the application, public comment, technical studies/reports, the staff report that reflect the County's independent judgment, and information and testimony presented during public hearing and finds that 1) there is no new substantial evidence submitted to the Lead Agency indicating either inaccuracies or that the proposed project may have a significant effect on the environmental; and 2) that Mitigated Negative Declaration properly analyzes the project's potential impacts. See the evidence of this Finding, and Finding Nos. 1 through 8 and the supporting evidence referenced in each respective Finding.
- bb) County of Monterey HCD-Planning, located at 1441 Schilling Place, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based.
- cc) The application, plans and supporting materials submitted by the Project applicant to County of Monterey HCD-Planning for the proposed development are found in Project File PLN210061.

- 15. 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 applicable Local Coastal Program, and does not interfere with any form of historic public use or trust rights.
- EVIDENCE:**
- a) No public access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.146.130 of the County of Monterey Coastal Implementation Plan (CIP) can be demonstrated.
 - b) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - c) The subject properties are designated as being inappropriate for beach access in the Carmel Area Land Use Plan (LUP) Figure 3.
 - d) The property is approximately 140 feet southwest of the visual access point identified in LUP figure 3 and section 5.3.4 as an existing bluff top

vista point adjacent to the Highland inn, and is adjacent to Scenic Highway 1. LUP visual access policies 5.3.3.4.a and 5.3.3.4.c require that visual access to the shoreline from major viewing corridors be protected for visitors and residents alike, and that structures and landscaping installed west of Highway 1 be sited and designed to retain public views of the shoreline and roads. The home is partially visible from the overlook, however, it is heavily obscured from view by existing trees. It would not obstruct views of the rocky promontories and bluffs along the shoreline that are currently visible from the vista point. Additionally, other residences are partially visible from the vista point; accordingly, the proposed project would be consistent with the existing landscape and features currently visible from the vista point and would not degrade the visual quality of the area. The site slopes steeply down from Highway 1 westward, with the edge of the road being at an elevation of approximately 117 feet while the building site is at an elevation of approximately 87 feet. The topmost point of the residence is at an elevation of 108.5 feet. This is 5.25 feet below the maximum allowable height of 113.75 feet and 8.5 feet below the edge of the road. At this height, visibility of the residence from Highway 1 is minimal, as demonstrated in the photo simulation submitted as part of the project application and included in the Initial Study prepared for the project. Therefore the project would not impact visual access either from this vista point or along the Highway 1 corridor.

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

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

- EVIDENCE:**
- a) Staff reviewed County of Monterey HCD-Planning and HCD-Building Services records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspections on May 4, 2021, September 15, 2021, and July 26, 2024 and researched County records to assess if any violation exists on the subject property.
 - c) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN210061.

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

- EVIDENCE:**
- a) Pursuant to Section 20.86.030.A of Title 20, an appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
 - b) Pursuant to Section 20.86.080.A.1 of Title 20, the project is subject to appeal by/to the California Coastal Commission because it involves

development between the sea and the first through public road paralleling the sea, in this case Highway 1.

DECISION

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

1. Adopt a Mitigated Negative Declaration pursuant to Section 15074 of the CEQA Guidelines; and
2. Approve a Combined Development Permit consisting of a:
 - a. Variance to the required setbacks for the single-family residence to reduce the front setback parallel to Highway 1 from 30 feet to 20 feet; and a
 - b. Variance to reduce the required setbacks for a retaining wall and emergency access stairway, reducing the setback from 30 feet to between 2 and 14 feet along the eastern, northeastern, and southerly property lines;
 - c. Coastal Administrative Permit and Design Approval to allow construction of: a 4,921 square foot single-family residence, inclusive 803 square feet of non-habitable space for an attached garage and a mechanical room; and associated site improvements including grading with 2,305 cubic yards of cut and 355 cubic yards of fill; an auto-court, interior courtyard, and patio area with a hot tub; an emergency fire access stairway; a foundation system consisting of micropiles and soil nails; retaining walls parallel to Highway 1; paving the access road leading to the site; and utility improvements including a septic tank, centralized water quality treatment for Highway 1 Water Distribution System #12, and approximately 400 lineal feet of sewer line;
 - d. Coastal Development Permit to allow development within 50 feet of a coastal bluff;
 - e. Coastal Development Permit to allow removal of 6 trees, including 5 Monterey cypress (four of which are landmark trees) and 1 Monterey pine;
 - f. Coastal Development Permit to allow 6,758 square feet of development on slopes in excess of 30%;
 - g. Coastal Development Permit to allow development within 750 feet of known archaeological resources; and
3. Adopt a Mitigation Monitoring and Reporting Plan.

All of which are in general conformance with the attached conditions (attachment 1), coastal hazards deed restriction language (Attachment 2), and project plans (Attachment 3), all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 30th day of October, 2024, upon motion of _____, seconded by _____, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Melanie Beretti, AICP
Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____.

THIS 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 County of Monterey Building Ordinance in every respect.

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

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

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

Form Rev. 1-27-2021

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County of Monterey HCD Planning

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

PLN210061

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

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

- a. Variance to the required setbacks for the single-family residence to reduce the front setback parallel to Highway 1 from 30 feet to 20 feet;
- b. Variance to reduce the required setbacks for a retaining wall and emergency access stairway, reducing the setback from 30 feet to between 2 and 14 feet along the eastern, northeastern, and southerly property lines;
- c. Coastal Administrative Permit and Design Approval to allow construction of: a 4,921 square foot single-family residence, inclusive 803 square feet of non-habitable space for an attached garage and a mechanical room; and associated site improvements including grading with 2,305 cubic yards of cut and 355 cubic yards of fill; an auto-court, interior courtyard, and patio area with a hot tub; an emergency fire access stairway; a foundation system consisting of micropiles and soil nails; retaining walls parallel to Highway 1; paving the access road leading to the site; and utility improvements including a septic tank, centralized water quality treatment for Highway 1 Water Distribution System #12, and approximately 400 lineal feet of sewer line
- d. Coastal Development Permit to allow development within 50 feet of a coastal bluff;
- e. Coastal Development Permit to allow removal of 6 trees, including 5 Monterey cypress (four of which are landmark trees) and 1 Monterey pine;
- f. Coastal Development Permit to allow 6,758 square feet of development on slopes in excess of 30%; and a
- g. Coastal Development Permit to allow development within 750 feet of known archaeological resources.

The property is located at 226 Highway 1 (Assessor's Parcel Number 241-182-003-000), and off-site improvements are located on Assessor's Parcel Numbers 241-182-004-000, 241-182-005-000, and 241-182-006-000, Carmel Area Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of HCD - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (HCD - Planning)

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning

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

Monitoring Measure: "A Combined Development Permit (Resolution Number _____) was approved by Planning Commission for Assessor's Parcel Number 241-182-003-000 on October 30, 2024. The permit was granted subject to 28 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

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

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

3. PD003(B) - CULTURAL RESOURCES POSITIVE ARCHAEOLOGICAL REPORT

Responsible Department: Planning

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

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

If the coroner determines the remains to be Native American:

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

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

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

(HCD - Planning)

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

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

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

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

Responsible Department: Planning

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

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

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

5. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

Responsible Department: Planning

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

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

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

6. PD011(A) - TREE REMOVAL

Responsible Department: Planning

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

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

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

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The site shall be landscaped. Prior to the issuance of building permits, a landscaping plan shall be submitted to the Director of HCD - Planning .

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.

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

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The lighting source shall be shielded and recessed into the fixture. The applicant shall submit one (1) copy of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of HCD - Planning, prior to the issuance of building permits.
(HCD - Planning)

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

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

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

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

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:
"A(n) Construction Impact Assessment and Tree Management Plan (Library No. LIB210215), was prepared by Ono Consulting on June 17, 2021 and is on file in Monterey County HCD - Planning. All development shall be in accordance with this report."
(HCD - Planning)

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

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

10. PD016 - NOTICE OF REPORT (GEOLOGICAL REPORT)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:
"A(n) Geologic Investigation (Library No. LIB240060), was prepared by Easton Geology, Inc. on December 15, 2022 and is on file in Monterey County HCD - Planning. All development shall be in accordance with this report."
(HCD - Planning)

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

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

11. PD016 - NOTICE OF REPORT (GEOTECHNICAL REPORT)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:
"A(n) Geotechnical Investigation (Library No. LIB240059), was prepared by Rock Solid Engineering, Inc. on December 15, 2022 and is on file in Monterey County HCD - Planning. All development shall be in accordance with this report."
(HCD - Planning)

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

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

12. PD023 - CONSERVATION AND SCENIC EASEMENT (SLOPE)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: A conservation and scenic easement shall be conveyed to the County over those portions of the property where the slope exceeds 30% percent, excepting those areas on slopes in excess of 30% approved for development by this permit. The easement shall be developed in consultation with certified professional. A conservation and scenic easement deed shall be submitted to, and approved by, the Director of HCD - Planning and accepted by the Board of Supervisors prior to recording the parcel/final map or prior to the issuance of grading or building permits. (HCD - Planning)

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

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

13. PD048 - TREE REPLACEMENT/RELOCATION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to final of construction permits, the applicant shall replace and or relocate each tree approved for removal as follows:
- Replacement ratio: 5 Monterey cypress and 1 Monterey pine
Replacement tree(s) shall be located within the same general location as the tree being removed. (HCD - Planning)

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

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

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

14. PD049 - TREE AND ROOT PROTECTION

Responsible Department: Planning

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

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

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

15. PD050 - RAPTOR/MIGRATORY BIRD NESTING

Responsible Department: Planning

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

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

16. PDSP001 - PALEONTOLOGICAL STOP WORK

Responsible Department: Planning

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

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

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

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

17. PDSP002 - BLUFF/COASTAL HAZARDS DEED RESTRICTION

Responsible Department: Planning

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

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

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

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to ground disturbance for installation of the sewer line running through the utility and access easement on assessor's parcel numbers 241-182-020-000, 241-182-004-000, 241-182-005-000, and 241-182-015-000, or any ground disturbing activities within 50 feet of the boundary of P-27-001377 / CA-MNT-1348, a qualified archaeologist either on the County of Monterey's list of approved archaeological consultants, a Registered Professional Archaeologist, or an archaeologist working under the direct supervision of a Registered Professional Archaeologist shall provide an Archaeological Resources Sensitivity Training to all construction personnel involved in these earth disturbing activities. The training shall include information on how to identify potential cultural resources, and the procedures for if unanticipated cultural resources are discovered during the course of work.

Compliance or Monitoring Action to be Performed: CUL-1a: Prior to issuance of grading/construction permits, the owner/application shall submit an executed contract with a qualified archaeologist for the Archaeological Resource Sensitivity training to HCD-Planning for review and approval.

CUL-1b: Prior to issuance of grading/construction permits, the owner/applicant shall submit a construction schedule to HCD-Planning with the anticipated dates when sewer line excavation and any work within 50 feet of the boundary of P-27-001377 / CA-MNT-1348 would occur.

CUL-1c: Prior to issuance of grading/construction permits, the qualified archaeologist shall review the schedule required by mitigation monitoring action CUL-1b, identify which activities would require the training, and submit that information to HCD-Planning.

CUL-1d: Prior to ground disturbance for any work requiring an Archaeological Resources Sensitivity Training as determined by mitigation monitoring action CUL-1c, the owner/applicant/qualified archaeologist shall submit evidence to HCD-Planning that the training required by this mitigation measure occurred. The evidence shall consist of the training materials provided to the construction crew, a list of attendees, and written verification from the qualified archaeologist.

19. PDSP004 - CUL-2 ARCHAEOLOGICAL MONITOR

Responsible Department: Planning

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

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

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

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

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

Responsible Department: Planning

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

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

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

Compliance or Monitoring Action to be Performed: CUL-3a: Prior to the issuance of grading or building permits, the Owner/Applicant shall include the text of this mitigation measure and all mitigation monitoring actions on all grading/building plans.

CUL-3b: During construction, should any archaeological or tribal cultural resources be discovered at the site, the owner/applicant/on-site superintendent shall halt work immediately within 50 meters (165 feet) of the find until a qualified archaeologist and tribal cultural monitor can evaluate it.

CUL3c: During construction, should any archaeological resources, tribal cultural resources, and/or human remains be encountered, the owner/applicant shall establish a 100 foot radius buffer zone of no disturbance and no entry with stakes and flagging tape until a qualified archaeologist and/or the County coroner can inspect the find. The owner/applicant/applicant's contractor shall be responsible to work in cooperation with the on-site monitors and protect the resource until it can be evaluated.

CUL-3d: During construction, if archaeological or tribal cultural resources are discovered, the owner/applicant/on-site construction superintendent shall also immediately notify HCD – Planning, a qualified archaeologist under contract pursuant to Mitigation Measure CUL-2, and the tribal cultural monitor under contract pursuant to mitigation Measure TR-CUL-1.

CUL-3e: If contacted pursuant to mitigation monitoring action CUL-3c, a qualified archaeologist shall visit the site within 48 hours to determine the extent of resources. The owner/applicant/qualified archaeologist shall consult the tribal cultural monitor for recommendations on the disposition of any tribal cultural resources with appropriate dignity. Any artifacts found that are not associated with a finding of human remains shall be cataloged by both the Tribal Monitor and a qualified archaeologist. Once catalogued, the qualified archaeologist shall prepare an archaeological Mitigation Plan as required by CUL-4.

CUL-3f: On an on-going basis, the owner/applicant shall ensure that artifacts associated with a finding of human remains shall be reburied in accordance with State Law and penalty for violation pursuant to PRC section 5097.994.

21. PDSP006 - CUL-4 ARCHAEOLOGICAL MITIGATION PLAN

Responsible Department: Planning

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

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

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

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

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

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

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

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

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

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

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

Responsible Department: Planning

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

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

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

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

23. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel-Risk Management

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-Risk Management)

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 Office of County Counsel-Risk Management 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-Risk Management

24. PW0031 – BOUNDARY SURVEY

Responsible Department: Public Works

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

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

25. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

Responsible Department: Public Works

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

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

26. PW0044 - CONSTRUCTION MANAGEMENT PLAN

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: The applicant shall submit a Construction Management Plan (CMP) to HCD-Planning and HCD - Public Works for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project. CMP shall include, at a minimum, duration of the construction, hours of operation, truck routes, estimated number of truck trips that will be generated, number of construction workers, and on-site/off-site parking areas for equipment and workers and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project.

Compliance or Monitoring Action to be Performed:

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

27. PW0045 – COUNTYWIDE TRAFFIC FEE

Responsible Department: Public Works

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

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

28. PDSP008 - PRIVATE SEWER CONNECTION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of any grading or construction permits, the owner/applicant shall be required to provide evidence that they have appropriate permission to connect to the "Highlands Point Association" private sewer lateral to the satisfaction of the Carmel Area Wastewater District ("CAWD"), and that they have secured a sewer connection permit from the CAWD.

Compliance or Monitoring Action to be Performed: Prior to issuance of grading/construction permits by HCD-Building Services, the owner/applicant shall submit evidence to CAWD and HCD-Planning that they have permission to connect to the "Highlands Point Association" from the owners served by that system.

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

Exhibit B – Attachment 2 Coastal Hazards Deed Restriction

Condition No. 17 PDSP001 – Bluff/Coastal Hazards Deed Restriction Text:

a. General Provisions. This deed restriction is being recorded to satisfy Condition No. 17 of the Combined Development Permit Approval (PLN210061), approved by County of Monterey Planning Commission Resolution No. 24-XX. By accepting this permit, the property owner has accepted the following conditions and restrictions, which shall run with the land and also bind subsequent property owners:

b. Coastal Hazards. The site is subject to coastal hazards, including but not limited to waves, storms, flooding, landslide, shoreline retreat, erosion, and earth movement, many of which will worsen with future sea level rise. This site is on a coastal bluff and is subject to known bluff erosion and slope stability hazards. Geological reports prepared for the Combined Development Permit PLN210061 identified a “100-year blufftop line,” and stated that structures should either be setback landward of this 100-year blufftop line or have foundations that penetrate below the 100-year projected bluff profile.

c. Assume Risks. To assume all risks to the Permittee and the properties that are the subject of this permit of injury and damage from such hazards in connection with this permitted development.

d. Liability Waiver. To unconditionally waive any claim of damage or liability against the County of Monterey, and their officers, agents, and employees for injury or damage from such hazards.

e. Indemnification. To indemnify and hold harmless the County of Monterey, and their officers, agents, and employees with respect to the County’s approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards. This indemnification obligation is in addition to, and cumulative of, the indemnification obligation imposed by the County of Monterey Planning Commission in its Resolution No. 24-XX, Condition No. 23. Property owner understands and agrees that both indemnification obligations shall be memorialized in the indemnification agreement required by Planning Commission Resolution No. 24-XX, Condition No. 23.

f. Permittee Responsible. That any adverse effects to property caused by the permitted project shall be fully the responsibility of the Permittee.

g. Shoreline Armoring Prohibited. That no shoreline armoring shall ever be constructed to protect the development approved pursuant to this permit, including in the event that the development is threatened with damage or destruction from coastal hazards in the future.

h. Waiver of Rights to Construct Armoring. The Permittee hereby waives, on behalf of itself and all successors and assigns, any rights to construct such armoring that may exist under applicable law.

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

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

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

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

JOHNSON RESIDENCE

226 Highway 1 Carmel, California 93923

OWNERSHIP NOTES

OWNERSHIP AND USE OF THESE DRAWINGS AND SPECIFICATIONS:

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- THE USE OF THESE DRAWINGS AND SPECIFICATIONS SHALL BE SOLELY RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND THE ARCHITECT HEREBY STATES THAT THEY ARE NOT INTENDED FOR NOR SUITABLY ENGINEERED FOR ANY OTHER SITE. REPRODUCTION OF THESE DOCUMENTS IF THEREFORE EXPRESSLY LIMITED TO THIS INTENDED USE.
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- IN THE EVENT OF UNAUTHORIZED USE BY ANY THIRD PARTY OF THESE DRAWINGS AND SPECIFICATIONS THE CLIENT FOR WHICH THIS WORK WAS ORIGINALLY PREPARED HEREBY AGREES TO HOLD HARMLESS, INDEMNIFY AND DEFEND THE ARCHITECT, ERIC MILLER, HIS STAFF/ EMPLOYEES FROM ANY CLAIMS ARISING FROM SUCH UNAUTHORIZED USE.

PROJECT DATA

DESCRIPTION : NEW 2-LEVEL SINGLE FAMILY RESIDENCE WITH 4 BEDROOMS, 4 FULL BATHS, 1 HALF BATH & ATTACHED 2 CAR GARAGE, CONSIST OF 4,118 S.F. LIVING SPACE AND OF 803 S.F. GARAGE & MECHANICAL.
 PROPOSE VARIANCE FOR FRONT YARD SETBACKS AT THE BUILDING, EAST RETAINING WALL, AND SOUTHEAST CORNER EMERGENCY EXIT STAIR .
 SEWER CONNECTION LINE FROM PROPERTY, DOWN THE DRIVEWAY IN THE ACCESS AND UTILITY EASEMENT TO MAIN LINE. PAVE DRIVEWAY IN THE ACCESS AND UTILITY EASEMENT.

PROJECT ADDRESS: 226 HIGHWAY 1, CARMEL, CALIFORNIA 93923

ASSESSOR'S PARCEL NUMBER: 241-182-003-000

LOT SIZE: 0.63 ACRES (27,400 S.F.)
 BUILDING HEIGHT: ALLOWABLE 30' MAX.
 ZONING: LDR/1-D(CZ)
 FRONT SETBACK: 30.0'
 REAR SETBACK: 20.0'
 SIDE SETBACK: 20.0'
 FLAG LOT SETBACK: 30.0' (RADIUS FROM CENTERLINE OF RIGHT OF WAY)
 MAX. HEIGHT: 30.0'

BUILDING SITE COVERAGE 15 % (ALLOWED)
 (ALLOWABLE: 4,110 S.F.)

BUILDING SITE COVERAGE		
ENCLOSED BUILDING FOOTPRINT	3,088 S.F.	
GRAND ENTRY	181 S.F.	
COVERED DECK / CABANA	713 S.F.	
CANTILEVERED LOWER DECK	106 S.F.	
TOTAL	4,096 S.F.	14.9 %

SITE COVERAGE		
PAVERS @ STEPPING STONES	281 S.F.	
PAVERS @ DRIVEWAY	2,127 S.F.	
PAVERS @ LOWER PATIO	1,176 S.F.	
STAIRS, LANDINGS, & UTILITY YARD	305 S.F.	
RETAINING WALLS	408 S.F.	
HOT TUB	64 S.F.	
TOTAL	4,361 S.F.	

FLOOR AREA 20 % (ALLOWED)
 (ALLOWABLE: 5,400 S.F.)

PROPOSED FLOOR AREA		
LOWER FLOOR LEVEL	2,389 S.F.	
UPPER FLOOR LEVEL	1,724 S.F.	
SUB TOTAL	4,113 S.F.	
GARAGE & MECHANICAL	803 S.F.	
TOTAL	4,921 S.F. = 17.96 %	

UTILITIES

- WATER: MUTUAL WELL - HIGHWAY 1 WATER DISTRIBUTION SYSTEM #12
- ELECTRICAL AND GAS: PACIFIC GAS & ELECTRIC
- SANITARY SEWER SYSTEM: CARMEL WASTEWATER

TREE REMOVAL

- REMOVE (1) PINE (18" DIAMETER)
 REMOVE (1) ACACIA (12" DIAMETER)
 REMOVE (5) CYPRESS (12", THREE 24", 30" DIAMETER)

GRADING

PROPOSED CUT : 2,270 CU. YDS.
 PROPOSED FILL : 395 CU. YDS.
 NET CUT : 1,875 CU. YDS.

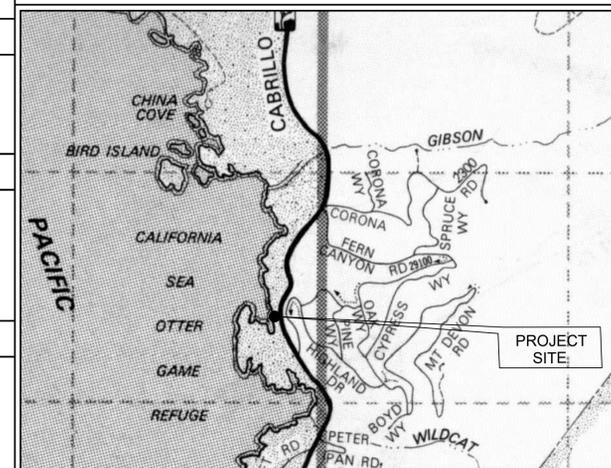
PROJECT TEAM

- OWNER: HAL & ALLISON JOHNSON
 3630 LOST CREEK BLVD.
 AUSTIN, TX 78795
- ARCHITECT: ERIC MILLER ARCHITECTS, INC.
 211 HOFFMAN AVENUE,
 MONTEREY, CA 93940
 PH: (831) 372-0410
 CONTACT: CARLA HASHIMOTO
- SURVEYOR: RASMUSSEN LAND SURVEYING, INC.
 2150 GARDEN ROAD, SUITE A-3
 MONTEREY, CA 93940
 PH: (831) 375-7240
 FAX: (831) 375-2545
- GEOTECHNICAL: ROCK SOLID ENGINEERING, INC.
 1100 MAIN STREET, SUITE A
 WATSONVILLE, CA 95076
 PH: (831) 724-5868
 FAX: (831) 763-1578
- GEOLOGIST: EASTON GEOLOGY, INC.
 P.O. BOX 35533
 SANTA CRUZ, CA 95063
 PH: (831) 247-4317
- CIVIL: LANDSET ENGINEERING
 520-B CRAZY HORSE CANYON ROAD
 SALINAS, CA 95071
 PH: 831-443-6970
 CONTACT: GUY GIRAUDO
- LANDSCAPE ARCHITECT: SIMON PHILLIPS
 SEVEN SPRINGS STUDIO
 2348 EMPIRE GRADE
 SANTA CRUZ, CA 95060
 PH: (831) 466-9617
- ARBORIST: F.O. CONSULTING
 1215 MILES AVENUE
 PACIFIC GROVE, CA 93950
 PH: (831) 575-1026
 CONTACT: FRANK ONO
- ARCHAEOLOGIST: PATRICIA PARAMOURE
 ARCHAEOLOGICAL CONSULTING
 5489 SOQUEL DRIVE
 SOQUEL, CA 95073
 PH: (831) 465-9804
- BIOLOGIST: PATRICK REGAN
 REGAN BIOLOGICAL & HORTICULTURAL
 CONSULTING
 CARMEL VALLEY, CA 93924
 PH: (831) 654-1491

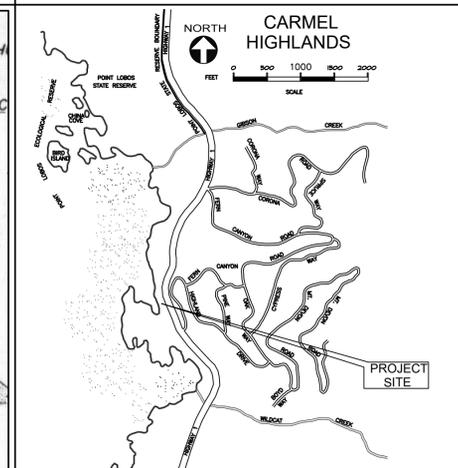
SHEET INDEX

- ARCHITECTURAL:**
- A-0.1 TITLE SHEET
 - 1 of 1 TOPOGRAPHIC SURVEY
 - A-1.1 PROPOSED SITE PLAN
 - A-1.2 PROPOSED SLOPE ANALYSIS
 - A-1.2B JUXTAPOSED SITE PLAN
 - A-1.3 AERIAL PHOTOGRAPH OF SITE
 - A-2.1 LOWER FLOOR PLAN
 - A-2.2 UPPER FLOOR PLAN
 - A-2.3 ROOF PLAN
 - A-3.1 PROPOSED NORTH & WEST EXTERIOR ELEVATIONS
 - A-3.2 PROPOSED SOUTH & EAST EXTERIOR ELEVATIONS
 - A-T.1 MATERIAL COLOR SAMPLE
 - A-T.2 RENDERINGS
- CIVIL:**
- C1 COVER SHEET
 - C2 EXISTING CONDITIONS
 - C3 GRADING & DRAINAGE PLAN - UPPER
 - C4 GRADING & DRAINAGE PLAN - LOWER
 - C5 GRADING SECTIONS & DETAILS
 - C6 UTILITY PLAN
 - C7 CONSTRUCTION DETAILS
 - C8 EROSION & SOURCE CONTROL PLAN
 - C9 CONSTRUCTION MANAGEMENT PLAN
 - C10 SLOPE ANALYSIS
- LANDSCAPE:**
- L-1.0 PLANTING PLAN
 - L-2.0 SITE LIGHTING PLAN
 - L-3.0 FUEL MANAGEMENT PLAN

LOCATION MAP



VICINITY MAP



REVISION	No.

CONSULTANT:

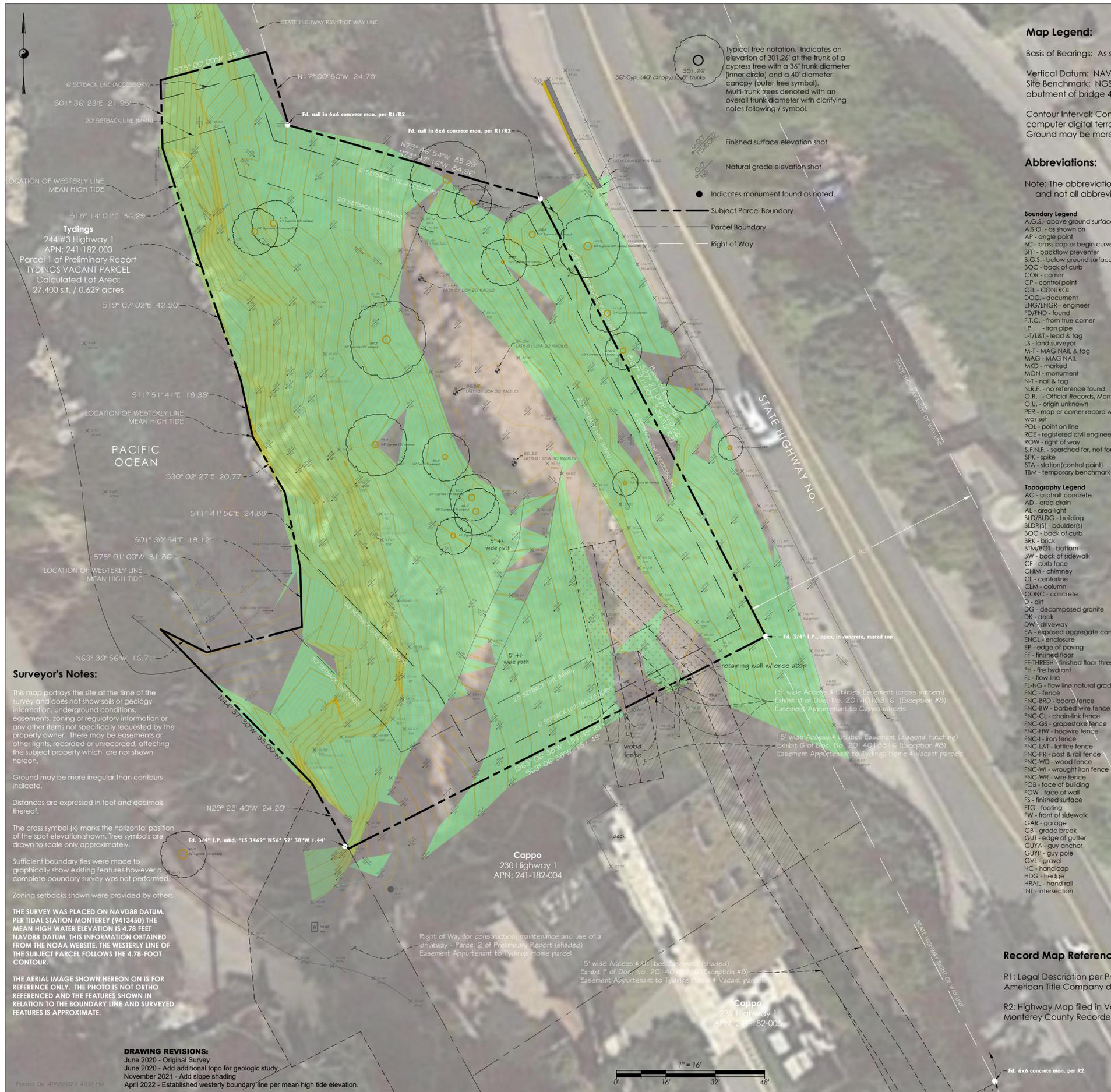
ERIC MILLER ARCHITECTS, INC.
 211 HOFFMAN AVENUE MONTEREY, CA 93940
 PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: www.ericmillerarchitects.com

ARCHITECT

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

DATE: 9/16/2024
 SCALE: N.T.S.
 DRAWN: HRM
 JOB NUMBER: 20.09

A-0.1
 SHEET OF



Map Legend:

Basis of Bearings: As shown or noted hereon.
 Vertical Datum: NAVD88.
 Site Benchmark: NGS Benchmark PID GU3236. Control disc set in the abutment of bridge 44-16 over Wildcat Creek. Elevation = 115.47'

Contour Interval: Contours as shown hereon are interpolated using computer digital terrain modeling software and spot elevations. Ground may be more irregular than contours indicate.

Abbreviations:

Note: The abbreviation and symbol lists below are comprehensive and not all abbreviations or symbols will appear on the map.

Boundary Legend

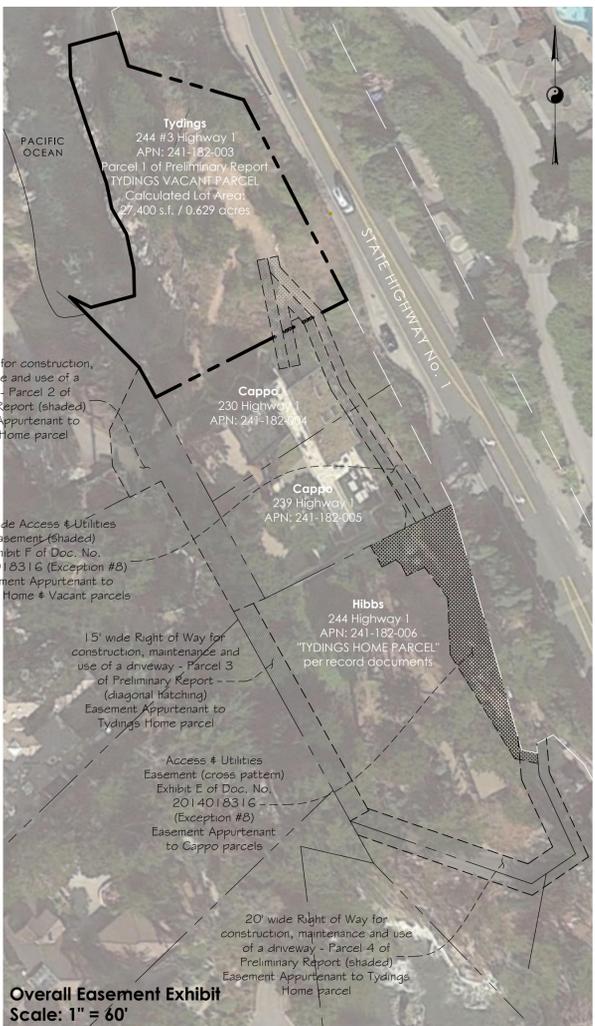
- A.G.S. - above ground surface
- A.S.O. - as shown on AP
- AP - angle point
- BC - brass cap or begin curve
- BFP - backflow preventer
- B.G.S. - below ground surface
- BOC - back of curb
- COR - corner
- CP - control point
- CTL - CONTROL
- DOC - document
- ENG/ENGR - engineer
- FD/FND - found
- F.T.C. - from true corner
- I.P. - iron pipe
- LTL/LIT - lead & tag
- LS - land surveyor
- M-T - MAG NAIL & tag
- MAG - MAG NAIL
- MKD - marked
- MON - monument
- N-T - nail & tag
- N.R.F. - no reference found
- O.R. - Official Records, Monterey County
- O.U. - origin unknown
- PER - map or corner record when monument was set
- POL - point on line
- RCE - registered civil engineer
- ROW - right of way
- S.F.N.F. - searched for, not found
- SPK - spike
- STA - station (control point)
- TBM - temporary benchmark

Topography Legend

- AC - asphalt concrete
- AD - area drain
- AL - area light
- BLD/BLDG - building
- BLDR(S) - boulder(s)
- BOC - back of curb
- BRK - brick
- BTM/BOT - bottom
- BW - back of sidewalk
- CF - curb face
- CHIM - chimney
- CL - centerline
- CLM - column
- CONC - concrete
- D - dirt
- DG - decomposed granite
- DK - deck
- DW - driveway
- EA - exposed aggregate concrete
- ENCL - enclosure
- EP - edge of paving
- FF - finished floor
- FF-THRESH - finished floor threshold
- FH - fire hydrant
- FL - flow line
- FL-NG - flow line natural grade
- FNC - fence
- FNC-BRD - board fence
- FNC-BW - barbed wire fence
- FNC-CL - chain-link fence
- FNC-GS - grapestake fence
- FNC-HW - hogwire fence
- FNC-I - iron fence
- FNC-LAT - lattice fence
- FNC-PR - post & rail fence
- FNC-WD - wood fence
- FNC-WI - wrought iron fence
- FNC-WR - wire fence
- FOB - face of building
- POW - face of wall
- FS - finished surface
- FTG - footing
- FW - front of sidewalk
- GAR - garage
- GB - grade break
- GUT - edge of gutter
- GUYA - guy anchor
- GUYP - guy pole
- GVL - gravel
- HC - handicap
- HDG - hedge
- HRAL - hand rail
- INT - intersection

Utility Legend

- CAV - cable tv
- COMM - communications
- CO or C/O - clean out
- DDCV - double detector check valve
- ELEC - electric
- EM - electric meter
- EO - electric outlet
- GM - gas meter
- GV - gas valve
- HB - hose bib
- ICV - irrigation control valve
- IRR - irrigation
- JP - joint utility pole
- LT - light
- LT-STD - light standard/pole
- PB - utility pull box
- PF-FLAG - unmarked pull box
- PF-FLAG - unmarked pull box
- PF-B - blue pin flag
- PF-G - green pin flag
- PF-O - orange pin flag
- PF-P - pink pin flag
- PF-PL - purple pin flag
- PF-R - red pin flag
- PF-W - white pin flag
- PF-Y - yellow pin flag
- PM - paint mark
- PM-B - blue PM (water)
- PM-G - green PM (sewer)
- PM-O - orange PM (catv/comm)
- PM-P - pink PM (unknown facilities)
- PM-PL - purple PM (reclaimed water/ir)
- PM-R - red PM (elec)
- PM-W - white point mark
- PM-Y - yellow PM (gas)
- PP - power pole
- PVR - paver
- SCO - sewer clean out
- SDMH - storm drain manhole
- SSMH - sanitary sewer manhole
- ST-LT - street light
- STN - stone
- TELCO - telephone
- TG - top of drain grate
- UP - utility pole
- UTIL - utility
- VLT - vault
- VLT-GTE - GTE vault
- VLT-PB - PacBell vault
- VLT-PGE - PG&E vault
- VLT-TELCOM - telecommunications vault
- VLT-? - unmarked vault
- VLT-VRZ - Verizon vault
- WD-wood
- WL - water line
- WM - water meter
- WV - water valve



- catch basin-drain
- control point
- electric meter or pull box
- fire hydrant
- gas meter or pull box
- gas valve
- guy anchor
- irrigation pull box
- irrigation control valve
- light standard
- manhole
- point on line
- sewer clean out
- sign(pole)
- storm drain manhole
- sewer manhole
- telephone manhole
- telephone pull box
- traffic signal box
- cable television pull box
- unmarked pull box
- utility pole
- water meter
- water valve
- well

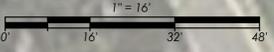
Topographic Survey

244 #3 Highway 1, APN: 241-182-003
 Located in Carmel Highlands, Monterey County, State of California
 Prepared For: Terry Tydings
 Requested By: Jonathan Spencer, Compass Real Estate
 May 2020 / Updated June 2020 / November 2021 / April 2022
Rasmussen Land Surveying, Inc.
 2150 Garden Road, Suite A-3, Monterey, California 93942
 P: 831.375.7240 F: 831.375.2545



Surveyor's Notes:
 This map portrays the site at the time of the survey and does not show soils or geology information, underground conditions, easements, zoning or regulatory information or any other items not specifically requested by the property owner. There may be easements or other rights, recorded or unrecorded, affecting the subject property which are not shown hereon.
 Ground may be more irregular than contours indicate.
 Distances are expressed in feet and decimals thereof.
 The cross symbol (x) marks the horizontal position of the spot elevation shown. Tree symbols are drawn to scale only approximately.
 Sufficient boundary ties were made to graphically show existing features however a complete boundary survey was not performed.
 Zoning setbacks shown were provided by others.

DRAWING REVISIONS:
 June 2020 - Original Survey
 June 2020 - Add additional topo for geologic study
 November 2021 - Add slope shading
 April 2022 - Established westerly boundary line per mean high tide elevation.





LEGEND

- = BUILDING FOOTPRINT
- X = TREE TO BE REMOVED
- = TREE TO BE PLANTED



PROPOSED SITE PLAN

SCALE: 1/16" = 1'-0"

0 8' 16' 32'

REVISION	No.

CONSULTANT:

ERIC MILLER ARCHITECTS, INC.

211 HOFFMAN AVENUE MONTEREY CA 93940
 PHONE (831) 372-0410 • FAX (831) 372-7640 • WEB: www.ericmillerarchitects.com

ARCHITECT

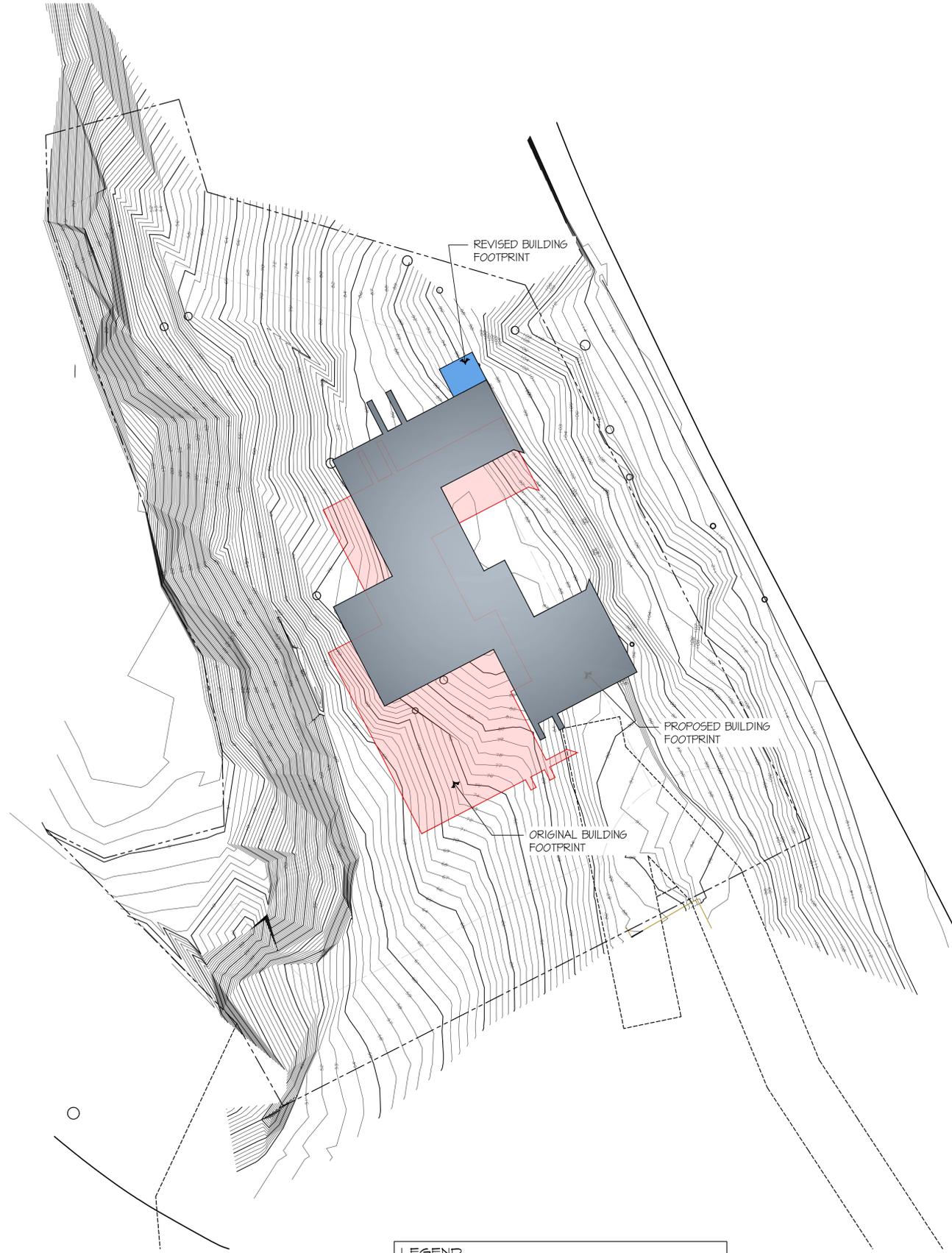
PROPOSED SITE PLAN

JOB NAME: **Johnson Residence**
 226 Highway 1
 Carmel, CA 93923
 A.P.N.: 241-182-008

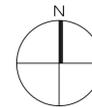
DATE: 6/28/2024
 SCALE: 1/16" = 1'-0"
 DRAWN: HRM
 JOB NUMBER: 20.09

A-1.1
 SHEET OF

PERCENTAGE IN 30% SLOPE	
ORIGINAL BUILDING:	
BUILDING FOOTPRINT	= 3,376 S.F.
FOOTPRINT IN 30%	= 2,178 S.F.
PERCENTAGE IN 30% = 65%	
NEW BUILDING:	
BUILDING FOOTPRINT	= 3,192 S.F.
FOOTPRINT IN 30%	= 1,448 S.F.
PERCENTAGE IN 30% = 46%	



LEGEND	
	= ORIGINAL BUILDING FOOTPRINT
	= REVISED BUILDING FOOTPRINT
	= PROPOSED BUILDING FOOTPRINT



ORIGINAL & NEW SITE PLAN
 0' 8' 16' 32'
 SCALE: 1/16" = 1'-0"

REVISION	No.

CONSULTANT:

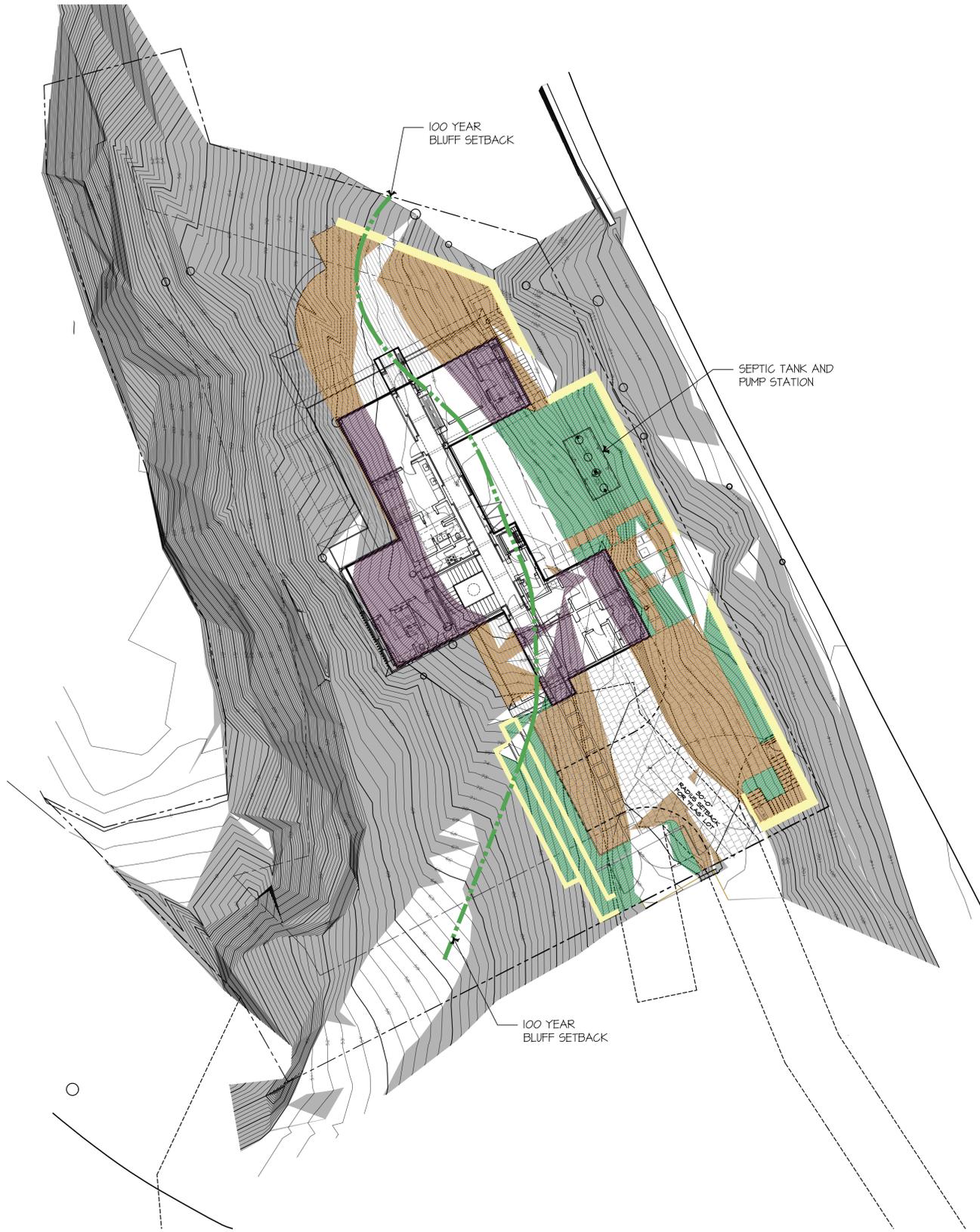
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 211 HOFFMAN AVENUE MONTEREY, CA 93940
 PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: www.ericmillerarchitects.com

JUXTAPOSED SITE PLAN

DATE: 6/28/2024
 SCALE: 1/16"=1'-0"
 DRAWN: HRM
 JOB NUMBER: 20.09

A-1.2B
 SHEET OF

S.F. PROPOSED ON 30% SLOPE	
	TOTAL BUILDING FOOTPRINT = 3,119 S.F.
	BUILDING FOOTPRINT IN 30% = 1,448 S.F. = 46%
	PAVING IN 30% = 3,141 S.F.
	RETAINING IN 30% = 536 S.F.
	LANDSCAPING IN 30% = 1,633 S.F.
TOTAL DEVELOPMENT IN 30% = 6,758 S.F.	



PROPOSED SLOPE ANALYSIS
SCALE: 1/16"=1'-0"

SLOPE ANALYSIS

JOB NAME: **Johnson Residence**
226 Highway 1
Carmel, CA 93923
A.P.N.: 241-182-008

DATE: 9/16/2024
SCALE: 1/16"=1'-0"
DRAWN: HRM
JOB NUMBER: 20.09

A-1.2
SHEET OF

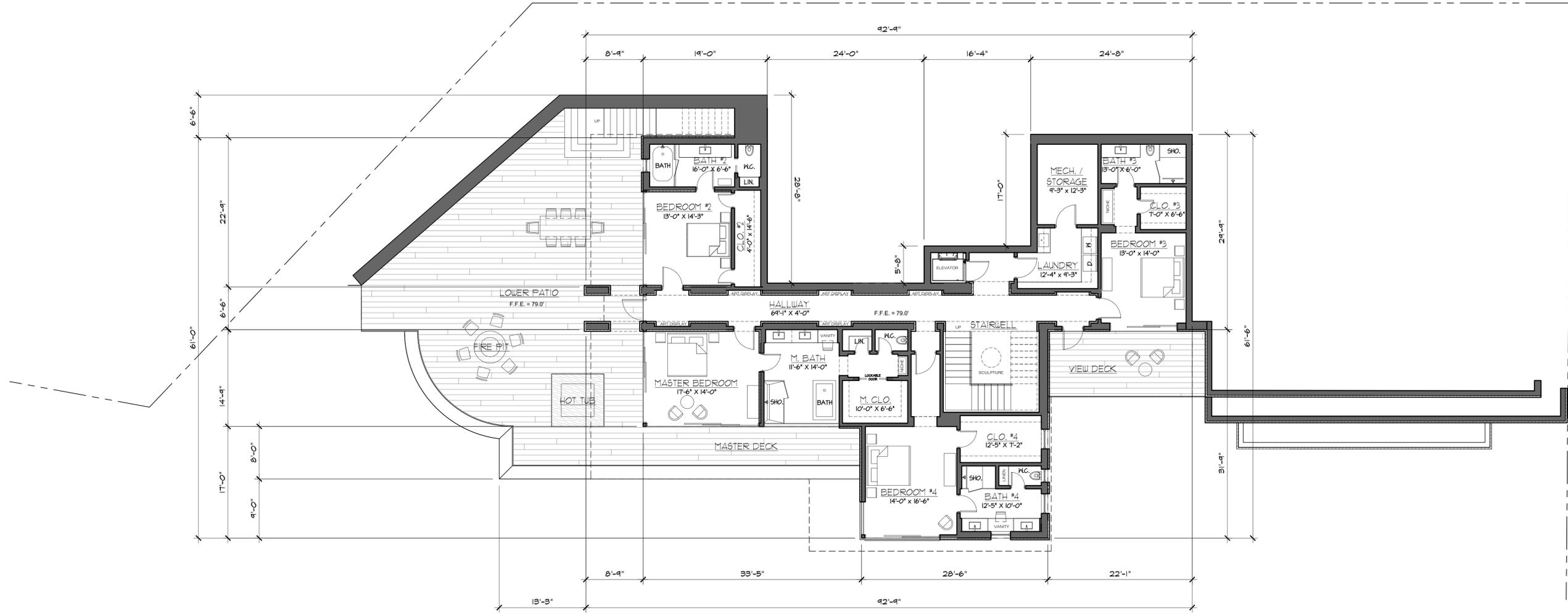
ARCHITECT

ERIC MILLER ARCHITECTS, INC.

211 HOFFMAN AVENUE MONTEREY, CA 93940
PHONE (831) 372-0410 • FAX (831) 372-7640 • WEB: www.ericmillerarchitects.com

CONSULTANT:

REVISION	No.



REVISION	No.

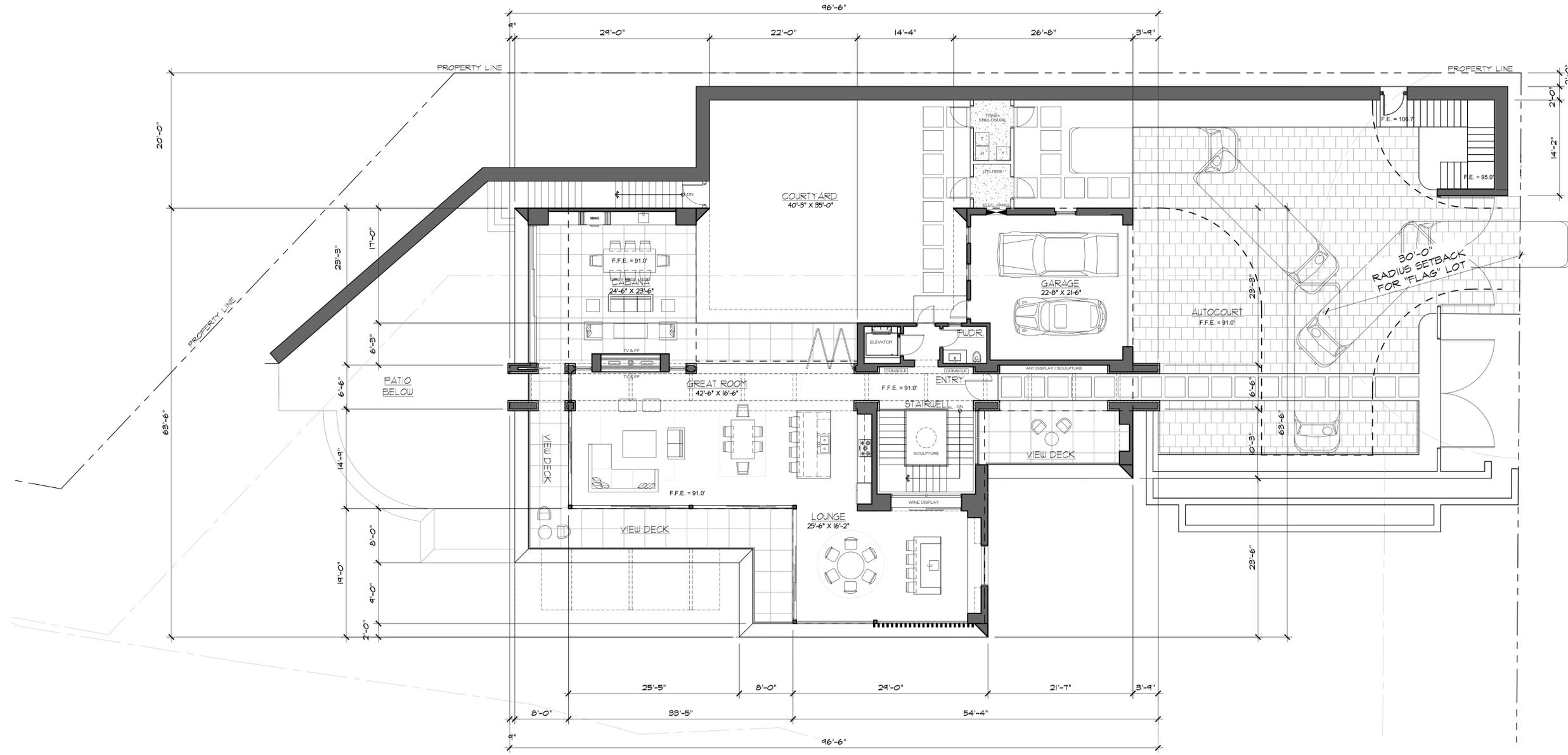
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ARCHITECT
ERIC MILLER ARCHITECTS, INC.
 211 HOFFMAN AVENUE MONTEREY, CA 93940
 PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: www.ericmillerarchitects.com

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

DATE: 6/28/2024
 SCALE: 1/8" = 1'-0"
 DRAWN: HRM
 JOB NUMBER: 2009

A-2.1
 SHEET OF



REVISION	No.

CONSULTANT:

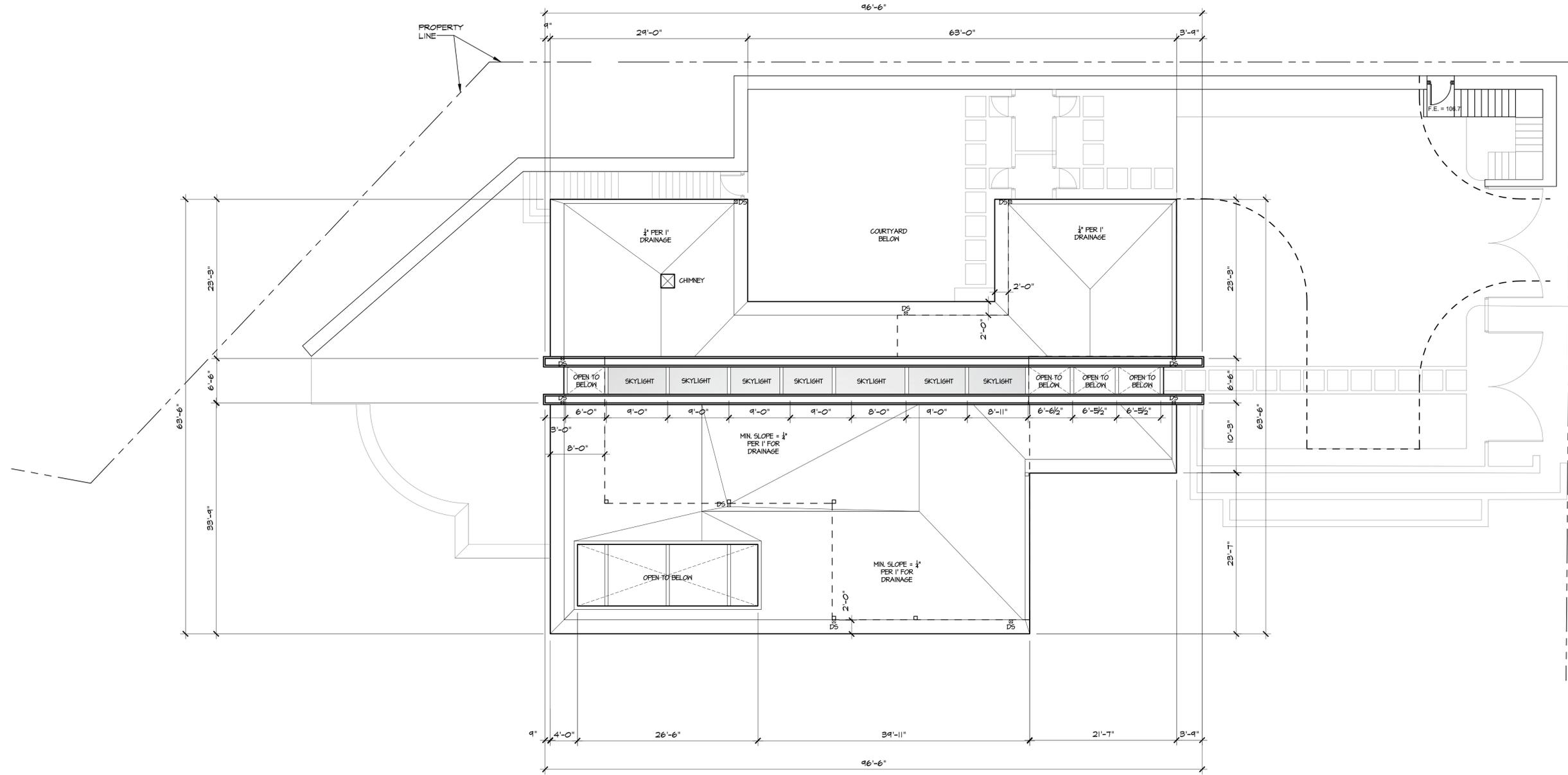
ARCHITECT
ERIC MILLER ARCHITECTS, INC.
 211 HOFFMAN AVENUE MONTEREY, CA 93940
 PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: www.ericmillerarchitects.com

UPPER FLOOR PLAN

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

DATE: 6/28/2024
 SCALE: 1/8" = 1'-0"
 DRAWN: HRM
 JOB NUMBER: 2009

A-2.2
 SHEET OF



REVISION	No.

CONSULTANT:

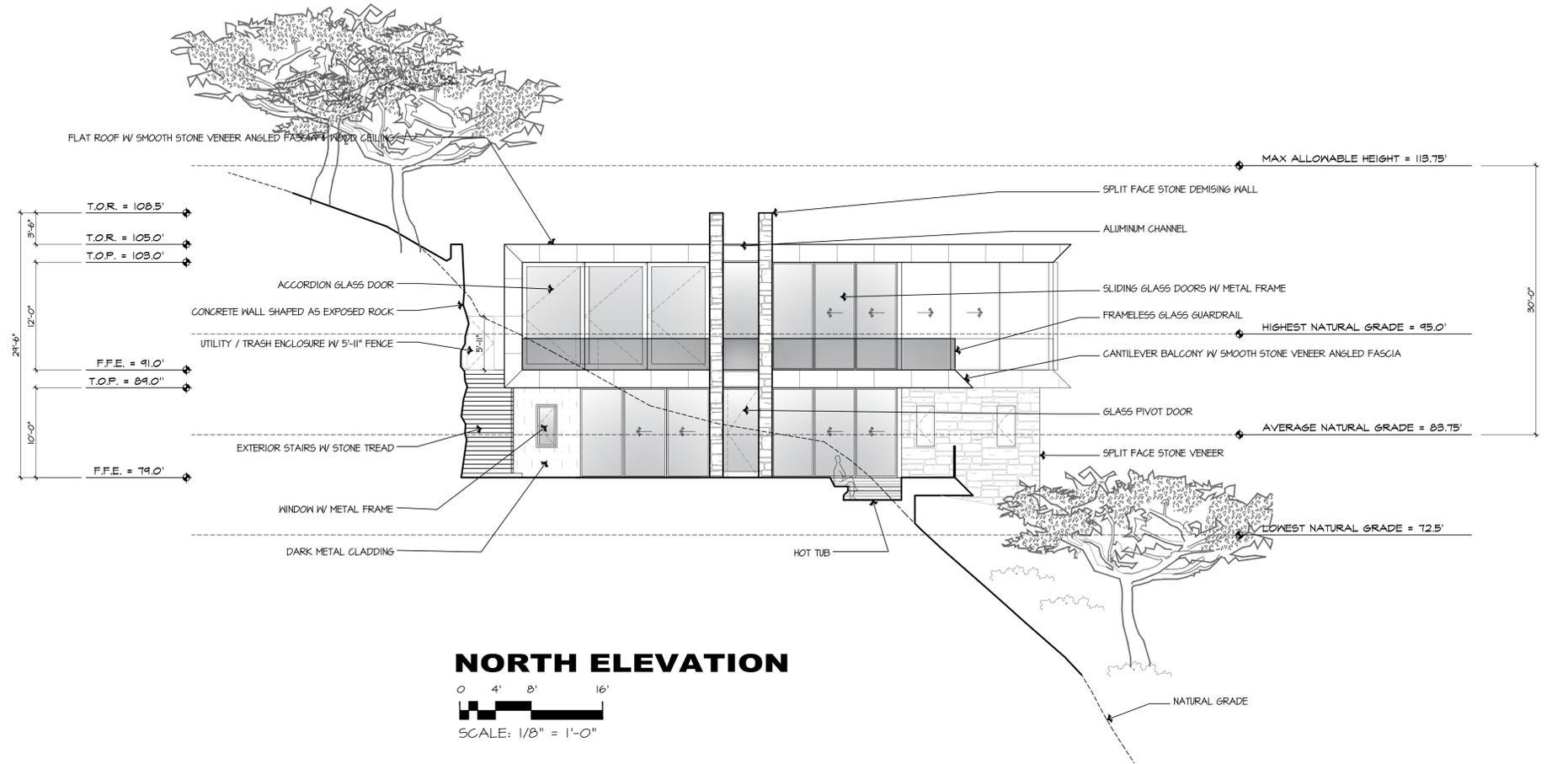
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 211 HOFFMAN AVENUE MONTEREY, CA 93940
 PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: www.ericmillerarchitects.com

ARCHITECT

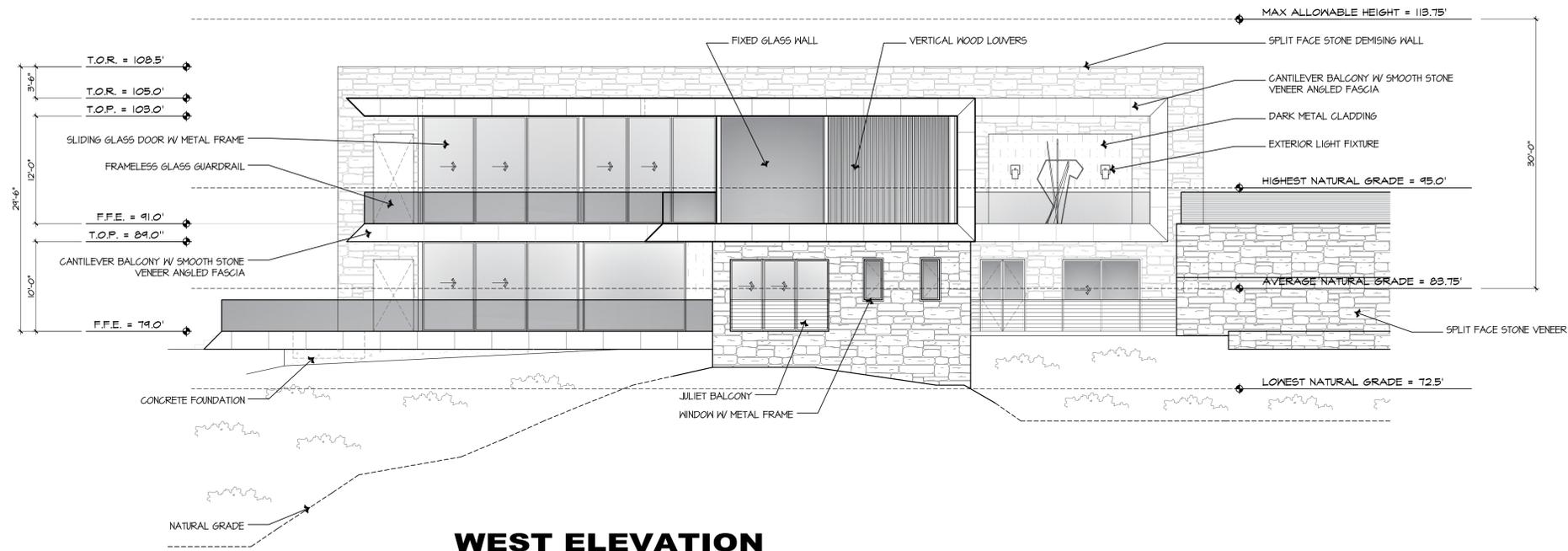
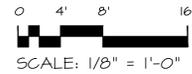
ROOF DECK
 JOB NAME: Johnson Residence
 226 Highway 1
 Carmel, CA 93923
 A.P.N.: 241-182-003

DATE: 6/28/2024
 SCALE: 1/8" = 1'-0"
 DRAWN: HRM
 JOB NUMBER: 2009

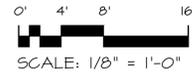
A-2.3
 SHEET OF



NORTH ELEVATION



WEST ELEVATION



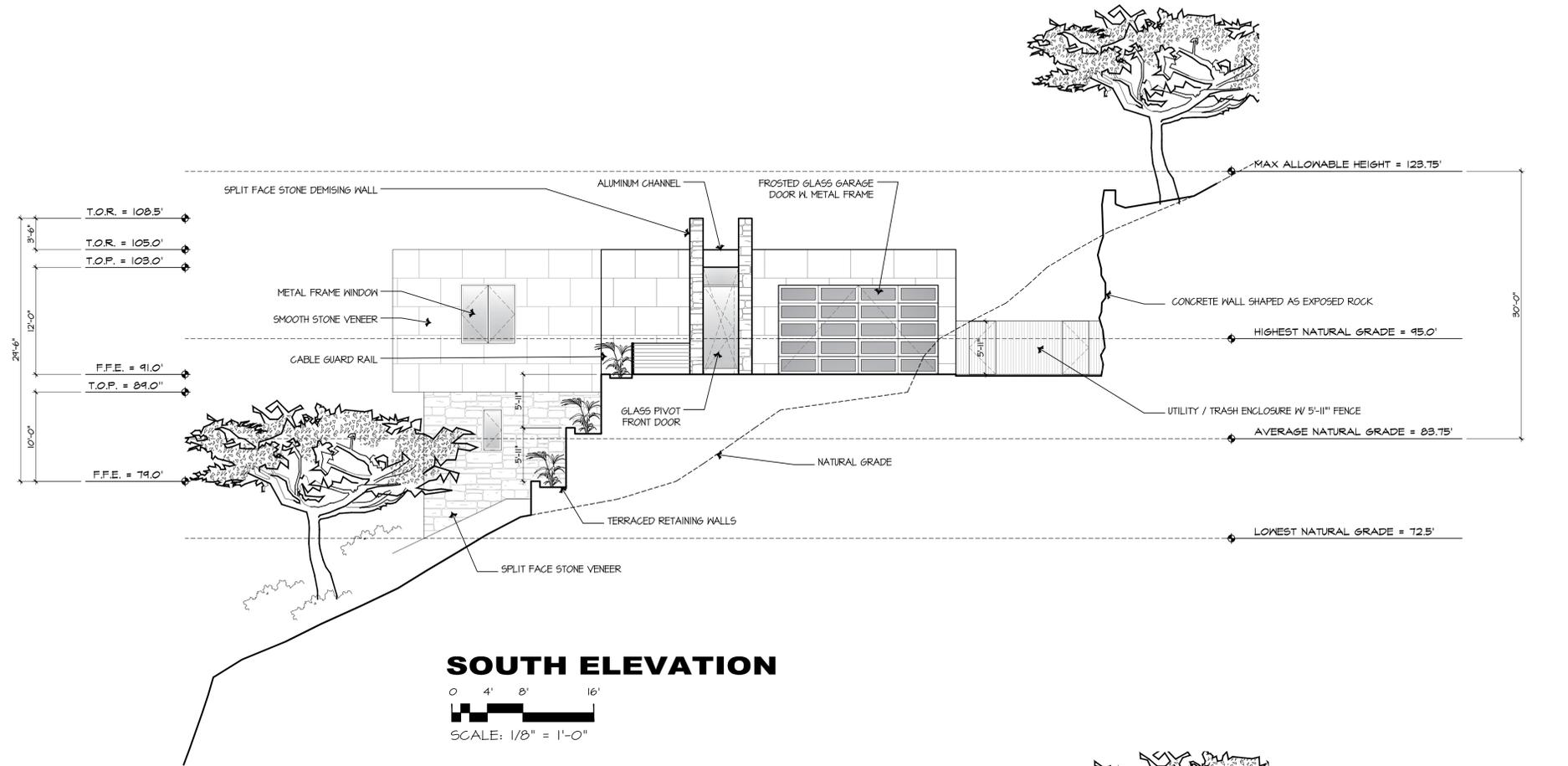
REVISION	No.

CONSULTANT:

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ERIC MILLER ARCHITECTS, INC.
 211 HOFFMAN AVENUE MONTEREY, CA 93940
 PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: www.ericmillerarchitects.com

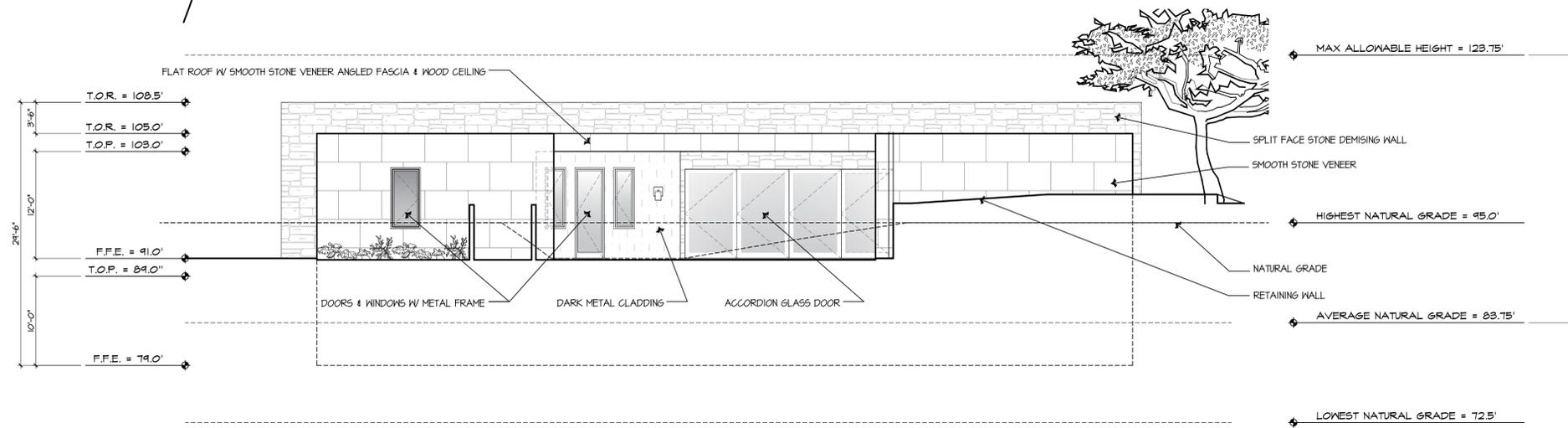
NORTH & WEST ELEVATION
 JOB NAME: **Johnson Residence**
 226 Highway 1
 Carmel, CA 93923
 A.P.N.: 241-182-008

DATE: 9/16/2024
 SCALE: 1/8" = 1'-0"
 DRAWN: HRM
 JOB NUMBER: 20.09



SOUTH ELEVATION

0' 4' 8' 16'
SCALE: 1/8" = 1'-0"



EAST ELEVATION

0' 4' 8' 16'
SCALE: 1/8" = 1'-0"

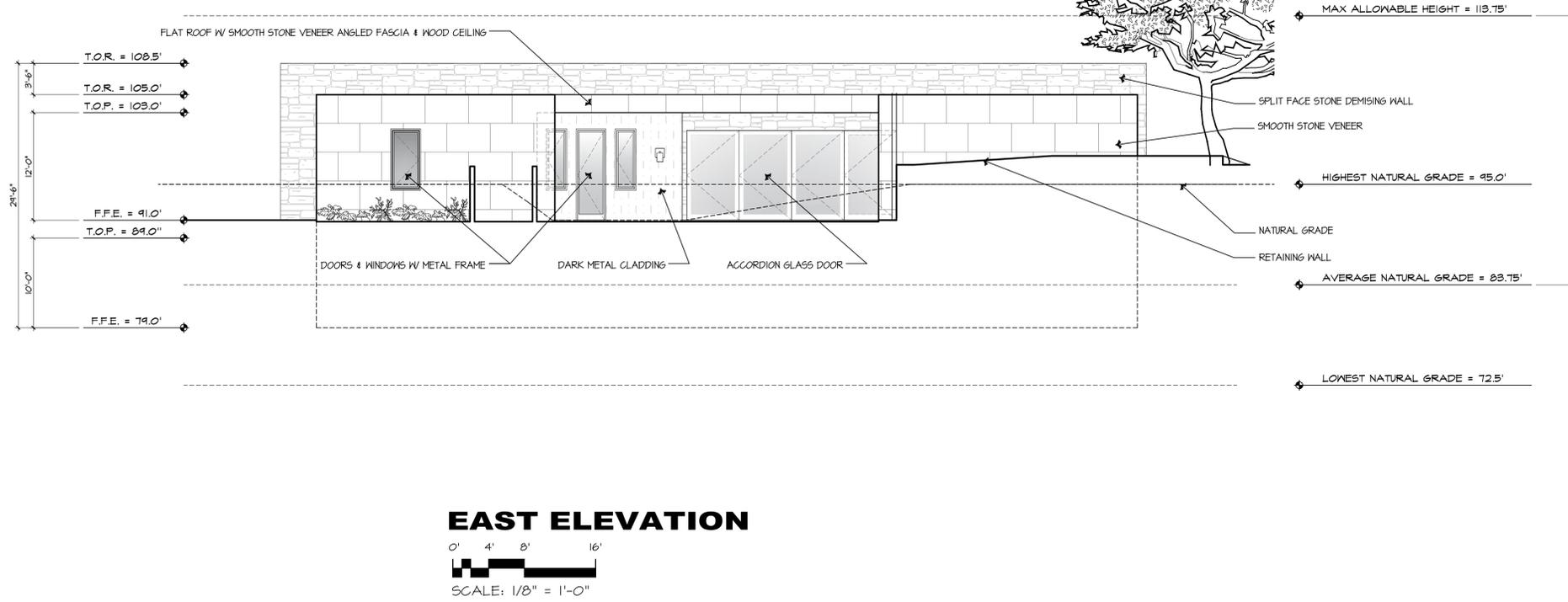
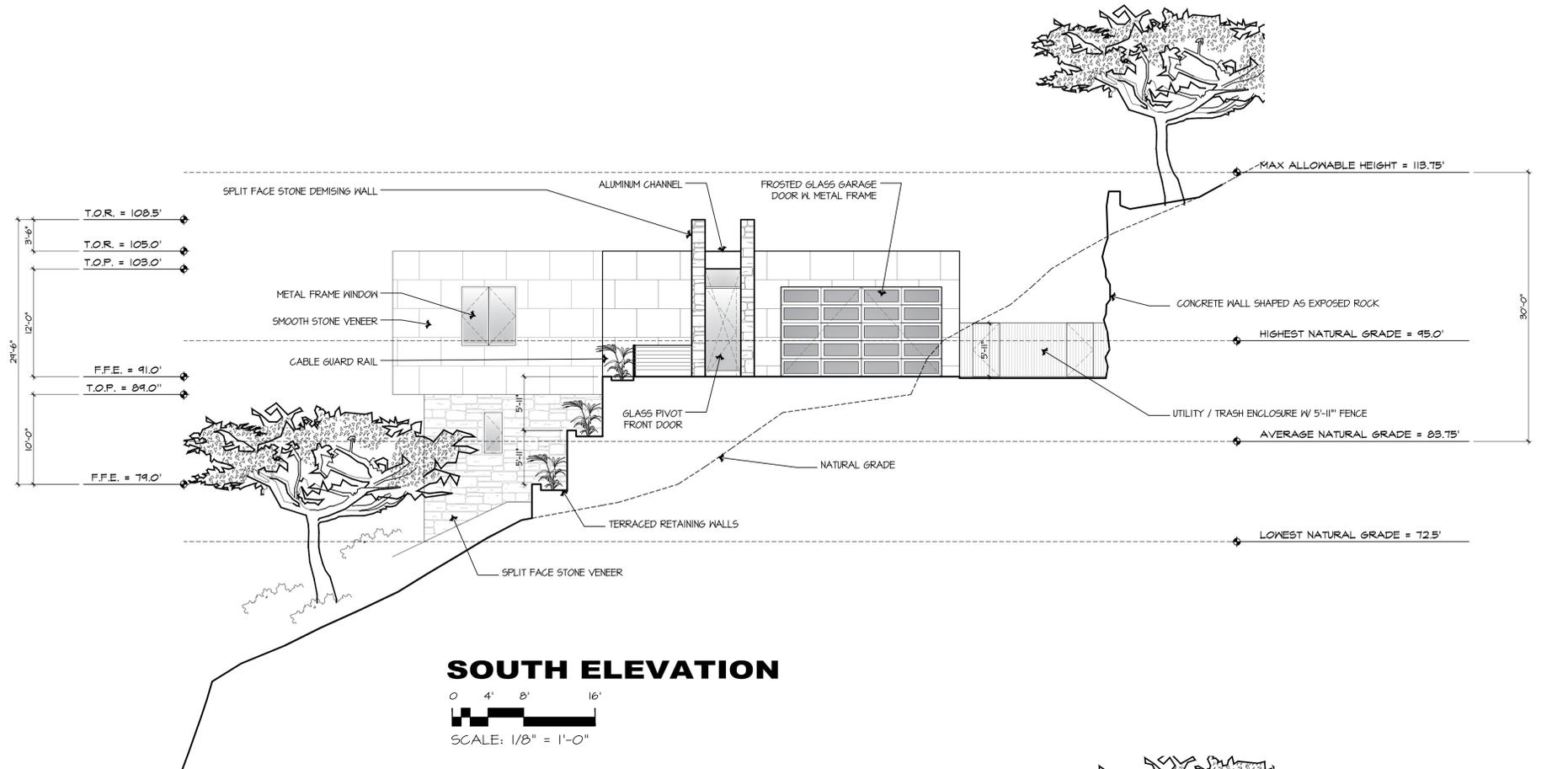
REVISION	No.

CONSULTANT:

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 211 HOFFMAN AVENUE MONTEREY, CA 93940
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SOUTH & EAST ELEVATION
 JOB NAME: **Johnson Residence**
 226 Highway 1
 Carmel, CA 93923
 A.P.N.: 241-182-008

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ARCHITECT

SOUTH & EAST ELEVATION

JOB NAME: **Johnson Residence**
 226 Highway 1
 Carmel, CA 93923
 A.P.N.: 241-182-008

DATE: 9/16/2024
 SCALE: 1/8" = 1'-0"
 DRAWN: HRM
 JOB NUMBER: 20.09

A-3.2
 SHEET OF



URBAN ACCESSORIES
STYLE: FLOW



URBAN ACCESSORIES
STYLE: TRIANGLE



FRAMELESS PIVOT
GLASS DOOR



MINIMAL FRAME SLIDING
GLASS DOOR



METAL FRAME WINDOWS



BLACKENED STAINLESS STEEL



BUILT UP ROOF SYSTEM
WITH HIGH ALBEDO / HIGH EMISSIVITY

10 TRENCH GRATES
DRAIN COVER



RECESSED DOWN LIGHT
STAINLESS STEEL
7W LED

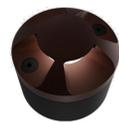


WALL SCONCE
BRONZE BRUSHED
6.6W LED

11 EXTERIOR LIGHTING



WALL DOWNLIGHT
STAINLESS STEEL FINISH
3W LED



DRIVEWAY SURFACE DOWNLIGHT
STAINLESS STEEL FINISH
3W LED

PATH DOWNLIGHT
STAINLESS STEEL FINISH
3W LED

*Designed for use with 12 VAC, LED transformer.
*For use up to 24" maximum overall height.

12 LANDSCAPE LIGHTING

7 FRAMED DOORS & WINDOWS



GLASS



CABLE

8 DECK & STAIRS
RAILING and GUARDRAIL



EXTERIOR: TEAK; INTERIOR: MAHOGANY

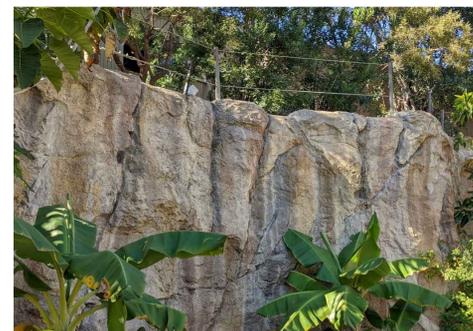
9 WOOD DECK / CEILING

4 STEEL PANEL



CARRIAGE GARAGE DOOR, STYLE: VAIL

5 GARAGE DOOR



CONCRETE SHAPED AS NATURAL STONE

6 RETAINING WALL

1 FLAT ROOF



DECK PAVING: STONE



STEPPING STONES



BELGARD URBANA STONE PAVER, PERMEABLE

2 PAVING



SMOOTH STONE VENEER

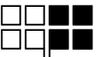


SPLIT FACE STONE VENEER

3 STONE VENEER

REVISION	No.

CONSULTANT:



ERIC MILLER ARCHITECTS, INC.
211 HOFFMAN AVENUE MONTEREY, CA 93940
PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: www.ericmillerarchitects.com

ARCHITECT

MATERIAL SAMPLE
JOB NAME: Johnson Residence
226 Highway J
Carmel, CA 95023
A.P.N.: 241-1B2-003

DATE:	6/28/2024
SCALE:	N.T.S.
DRAWN:	HRM
JOB NUMBER:	20.09

A-7.1
SHEET OF



CLIFF SIDE PERSPECTIVE



INTERIOR PERSPECTIVE



FRONT ENTRY BIRD'S EYE



COURTYARD PERSPECTIVE

REVISION	No.

CONSULTANT:

ARCHITECT
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 211 HOFFMAN AVENUE MONTEREY, CA 93940
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RENDERING
 JOB NAME: **Johnson Residence**
 226 Highway J
 Carmel, CA 93923
 A.P.N.: 241-1822-003

DATE: 6/28/2024
 SCALE: N.T.S.
 DRAWN: HRM
 JOB NUMBER: 2009

A-7.2
 SHEET OF