



# Monterey County Board of Supervisors

## Board Order

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1st Floor  
Salinas, CA 93901  
831.755.5066  
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A motion was made by Supervisor Jane Parker, seconded by Supervisor Luis A. Alejo to:

### Resolution No.: 20 - 358

1. Deny the appeal of Rebecca Tweten from the July 29, 2020 Planning Commission decision approving a Combined Development Permit [RMA Planning File No. PLN180289 - Miller]; and
2. Find the project to construct a single-family dwelling qualifies as a Class 3 Categorical Exemption per Section 15303 (a) of the CEQA Guidelines and none of the exceptions under Section 15300.2 apply.
3. Approve a Combined Development Permit consisting of:
  - 1) Administrative Permit and Design Approval to construct a new single-family dwelling with attached garage (approximately 6,340 square feet);
  - 2) Use Permit to remove three oak trees including one landmark tree 26 inches in diameter; and
  - 3) Use Permit to allow development on slopes greater than 25% (approximately 800 square feet).

PASSED AND ADOPTED on this 5<sup>th</sup> day of November 2020, by roll call vote:

AYES: Supervisors Alejo, Lopez and Parker

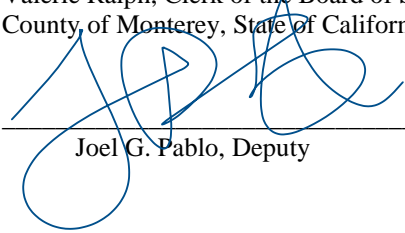
NOES: None

ABSENT: Supervisor Adams and Phillips  
(Government Code 54953)

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting November 5, 2020.

Dated: November 10, 2020  
File ID: RES 20-186  
Agenda Item No.: 15

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

  
Joel G. Pablo, Deputy

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

In the matter of the application of:

**MILLER (PLN180289)**

**RESOLUTION NO. 20 - 358**

Resolution by the Monterey County Board of Supervisors: )

- 1. Denying the appeal of Rebecca Tweten from the July 29, 2020 Planning Commission decision categorically exempting and approving a Combined Development Permit [RMA Planning File No. PLN180289 – Miller]; )
- 2. Finding the project is limited development consisting of new construction of a single-family dwelling which qualifies as a Class 3 Categorical Exemption per Section 15303 (a) of the CEQA Guidelines and none of the exceptions under Section 15300.2 apply; and )
- 3. Approving a Combined Development Permit consisting of: )
  - a) Administrative Permit and Design Approval to allow the construction of a single family dwelling with an attached garage (Approximately 6,340 square feet); )
  - b) Use Permit to allow the removal of three oak trees including one landmark tree 26 inches in diameter; and )
  - c) Use Permit to allow 800 square feet of development on slopes greater than 25%. )

24275 Via Malpaso, Monterey, Greater Monterey Peninsula Area Plan (APN: 259-101-066-000)..... )

**The Miller application (PLN180289) came on for a public hearing before the Monterey County Board of Supervisors on November 5, 2020. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Board of Supervisors finds and decides as follows:**

**FINDINGS**

- 1. **FINDING:** **PROCESS** – The County has processed the subject Combined Development Permit application [RMA-Planning File No. PLN180289 – Miller] (“Project”) in compliance with all applicable procedural requirements.
- EVIDENCE:** a) On June 12, 2018, pursuant to Chapter 21.80 of Title 21 of the Monterey County Code, Eric Miller (“applicant”) filed an application for a Combined Development Permit consisting of: 1) Administrative Permit and Design Approval to allow the construction of a two-story dwelling with attached garage (approximately 6,340 square feet), pool pavilion (approximately 520 square feet), and Accessory Dwelling Unit (approximately 1,200 square feet); 2) Use Permit for the removal of six trees; and 3) Use Permit for development on slopes greater than 25% (“initial project”). On May 11, 2020, applicant submitted a modification of the initial project. The modified project consists of: 1)

Administrative Permit and Design Approval to allow the construction of a two-story dwelling, attached garage (approximately 6,341 square feet); 2) Use Permit for the removal of three trees; and 3) Use Permit for development on slopes greater than 25% (hereafter the "Project"). The project is located at 24275 Via Malpasso in the Greater Monterey Peninsula Plan area of the unincorporated area of the County. (Assessor's Parcel Number: 259-101-066-000).

- b) The project was initially set for a duly noticed public hearing at the Monterey County Planning Commission on January 8, 2020; however, on the day of the hearing the applicant asked staff to continue the item to a date uncertain to work out the ongoing boundary dispute with the neighbor. On May 1, 2020, the applicant asked to return to public hearing with some modifications to the project. The modified plan set reflected omission of the accessory dwelling unit and pool pavilion. On the day before hearing, July 28, 2020, the applicant submitted a modified plan set that further reduced the size of the single-family dwelling in response to the neighbor's contention that the project would be within a scenic easement from the 2003 Lot Line Adjustment boundary. This item was presented before the Planning Commission on July 29, 2020. Notice of the public hearing were published in the Monterey County Weekly on July 16, 2020; posted at and near the project site on July 17, 2020; and mailed to vicinity property owners and interested parties on July 14, 2020.
- c) On July 29, 2020, the Monterey County Planning Commission conducted the public hearing, found the Project categorically exempt under CEQA, and approved a Combined Development Permit for the Project by a vote of 9 to 0, with 1 absent. (Monterey County Planning Commission Resolution No. 20-028).
- d) Pursuant to Section 21.80.050 of Title 21, Rebecca Tweten, represented by attorney Christine Kemp, timely filed an appeal from the July 29, 2020 Planning Commission decision. See Finding No. 8 (Appeal) for the summary of the Appellant's specific contentions and the County's responses to them.
- e) Pursuant to Section 21.80.050 C, an appeal shall be filed with the Clerk of the Board of Supervisors within 10 days after written notice of the decision of the Appropriate Authority has been mailed to the applicant. Planning Commission Resolution No. 20-028 was mailed to the applicant on August 24, 2020. The appeal was filed with the Clerk of the board of Supervisors on September 2, 2020 within the 10-day timeframe prescribed by Section 21.80.050 of Title 21. The appeal hearing is de novo. A complete copy of the appeal is on file with the Clerk of the Board, and is attached to the November 5, 2020 staff report to the Board of Supervisors as Attachment I.
- f) Notice of the Board of Supervisors' hearing on the appeal and Project was published on October 22, 2020, in the Monterey County Weekly; notices were mailed on or about October 20, 2020 to all property owners and occupants within 300 feet of the project site and emailed or mailed to persons who requested notice; and at least three notices were posted at and near the project site by October 26, 2020. The Board conducted the public hearing on November 5, 2020, at which time the applicant,

appellant, and all interested persons had the opportunity to appear and be heard.

- g) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA- Planning for the proposed development found in Project File No. PLN180289; see also Clerk of the Board of Supervisors' file(s) related to the appeal.

2. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies.

**EVIDENCE:** a) Staff has reviewed the project for consistency with the following applicable text, policies, and regulations:

- Greater Monterey Peninsula Area Plan
- 2010 Monterey County General Plan; and
- Monterey County Zoning Ordinance (Title 21)

- b) The property is located at 24275 Via Malpaso, (Assessor's Parcel Number 259-101-066-000) in the Greater Monterey Peninsula Area Plan area of the unincorporated County. The lot is within a subdivision known as the Monterra Ranch subdivision. The parcel is zoned Rural Density Residential with a Building-6 and Design Control overlay within an urban reserve subject to site plan review [RDR/B-6-UR-D-S]. Within the RDR zoning district, single family dwellings are an allowed use. An Administrative Permit is required for development in the "S" district and a Design Approval is required for development in the "D" district. Due to vegetation and topography of the site, Use Permits are also required for development on slopes and for removal of three trees.
- c) Lot Legality. Applicant and the neighbor (Appellant), are in an ongoing dispute and litigation over the lot boundaries. Prior to taking the matter to hearing at the Planning Commission, applicant upon County staff request provided a history and chronology of the lot that is the subject of this application, known as Lot 18. (See Attachment J to the November 5, 2020 staff report to the Board of Supervisors on this appeal). Having independently reviewed all of the information and documents, the County finds that substantial evidence supports the determination that the property that is the subject of this application is the property as described by the applicant's grant deed. A summary of the facts supporting this determination is as follows:

In 1992, the final subdivision map for Monterra Ranch, Tract No. 1177, was recorded in Volume 18 at Page 1. In 1996, Hanover-Monterra investors sold Monterra Ranch to Monterra Ranch Properties, LLC. In 1998, Monterra Ranch LLC obtained a permit for a lot line adjustment (Permit No. 980080). A record of survey showing the new boundaries was recorded on July 24, 1998, at 21 Surveys 126. The lot line adjustment affected lots 11-39. Government Code section 66412(d) of the Subdivision Map Act states: "The lot line adjustment shall be reflected in a deed, which shall be recorded." In this case, following the lot line adjustment a deed was recorded to reflect the new boundaries. In February 2000, Monterra Ranch LLC sold Lot 17 to Mary Margaret Graham, in which that deed describes the property per Record of Survey filed July 14, 1998, in Volume 21 at Page 126.

In March of 2000, Monterra Ranch obtained a permit approval for an additional lot line adjustment (Permit No. 990517) affecting lots 17 and 18. A record of survey showing the new proposed boundaries was recorded on March 29, 2000 at Volume 23 at Page 62. However, this lot line adjustment was never perfected in a grant deed as required in the Subdivision Map Act. In April 2003, the owners of Lots 17, 18, and 19 obtained another permit approval for lot line adjustment (Permit No. 000547). A record of survey reflecting the proposed new boundaries was recorded on May 8, 2003, at Volume 26 at Page 69. Once again, the lot line adjustment was never perfected in a grant deed. In May of 2004, Monterra Ranch executed a deed of trust against Lot 18, which identifies Lot 18 by reference to the 1998 lot line adjustment. The deed has thereafter identified Lot 18 by the 1998 lot line adjustment, including in 2018 when the property was sold to the applicant. Therefore, Lot 18 as configured by the 1998 lot line adjustment is the legal lot of record and is the property that is the subject of this application.

- d) Setbacks. This parcel is zoned RDR/B-6-UR-D-S; therefore, the Building Site Area 6 standards apply. Furthermore, in B-6 designations, lots as shown on the recorded final map may not be further subdivided and setbacks cannot be less than B-4 regulations unless otherwise noted on the final map. The site development standards for a main structure include a 30-foot front setback, a 20-foot side setback, and a 20-foot rear setback with a maximum allowed height of 30 feet. Proposed setbacks of the main structure are 30 feet from the front and side setbacks are 49 feet on the north side of the property and 85.5 feet on its south side. The proposed height is 30 feet. Therefore, the project as proposed meets all development standards outlined in the RDR/B-6-UR-D-S district.
- e) Visual Resources. The project as proposed is consistent with the Greater Monterey Peninsula Area Plan policies regarding Visual Sensitivity. GMP 1.1 indicates the County shall overlay properties north and south of Highway 68 and west of Laureles Grade with a Visually Sensitive District ("VS") and/or other appropriate zoning designation to regulate the location, height, and design of structures within this unique scenic corridor. The project site is on the south side of Highway 68. The impact to viewshed would be minimized due to its distance from the highway and the site's topography. Moreover, the area surrounding the proposed development is forested and well screened from Highway 68. Therefore, development on this parcel would not be visible from a public viewing area and meets the goals of the Greater Monterey Peninsula Area Plan.
- f) Tree Removal. An arborist assessment conducted on May 24, 2018 determined the site is composed primarily of Coast Live Oak trees along with some Monterey Pines. The project proposes the removal of three (3) Coast Live Oak trees. The proposed tree removal is the minimum required under the circumstances (See Finding 6 with supporting evidence).
- g) Design. Chapter 21.44 of the Monterey County Zoning Ordinance, Design Control Zoning District ("D" zoning overlay), regulates the

location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character. The proposed exterior colors, materials and finishes consisting predominantly of cream stucco walls, stone tile, red clay tile roof, and copper gutter and downspout are appropriate for the neighborhood and will blend in with the surrounding environment. The Spanish revival design and color palette of materials are consistent with other dwellings in the neighborhood and will not disrupt the overall character of the area. Additionally, the elevation of the home is broken up by varied roof pitches; the bulk and mass of the design are proportionate to the site and do not conflict with the surrounding neighborhood. Therefore, the project as proposed assures protection of the public viewshed and is consistent with the neighborhood character.

- h) Land Use Advisory Committee (LUAC). The project was referred to the Greater Monterey Peninsula Land Use Advisory Committee (LUAC) for review on February 20, 2019. Several concerns were raised during the meeting including the ongoing boundary dispute with the neighbor, and a concern over the outcome of the litigation. The LUAC suggested the applicant work with the neighbor to address these issues. The LUAC nevertheless recommended approval of the project with four (4) in favor and none (0) against and one (1) absence.
- i) Biology. The applicant submitted a biological review dated December 4, 2018, of the subject property . The review found no species of biological significance on the parcel besides the presence of Coast Live Oak and Monterey Pine trees. The review concluded that development of this lot would not adversely affect sensitive species in the area. The subdivision created a drainage easement slightly below the applicant's property line to drain water runoff after heavy periods of rain. The biology review submitted with the application indicates the unnamed drainage presents neither riparian stream-side nor aquatic in-stream habitat. The biologist also noted the drainage easement is a deeply incised reach across a heavy clay bedding and contains no vegetation between the channel banks across the easement area of Lot 18.
- j) Slopes. Monterey County General Plan Policy OS 3.5 regulates development on slopes in excess of 25%. Development on slopes greater than 25% is prohibited unless findings are made that there is no feasible alternative which would allow development on slopes of less than 25% and/or the proposed development better achieves the resource protection objectives. The applicant proposes about 800 square feet of development on slopes greater than 25%, which staff has found to be the minimum necessary for development (See Finding 7 with supporting evidence).
- k) The application, project plans, and related supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development can be found in Project File PLN180289.

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

**EVIDENCE:** a) The project has been reviewed for site suitability by the following departments and agencies: RMA-Planning, RMA-Public Works, RMA-

Environmental Services, Environmental Health Bureau, Water Resources Agency, and the Monterey County Regional Fire Protection District. Conditions recommended by RMA-Planning, RMA-Environmental Services and RMA-Public Works have been incorporated.

- b) Technical prepared for the site indicate that there are no physical or environmental constraints that would render the site unsuitable for the use proposed. Reports in the Project File (PLN180289) include:
  - Soil Engineering Investigation for the Miller Residence (APN 259-101-066-000) (LIB190219), prepared by Landset Engineers, Inc., August 2018.
  - 24275 Via Malpaso Tree Assessment Management Plan (LIB180374), prepared by Frank Ono, May 24, 2018.
  - Biological Review of 24275 Via Malpaso (LIB190218), Jeffrey B. Froke, December 4, 2018.
- c) Landscaping and fire fuel management are required. A Fuel management plan was provided with the proposed landscape plans. A reduced fuel zone one hundred feet from the structure as well as a fuel break line thirty feet from the structure are proposed. Within these areas, vegetation will be managed by removal of dead brush and branches and limbing of trees to prevent spread of fire into tree canopies.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN180289.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the 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 has been reviewed for site suitability by the following departments and agencies: RMA-Planning, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, Water Resources Agency, and the Monterey County Regional Fire Protection District. 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) Water is available to the proposed development through Canada Woods Water Company, and sewer services would be provided by the Monterra Community Service District, which has adequate capacity to serve the new home.
  - c) The application, project plans, and related supporting materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development can be found in Project File PLN180289.

4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.
- EVIDENCE:** a) Staff reviewed Monterey County RMA - Planning and Building Services Department records and is not aware of any violations existing on subject property. The site is currently vacant and maintains natural vegetation.
5. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review pursuant to section 15303(a) of the CEQA Guidelines.
- a) Section 15303 (a) categorically exempts new construction of one single family residence, or a second dwelling unit in a residential zone. The applicant proposes to construct the first single family home.
- b) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. Reports provided conclude that the proposed project would not have a significant impact on any resources. There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances. The site is not located in a sensitive environment. It is zoned on all sides by residential development and has roadways to interconnect the subdivision. Views from Highway 68 (a scenic highway) are protected. There are no significant cumulative effects of residential development on residentially zoned lands, there are no historical resources and no hazardous waste sites involved. The project will not have a significant effect on the environment and qualifies for a categorical exemption as one residential home on a residential lot.
- c) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN180289.
6. **FINDING:** **TREE REMOVAL** – The project is consistent with the tree removal policies of the Greater Monterey Peninsula Area Plan and Title 21 of the Monterey County Code to minimize tree removal to the greatest extent feasible and to preserve protected and landmark trees.
- EVIDENCE:**
- a) Three Coast Live Oak trees, including one landmark tree 26 inches in diameter, are proposed for removal to accommodate development. The project site is a vacant 1.79 acre lot surrounded by vacant parcels and residential homes in the Monterra Ranch Subdivision, over a mile southwest of Highway 68. Coast Live Oak trees are scattered throughout the site and the subdivision. Removal of three or fewer protected trees does not require a Use Permit pursuant to Section 21.64.260 of the zoning ordinance Title 21 (preservation of oaks and other protected trees). However, since one of the trees is considered a "Landmark Tree" (greater than 24" diameter at breast height or "dbh"), a Use Permit is required for removal of this tree. A Use Permit is included in this resolution.
- b) The Greater Monterey Peninsula Area Plan Policy 3.3 states that tree removal shall be minimized, and specifically Policy 3.5 states that



removal of healthy native oak trees shall be discouraged. The applicant submitted a forest management plan (FMP) examining impacts of the tree removal on the site and within the forest setting. The FMP identifies the need to remove six protected trees to accommodate residential development; however, the applicant has revised the site plans to reduce tree removal to three Coast Live Oak trees rather than four Oak trees and two Monterey Pine trees. The oaks trees proposed for removal are in poor or fair condition. As the project is designed, impacts to trees cannot be avoided in this case. Moving the house would either impact other trees nearby or would require additional development on slopes greater than 25%.

- c) Staff has reviewed the FMP and agrees with the conclusions for the three trees that are proposed for removal. Recommendations from the FMP will be implemented through a landscaping condition placed on the project. As conditioned, the remaining trees on the property will be retained and protected. Per the recommendation of the FMP which is incorporated into a condition of approval, four (4) five-gallon Coast Live Oak replacement trees are required to be planted in appropriate and suitable locations on the subject parcel. As proposed, and with conditions incorporated, the project will not adversely affect the long-term maintenance of the forest habitat on the site and in the area. Connectivity with the surrounding forest is provided in the front, side, and rear yards of the proposed development, and tree replacement will assure that the project does not impact the forest in the area.

7. **FINDING:**

**SLOPES** - There is no feasible alternative which would allow development to occur on slopes of less than 25%.

- a) The 2010 General Plan regulates development on slopes greater than 25%. Policy OS 3.5 provides that development on slopes greater than 25% is prohibited unless findings are made that there is no feasible alternative which would allow development on slopes of less than 25% and/or the proposed development better achieves the resource protection objectives and policies of the General Plan and accompanying Area Plan, subject to a discretionary permit.
- b) The applicant proposes about 800 square feet of development on slopes greater than 25%. The natural terrain on the Miller parcel slopes down from Via Malpaso Road to the rear of the property and contains slopes in excess of 25% along Via Malpaso Road and along the access easement bisecting the property. The applicant has sited development between Via Malpaso Road and the access easement, which is predominantly in an area with slopes less than 25%. Development on slopes will occur around the auto court and northern portion of the proposed single-family dwelling. The applicant has sited development to avoid steeper slopes, but was not able to avoid impacting areas located around the auto court and the northern portion of their home. The applicant located the proposed structures to avoid slopes and oak trees that populate near the front property line while still meeting setbacks. Slopes in excess of 25% exist on both sides of an existing access easement, which is the primary access to the site. In order to construct a driveway and to provide for

adequate turnaround area required by the fire department, disturbance to slopes in excess of 25% cannot be avoided.

For these reasons, there is no feasible alternative to avoid development on slopes and the proposed development is sited and design to achieve compliance with resource protection objectives.

8. **FINDING:** **APPEAL** - Pursuant to Section 21.80.030 of Title 21, the Appellant, Rebecca Tweten represented by Christine Kemp, timely filed an appeal from the July 29, 2020 decision of the Monterey County Planning Commission's approval of the Miller project. The appeal challenged the Planning Commission's categorical exemption and approval of the project. A summary of each of Appellant's contentions and the County's responses to those contentions are set forth in Evidences b, c, d, and e below. The Board's hearing on the appeal is de novo. Upon consideration of the documentary evidence, the staff report, the oral and written testimony, and all other evidence in the record as a whole, the Board make the following findings with respect to the Appellant's contentions:

**EVIDENCE:**

- a) **Contention No.1:** *No project should be approved for this site until the litigation is resolved.*  
**Response No.1:** There is currently an on-going lawsuit between the applicant and appellant which includes a dispute over the property lines. Appellant argues that the boundary dispute is complex and cannot be determined by the County and that the outcome would directly affect the project. County is proceeding to make a determination of the application because the Permit Streamlining Act sets timeframes for acting on a development application, unless the applicant is willing to extend the deadlines. Second, staff has reviewed the evidence and determined that applicant's Lot 18 as configured by the 1998 lot line adjustment is a legal lot of record and is the property that is the subject of this application; regardless, judicial resolution of the dispute between the neighbors as to the property boundaries and scenic easement is not required to precede project approval because the revised Project, as submitted by the applicant and approved by the Planning Commission, proposes no development in the area under dispute. If resolution of the lawsuit were to necessitate revision of the project, the applicant could apply for an amendment to the permit.
- b) **Contention No. 2:** *The entirety of the Miller Project should be reviewed, as a whole, not piecemealed, once the litigation is resolved.*  
**Response No. 2:** County's approval of a reduced project as compared to the initial application is not piecemealing. Prior to the July Planning Commission meeting, the applicant submitted a revised site plan that removed the ADU and shortened the main building to meet the setback of a scenic easement that was depicted on the 2001 record of survey. The prior components of the project application are not being held as a pending future application. If applicant wanted to pursue the other elements, the project would have to return to the County to amend the permit. The outcome of the litigation is not known, and it would be speculative to assume what additional development, if any, applicant

would seek in the future. Any potential future development on this property would be subject to separate review subject to County permits. In addition, the appellant contends this project is not Categorically Exempt from CEQA as it falls within the Exemption exceptions set forth in CEQA Guideline section 15300.2 due to potential impacts to the environment. In response to this contention, reports provided with this application conclude that the proposed project would not have a significant impact on any resources. There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances. The site is not located in a particularly sensitive environment. It is zoned on all sides by residential development and has roadways to interconnect the subdivision. Views from Highway 68 (a scenic highway) are protected. There are no significant cumulative effects of residential development on residentially zoned lands, there are no historical resources and no hazardous waste sites involved. The project will not have a significant effect on the environment and qualifies for a categorical exemption as one residential home on a residential lot.

c) ***Contention No. 3: No Justification for Building on 25% and 30% Slope.***

**Response No. 3:** The Monterra Ranch subdivision created lots in the subdivision that include areas with steep slopes. Specific areas to avoid were placed in easements, or building envelopes were created, to establish the area where development was preferred (allowed) to occur. Policy OS 3.5 and the 2010 General Plan regulates development on slopes in excess of 25%. Development on slopes in excess of 25% is prohibited unless there is no feasible alternatives for development on the project location and/or the development better meets resources protection objectives and policies. The project site is a naturally sloped terrain, and the single-family dwelling has been sited to avoid the steeper slopes around the center of the property. Moreover, the single-family dwelling has been designed so the bulk and mass would avoid steep slopes and protected trees. Finally, the Miller property is accessible off Via Malpaso, is it not possible to avoid slopes entering the property from Via Malpaso. Therefore, given the site constraints, the existing driveway easement, and the natural topography of the site, most of the development that would exist on slopes in excess of 25% would be around the auto court and northern portion of the home.

d) ***Contention No. 4: The Miller Project is too large and domineering for this constrained site.***

**Response No. 4:** Monterey County policies and regulations establish development standards for what is considered reasonable development. The proposed development is on a 1.79 acre parcel, and would have a building site coverage of 4,715 square feet, well below the maximum allowable coverage of 19,470 square feet for this zoning designation. The conceptual design of the project is a two-story single family dwelling with a Spanish revival architectural style. The proposed exterior colors, materials and finishes consist of cream stucco walls, stone tile, red clay tile roof, and copper gutter and downspouts are appropriate for the neighborhood and surrounding environment. Additionally, the elevation of the home is broken up by varied roof

pitches to minimize its bulk and composition and to better fit in with the surrounding community.

**DECISION**

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

1. Deny the appeal of Rebecca Tweten from the July 29, 2020 Planning Commission decision categorically exempting and approving a Combined Development Permit [RMA Planning File No. PLN180289 – Miller];
2. Find that the project is limited development consisting of new construction of a single-family dwelling which qualifies as a Class 3 Categorical Exemption per Section 15303 (a) of the CEQA Guidelines and none of the exceptions under Section 15300.2 apply; and
3. Approve a Combined Development Permit consisting of:
  - a) An Administrative Permit and Design Approval to allow the construction of a single family dwelling with attached garage (Approximately 6,340 square feet);
  - b) A Use Permit to allow the removal of three oak trees including one landmark tree 26 inches in diameter; and
  - c) A Use Permit to allow 800 square feet of development on slopes greater than 25%,

in general conformance with the attached plans and subject to thirteen (13) conditions of approval, both being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED on this 5<sup>th</sup> day of November 2020, by roll call vote:

AYES: Supervisors Alejo, Lopez and Parker

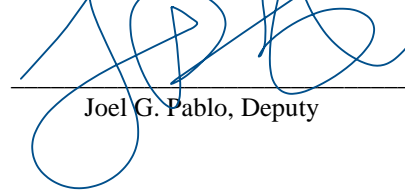
NOES: None

ABSENT: Supervisor Adams and Phillips  
(Government Code 54953)

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting November 5, 2020.

Dated: November 10, 2020  
File ID: RES 20-186  
Agenda Item No.: 15

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



Joel G. Pablo, Deputy

NOTES

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

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

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

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

Form Rev. 5-14-2014

# Monterey County RMA Planning

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

PLN180289

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** This Combined Development Permit (PLN180289) allows an Administrative Permit and Design Approval for construction of a 6,341 square foot single family dwelling inclusive of an attached garage, a Use Permit for the removal of four oak trees, and a Use Permit to allow development on slopes greater than 25%. The property is located at 24275 Via Malpaso in Monterey (Assessor's Parcel Number 259-101-066-000), Greater Monterey Peninsula Area 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 RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

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

### 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state:  
"A Combined Development Permit (Resolution Number 20 - 358) was approved by the Board of Supervisors for Assessor's Parcel Number 259-101-066-000 on November 5, 2020. The permit was granted subject to thirteen (13) conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

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

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

**Responsible Department:** RMA-Planning

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

**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 RMA - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

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

### 4. PD041 - HEIGHT VERIFICATION

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible on-site until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor to the Director of RMA - Building Services for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project of 30 feet. (RMA - Planning and RMA - Building Services)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading or building permits, the Owner/Applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection.

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

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

## 5. GEOTECHNICAL PLAN REVIEW

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall provide certification from the licensed practitioner that their geotechnical recommendations have been incorporated into the grading plan and stormwater control plan. (RMA-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or construction permit, the applicant shall provide certification from the licensed practitioner(s).

## 6. EROSION CONTROL PLAN

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit an erosion control plan in conformance with the requirements of Monterey County Code Chapter 16.12. The erosion control plan shall include a construction entrance, concrete washout, stockpile area(s), material storage area(s), portable sanitation facilities and waste collection area(s), as applicable. The plan shall also include RMA-Environmental Services inspection notes 1, 2, & 3 on the plan. (RMA-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit an erosion control plan to RMA-Environmental Services for review and approval. Inspection notes can be obtained from RMA-Environmental Services staff.

## 7. AS-BUILT CERTIFICATION

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** Prior to final inspection, the applicant shall provide a letter from a licensed engineer certifying that all development has been constructed in accordance with the recommendations in the Soil Engineering Investigation and the approved grading and stormwater control plans. (RMA- Environmental Services)

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



## 8. PW0044 - CONSTRUCTION MANAGEMENT PLAN

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a Construction Management Plan (CMP) to RMA-Planning and RMA - 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 RMA-Planning Department and the Department of Public Works for review and approval.

2. On-going through construction phases Owner/Applicant/Contractor shall implement the approved measures during the construction/grading phase of the project.

## 9. PW0045 – COUNTYWIDE TRAFFIC FEE

**Responsible Department:** RMA-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 RMA Building Services the traffic mitigation fee. The Owner/Applicant shall submit proof of payment to the Development Services.

## 10. GRADING PLAN

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a grading plan incorporating the recommendations in the Soil Engineering Investigation prepared by Landset Engineers. The grading plan shall include contour lines and cross-sections that identify the existing grade, proposed grade, and the extent of any proposed excavation and/or fill. The grading plan shall include the geotechnical inspection schedule that identifies when the inspections will be completed, who will conduct the inspection (i.e., PG, PE, and/or Special Inspector), a description of the required inspection, inspector name, and the completion date.

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

## 11. PD048 - TREE REPLACEMENT/RELOCATION

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Within 60 days of permit approval, the applicant shall replant each tree approved with a replacement ratio of 1:1 as recommended by the arborist. Trees shall be five gallon stock or larger, spaced at least ten (10) feet from each other, and may be planted anywhere on the subject property. (RMA - Planning)

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

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

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

## 12. PD049 - TREE AND ROOT PROTECTION

**Responsible Department:** RMA-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. (RMA - 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 RMA-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 RMA-Planning to document that the tree protection has been successful or if follow-up remediation measures or additional permits are required.

**13. 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

THE USE OF THESE DRAWINGS AND SPECIFICATIONS IS SOLELY RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED. REPRODUCTION OR PUBLICATION OF THIS DOCUMENT IN WHOLE OR IN PART IS STRICTLY PROHIBITED. TITLE TO THESE DRAWINGS AND SPECIFICATIONS REMAINS WITH THE ARCHITECT WITHOUT RESERVE. CONSULTANTS SHALL CONSTITUTE FROM THESE DRAWINGS AS APPEARANCE OF ACCEPTANCE OF THESE RESTRICTIONS.

# MILLER RESIDENCE

## 24275 Via Malpaso - Monterra Lot #18

### Monterey, CA 93940

REVISION	No.
PLAN COMM	△
REV 7/29/2020	
8/10/2020	

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: **Miller Residence**  
24275 Via Malpaso - Lot 18  
Monterey, California 93940  
A.P.N. 259-10-066-000

DATE: **FEB. 11, 2020**

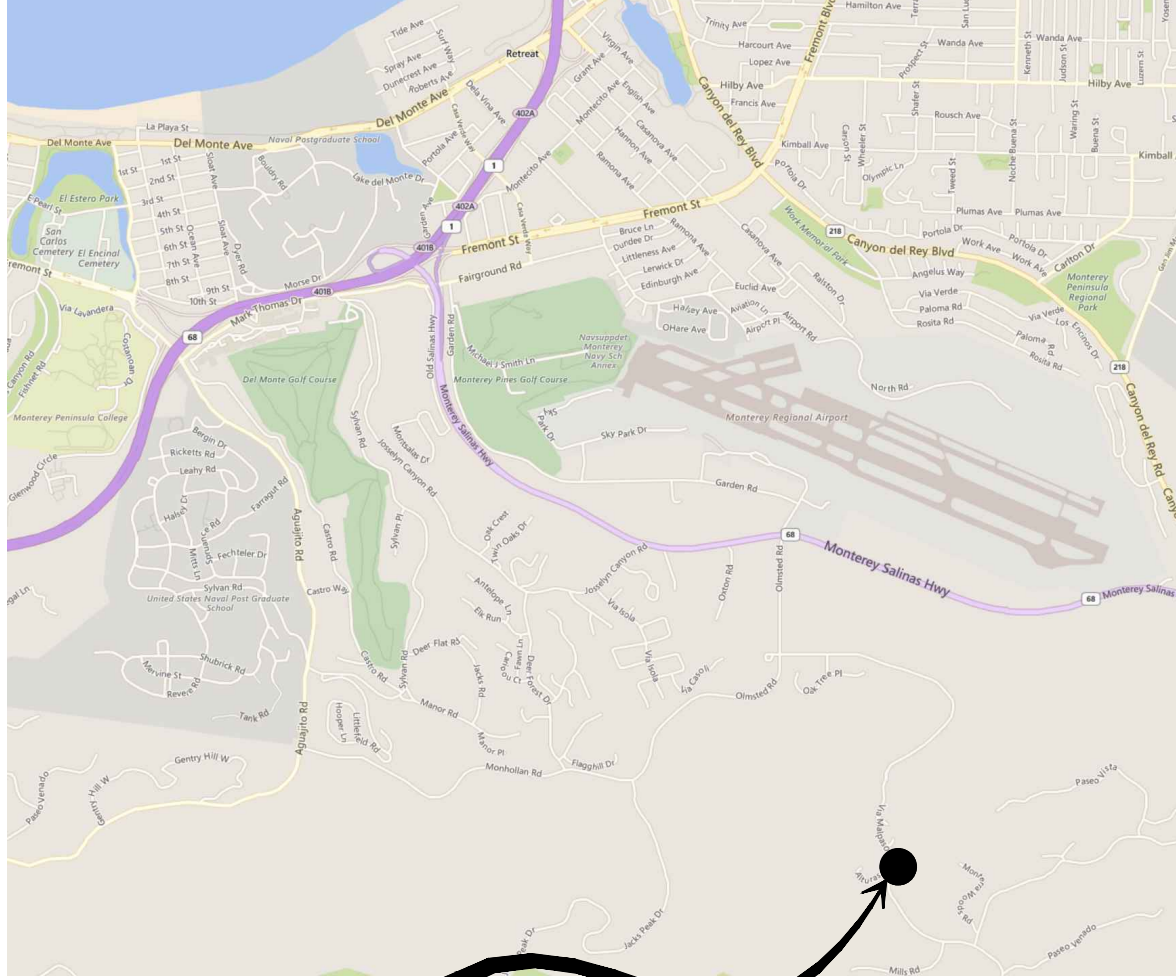
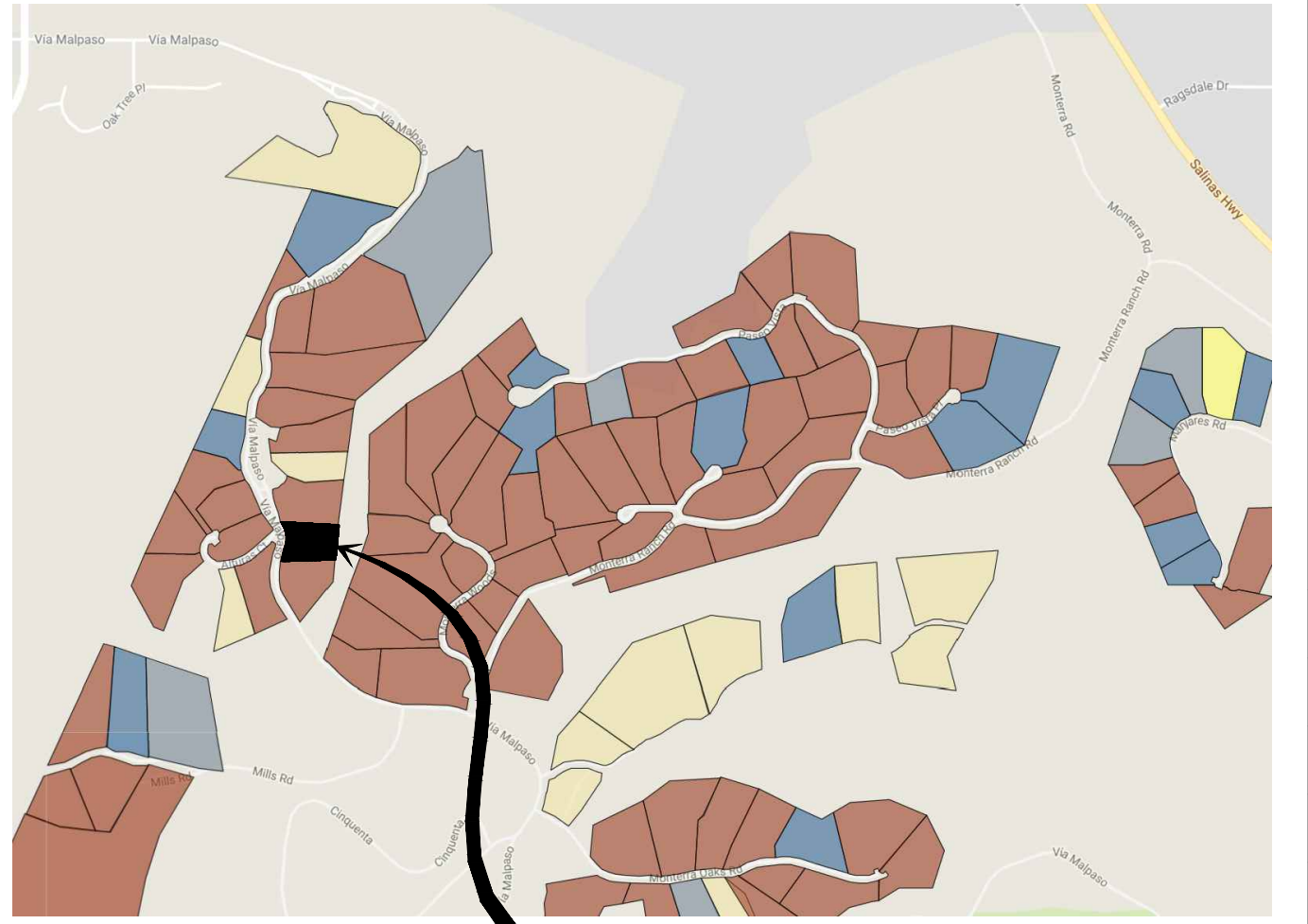
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DRAWN: **SSH**

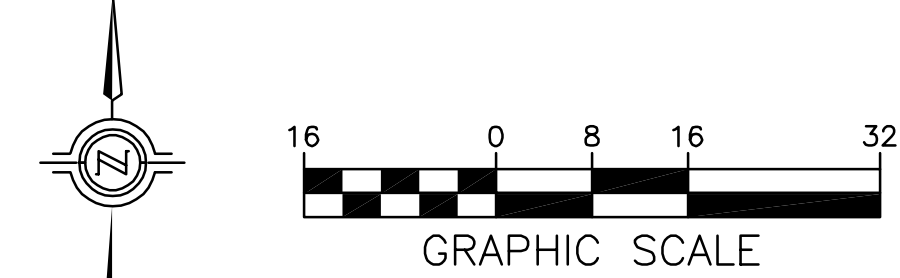
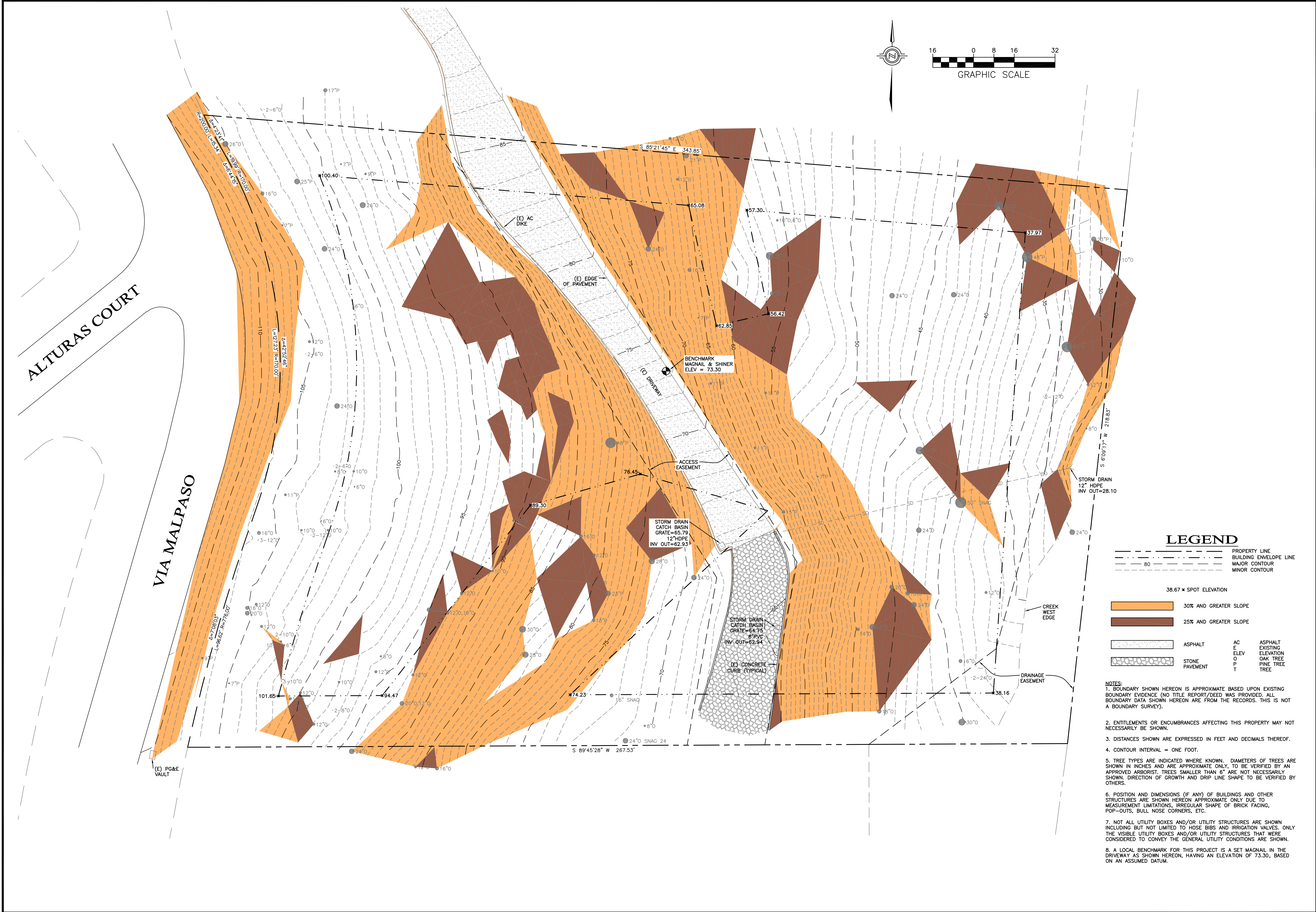
JOB NUMBER: **16.23**

**A-0.1**

SHEET OF

<p><b>LEGEND</b></p> <table border="0"> <tr> <td>APPROX. .... APPROXIMATE</td> <td>MIN. .... MINIMUM</td> </tr> <tr> <td>BLDG. .... BUILDING</td> <td>N.T.S. .... NOT TO SCALE</td> </tr> <tr> <td>CLR. .... CLEAR</td> <td>O/ ..... OVER</td> </tr> <tr> <td>CONG. BLK. .... CONCRETE BLOCK</td> <td>O.C. .... ON CENTER</td> </tr> <tr> <td>CTR. .... CENTER</td> <td>PL. .... PLATE</td> </tr> <tr> <td>D.F. .... DOUGLAS FIR</td> <td>P.T.D.F. .... PRESSURE TREATED</td> </tr> <tr> <td>DIA. .... DIAMETER</td> <td>PLYND. .... PLYWOOD</td> </tr> <tr> <td>DWS. .... DRAWING</td> <td>REQ'D. .... REQUIRED</td> </tr> <tr> <td>(E) .... EXISTING</td> <td>S.S.D. .... SEE STRUCTURAL DRAWINGS</td> </tr> <tr> <td>EA. .... EACH</td> <td>SH. .... SIMILAR</td> </tr> <tr> <td>EQ. .... EQUAL</td> <td>SPECS. .... SPECIFICATIONS</td> </tr> <tr> <td>EXT. .... EXTERIOR</td> <td>SQ. .... SQUARE</td> </tr> <tr> <td>FF. .... FINISH FLOOR</td> <td>STD. .... STANDARD</td> </tr> <tr> <td>FLR. .... FLOOR</td> <td>T.G. .... 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SITE WALLS OVER 6 FT. 52 S.F. SITE WALLS UNDER 6 FT. 124 S.F. PAVING - PATHS, PATIOS 159 S.F. TOTAL PROPOSED IMPERVIOUS COVERAGE: 12,837 S.F. △ IMPERVIOUS SITE COVERAGE: 16.5%</p> <p><b>TREE REMOVAL / LANDSCAPE</b></p> <ol style="list-style-type: none"> <li>3 TREES ARE PROPOSED FOR REMOVAL. REMOVE 3 OAKS - 6', 10' AND 26'. EXISTING TREES SHALL BE PROTECTED PER CIVIL &amp; ARCHITECTURAL NOTES &amp; INSTRUCTIONS.</li> <li>LANDSCAPING TO REMAIN NATIVE, SEEDED IN DISTURBED AREAS.</li> </ol> <p><b>UTILITIES</b></p> <ol style="list-style-type: none"> <li>CANADA WOODS WATER COMPANY</li> <li>PRIVATE SEPTIC WITH PUMP STATION-CANADA WOODS WATER COMPANY</li> <li>PACIFIC GAS &amp; ELECTRIC</li> </ol> <p><b>GRADING</b></p> <ol style="list-style-type: none"> <li>CUT = 2560 CY</li> <li>FILL = 15 CY</li> <li>NET = 2545 CY</li> </ol> <p><b>PARKING</b></p> <ol style="list-style-type: none"> <li>REQUIRED PARKING = 2 △</li> <li>PROPOSED PARKING = 6 △</li> </ol>	<p><b>PROJECT INFORMATION</b></p> <p>OWNER: ERIC AND GRETA MILLER TRUSTEES OF THE MILLER TRUST 150 ASILONAR BLVD. PACIFIC GROVE, CA 93950 PH: (831)915-4677</p> <p>PROJECT ADDRESS: 24275 VIA MALPASO MONTERRA, LOT #18 MONTEREY, CA 93940</p> <p>ARCHITECT: ERIC MILLER ARCHITECTS, INC. 211 HOFFMAN AVENUE MONTEREY, CA 93940 PH: 831-372-0410</p> <p>LAND SURVEYOR: L&amp;S ENGINEERING AND SURVEYING, INC. 2460 GARDEN ROAD, SUITE 6 MONTEREY, CA 93940 PH: 831-655-2123</p> <p><b>PROJECT DESCRIPTION:</b></p> <p>NEW SINGLE FAMILY DWELLING HAVING 4 BEDROOMS, 4 BATHS, ONE HALF BATH, AND TWO 2-CAR GARAGES 517.2 L.F. OF RETAINING WALLS, WHICH INCLUDES 128.33 L.F. GREATER THAN 6 FEET IN HEIGHT.</p>	<p><b>SHEET INDEX</b></p> <p><b>ARCHITECTURAL</b></p> <p>A-0.1 COVER SHEET</p> <p>I OF I TOPOGRAPHIC MAP</p> <p>A-1.0 PROPOSED SITE PLAN A-1.1 ENLARGED SITE PLAN A-1.2 CONSTRUCTION MANAGEMENT PLAN</p> <p>A-2.0 PROPOSED FIRST FLOOR PLAN MAIN HOUSE A-2.1 PROPOSED SECOND FLOOR PLAN MAIN HOUSE A-2.2 PROPOSED ROOF PLAN MAIN HOUSE</p> <p>A-3.1 PROPOSED MAIN HOUSE ELEVATIONS A-3.2 PROPOSED BUILDING SECTIONS</p> <p>A-T.1 MATERIAL SAMPLES</p> <p>A-B.0 DETAILS</p> <p><b>CIVIL</b></p> <p>C-1 MAIN RESIDENCE SITE GRADING PLAN C-2 DRIVEWAY TURNAROUND SITE GRADING PLAN C-3 SITE UTILITY PLAN C-4 EROSION CONTROL PLAN C-5 ACCESSORY DWELLING UNIT SITE GRADING PLAN C-6 EROSION CONTROL PLAN</p> <p><b>LANDSCAPE</b></p> <p>LS-1.0 PROPOSED SITE PLAN LS-1.1 FUEL MANAGEMENT PLAN LS-2.0 CONCEPTUAL LANDSCAPE PLAN LS-3.0 CONCEPTUAL LIGHTING PLAN</p> <p><b>LOCATION MAP</b></p>  <p><b>VICINITY MAP</b></p> 
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**LEGEND**

	PROPERTY LINE
	BUILDING ENVELOPE LINE
	MAJOR CONTOUR
	MINOR CONTOUR

	30% AND GREATER SLOPE
	25% AND GREATER SLOPE

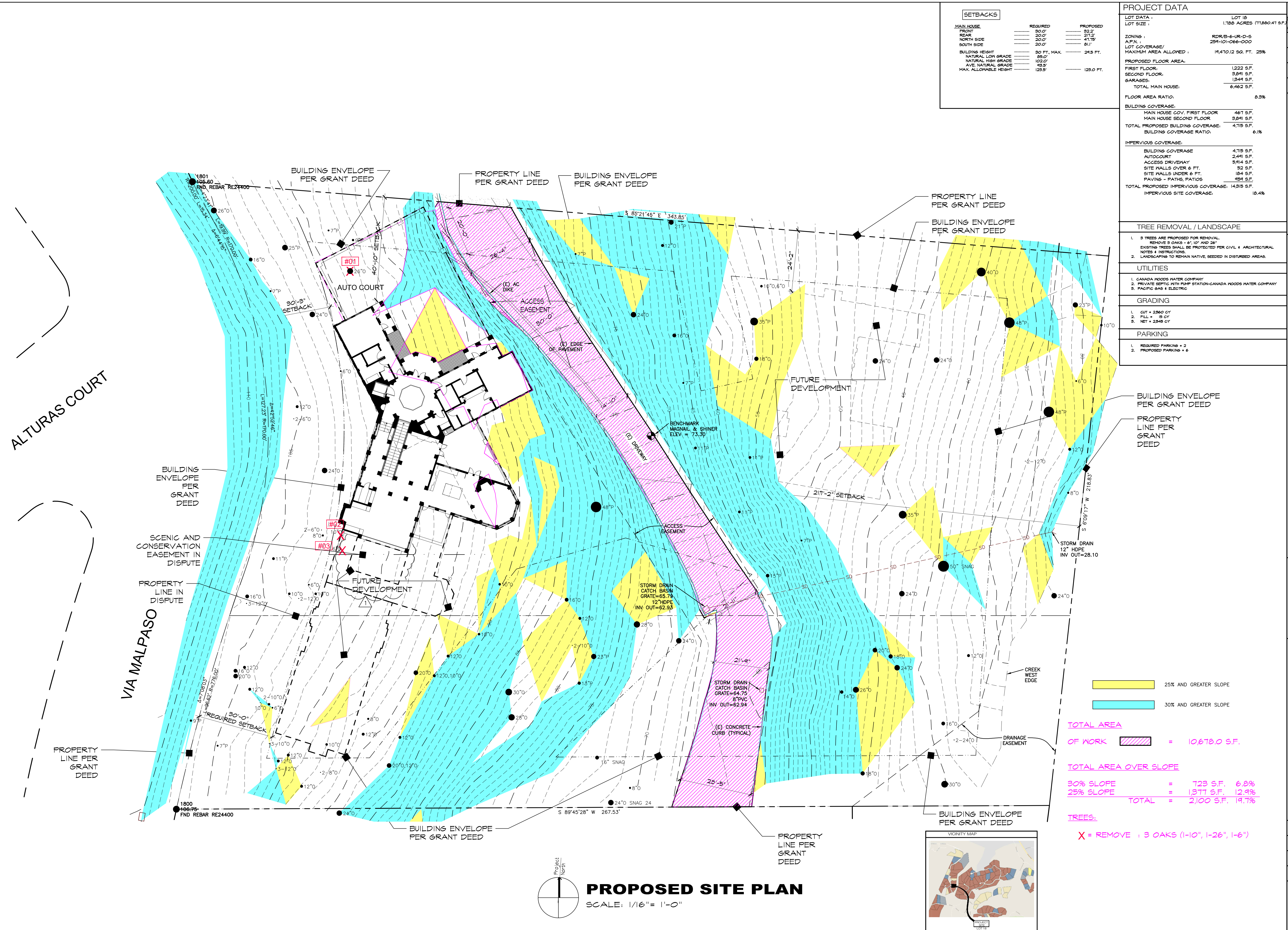
  

	ASPHALT	AC F' ELEV	ASPHALT EXISTING ELEVATION
	STONE PAVEMENT	OAK TREE	OAK TREE
		PINE TREE	PINE TREE

- NOTES:**
- BOUNDARY SHOWN HEREON IS APPROXIMATE BASED UPON EXISTING BOUNDARY EVIDENCE (NO TITLE REPORT/DEED WAS PROVIDED). ALL BOUNDARY DATA SHOWN HEREON ARE FROM THE RECORDS. THIS IS NOT A BOUNDARY SURVEY.
  - ENTITLEMENTS OR ENCUMBRANCES AFFECTING THIS PROPERTY MAY NOT NECESSARILY BE SHOWN.
  - DISTANCES SHOWN ARE EXPRESSED IN FEET AND DECIMALS THEREOF.
  - CONTOUR INTERVAL = ONE FOOT.
  - TREE TYPES ARE INDICATED WHERE KNOWN. DIAMETERS OF TREES ARE SHOWN IN INCHES AND ARE APPROXIMATE ONLY, TO BE VERIFIED BY AN APPROVED ARBORIST. TREES SMALLER THAN 6" ARE NOT NECESSARILY SHOWN. DIRECTION OF GROWTH AND DRIP LINE SHAPE TO BE VERIFIED BY OTHERS.
  - POSITION AND DIMENSIONS (IF ANY) OF BUILDINGS AND OTHER STRUCTURES ARE SHOWN HEREON APPROXIMATE ONLY DUE TO MEASUREMENT LIMITATIONS, IRREGULAR SHAPE OF BRICK FACING, POP-OUTS, BULL NOSE CORNERS, ETC.
  - NOT ALL UTILITY BOXES AND/OR UTILITY STRUCTURES ARE SHOWN INCLUDING BUT NOT LIMITED TO HOSE BIBS AND IRRIGATION VALVES. ONLY THE VISIBLE UTILITY BOXES AND/OR UTILITY STRUCTURES THAT WERE CONSIDERED TO CONVEY THE GENERAL UTILITY CONDITIONS ARE SHOWN.
  - A LOCAL BENCHMARK FOR THIS PROJECT IS A SET MAGNAIL IN THE DRIVEWAY AS SHOWN HEREON, HAVING AN ELEVATION OF 73.30, BASED ON AN ASSUMED DATUM.



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SETBACKS		
MAIN HOUSE	REQUIRED	PROPOSED
FRONT	30.0'	32.2'
REAR	20.0'	21.2'
NORTH SIDE	20.0'	41.75'
SOUTH SIDE	20.0'	0.1'
BUILDING HEIGHT	30.0' MAX.	24.5 FT.
NATURAL LOW GRADE	50.0'	125.0 FT.
NATURAL HIGH GRADE	102.0'	
AVE. NATURAL GRADE	48.5'	
MAX. ALLOWABLE HEIGHT	125.5'	

PROJECT DATA	
LOT DATA:	LOT 18
LOT SIZE:	1.788 ACRES (77,880.41 S.F.)
ZONING:	RDR-B-6-1R-D-5
A.P.N.:	254-101-066-000
LOT COVERAGE/	14,470.12 SQ. FT. 25%
MAXIMUM AREA ALLOWED:	
PROPOSED FLOOR AREA:	
FIRST FLOOR:	1,222 S.F.
SECOND FLOOR:	3,841 S.F.
GARAGES:	1,844 S.F.
TOTAL MAIN HOUSE:	6,462 S.F.
FLOOR AREA RATIO:	0.3%
BUILDING COVERAGE:	
MAIN HOUSE COV. FIRST FLOOR:	467 S.F.
MAIN HOUSE SECOND FLOOR:	3,841 S.F.
TOTAL PROPOSED BUILDING COVERAGE:	4,715 S.F.
BUILDING COVERAGE RATIO:	6.1%
IMPERVIOUS COVERAGE:	
BUILDING COVERAGE:	4,715 S.F.
AUTOCOURT:	2,441 S.F.
ACCESS DRIVEWAY:	5,914 S.F.
SITE WALLS OVER 6 FT.:	52 S.F.
SITE WALLS UNDER 6 FT.:	184 S.F.
PAVING - PATHS, PATIOS:	458 S.F.
TOTAL PROPOSED IMPERVIOUS COVERAGE:	14,915 S.F.
IMPERVIOUS SITE COVERAGE:	16.4%

TREE REMOVAL / LANDSCAPE	
1. 3 TREES ARE PROPOSED FOR REMOVAL. REMOVE 3 OAKS - 6'-10" AND 26" EXISTING TREES SHALL BE PROTECTED PER CIVIL & ARCHITECTURAL NOTES & INSTRUCTIONS.	
2. LANDSCAPING TO REMAIN NATIVE, SEEDED IN DISTURBED AREAS.	
UTILITIES	
1. CANADA HOODS WATER COMPANY	
2. PRIVATE SEPTIC WITH PUMP STATION-CANADA HOODS WATER COMPANY	
3. PACIFIC GAS & ELECTRIC	
GRADING	
1. CUT = 2360 CY	
2. FILL = 18 CY	
3. NET = 2348 CY	
PARKING	
1. REQUIRED PARKING = 2	
2. PROPOSED PARKING = 6	

REVISION	No.
PLAN CORR.	1
REV 7/24/2020	

CONSULTANT:

ARCHITECT:

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**PROPOSED SITE PLAN**

JOB NAME: **Miller Residence**  
24275 Via Malpaso - Lot 18  
Monterey, California 93940  
A.P.N. 254-101-066-000

DATE: FEB. 11, 2020

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

DRAWN: SGH

JOB NUMBER: 16.23

**A-1.0**  
SHEET OF

**PROPOSED SITE PLAN**  
SCALE: 1/16" = 1'-0"

25% AND GREATER SLOPE

30% AND GREATER SLOPE

TOTAL AREA OF WORK = 10,678.0 S.F.

TOTAL AREA OVER SLOPE

30% SLOPE = 723 S.F. 6.8%

25% SLOPE = 1,371 S.F. 12.9%

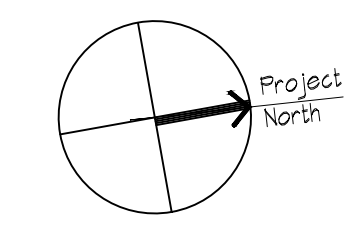
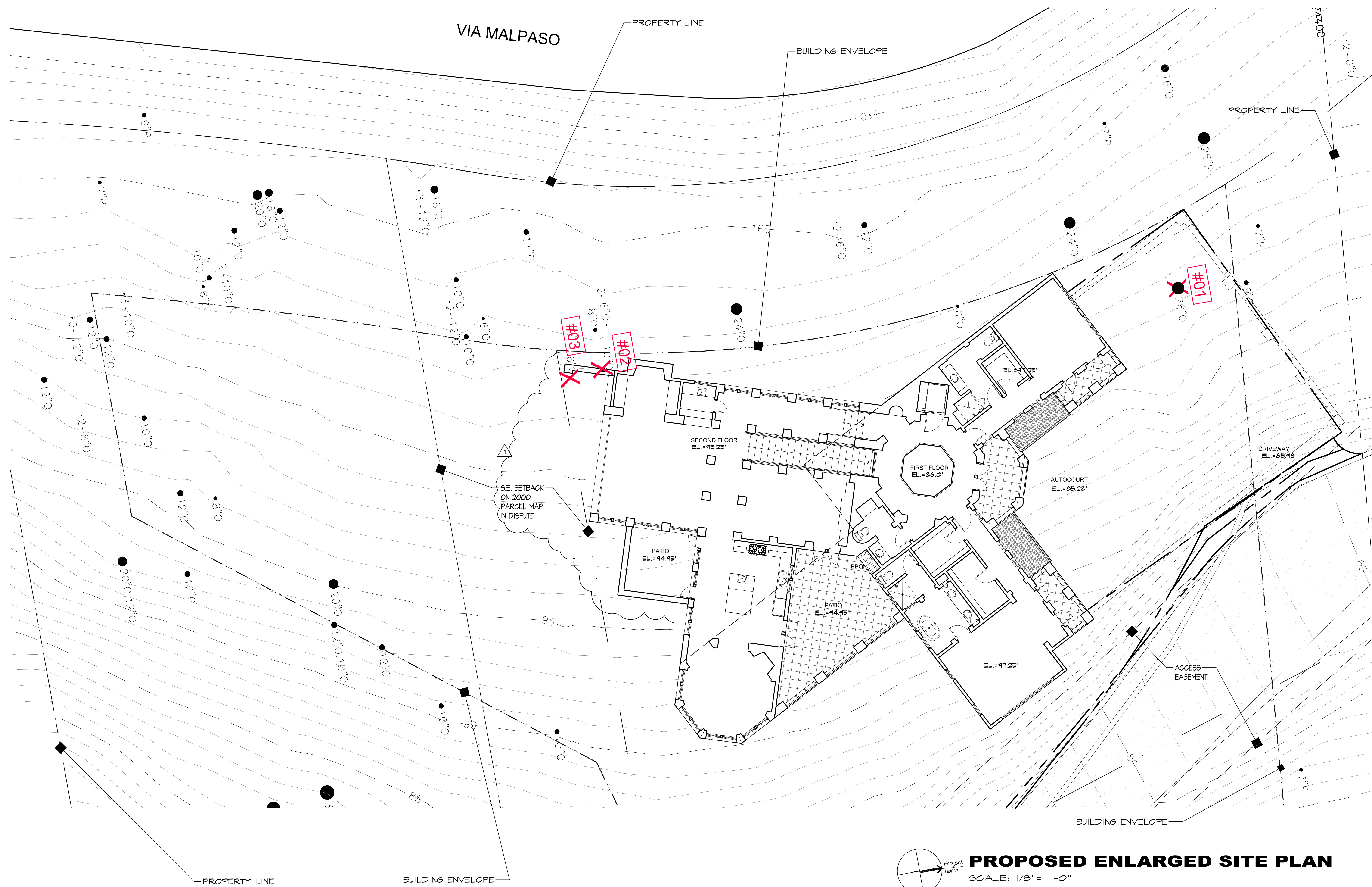
TOTAL = 2,100 S.F. 19.7%

TREES:

X = REMOVE : 3 OAKS (1-10", 1-26", 1-6")



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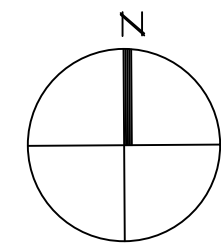
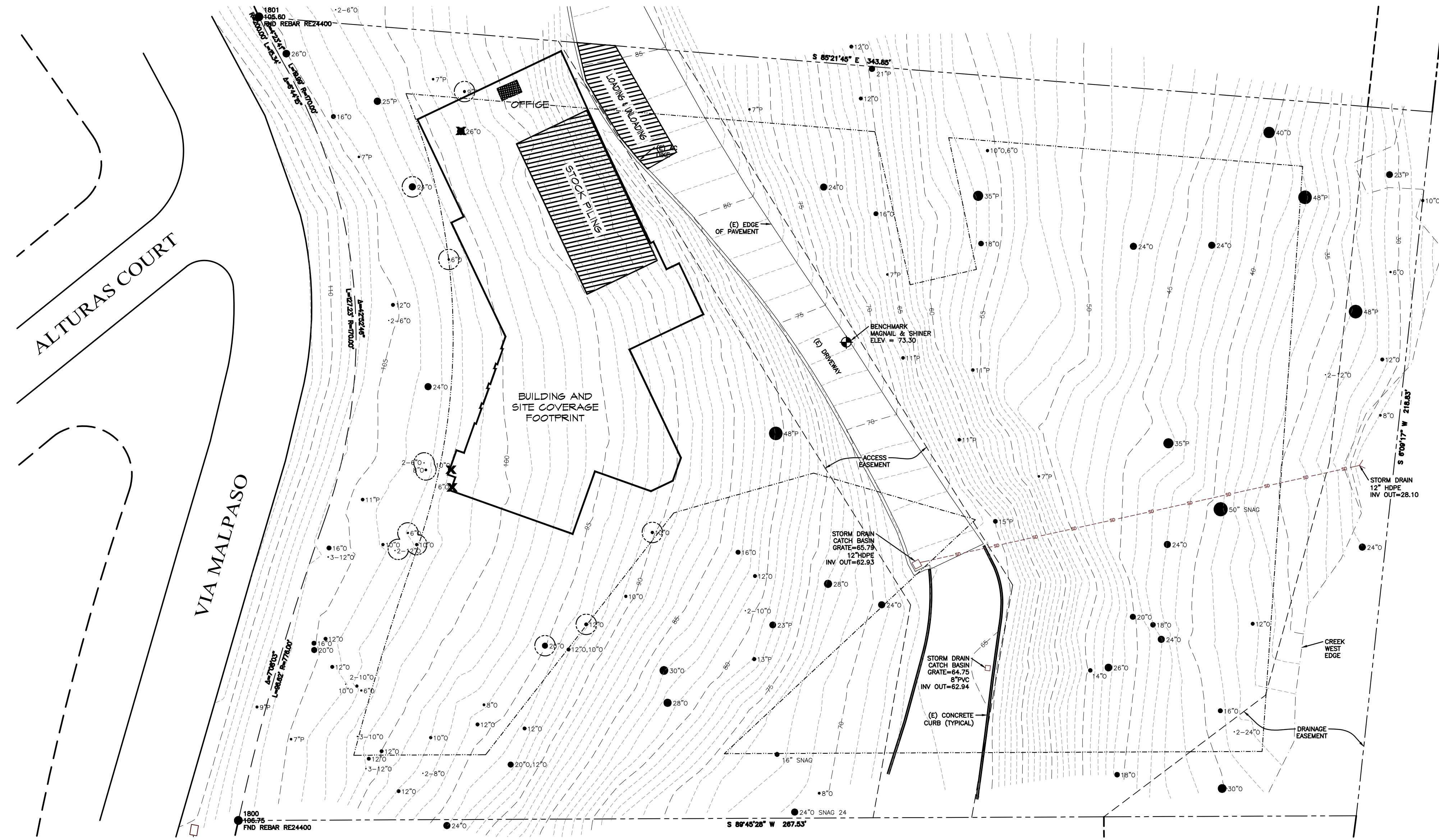


**PROPOSED ENLARGED SITE PLAN**  
 SCALE: 1/8" = 1'-0"

REVISION	No.
PLAN COMM.	▲
REV. 7/29/2020	
CONSULTANT:	
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ARCHITECT	
<b>PROPOSED ENLARGED SITE PLAN</b> JOB NAME: <b>Miller Residence</b> 24275 Via Malpaso - Lot 18 Monterey, California 93940 A.P.N. 259-101-066-000	
DATE: FEB. 11, 2020	
SCALE: 1/8" = 1'-0"	
DRAWN: SSH	
JOB NUMBER: 16.23	
<b>A-1.1</b>	SHEET OF

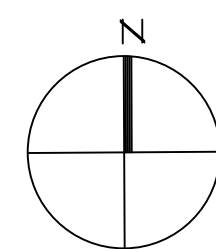
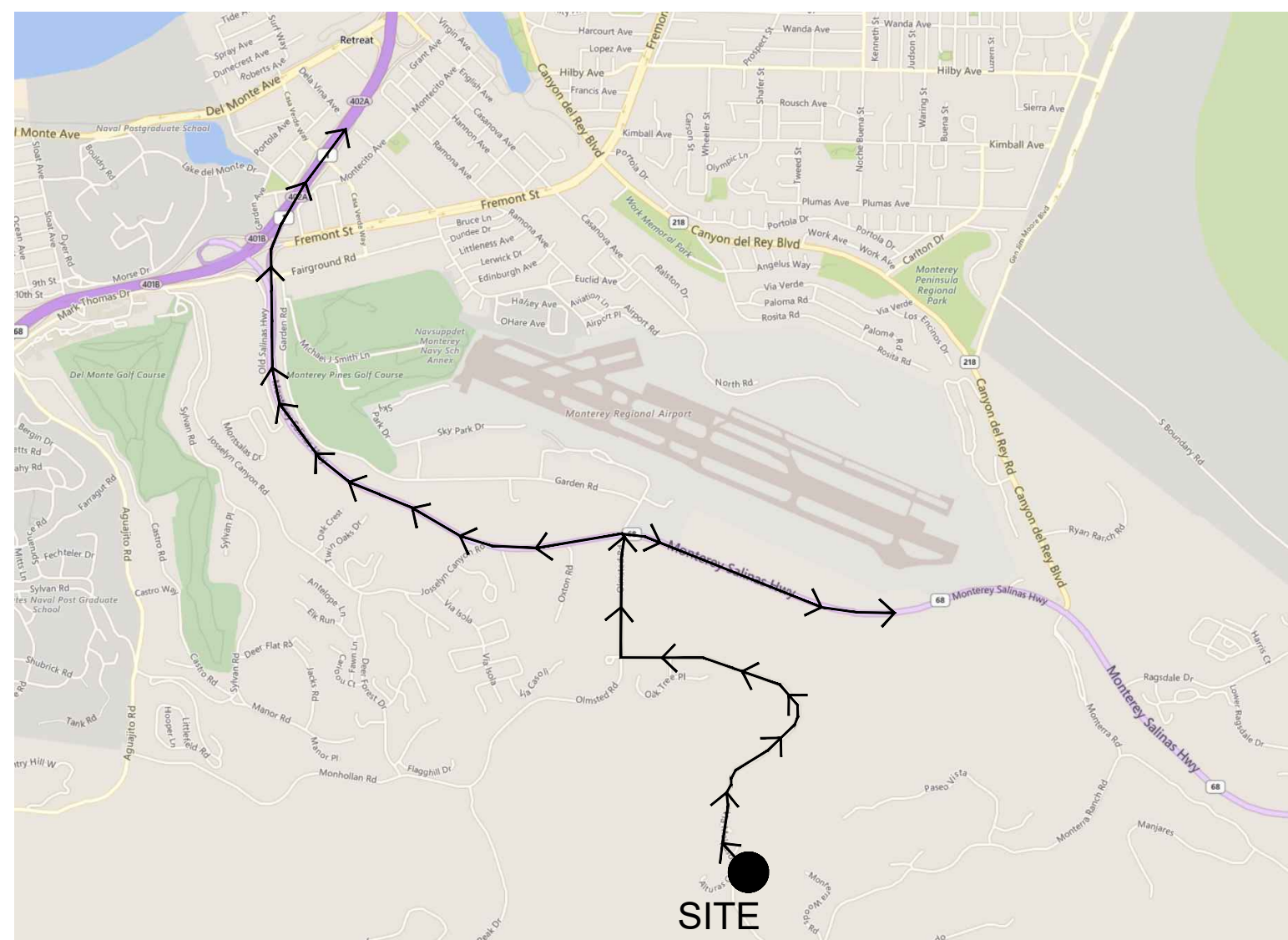


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**SITE PLAN**

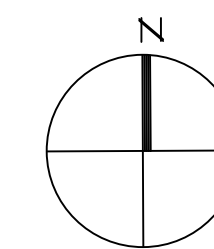
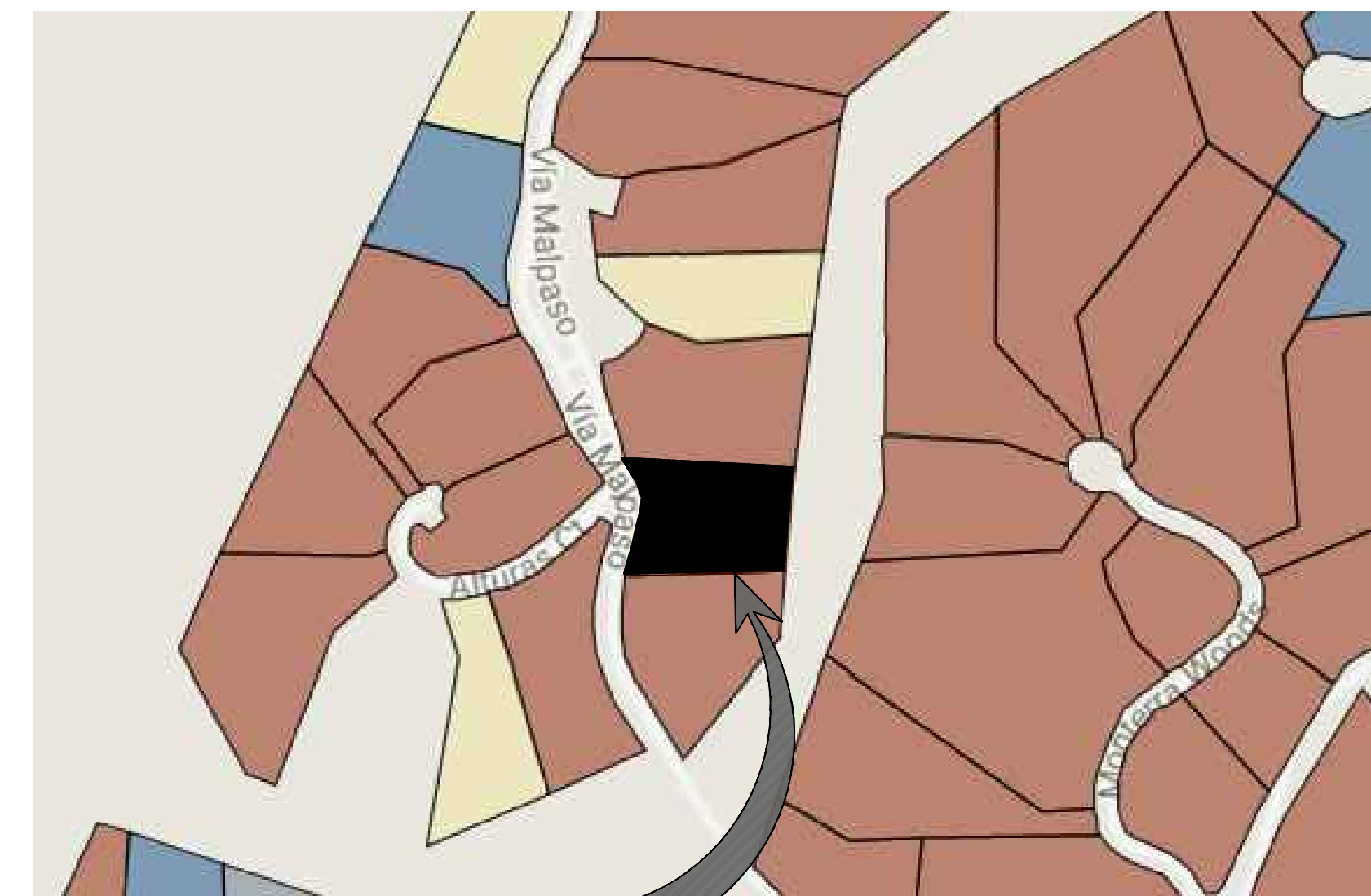
SCALE: 1/32" = 1'-0"



**PROPOSED TRAVEL ROUTES**

SCALE: N.T.S.

CONSTRUCTION MANAGEMENT SUMMARY	
CONSTRUCTION DATES	JUNE 2020 - DEC. 2021
HOURS OF OPERATION	7:30 A.M. TO 4:00 P.M.
VEHICLES	- GRADING & SOIL REMOVAL: 18 DAYS - 8 CONSTRUCTION VEHICLES DAILY - 3 MATERIAL DELIVERY VEHICLES WEEKLY
GRADINGS	- CUT: 3,060 CU. YDS. - FILL: 50 CU. YDS. - EXPORT: 3,010 CU. YDS.
ROUTES FOR VEHICLES (SEE MAP)	FROM DRIVEWAY, RIGHT ONTO VIA MALPASO, RIGHT ONTO OLMSTEAD RD. THEN EITHER LEFT ONTO 66 TO 101 OR RIGHT ONTO 66 TO SALINAS
INDIVIDUAL TREE PROTECTION	○ TREE TO BE PROTECTED. TREES IN CONSTRUCTION AREA TO REMAIN, WRAP TRUNKS, FENCING.
TREES TO BE REMOVED	✕



**AREA MAP**

SCALE: N.T.S.

REVISION	No.
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CONSTRUCTION PLAN

JOB NAME:  
**Miller Residence**  
 24275 Via Malpaso - Lot 18  
 Monterey, California 93940  
 A.P.N. 259-101-066-000

DATE: FEB. 11, 2020

SCALE: AS NOTED

DRAWN: S&H

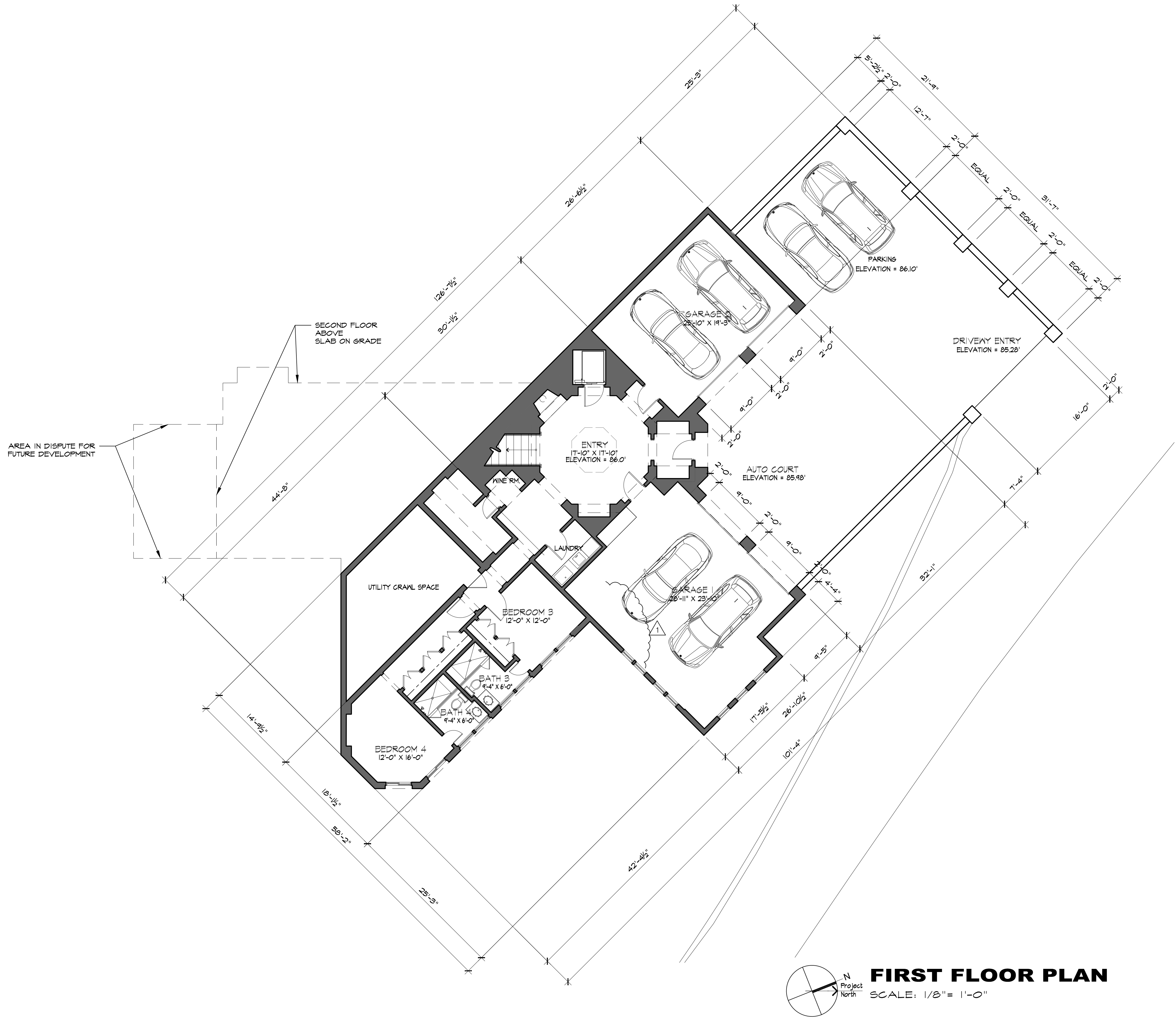
JOB NUMBER: 14.21

**A-1.2**

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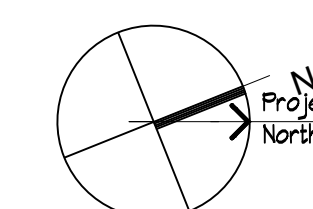
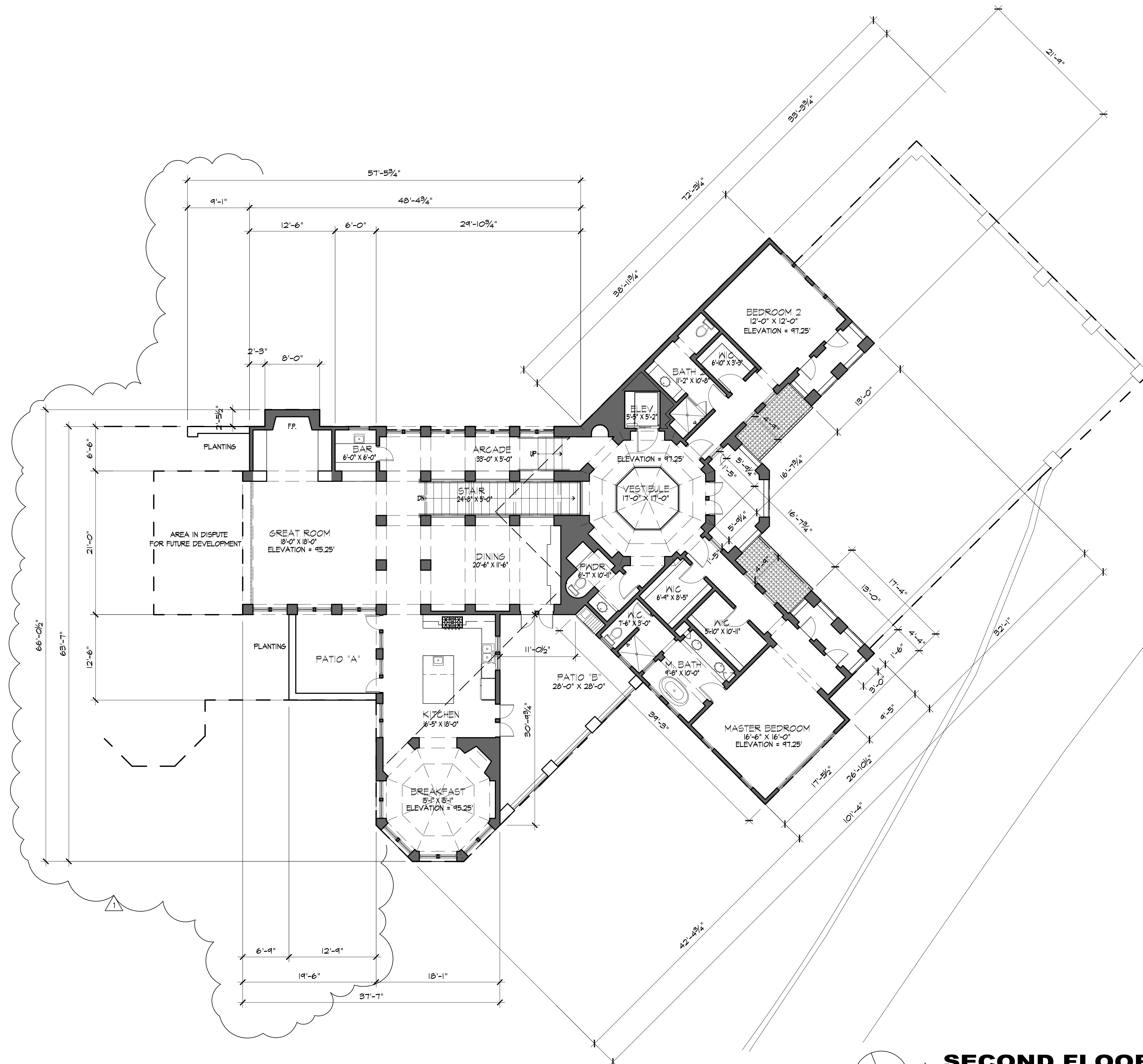
PROPOSED FIRST FLOOR PLAN

JOB NAME: **Miller Residence**  
 24275 Via Malpaso - Lot 18  
 Monterey, California 93940  
 A.P.N. 259-101-066-000

DATE: FEB. 11, 2020  
 SCALE: 1/8" = 1'-0"  
 DRAWN: SSH  
 JOB NUMBER: 16.23

**A-2.0**  
 SHEET OF

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**SECOND FLOOR PLAN**  
SCALE: 1/8" = 1'-0"

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REV 7/29/2020	

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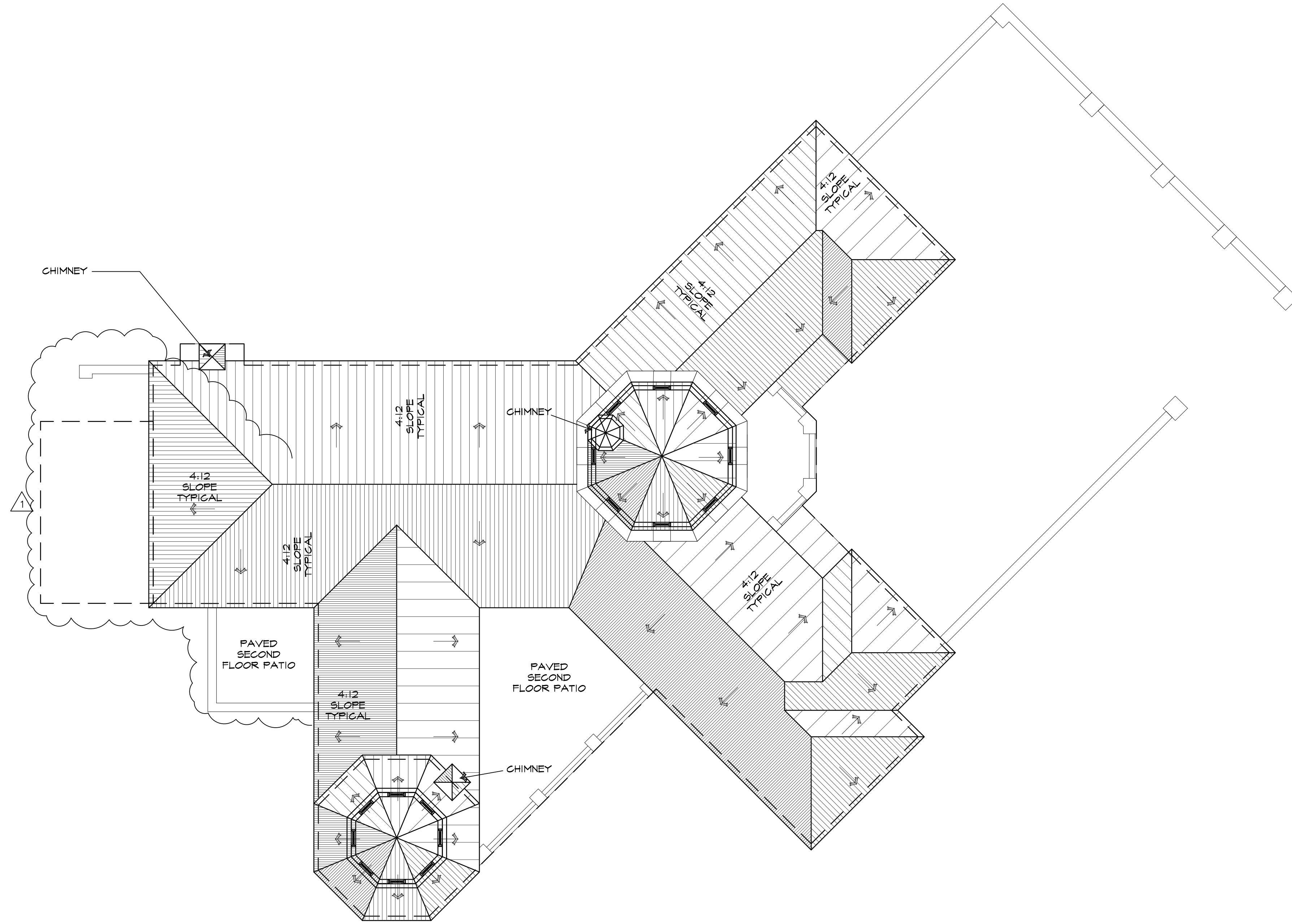
PROPOSED SECOND FLOOR PLAN

JOB NAME:  
**Miller Residence**  
 24275 Via Mariposa - Lot 18  
 Monterey, California 93940  
 A.P.N. 259-101-066-000

DATE: FEB. 11, 2020  
 SCALE: 1/8" = 1'-0"  
 DRAWN: SSH  
 JOB NUMBER: 16.23

**A-2.1**  
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**ROOF PLAN**  
 SCALE: 1/8" = 1'-0"  
 Project North

REVISION	No.
PLAN COMM REV 7/29/2020	1

CONSULTANT:

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PROPOSED ROOF PLAN

JOB NAME: **Miller Residence**  
 24275 Via Malpaso - Lot 18  
 Monterey, California 93940  
 A.P.N. 259-101-066-000

DATE: FEB. 11, 2020  
 SCALE: 1/8" = 1'-0"  
 DRAWN: SSH  
 JOB NUMBER: 16.23

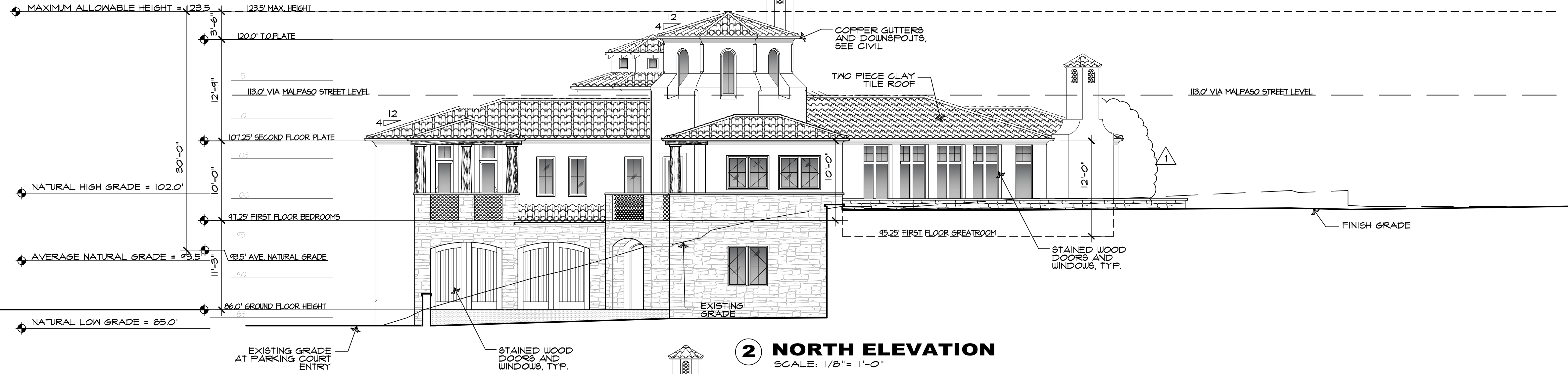
**A-2.2**  
 SHEET OF



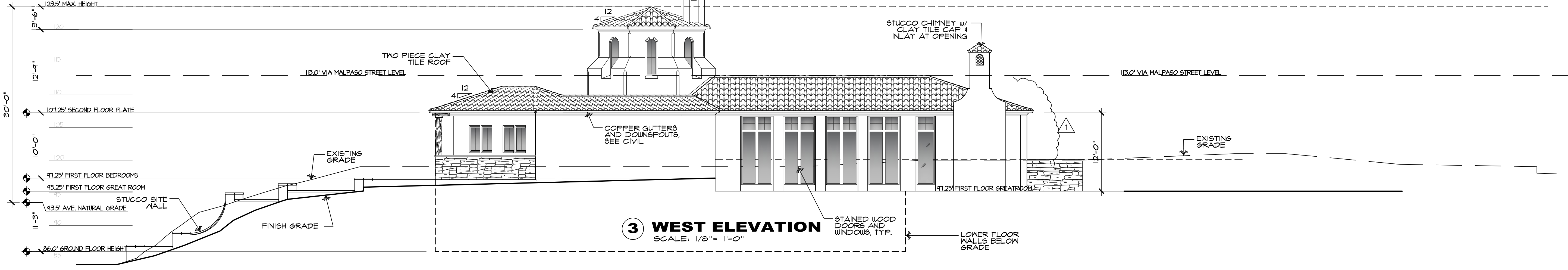
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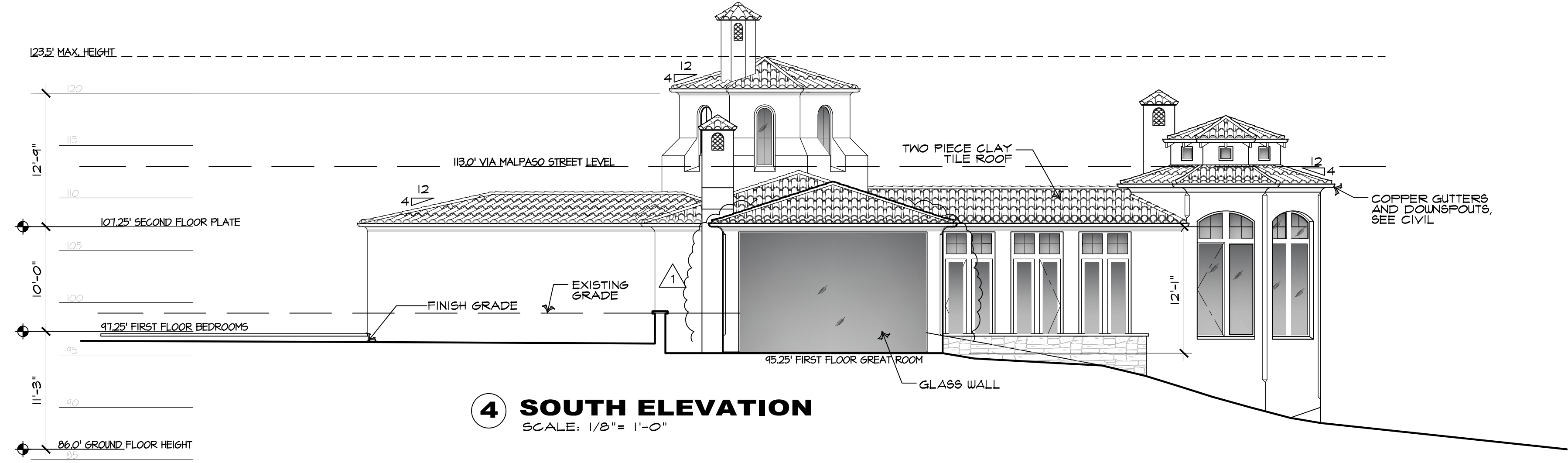
**1 EAST ELEVATION**  
SCALE: 1/8" = 1'-0"



**2 NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"



**3 WEST ELEVATION**  
SCALE: 1/8" = 1'-0"



**4 SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"

REVISION	No.
PLAN COMM.	
REV. 7/29/2020	

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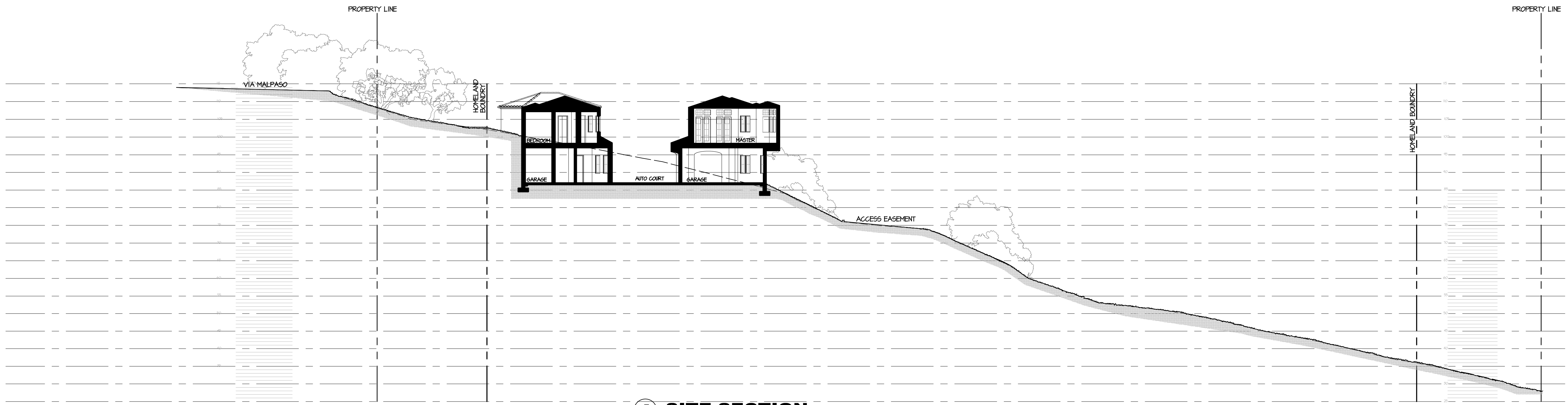
PROPOSED MAIN HOUSE ELEVATIONS

JOB NAME: **Miller Residence**  
24275 Via Malpaso - Lot 18  
Monterey, California 93940  
A.P.N. 259-10-066-000

DATE: FEB. 11, 2020  
SCALE: 1/8" = 1'-0"  
DRAWN: SSH  
JOB NUMBER: 16.23



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**A SITE SECTION**  
SCALE: 1/16" = 1'-0"



**B SITE SECTION**  
SCALE: 1/16" = 1'-0"

REVISION	No.
PLAN COMM	△
REV 7/29/2020	

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PROPOSED SITE SECTIONS

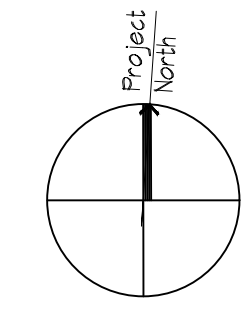
JOB NAME: **Miller Residence**  
 24275 Via Malpaso - Lot 18  
 Monterey, California 93940  
 A.P.N. 259-101-066-000

DATE: **FEB. 11, 2020**  
 SCALE: 1/16" = 1'-0"  
 DRAWN: **SSH**  
 JOB NUMBER: **16.23**

**A-3.2**  
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**PROPOSED LANDSCAPE PLAN**  
SCALE: 1/16" = 1'-0"

LEGEND	
	Cut Stone Paving: Grout set over 4" concrete sub-slab with #3 @ 16" o.c. both ways. Joint sub-slab as needed for crack control.
	Asphalt Paving: Install with 2x6" header in smooth curves, verify layout in field with Landscape Architect. See Civil Drawings.
	Planting Area: See Planting Plan

GENERAL NOTES:	
1. SEE ARCHITECTURAL DRAWINGS FOR STONE TYPES AND SPECIFICATIONS	

REFERENCE NOTES:	
	ELIMINATED
	FIRE DEPT. TURN AROUND: PER MONTEREY COUNTY REGIONAL FIRE DEPARTMENT STANDARDS
	ELIMINATED
	ELIMINATED
	FIREPLACE WITH WOOD STORAGE: SEE ARCHITECTURAL DRAWINGS
	ELIMINATED
	BAR-B-Q: SEE ARCHITECTURAL DRAWINGS
	GUEST PARKING: SIZED FOR 1-4 CARS
	ELIMINATED
	INSTALL EROSION FABRIC ON SLOPE IF GREATER THAN 3:1
	TREE TO BE REMOVED
	FUTURE DEVELOPMENT

REVISION	No.
PLAN COMM	
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ARCHITECT

**LANDSCAPE PLAN**

JOB NAME: **Miller Residence**  
24275 Via Malpaso - Lot 18  
Monterey, California 93940  
A.P.N. 259-101-066-000

DATE: FEB. 11, 2020  
SCALE: 1/16" = 1'-0"  
DRAWN: SSH  
JOB NUMBER: 16.23

**LS-1.0**  
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REVISION	No.
PLAN COMM	1
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REVISION	No.
PLAN COMM	1
REV 7/29/2020	2

CONSULTANT:

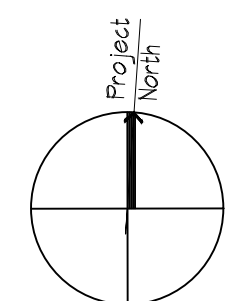
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FUEL MANAGEMENT PLAN

JOB NAME:  
**Miller Residence**  
 24275 Via Malpais - Lot 18  
 Monterey, California 93940  
 A.P.N. 259-101-066-000

DATE: FEB. 11, 2020  
 SCALE: 1/16"=1'-0"  
 DRAWN: SHH  
 JOB NUMBER: 16.23

**LS-1.1**  
 SHEET OF



**FUEL MANAGEMENT PLAN**  
 SCALE: 1/16"=1'-0"

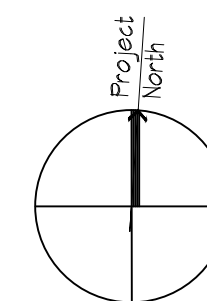


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*WUC CODE	BOTANICAL NAME	COMMON NAME	SIZE	CHARACTER
9 L	Ah	Arctostaphylos 'Howard McMinn'	5 Gal.	
17 L	Li	Lavandula intermedia 'Provence'	5 Gal.	
17 L	Sg	Salvia greggii 'Caviar'	1 Gal.	

**PLANT LEGEND**

Restoration Planting: Hydroseed *Stipa pulchra* @ 30 lb/acre. Exact limits to follow grading limits, to be determined in field by Landscape Architect. Seeding to occur between October and November.



**CONCEPTUAL LANDSCAPE PLAN**  
SCALE: 1/16" = 1'-0"

REVISION	No.
PLAN COMM	
REV 7/29/2020	

CONSULTANT:

**ERIC MILLER ARCHITECTS, INC.**  
211 HOFFMAN AVENUE  
MONTEREY, CA 93940  
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ARCHITECT

**CONCEPTUAL LANDSCAPE PLAN**  
JOB NAME: **Miller Residence**  
24275 Via Malpais - Lot 18  
Monterey, California 93940  
A.P.N. 259-101-066-000

DATE: FEB. 11, 2020  
SCALE: 1/16" = 1'-0"  
DRAWN: SHH  
JOB NUMBER: 16.23

**LS-2.0**  
SHEET OF



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SYMBOL	TYPE	MANUFACTURER	NUMBER	LAMP	FINISH	COMMENTS
◊	Recessed Step/Wall Light	FX Luminaire	PO LED	24 W 12 V	Brass	
●	Swimming Pool Light	SAVI	Melody Blanco MB-#, contractor to determine	10 W 12V	N/A	Install 5' O.C. @ 12" below water line. Coil additional conductor in pool basin to allow for moving lights.
◇	Path Light	FX Luminaire	FG-3LED-BZ	4.5 W 12V	Bronze Metallic	
◊	Water Feature Light	Focus Industries	SL-33 ABAC-ULT-LED	20 W 12 V	Brass	
□	Transformer	FX Luminaire	PX		Bronze Metal	Size as shown on Transformer Legend
⊕	GFCI Electrical Outlet					Locate in weatherproof enclosure.

REVISION	No.
PLAN COMM REV 7/29/2020	1

CONSULTANT:

ARCHITECT

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CONCEPTUAL LIGHTING PLAN

JOB NAME: **Miller Residence**  
24275 Via Malpais - Lot 18  
Monterey, California 93940  
A.P.N. 259-101-066-000

DATE: FEB. 11, 2020

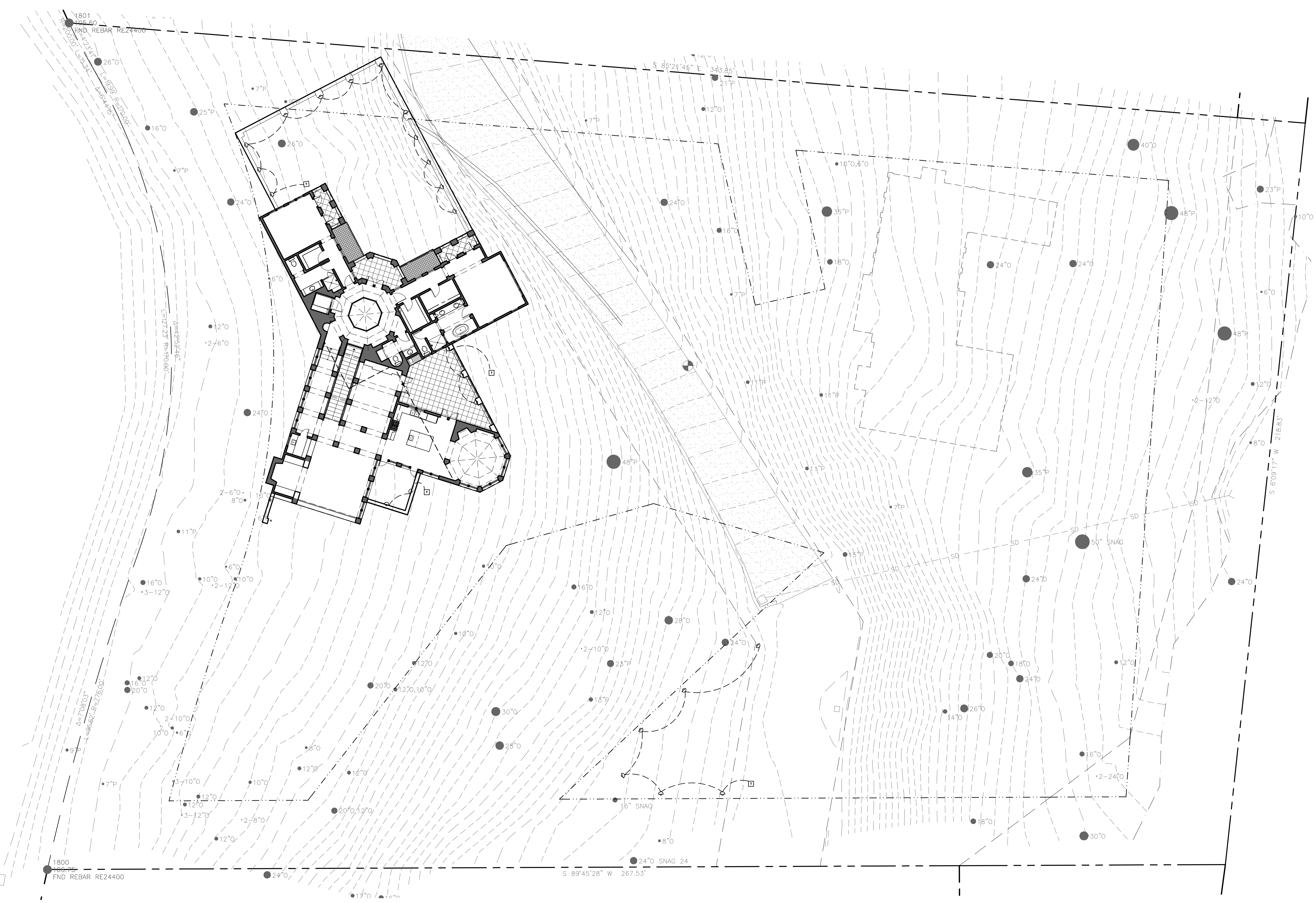
SCALE: 1/16"=1'-0"

DRAWN: SSH

JOB NUMBER: 16.23

**LS-3.0**

SHEET OF



- GENERAL NOTES**
1. System shown schematically for graphic clarity. Verify all light locations and cable runs in field with Landscape Architect. Cabling to be sized to provide a minimum 10.5 volts and a maximum of 11.5 volts to all fixtures. Minimum cable size is 12 gauge multi strand direct burial cable.
  2. Allow 30% of transformer capacity for future additional site lighting.
  3. Coordinate switching with Owner.
  4. Provide GFCI electrical outlets for all appliances in outdoor kitchen.
  5. Run maximum of 10 lights in daisy chain.
  6. Run additional 2" sleeves under all paving areas for possible future site lighting. Review locations in field with Landscape Architect.
  7. 8" depth minimum cable burial.
  8. All wire connections shall be water-proofed using fully encapsulated, direct burial waterproof connectors.
  9. Space lights evenly.

Project North

**CONCEPTUAL LIGHTING PLAN**

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



PLN18028a

COLOR SAMPLES FOR PROJECT FILE NO. APN 259-101-066-000



Materials: STUCCO Colors: CREAM  
Description: MEDIUM CAT FACE FINISH

COLOR SAMPLES FOR PROJECT FILE NO. APN 259-101-066-000



Materials: HARDI BOARD LAP SIDING Colors: KHAKI BROWN  
Description: CEMENTITIOUS LAP SIDING

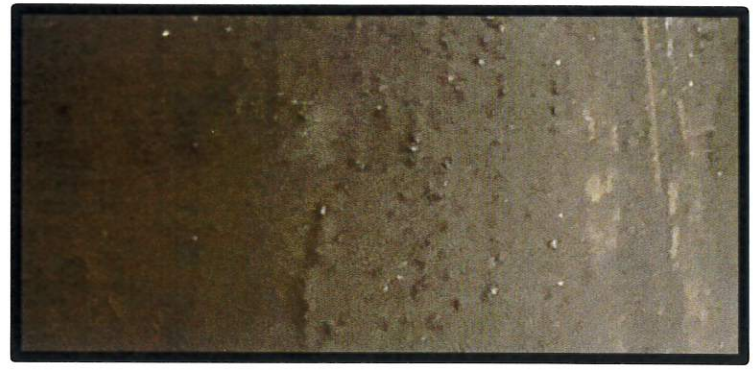
COLOR SAMPLES FOR PROJECT FILE NO. APN 259-101-066-000



Materials: THIN VENEER STONE Colors: FOND DU LAC - RUSTIC  
Description: STONE VENEER WITH A RAG FINISH MORTAR

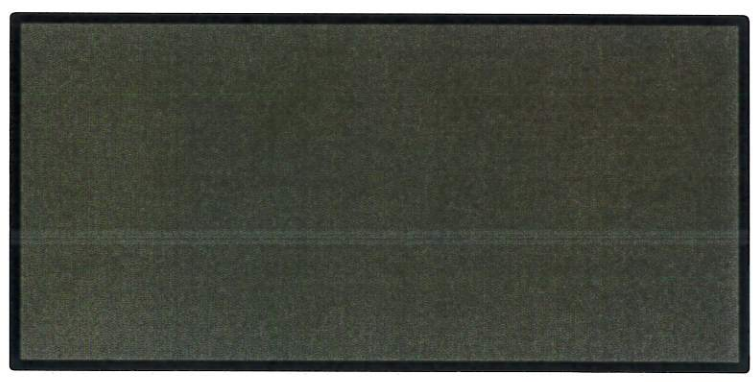
PUN180289

COLOR SAMPLES FOR PROJECT FILE NO. APN 259-101-066-000



Materials: ROOF TILE Colors: BROWN / TAN BLEND  
Description: MAIN HOUSE 2 PIECE MISSION STYLE ROOF

COLOR SAMPLES FOR PROJECT FILE NO. APN 259-101-066-000



Materials: METAL ROOFING Colors: WEATHERED COPPER  
Description: STANDING SEAM METAL ROOF ON A.D.U.

COLOR SAMPLES FOR PROJECT FILE NO. APN 259-101-066-000



Materials: CONCRETE PAVERS Colors: GREY  
Description: PAVERS FOR THE AUTOCOURT