Monterey County
Board of Supervisors

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Board Order

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Chris Lopez with Supervisor Mary. L. Adams, voting no, to

Adopt Resolution No.: 21-068 and Resolution No.: 21-069
a. Grant the appeal of Fred Miranda from the Planning Commission's October 28, 2020 statement and issuance of a final determination that the Planning Commission had an unbreakable tie vote and neither approved nor denied the subject applications;
b. Find that both projects involve the construction of one new single-family dwelling on an existing legal lot of record, which qualify as Class 3 Categorical Exemptions pursuant to Section 15303 of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2 (individually or cumulatively);
c. Approve a Combined Development Permit (Planning File No. PLN190097) consisting of: 1) Coastal Administrative Permit and Design Approval to allow the construction of an approximately 2,153 square foot two-story single-family dwelling with an attached 440 square foot garage;
2) Coastal Development Permit to allow the removal of two trees (Coast Live oaks);
3) Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and
4) Coastal Development Permit to allow approximately 529 square feet of development on slopes exceeding 30 percent; and
d. Approve a Combined Development Permit (Planning File No. PLN190098) consisting of: 1) Coastal Administrative Permit and Design Approval to allow the construction of an approximately 3,114 square foot two-story single-family dwelling with an attached 462 square foot garage;
2) Coastal Development Permit to allow the removal of two trees (Monterey pine and Coast Live oak);
3) Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat area; and
4) Coastal Development Permit to allow approximately 80 square feet of development on slopes exceeding 30 percent.

PASSED AND ADOPTED on this 16th day of March 2021, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, and Askew
NOES: Supervisor Adams
ABSENT: None
(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 March 16, 2021.

Dated: March 23, 2021
Revised Date: April 12, 2021
File ID: RES 21-052
Agenda Item No.: 10

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

Julian Lorenzana, Deputy

RESOLUTION FOR PLN190097
Before the Board of Supervisors in and for the County of Monterey, State of California

In the matter of the application of:
WALNUT COVE LLC (PLN190097)

RESOLUTION NO. 21- 068

Resolution by the Monterey County Board of Supervisors:

1. Granting the appeal of Fred Miranda from the Planning Commission's October 28, 2020, statement and issuance of a final determination that the Planning Commission had an unbreakable tie vote and neither approved nor denied the subject application;
2. Finding that the project involves the construction of a single-family dwelling on an existing legal lot of record, which qualifies as a Class 3 Categorical Exemption pursuant to section 15303(a) of the CEQA Guidelines, and there are no applicable exceptions pursuant to section 15300.2;
3. Approving a Combined Development Permit consisting of:
   a. Coastal Administrative Permit and Design Approval to allow the construction of a 2,153 square foot two-story single-family dwelling with an attached 440 square foot garage;
   b. Coastal Development Permit to allow the removal of two trees (Coast Live oaks);
   c. Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and
   d. Coastal Development Permit to allow approximately 529 square feet of development on slopes exceeding 30 percent.

24418 San Juan Road, Carmel Woods, Carmel Area Land Use Plan, Coastal Zone (APN 009-013-011-000)

The Appeal by Fred Miranda from the decision of the Monterey County Planning Commission to state and issue a final determination that the Planning Commission had an unbreakable tie vote and neither approved nor denied the subject application (WALNUT COVE LLC/PLN190097) came on for a public hearing before the Monterey County Board of Supervisors on March 16, 2021. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

FINDINGS

1. **FINDING:** **PROCESS** – The County has processed the subject Combined Development Permit application (Planning File No. 190097/Walnut Cove LLC) (the project) in compliance with all applicable procedural requirements.

EVIDENCE:

a) On June 4, 2019, pursuant to Monterey County Code (MCC) Sections 20.12, 20.44, and 20.82, Walnut Cove LLC (Applicant) filed an application for discretionary permits to allow: construction of a 2,465 square foot two-story single-family dwelling with an attached 440 square foot two-car garage; removal of two trees (Coast Live oaks); development within 100 feet of environmentally sensitive habitat; and approximately 1,900 square feet of development on slopes exceeding 30 percent; on a project site located at 24418 San Juan Road, Carmel Woods (Assessor's Parcel Number 009-013-011-000), Carmel Area Land Use Plan, Coastal Zone.

b) The County referred the originally-proposed project to the Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) for review. The LUAC, at a duly-noticed public meeting at which all persons had the opportunity to be heard, reviewed the proposed project on July 1, 2019, and voted 4 – 0 (4 yes, 0 no, and 1 absent) to continue the item to July 15, 2019. See Finding No. 2, Evidence p.

c) At the duly-noticed public meeting on July 15, 2019, at which all persons had the opportunity to be heard, the LUAC reviewed the project and voted 5 – 0 (5 yes and 0 no) to continue the item to August 5, 2019. See Finding No. 2, Evidence p.

d) The County subsequently scheduled the project for public hearing before the Monterey County Planning Commission on October 9, 2019. At the duly-noticed public hearing, at which all persons had the opportunity to be heard, the Applicant requested a continuance of the proposed project (Planning File No. PLN190097). The Planning Commission voted to approve the continuance to a date uncertain.

e) Subsequent to the continuance approved by the Planning Commission on October 9, 2019, the Applicant revised the project to reduce the overall bulk and mass of the proposed structure and re-submitted the revised plans in March 2020.

f) The County again referred the revised project to the Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) for review on October 5, 2020. The LUAC, at a duly-noticed public meeting at which all persons had the opportunity to be heard, reviewed the revised project and voted 6 – 0 (6 yes, 0 no, and 1 absent) to continue the item to October 19, 2020, because the applicant did not participate in the meeting. Staff later determined that the agenda was mailed to an obsolete or incorrect address for the applicant's agent. See Finding No. 2, Evidence q.

g) At the duly-noticed public meeting on October 19, 2020, at which all persons had the opportunity to be heard, the LUAC reviewed the revised project and voted 3 – 0 – 4 (3 yes, 0 no, and 4 abstain) to not support the project as proposed. In the motion, the LUAC did not offer project-specific recommendations to modify the project. See Finding No. 2, Evidence r.

h) The Monterey County Planning Commission held a duly-noticed public hearing on the Walnut Cove LLC application on October 28, 2020. Notices for the Planning Commission public hearing were published in the Monterey County Weekly on October 15, 2020; posted at and near the project site on October 15, 2020; and mailed and to vicinity property owners and interested parties on October 13, 2020.

i) On October 28, 2020, after review of the application and submitted documents, and a duly-noticed public hearing at which all persons had the opportunity to be heard, the Planning Commission voted 8 – 0 (8 yes, 0 no, and 2 absent) to state and issue a final determination, per Rule 10.1 of the Monterey County Planning Commission Rules for the Transaction of Business, that the Planning Commission had an unbreakable tie vote and neither approved nor denied the subject application (Monterey County Planning Commission Resolution No. 20-037). The Planning Commission Resolution is included in the March 16, 2021, staff report to the Board of Supervisors as Attachment F.

j) Fred Miranda (Appellant) timely filed an appeal from the October 28, 2020, decision of the Planning Commission pursuant to MCC section 20.86.030.C. The appeal challenged the Planning Commission's decision to state and issue a final determination that the Planning Commission had an unbreakable tie vote and neither approved nor denied the subject application. See Finding No. 11 (Appeal) and supporting evidence for a summary of the Appellants' contentions and the County's responses.

k) Pursuant to MCC section 20.86.030.C and E, 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, and no appeal shall be accepted until the notice of decision has been given (i.e., mailed). The County mailed the written notice of the decision (i.e., Planning Commission Resolution No. 20-037) on December 18, 2020, and said appeal was filed with the Clerk of the Board of Supervisors on January 4, 2021, within the 10-day timeframe prescribed by MCC section 20.86.030.C. 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 March 16, 2021, staff report to the Board of Supervisors as Attachment D.

l) On January 13, 2021, Appellant agreed to postpone the appeal hearing, and waive the requirement pursuant to Monterey County Code that the Board of Supervisors consider the appeal and render a decision within 60 days of receipt, to allow time to revise the plans to address the concerns expressed by the neighbors and the Planning Commission. On January 22, 2021, Appellant submitted revised plans that reduced the floor area and height of the proposed single-family dwelling. The proposed residence at 24418 San Juan Road would be reduced by 270 square feet in floor area, and by 4.5 feet in roof height.

m) Said appeal was timely brought to a duly-noticed public hearing before the Monterey County Board of Supervisors on March 16, 2021. Notice of the hearing was published on March 4, 2021, in the

Monterey County Weekly; notices were mailed on March 3, 2021, to all property owners and occupants within 300 feet of the project site, and to persons who requested notice; and at least three notices were posted at and near the project site on or about March 5, 2021.

n) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in project file no. PLN190097; and Clerk of the Board of Supervisors' file(s) related to the appeal.

2. **FINDING:** **CONSISTENCY** – The project and/or use, as conditioned, is consistent with the policies of the Monterey County 1982 General Plan, Carmel Area Land Use Plan, Carmel Area Coastal Implementation Plan – Part 4, Monterey County Zoning Ordinance - Coastal (Title 20), and other County health, safety, and welfare ordinances related to land use development.

EVIDENCE: a) The project involves the construction of a 2,153 square foot two-story single-family dwelling with an attached 440 square foot two-car garage; the removal of two trees (Coast Live oaks); development within 100 feet of environmentally sensitive habitat; and approximately 529 square feet of development on slopes exceeding 30 percent. The project also involves construction of 946 square feet of deck area, approximately 220 cubic yards of associated grading (20 cubic yards cut and 200 cubic yards fill), approximately 320 linear feet of 4-foot high retaining and privacy walls, and a 1,615 square foot permeable driveway.

b) Allowed Uses. The subject 9,340 square foot (0.214-acre) property is located at 24418 San Juan Road, Carmel Woods (Assessor's Parcel Number 009-013-011-000), Carmel Area Land Use Plan, Coastal Zone. The subject parcel is zoned Medium Density Residential, with maximum gross density of 2 units per acre and a Design Control overlay (Coastal Zone) [MDR/2-D (CZ)]. MDR zoning allows residential development as a principle use, subject to the granting of a Coastal Administrative Permit. Monterey County Code (MCC) section 20.12.040.A and H allow for the first single-family dwelling per lot and accessory structures. The proposed development is consistent with the established residential use of the property within a residential zoning district. Therefore, as proposed, the project is an allowed land use for this site.

Additionally, tree removal and development within 100 feet of environmentally sensitive habitat and on slopes exceeding 30 percent is allowed subject to the granting of applicable coastal development permits (see Finding Nos. 8, 9, and 10, and supporting evidence).

c) The project has been reviewed for consistency with the text, policies, and regulations in the:
- 1982 Monterey County General Plan;
- Carmel Area Land Use Plan (LUP);
- Carmel Area Coastal Implementation Plan (CIP) - Part 4; and
- Monterey County Zoning Ordinance - Coastal (Title 20).

The subject property is located within the coastal zone; therefore, the 2010 Monterey County General Plan does not apply.

d) No conflicts were found to exist. The County received communications from interested members of the public during the course of project review indicating inconsistencies with the text, policies, and regulations in the applicable plans and MCC; however, the County finds that the project is consistent with the text, policies, and regulations in the applicable documents.

e) Concerns were raised by interested members of the public related to the following:
   - Construction of the single-family dwelling on slopes exceeding 30 percent;
   - The potential for the proposed development to impact a drainage easement;
   - The potential for the proposed development to impact additional trees;
   - The consistency of the proposed exterior design and colors with the neighborhood character; and
   - Construction related impacts that could result from development of the single-family dwelling.

   These concerns are addressed below in this evidence, and in Evidence h, i, and j below. Also, see Evidence p, q, and r below regarding review by the Carmel Unincorporated/Highlands Land Use Advisory Committee. See also Finding Nos. 3, 4, 6, 7, 8, 9, 10, and supporting evidence.

   Due to the topography of the subject parcel, there is no feasible alternative for development on slopes exceeding 30 percent (see Finding No. 8 and supporting evidence). Per the biological report (LIB190216) prepared for the project, the proposed development will neither impact the drainage easement nor the long-term maintenance of the adjacent environmentally sensitive habitat area (see Finding No. 10 and supporting evidence).

   Per the arborist report (LIB190167) prepared for the project, the tree removal has been limited to that required for the development footprint and will maintain the overall health and long-term maintenance of the forest resources on the property. The remaining trees would be protected per Condition No. 9, Tree and Root Protection (see Finding No. 9 and supporting evidence). The proposed exterior colors and materials are consistent with the neighborhood character and applicable policies of the Carmel Area LUP. Traffic and construction related impacts would be temporary and controlled by a construction management plan (Condition No. 4).

f) Lot Legality. The subject parcel located at 24418 San Juan Road (Assessor's Parcel Number 009-013-011-000) is identified as Lot 11, in Block Numbered 306, on "Licensed Surveyor's Map of Re-Subdivision of Blocks 305 and 306, Third Addition Carmel Woods," filed for record on June 21, 1938, in Volume 3 of Surveys, Page 164,

and recognized through a Certificate of Compliance (Monterey County File No. CC180035). Therefore, the County recognizes the subject property as a legal lot of record.

The Assessor's Parcel Number (APN) for the subject property was changed upon issuance of the Certificate of Compliance, and was formerly APN 009-013-001-000 (see Finding No. 4, Evidence b).

g) Archaeological Resources. County records identify that the project site is in an area of moderate sensitivity for archaeological resources. The subject property is less than 2.5 acres (see Evidence b above) and is categorically exempt from CEQA (see Finding No. 6 and supporting evidence); therefore, pursuant to MCC section 20.146.090.B, an archaeological survey was not required. The potential for inadvertent impacts to cultural resources is limited and will be controlled by application of the County's standard project condition of approval (Condition No. 3), which requires the contractor to stop work if previously unidentified resources are discovered during construction.

h) Design Review and Neighborhood Character. Pursuant to MCC Chapter 20.44, the proposed project parcel and surrounding area are designated as a Design Control Zoning District ("D" zoning overlay), which regulates the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character.

As proposed, the exterior colors and materials are consistent with the residential setting. The primary exterior colors and materials include grey metal and cedar roofing, limestone and off-white stucco siding finishes, and black trim doors and windows. The proposed exterior colors and finishes would blend with the surrounding environment, are consistent with the surrounding residential neighborhood character, and are consistent with other neighborhood dwellings. Also, per Carmel LUP Policy 2.2.3.6, the proposed structure would be subordinate to and blend into the environment, using appropriate exterior materials and earth tone colors that give the general appearance of natural materials.

Nearby dwellings have a variety of architectural styles and the proposed exterior colors and finishes blend with the surrounding environment, are consistent with the surrounding residential neighborhood character and setting and with other dwellings in the neighborhood. The proposed residence is consistent with the size and scale of surrounding residences, and the proposed bulk and mass would not contrast with the neighborhood character. The proposed structures would also conform to all applicable development standards. As proposed, the project ensures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity.

Concerns were raised by interested parties regarding the design of the project and its compatibility with the neighborhood character. Commenters indicated that the home's bulk and mass would be too large compared to the immediate vicinity. Based on County records, staff reviewed the square footages of the homes within this vicinity. Based on this review and site visits, the proposed development of a 2,153 square foot two-story single-family dwelling with an attached 440 square foot two-car garage is comparable to other built homes within the vicinity. Due to the small lot sizes in this area, many homes are two-story and several are three-story. Therefore, the proposed square footage, as well as the proposed bulk and mass of the proposed structure are not out of character with the neighborhood.

Since the initial proposal submitted by the applicant and considered by the Planning Commission on October 9, 2019, the applicant has revised the project to significantly reduce the amount of structural bulk and mass of the proposed residence and impacts to slopes. Project revisions include the following:

- Reduced development on slopes exceeding 30 percent by approximately 1,371 square feet (from 1,900 square feet to the revised amount of 529 square feet). The revisions include a cantilevered deck, thereby avoiding development on slope exceeding 30 percent on the lower half of the property and resulting in elimination of the 17-foot high retaining wall initially proposed in the same general area.
- Reduced fill by approximately 500 cubic yards (from 720 to 200 cubic yards.
- Reduced the height above average natural grade by approximately 6.5 feet (from 30 feet to 23.5 feet).
- Reduced the total floor area by 270 square feet (9.4 percent), from 2,863 square feet to 2,593 square feet).

Based on the evidence described above, the County finds that the project, as proposed and conditioned, conforms to the policies and development standards of the applicable Carmel Area LUP and ordinances related to land use development. The proposed structure and use are consistent with the surrounding residential neighborhood character (i.e.; design, colors, and material finishes), the size and scale of surrounding residences, and the neighborhood character. As proposed, the project ensures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity.

i) Development Standards. The development standards for the MDR zoning district are identified in MCC section 20.12.060. Required setbacks in this MDR district are 20 feet (front), 10 feet (rear), and 5 feet (sides). The proposed attached structures would have a front setback of 20 feet, a rear setback of 50 feet, and side setbacks of 5 feet.

The site coverage maximum in this MDR district is 35 percent, and the floor area ratio maximum is 45 percent. The lot is approximately

0.214-acres or 9,340 square feet, which would allow site coverage of approximately 3,269 square feet and floor area of approximately 4,203 square feet. The proposed single-family dwelling and attached garage would result in site coverage of 2,868 square feet (30.7 percent), and floor area of 2,593 square feet (27.8 percent).

The maximum allowed height in this MDR zoning district is 30 feet above average natural grade. The proposed dwelling and garage would have a height of 25.26 feet above average natural grade.

Therefore, the project conforms to applicable development standards.

j) Pescadero Canyon and Watershed. The subject property is not located within the area of the Del Monte Forest Land Use Plan (DMF LUP); therefore, DMF LUP policies limiting structural and impervious surface coverage to reduce runoff do not apply. However, site development would be subject to current regulations regarding control of drainage. Due to the site being adjacent to Pescadero Canyon, Condition Nos. 12 (Stormwater Control Plan) and 13 (Winter Inspections) will be required to address post-construction requirements and runoff reduction, and to ensure contaminants are not discharged into Pescadero Canyon and the Carmel Bay Area of Special Biological Significance.

k) Public Access. See Finding No. 7 and supporting evidence.

l) Slopes Exceeding 30 Percent. See Finding No. 8 and supporting evidence.

m) Tree Removal. See Finding No. 9 and supporting evidence.

n) Environmentally Sensitive Habitat Area (ESHA). See Finding No. 10 and supporting evidence.

o) Previously Approved Development (Demolition). On June 13, 2019, the Monterey County Zoning Administrator approved a Coastal Administrative Permit (Resolution No. 19-021; Planning File No. PLN180240) on this same parcel (entitlement approved for Assessor's Parcel Numbers 009-013-011-000 and 009-013-012-000, located at 24418 and 24424 San Juan Road, Carmel Woods, Carmel Area Land Use Plan, Coastal Zone) to allow demolition of a 2,775 square foot single-family dwelling, inclusive of an attached garage.

p) Land Use Advisory Committee (LUAC) Review – July 1 and July 15, 2019. Staff referred the project to the Carmel Unincorporated/Highlands LUAC for review on July 1, 2019 and July 15, 2019. At the July 1, 2019, the LUAC continued the application until the applicant removed a fallen tree from a neighboring property, provided color samples, lowered the overall roof plate height, and re-staked the proposed development. The application went before the LUAC again on July 15, 2019. Between LUAC meetings, the applicant submitted revised plans to reduce the height from 30 feet to 28 feet above average natural grade and re-staked the proposed development. At the July 15, 2019 meeting, the LUAC reviewed the color samples and recommended another continuance and directed the applicant reduce the plate heights even lower. The applicant reviewed the request and concluded that the first revision was

adequate to address the concern regarding height. The design was revised so the proposed residence would be two feet under the maximum allowable height for the zone in which it is located.

q) Land Use Advisory Committee (LUAC) Review – October 5, 2020. Staff referred the project to the Carmel Unincorporated/Highlands LUAC for review again on October 5, 2020. The LUAC, at a duly-noticed public meeting at which all persons had the opportunity to be heard, reviewed the proposed project, and voted 6 – 0 (6 ayes and 0 nays) to continue the project because the applicant did not participate in the meeting. Staff later determined that the agenda was mailed to an obsolete or incorrect address for the applicant's agent.

At the LUAC meeting, interested members of the public expressed concerns related to the bulk and mass of the proposed residence, impact on neighborhood character, development on slope, drainage and erosion control, tree removal, and the staking and flagging.

r) Land Use Advisory Committee (LUAC) Review – October 19, 2020. The LUAC reviewed the proposed project at a duly-noticed public meeting at which all persons had the opportunity to be heard. At this LUAC meeting, interested members of the public expressed concerns related to the bulk and mass of the proposed residence, impact on neighborhood character, development on slope, drainage and erosion control, tree removal, and the staking and flagging. The LUAC voted 3 – 0 – 4 (3 yes, 0 no, and 4 abstain) to not support the project as proposed. The LUAC did not offer project-specific recommendations to modify the project.

s) Staking and Flagging. The applicant submitted photographs of the staking and flagging installed on or before September 28, 2020. Based on County staff site inspections on September 8 and 29, 2020, the staking and flagging was intact and the weather clear enough for an assessment of potential visual impacts. As directed by the County, the applicant installed orange netting to delineate the structure corners and ridge/roof peaks of the proposed structure. The County did not require more extensive staking and flagging for the following reasons: 1) although Map A (General Viewshed) of the Carmel Area LUP identifies the subject property as being located within the general viewshed, existing topography, vegetation and trees, and structures screen the project site from State Route/Highway 1, public lands and scenic vistas, and Carmel City Beach; 2) the site is not visible from Point Lobos State Reserve; 3) the proposed project on the subject property would not obstruct public views of the shoreline from State Route/Highway 1; and 4) the project does not involve ridgeline development.

The County's adopted staking and flagging criteria allow flexibility and discretion in determining the scope of staking and flagging required for a project. Based on the County staff site inspection on September 8 and 29, 2020, the corner and ridge staking and flagging provided sufficient visual reference for the County to determine

potential visual impacts to the public viewshed and satisfied the County's requirement for review. See also Evidences t and u below.

t) Visual Resources and Public Viewshed. As proposed, the project is consistent with the Carmel Area LUP policies regarding Visual Resources (Chapter 2.2) and will have no adverse impact on a public viewshed. The project planners conducted site inspections on July 12, 2019, and September 8 and 29, 2020, to verify that the project minimizes development within the public viewshed. Pursuant to the Carmel Area LUP and CIP, development within the public viewshed shall be sited in the area that is least visible to the public viewshed and shall be make use of colors and materials that are subordinate to and blend with the environment (see Evidence h above). Although Map A (General Viewshed) of the Carmel Area LUP identifies the subject property as being located within the general viewshed, existing topography, vegetation and trees, and structures screen the project site from Highway 1, public lands and scenic vistas, and Carmel City Beach. The site is also not visible from Point Lobos State Reserve. Additionally, the proposed development would not detract from the natural beauty of the surrounding undeveloped ridgelines and slopes in the public viewshed (LUP Policy 2.2.3.1). The project site is in an established residential neighborhood, and the adjacent parcels have been developed with similar single-family dwellings and accessory structures. As proposed, the project assures protection of the public viewshed.

u) Private Views and Privacy. Concerns were expressed by interested members of the public regarding the proposed structure height and the impact on private views and privacy of surrounding residences. Private views and privacy are not protected under the Carmel Area Land Use Plan or applicable MCC.

v) Staff conducted site inspections on July 12, 2019 and September 8 and 29, 2020, to verify that the project on the subject property conforms to applicable policies and regulations, as well as the plans attached.

w) The application, plans, and supporting materials submitted by the project applicant to Monterey County Planning for the development found in Project File PLN190097.

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

EVIDENCE:

a) The project includes construction of a single-family dwelling (i.e., a residential use) within an established residential neighborhood. Therefore, the use is suitable for the site.

b) The project was reviewed by HCD-Planning, Cypress Fire Protection District, Public Works, Environmental Services, and the Environmental Health Bureau. There has been no indication from these departments/agencies that the site is not suitable for the development. Recommended conditions have been incorporated.

c) The following technical reports have been prepared:

- Biological Assessment (LIB190216) prepared by Thompson Wildland Management, Monterey, California, August 3, 2019;

- Geotechnical Investigation (LIB190169) prepared by Butano Geotechnical Engineering, Freedom, California, August 30, 2018; and
- Tree Assessment (LIB190167) prepared by Frank Ono, Forester, Pacific Grove, California, June 7, 2019.

d) 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 proposed. All development shall be in accordance with these reports (Condition No. 7).

e) Staff reviewed submitted plans and conducted site inspections on July 12, 2019 and September 8 and 29, 2020, to verify that the site is suitable for the use proposed.

f) The application, plans, and supporting materials submitted by the project applicant to Monterey County Planning for the development are found in Project File PLN190097.

4. **FINDING:** **HEALTH AND SAFETY –** The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood 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, Cypress Fire Protection District, Public Works, Environmental Services, and the Environmental Health Bureau (EHB). Conditions have been recommended, 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) Public sewer service will be provided by the Carmel Area Wastewater District (CAWD), and potable water service will be provided by the California American Water Company with water credits purchased through the Malpaso water supply. The CAWD wastewater collection and treatment system/facility has adequate remaining capacity for sewage disposal. The proposed development will use 0.30-acre feet of potable water credits purchased from the Mal Paso Water Company Water Entitlement (Assignment of a Portion of Monterey Peninsula Water Management District Ordinance No. 165 Mal Paso Water Company Water Entitlement, for the Benefited Property identified as Assessor's Parcel Number 009-013-001-000, recorded on November 9, 2017, Document No. 2017062631). The proposed development would also include any required storm water drainage facilities.

c) Members of the public raised concerns about construction impacts resulting from the project. The subject property is located in the Carmel Woods neighborhood where lots are relatively small, and roads are narrow. Temporary construction activities would create short-term nuisances from traffic and noise generated by the project. The applicant submitted a Construction Management Plan (CMP)

during the application review process that was reviewed by RMA-Public Works. A condition of approval has been incorporated requiring submittal of a new CMP as a part of the final construction application to include any revisions made as part of the planning review (Condition No. 4). Hours of construction will be limited to Monday through Saturday between 8:00 a.m. and 4:30 p.m. The construction of the project is estimated to take a total of 12 months. Implementation of the CMP would minimize traffic and delineate the area of proposed construction parking and proposed haul routes.

d) The project includes grading of approximately 20 cubic yards of cut and 200 cubic yards of fill. The soil will be obtained from the neighboring property which will be constructing a new single-family dwelling during the approximate time as this application. The amount of fill has been reduced by over 500 cubic yards from the initial design by cantilevering the deck.

e) The application, plans, and supporting materials submitted by the project applicant to Monterey County Planning for the development found in Project File PLN190097.

5. **FINDING:** **NO VIOLATIONS –** The subject property complies with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist.

EVIDENCE:

a) Monterey County Planning and Building Services records were reviewed, and the County is not aware of any violations.

b) The project planner conducted a site inspection on September 8 and 29, 2020, to verify that there are no violations.

c) There are no known violations.

d) The application, plans, and supporting materials submitted by the project applicant to Monterey County Planning for the development are found in Project File PLN190097.

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

EVIDENCE:

a) California Environmental Quality Act (CEQA) Guidelines section 15303 categorically exempts the construction and location of limited numbers of new, small facilities or structures, such as a new single-family dwelling and accessory structures. CEQA Guidelines section 15303(a) also categorically exempts the construction of up to two single-family dwellings on a lot in a residential zone.

b) The proposed project involves the construction of a single-family dwelling and accessory structure on a residentially-zoned parcel within a developed neighborhood. Therefore, the proposed development qualifies as a Class 3 categorical exemption pursuant to section 15303 of the CEQA Guidelines.

c) None of the exceptions under CEQA Guidelines section 15300.2 apply. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a

significant effect or development that would result in a cumulative significant impact. No adverse environmental effects were identified during staff review of the development application. An unusual circumstance does not exist for a proposed project that satisfies the requirements of an exempt class under CEQA and meets all required development standards for the zoning district.

d) The technical reports prepared for the project do not identify any potentially significant or cumulative impacts. There is no substantial evidence that would support a fair argument that the project has a reasonable possibility of having a significant effect on the environment or that it would result in a cumulative significant impact. Moreover, as stated in Evidence a above, CEQA Guidelines section 15303(a) categorically exempts the construction of up to two single-family dwellings on a single lot in a residential zone. As proposed, the project would not exceed the cumulative impacts anticipated under this categorical exemption.

e) No evidence of significant adverse environmental effects was identified during staff site inspections on July 12, 2019 and September 8 and 29, 2020.

f) The application, project plans, and related support materials submitted by the project applicant to Monterey County Planning for the development found in Project File PLN190097.

7. **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 the applicable Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

EVIDENCE: a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.146.130 of the CIP can be demonstrated.

b) No evidence has been submitted or found showing the existence of historic public use or trust rights over this property.

c) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3, Public Access, in the Carmel Area Land Use Plan).

d) Staff conducted site inspections on July 12, 2019, and September 8 and 29, 2020, to verify that the proposed project would not impact public access.

e) Carmel Area Land Use Plan Policy 5.3.3.4.c protects public visual access and requires that structures and landscaping placed upon land west of Highway 1 shall be sited and designed to retain public views of the shoreline. The subject property is located west of Highway 1; however, the subject property does not obstruct public views of the shoreline from the Highway 1. Therefore, construction of the proposed single-family dwelling will not obstruct public visual access.

f) The application, project plans, and related support materials submitted by the project applicant to Monterey County Planning for the proposed development found in Project File PLN190097.

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

EVIDENCE:

a) Pursuant to the policies of the Carmel Area Land Use Plan (LUP Policies 2.2.4.10.a and 2.7.4.1) and applicable Monterey County Code (MCC sections 20.146.030.C.1.a and 20.64.230.C.1), a coastal development permit is required and the criteria to grant said permit has been met.

b) The project includes a coastal development permit to allow development on slopes exceeding 30 percent. Pursuant to applicable LUP policies and MCC regulations, development on slopes that exceed 30 percent is prohibited unless there is no feasible alternative that 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 Monterey County General Plan and applicable land use plan than other development alternatives. In this case, there are no feasible alternative building sites that would completely avoid development on slopes that exceed 30 percent.

c) The property slopes steeply away from San Juan Road and contains large areas of slopes in excess of 30 percent at both its front and middle sections. Based on site topography, accessing the property from San Juan Road is not feasible without encroaching into slope exceeding 30 percent. As proposed, the development on slopes exceeding 30 percent would encompass approximately 529 square feet of area for the driveway and associated turnaround area for emergency vehicles.

d) The applicant has significantly reduced the amount of developed area involving 30 percent or greater slope from the initial proposal considered by the Planning Commission on October 9, 2019. Revisions include a cantilevered deck, thereby avoiding development on slope exceeding 30 percent on the lower half of the property and resulting in elimination of the 17-foot high retaining wall initially proposed in the same general area. Development on slope exceeding 30 percent has been reduced from approximately 1,900 square feet to the revised amount of 529 square feet – a net reduction of approximately 1,371 square feet. Additionally, fill has been reduced by approximately 500 cubic yards (from 720 to 200 cubic yards).

e) As proposed, the subject project minimizes development on slopes exceeding 30 percent in accordance with the applicable goals and policies of the Carmel Area Land Use Plan. The project planners conducted site inspections on July 12, 2019, and September 8 and 29, 2020, to analyze possible development alternatives and to verify the subject project minimizes development on slopes exceeding 30 percent.

f) The County shall require such conditions of approval and changes in the development deemed necessary to assure compliance with MCC section 20.64.230.E.1, which regulates the approval of development

on slopes in excess of 30 percent, and to ensure stability of the development; therefore, the following conditions have been applied: Condition Nos. 12 (Stormwater Control Plan) and 13 (Winter Inspections).

Additionally, during the construction permit phase, the contractor will be required to comply with applicable building code requirements and resource protection measures such as erosion control plan review and approval, grading plan review and approval, inspections by Environmental Services staff, and geotechnical plan review and certification. In summary, overall site development would be subject to current regulations regarding control of drainage and would be required to address post-construction requirements and runoff reduction.

g) The application, project plans, and related support materials submitted by the project applicant to Monterey County Planning for the proposed development found in Project File PLN190097.

9. **FINDING:** **TREE REMOVAL –** The tree removal is the minimum required under the circumstances, and the removal will not involve a risk of adverse environmental impacts.

EVIDENCE: a) The project includes application for the removal of two trees (Coast Live oak). In accordance with the applicable policies and regulations, a coastal development permit is required and the criteria to grant said permit have been met.

b) A Tree Assessment (report) (LIB190167; Frank Ono, Forester) prepared for the site pursuant to CIP Section 20.146.060 identified the removal of two (2) trees (Coast Live oak) within the proposed development footprint. The report confirmed that the trees identified for removal are the minimum necessary for the proposed development and determined that the proposed development would not adversely impact the long-term health of the forest habitat on the property.

Per the evidence above, the project has been sited and designed to minimize tree removal, and no other protected trees would be removed due to the proposed development. Per the report prepared for the project, the tree removal has been limited to that required for the development footprint (CIP section 20.146.060.D.3), and will maintain the overall health and long-term maintenance of the forest resources on the property (CIP section 20.146.060.D.4).

c) The report recommended tree replanting at a 1:1 ratio, which would result in the replanting of two five-gallon or larger Coast Live oak trees (Condition No. 10).

Additionally, CIP section 20.146.060.D.6 directs the replacement of native trees on the site in accordance with the recommendations of the arborist, except where it is demonstrated that replacement of trees would result in an overcrowded, unhealthy environment. Per Condition Nos. 7 (Notice of Report) and 9 (Tree and Root

Protection), replanting and site development shall be completed in accordance with the arborist's report. The installation of tree protection measures would be required prior to issuance of a construction permit.

d) As proposed, the project minimizes tree removal in accordance with the applicable goals, policies, and regulations of the Carmel Area Land Use Plan (Forest Resources) and the associated Coastal Implementation Plan.

e) Staff conducted site inspections on July 12, 2019, and September 8 and 29, 2020, to verify that the tree removal is the minimum necessary for the project and to identify any potential adverse environmental impacts related to the proposed tree removal.

f) The application, project plans, and related support materials submitted by the project applicant to Monterey County Planning for the proposed development found in Project File PLN190097.

10. **FINDING:** **DEVELOPMENT WITHIN 100 FEET OF ENVIRONMENTALLY SENSITIVE HABITAT AREAS (ESHA)** – The project minimizes its impact on environmentally sensitive habitat areas in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

EVIDENCE: a) The project includes a coastal development permit to allow development within 100 feet of ESHA (i.e., the Pescadero Canyon). Pursuant to the policies of the Carmel Area Land Use Plan (LUP) and applicable Monterey County Code (MCC), a coastal development permit is required and the criteria to grant said permit has been met.

b) The policies in Chapter 2.3 of the Carmel Area LUP are directed at maintaining, protecting, and where possible enhancing sensitive habitats. As sited, designed, and conditioned, the project minimizes potential impacts to ESHA in accordance with the applicable goals and policies of the LUP and MCC.

c) The property does not contain any mapped environmentally sensitive habitat areas; however, the parcel is adjacent to the Pescadero Canyon, which is designated ESHA and open space. Pursuant to the policies in Chapter 2.3 of the Carmel Area LUP and MCC section 20.146.040, development adjacent to sensitive habitat areas shall only be allowed at densities which are compatible with the protection and maintenance of the resources.

d) Due to the location of the subject property, any development on the property would result in development within 100 feet or less of ESHA (i.e., the Pescadero Canyon). A Biological Assessment (report) prepared for the proposed project (LIB190216; Thompson Wildland Management) concluded that the site does not support any federally and/or state protected special status species and/or sensitive habitat, and that the proposed development would not result in potential impacts to sensitive habitat or species. Also, the property has been previously disturbed by the construction, landscaping, and subsequent demolition of a single-family dwelling. As sited and designed, the proposed development is within the most suitable

location of the property, considering the topography, slopes, existing vegetation, and shape of the parcel.

e) An interested member of the public raised a concern regarding whether the proposed development would have the potential to impact an adjacent drainage easement. Staff reviewed County records, the proposed development plans, technical reports, and completed multiple site visits. Site development would be subject to current regulations regarding control of drainage. Condition Nos. 12 (Stormwater Control Plan) and 13 (Winter Inspections) will be required to address post-construction requirements and runoff reduction, and to ensure contaminants are not discharged into Pescadero Canyon and the Carmel Bay Area of Special Biological Significance. Also, per Condition No. 7 (Notice of Report), development shall be completed in accordance with the biologist's report. Additionally, during the construction permit phase, the contractor will be required to comply with applicable building code requirements and resource protection measures such as erosion control plan review and approval, grading plan review and approval, and inspections by Environmental Services staff.

The subject property is also within the General Municipal Permit Boundary and is required to implement design strategies to limit disturbances to creeks and natural drainage features, minimize compaction of highly permeable soils, limit clearing and grading to the minimum area needed for the project, and minimize impervious surfaces.

f) The project planner completed site inspections on July 12, 2019, and September 8 and 29, 2020, to verify that the proposed project would not impact ESHA.

g) The application, project plans, and related support materials submitted by the project applicant to Monterey County Planning for the proposed development found in Project File PLN190097.

11. **FINDING:** **APPEAL** – Upon consideration of the documentary evidence, the staff report, the oral and written testimony, and all other evidence in the record, the Board finds that there is substantial evidence to support the appeal by Fred Miranda and makes the following specific findings in regard to the Appellant's contentions:

EVIDENCE: a) Appellant (Fred Miranda), pursuant to Monterey County Code (MCC) section 20.86.030.C, timely appealed the Monterey County Planning Commission's October 28, 2020 decision. The appeal challenged the Planning Commission's decision to state and issue a final determination that the Planning Commission had an unbreakable tie vote and neither approved nor denied the subject application. See also Finding No. 1, Evidence j.

The summarized text of the Appellant's contentions and the County's responses to those contentions are set forth in Evidence b through g below. The Appeal, including the complete text of the Appellant's contentions, is included in the March 16, 2021, staff report to the

Board of Supervisors as Attachment D, and is incorporated herein by reference.

b) Appellant's Specific Contention A: The Appellant contends: *"There is no feasible alternative to development does not encroach on slopes exceeding 30 percent."*

As described in Finding No. 8 and supporting evidence, there are no feasible alternative building sites that would completely avoid development on slopes that exceed 30 percent, and the area that has been chosen serves to minimize this impact. The property slopes steeply away from San Juan Road and contains large areas of slopes in excess of 30 percent at both the front and rear sections of the property. Based on site topography, accessing the property from San Juan Road is not feasible without encroaching partially into slopes exceeding 30 percent. As proposed, the subject project minimizes development on slopes exceeding 30 percent in accordance with the applicable goals and policies of the Carmel Area LUP. The County has also recommended conditions of approval to ensure stability of the proposed development.

c) Appellant's Specific Contention B: The Appellant contends *"The proposed projects would not impact an adjacent drainage easement."*

During the construction permit phase, the contractor will be required to comply with applicable building code requirements and resource protection measures such as erosion control plan review and approval, grading plan review and approval, inspections by Environmental Services staff, and geotechnical plan review and certification. The subject property is also within the General Municipal Permit Boundary and is required to implement design strategies to limit disturbances to creeks and natural drainage features, minimize compaction of highly permeable soils, limit clearing and grading to the minimum area needed for the project, and to minimize impervious surfaces. In summary, overall site development would be subject to current regulations regarding control of drainage and would be required to address post-construction requirements and runoff reduction. The County has also applied conditions of approval to ensure reduction of run-off from the proposed development (Condition No. 12, Stormwater Control Plan, and Condition No. 13, Winter Inspections).

d) Appellant's Specific Contention C: The Appellant contends, *"The proposed structures, and exterior colors and materials, would be compatible with the neighborhood character."*

As described in Finding No. 2, Evidences h and i, the revised project would ensure protection of the public viewshed, be consistent with the neighborhood character, and assure visual integrity. The proposed exterior colors and finishes are earth tone colors that give the general appearance of natural materials and would blend with the surrounding environment. The proposed structure would be consistent with the

surrounding residential neighborhood character and setting, and consistent with other dwellings in the neighborhood. Neighborhood dwellings have a variety of architectural styles, so there is no specific design that defines this area. The proposed structural designs, combined with the proposed exterior colors and finishes, will blend with the surrounding environment pursuant to Carmel LUP Policy 2.2.3.6. The proposed structure and use are consistent with the surrounding residential neighborhood character (i.e.; design, colors, and material finishes), the size and scale of surrounding residences along San Juan Road, and would not contrast with the neighborhood character.

e) Appellant's Specific Contention D: The Appellant contends: "*The proposed projects are consistent with applicable plan policies and zoning regulations.*"

As proposed and conditioned, the project conforms to the policies and development standards of the applicable Carmel Area LUP and ordinances related to land use development. Based on staff review of the application materials and technical reports, both projects minimize development on slopes exceeding 30 percent, avoid development impacts to environmentally sensitive habitat areas, minimize tree removal, and are consistent with the neighborhood character. The proposed structures would also conform to all applicable development standards such as setbacks, floor area, site coverage, and structure height. Based on review of County records, the proposed square footages and bulk and mass of the proposed structures are not out of character with the neighborhood. See also Finding No. 2, Evidence h and i; as well as Finding Nos. 8, 9, and 10 and supporting evidence.

f) Appellant's Specific Contention E: The Appellant contends: "*The proposed, the projects qualify for categorical exemptions pursuant to CEQA.*"

Based on review of the proposed project and applicable policies and regulations, the project is categorically exempt from environmental review per section 15303(a) of the CEQA Guidelines. This categorical exemption applies to the construction of single-family dwellings within a residential neighborhood. The proposed project involves the construction of a single-family dwelling and accessory structure on a residentially-zoned parcel within a developed neighborhood. The County also recognizes the property as a separate legal lot of record (see Finding No. 2, Evidence f).

None of the exceptions under CEQA Guidelines section 15300.2 apply. The project is not located on a hazardous waste site or historic resource, near a scenic highway, is not likely to effect cultural resources, and will not have a significant effect on the environment based on the evidence in the record. The technical reports prepared for the project do not identify any potentially significant or cumulative impacts. Moreover, the construction of up to two single-

family dwellings on a single lot in a residential zone would be categorically exempt under section 15303(a) of the CEQA Guidelines. As proposed, the project would not exceed the cumulative impacts anticipated under this categorical exemption for a single lot or parcel, or the assumed buildout of the area in the certified Local Coastal Program. Since this project would occur on a separate legal lot of record, the potential cumulative impacts are within the parameters of this categorical exemption, and there is no substantial evidence that would support a fair argument that the project has a reasonable possibility of having a significant effect on the environment or that it would result in a cumulative significant impact. Therefore, the project is categorically exempt. See also Finding No. 6 and supporting evidence.

g) Appellant's Specific Contention F: The Appellant contends: "*The affordability of the proposed projects is not applicable."*

In this case, applicable Monterey County Code and/or Land Use Plan Policies do not regulate the affordability of single-family dwellings on residential lots. Affordable or inclusionary housing is only required under specific circumstances such as a subdivision of 4 or more units/lots. The circumstances that would warrant a requirement for affordable or inclusionary housing are not present.

12. **FINDING:** **APPEALABILITY –** The decision on this project may be appealed to the California Coastal Commission.

EVIDENCE: California Coastal Commission. Pursuant to Title 20, section 20.86.080.A, the project is subject to appeal by/to the California Coastal Commission because it involves development located between the sea and the first through public road paralleling the sea (i.e., San Juan Road), and development that is permitted in the underlying zone as a conditional use (i.e.; tree removal, development on slopes exceeding 30 percent, and development within 100 feet of environmentally sensitive habitat area). The project site is not located within 300 feet of the inland extent of any beach or of the mean high tide line of the sea, or located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

DECISION

NOW, THEREFORE BE IT RESOLVED, based on the above findings and evidence and the administrative record, that the Board of Supervisors does hereby:

A. Certify that the foregoing recitals and findings are true and correct;

B. Grant the appeal of Fred Miranda from the Planning Commission's October 28, 2020 statement and issuance of a final determination that the Planning Commission had an unbreakable tie vote and neither approved nor denied the subject application;

C. Find that the project involves the construction of a single-family dwelling on an existing legal lot of record, which qualifies as a Class 3 Categorical Exemption pursuant to section 15303(a) of the CEQA

Guidelines, and there are no exceptions pursuant to section 15300.2; and
D. Approve a Combined Development Permit consisting of a:
a. Coastal Administrative Permit and Design Approval to allow for the construction of a 2,153 square foot two-story single-family dwelling with an attached 440 square foot garage;
b. Coastal Development Permit to allow the removal of two trees (Coast Live oaks);
c. Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and
d. Coastal Development Permit to allow approximately 529 square feet of development on slopes exceeding 30 percent.

All work must be in general conformance with the attached plans, and this approval is subject to fifteen (15) conditions of approval, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED on this 16th day of March 2021, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez and Askew
NOES: Supervisor Adams
ABSENT: None
(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 March 16, 2021.

Dated: March 23, 2021
Revised Date: April 12, 2021
File ID: RES 21-052
Agenda Item No.: 10

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

Julian Lorenzana, Deputy

Monterey County RMA Planning

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

PLN190097

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Combined Development Permit (File No. PLN190097) allows construction of a 2,153 square foot two-story single-family dwelling with an attached 440 square foot garage, removal of two (2) trees (Coast Live oaks), development within 100 feet of environmentally sensitive habitat, and approximately 529 square feet of development on slopes exceeding 30 percent. The property is located at 24418 San Juan Road, Carmel (Assessor's Parcel Number 009-013-011-000), Carmel Land Use Plan, Coastal Zone. 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 Chief of 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. (Planning)

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state: "A Combined Development Permit (Resolution Number 21-068) was approved by the Monterey County Board of Supervisors for Assessor's Parcel Number 009-013-011-000 on March 16, 2021. The permit was granted subject to fifteen (15) conditions of approval which run with the land. A copy of the permit is on file with Monterey County Planning."

Proof of recordation of this notice shall be furnished to Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (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 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 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. (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 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. CONSTRUCTION MANAGEMENT PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall submit a Construction Management Plan (CMP) to Planning and 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, the duration of the construction, hours of operation of Monday thru Saturday from 8:00 a.m. to 4:30 p.m., truck routes, estimated number of truck trips that will be generated, number of construction workers, and location of 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 grading and construction phases of the project. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to issuance of a building permit, the Owner/Applicant/Contractor shall prepare a CMP and shall submit the CMP to Planning and Public Works for review and approval.

On-going through all grading and construction phases, the Owner/Applicant/Contractor shall implement the approved measures.

5. PD012(F) - LANDSCAPE PLAN & MAINTENANCE (SFD ONLY)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The site shall be landscaped. Prior to the issuance of a building permit, the applicant shall submit a landscape plan to Planning for review and approval. The landscape plan may be submitted as part of the construction plan set. The plan shall contain 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 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. (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 Planning for review and approval. The 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 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 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.

6. PD005(A) - NOTICE OF EXEMPTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Pursuant to CEQA Guidelines §15062, a Notice of Exemption shall be filed for this project. The filing fee shall be submitted prior to filing the Notice of Exemption. (Planning)

Compliance or Monitoring Action to be Performed: After project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to Planning.

7. PD016 - NOTICE OF REPORT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: A notice shall be recorded with the Monterey County Recorder which states: "An Arborist Report (Library No. LIB190167) was prepared by Frank Ono, Urban Forester on June 12, 2019 and is on file in Monterey County Planning. All development shall be in accordance with this report. A Biological Assessment (Library No. LIB190216), was prepared by Rob Thompson on August 3, 2019 and is on file in Monterey County Planning. All development shall be in accordance with this report." (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 Planning.

Prior to occupancy, the Owner/Applicant shall submit letters to Planning from the arborist and biologist certifying that all development has been implemented in accordance with the reports.

8. PD052 - PRE-CONSTRUCTION MEETING

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to the commencement of any grading or construction activities, a pre-construction meeting shall be held on the site. The meeting shall include representatives of each of the selected contractors, Frank Ono, Forester, or designee, who conducted the Tree Assessment (Monterey County File No. LIB190167), the Owner/Applicant, Planning (if necessary), and any other appropriate County Departments. The purpose of the meeting is to review the conditions of approval that are applicable to the grading and construction of the approved development. (Planning)

Compliance or Monitoring Action to be Performed: Prior to commencement of any grading or construction activities, the Owner/Applicant shall contact Frank Ono, Forester, or designee, who conducted the Tree Assessment (Monterey County File No. LIB190167) to schedule a pre-construction meeting prior to commencement of any grading or construction activities. The Owner/Applicant shall be responsible for ensuring that all appropriate contractors and technical consultants are in attendance. Evidence shall be submitted to Planning that the pre-construction meeting occurred and appropriate measures for tree removal, retention and protection were discussed.

9. PD049 - TREE AND ROOT PROTECTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to beginning any construction and/or tree removal, trees which are located close to trees approved for removal or any construction activities 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. (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 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.

10. PD048 - TREE REPLACEMENT/RELOCATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall replace each tree approved for removal as follows:
- Replacement ratio of 1:1 recommended by the arborist, resulting in a total of two (2) five gallon or larger sized Coast Live oak trees in locations with the greatest opening in the stand to allow for minimum of competition and maximum sunlight. Spacing between the trees should be at least 8 feet apart with occasional deep watering (more than two weeks apart) during the late spring, summer and fall during the first two years after establishment. (Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of a construction permit, the Owner/Applicant shall submit evidence of the location of the tree replacement to Planning for review and approval. Evidence shall be on the landscape plan.

Prior to final of the construction permit, the Owner/Applicant shall submit evidence of the tree replacement to 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.

11. 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.

12. STORMWATER CONTROL PLAN (PR1)

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a Stormwater Control Plan addressing the Post-Construction Requirements (PCRs) for Development Projects in the Central Coast Region. The Stormwater Control Plan shall incorporate the measures identified on the completed the Site Design and Runoff Reduction Checklist. (Environmental Services)

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

13. WINTER INSPECTIONS - AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE (ASBS)

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The owner/applicant shall schedule weekly inspections with Environmental Services during the rainy season, October 15th to April 15th, to ensure contaminants are not discharged into the Carmel Bay Area of Special Biological Significance. This inspection requirement shall be noted on the Erosion Control Plan. (Environmental Services)

Compliance or Monitoring Action to be Performed: During construction, the owner/applicant shall schedule weekly inspections with Environmental Services in the rainy season (October 15th to April 15th).

14. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: RMA-Planning

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

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

15. PD032(A) - PERMIT EXPIRATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of three (3) years, to expire on March 16, 2024, unless use of the property or actual construction has begun within this period. (Planning)

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

MIRANDA RESIDENCE

FRED & SILVIA MIRANDA
24418 SAN JUAN RD
CARMEL, CA 93923

MONTEREY DESIGN

MONTEREY DESIGN CENTER

CHAD BROWN
DESIGN + BUILD

201 CANNERY ROW
STE. 1
MONTEREY, CA 93940

831.392.7788

GENERAL NOTES

1. CONTRACTOR LICENSE: THE CONTRACTOR(S) PERFORMING THE WORK DESCRIBED BY THESE PLANS AND SPECIFICATIONS SHALL BE PROPERLY AND CURRENTLY LICENSED DURING THE EXECUTION OF THE PROJECT AND SHALL NOT PERFORM WORK OUTSIDE THE LEGAL SCOPE OF ANY LICENSE.
2. SCOPE: THE CONTRACTOR SHALL PROVIDE AND PAY FOR ALL LABOR, MATERIALS, TOOLS, EQUIPMENT AND MACHINERY, TRANSPORTATION, WATER, HEAT, ELECTRICAL, TELEPHONE, AND ANY OTHER RELATED ITEMS NECESSARY FOR THE PROPER EXECUTION AND TIMELY COMPLETION OF THE WORK.
3. QUALITY CONTROL: IT IS THE EXPRESS INTENTION OF THESE PLANS AND SPECIFICATIONS TO REQUIRE A HIGH STANDARD OF WORK. IF, IN THE OPINION OF THE CONTRACTOR, ANY PORTION OF THE DOCUMENTATION HEREIN IS INCONSISTENT WITH THIS, THE OWNER AND THE DESIGNER SHALL BE NOTIFIED PRIOR TO EXECUTING THE WORK AND ALLOWED REVISION TIME IF FELT NECESSARY.
4. WARRANTY: THE CONTRACTOR WARRANTS TO THE OWNER THAT ALL MATERIALS AND EQUIPMENT FURNISHED UNDER THIS CONTRACT WILL BE NEW UNLESS OTHERWISE SPECIFIED, AND THAT ALL WORK WILL BE OF GOOD QUALITY, FREE FROM FAULTS AND DEFECTS, AND IN CONFORMANCE WITH THE CONTRACT DRAWINGS AND SPECIFICATIONS.
5. PERMITS: UNLESS OTHERWISE INSTRUCTED, THE OWNER SHALL PAY ALL PERMIT FEES INCLUDING UTILITIES. THE CONTRACTOR SHALL SECURE THE BUILDING PERMIT AND ANY OTHER PERMITS PRIOR TO STARTING THE WORK AND COMPLY WITH ALL INSPECTION REQUIREMENTS THROUGH FINAL SIGN-OFF.
6. LEGAL/NOTICES/CODE COMPLIANCE: THE CONTRACTOR SHALL GIVE ALL NOTICES AND COMPLY WITH ALL LAWS, ORDINANCES, BUILDING CODES, RULES, REGULATIONS AND OTHER LAWFUL ORDERS OF ANY PUBLIC AUTHORITY BEARING ON THE PERFORMANCE OF WORK. THE CONTRACTOR SHALL PROMPTLY NOTIFY THE DESIGNER IN WRITING IF THE DRAWINGS AND/OR SPECIFICATIONS ARE AT VARIANCE WITH ANY SUCH REQUIREMENTS. (2013 U.B.C.)
7. CONSTRUCTION RESPONSIBILITY: THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES SELECTED TO EXECUTE THE WORK. THE CONTRACTOR SHALL COORDINATE ALL PORTIONS OF WORK WITHIN THE SCOPE OF THE CONTRACT.
8. JOB SITE SAFETY: THE CONTRACTOR SHALL BE RESPONSIBLE FOR INITIATING, MAINTAINING AND PROPERLY SUPERVISING ADEQUATE INDUSTRY STANDARD SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THIS WORK.
9. INSURANCE: LIABILITY INSURANCE SHALL BE MAINTAINED BY THE CONTRACTOR TO PROTECT AGAINST CLAIMS UNDER WORKMAN'S COMPENSATION ACTS, DAMAGES DUE TO BODILY INJURY INCLUDING DEATH, AND FOR ANY PROPERTY DAMAGES ARISING OUT OF OR RESULTING FROM THE CONTRACTOR'S OPERATIONS UNDER THE CONTRACT. THE INSURANCE SHALL BE FOR LIABILITY LIMITS SATISFACTORY TO THE OWNER. THE OWNER HAS THE RIGHT TO REQUIRE CONTRACTUAL LIABILITY INSURANCE APPLICABLE TO THE CONTRACTOR'S OBLIGATIONS. CERTIFICATES OF SUCH INSURANCE SHALL BE FILED WITH THE OWNER PRIOR TO THE COMMENCEMENT OF WORK.
10. INDEMNIFICATION: THE CONTRACTOR WHO AGREES TO PERFORM THIS WORK ALSO AGREES TO INDEMNIFY AND HOLD HARMLESS THE OWNER AND DESIGNER FROM AND AGAINST ALL CLAIMS/DAMAGES/LOSSES/AND EXPENSES, INCLUDING ATTORNEY'S FEES AND LITIGATION COSTS, ARISING OUT OF RESULTING FROM THE PERFORMANCE OF THE WORK.
11. CLEANING UP: THE CONTRACTOR SHALL KEEP THE PREMISES AND SITE FREE FROM ACCUMULATION OF WASTE MATERIALS DURING CONSTRUCTION BY PERIODIC CLEAN UP AND OFF-SITE DEBRIS REMOVAL. FINAL CLEANUP AND DEBRIS DISPOSITION SHALL BE TO THE SATISFACTION OF THE OWNER.
12. EXISTING CONDITIONS: CONTRACTOR SHALL VISIT THE SITE AND VERIFY ALL EXISTING CONDITIONS PRIOR TO ANY WORK AND NOTIFY THE DESIGNER OF ANY DISCREPANCIES BETWEEN THESE DRAWINGS CONDITION AND EXISTING AFFECTING THE WORK AND NATURE OF SPECIFIED MATERIALS AND/OR SCOPE OF DESIGN.
13. CONSTRUCTION NOTES: ALL NOTES, DIMENSIONS, ETC. INDICATE NEW MATERIALS OR CONSTRUCTION UNLESS OTHERWISE NOTED.
14. BUILDING CODES: PROJECT SHALL COMPLY WITH THE 2016 CALIFORNIA BUILDING, PLUMBING, MECHANICAL, ELECTRICAL, FIRE AND ENERGY CODES.

APPLICABLE CODES

ALL CODES REFERENCED ARE TO BE USED AS AMENDED BY THE STATE OF CALIFORNIA AND LOCAL JURISDICTION.

PROJECT SHALL COMPLY WITH THE:

2016 CALIFORNIA BUILDING CODE
2016 CALIFORNIA PLUMBING CODE
2016 CALIFORNIA MECHANICAL CODE
2016 CALIFORNIA FIRE CODE
2016 CALIFORNIA ELECTRICAL CODE
2016 CALIFORNIA ENERGY CODE
2016 ACCESS COMPLIANCE

UTILITIES:

GAS	PG&E
ELEC.	PG&E
SEWER	MRWPCA
WATER	DOMESTIC - CAL AM

PROJECT DATA

A.P.N.:	009-013-011
ZONING:	MDR/2 - D (CZ)
SITE AREA:	9340 SQ FT
BLDG USE:	RESIDENTIAL
OCC. GROUP:	R3-U1
CONST. TYPE:	V-B
CLIMATE ZONE:	4
BLDG. CODE:	2016 CBC
FIRE SPRINKLERS:	YES

SITE COVERAGE

LOT AREA	9340	SQ.FT.	
ALLOWED	3269	SQ. FT.	35%
RESIDENCE	1482	SQ. FT.	
GARAGE	440	SQ. FT	
DECK	946	SQ. FT	
PROPOSED SITE COVERAGE	2868	SQ.FT.	30%

FLOOR AREA RATIO

ALLOWED F.A.R.	4203	SQ. FT.	45%
MAIN FLOOR	1482	SQ. FT.	
2ND FLOOR	671	SQ. FT.	
GARAGE	440	SQ. FT.	
PROPOSED F.A.R	2593	SQ.FT	28%

BUILDING HEIGHT

MAX. HEIGHT ALLOWED	30 FT.
PROPOSED HEIGHT	25' - 3 1/2"

PARKING
2 SPACES COVERED

PROJECT TEAM

MONTEREY DESIGN CENTER
201 CANNERY ROW STE. 1
MONTEREY, CA 93940
OFFICE PHONE: (831) 392-7788
CONTACT: CHAD BROWN

STRUCTURAL ENGINEER:
STRUCTURES INC
FREMONT
SEASIDE, CA 93955
(831) 393-4460
CONTACT: WILL COKER

CIVIL/SURVEY/SOILS & GEOTECH ENGINEER:
LAND SET SURVEYORS
520 CRAZY HORSE CANYON RD #B
SALINAS, CA 93907
(831) 443-6970

TITLE 24 ENGINEER / MECHANICAL ENGINEER:
MONTEREY ENERGY GROUP
26465 Carmel Rancho Blvd. #8
Carmel-By-The-Sea, CA 93923
(831) 372-8328

FIRE PROTECTION:
TBD
ADDRESS
CITY
PHONE
CONTACT

SHEET INDEX

ABBREVIATIONS

ALT.	Alternate
BLKG	Blocking
BM	Beam
CONT.	Continuous
CONC.	Concrete
D.F.	Douglas Fur
DCKG	Decking
DIA.	Diameter
[E]	Existing
EA.	Each
E.N.	Edge Nailing
ETC.	Etcetera
EXT.	Exterior
FLR	Floor
FNDN	Foundation
F.N.	Face Nail
FRMG	Framing
FTG	Footing
GA.	Gauge
GALV.	Galvanized

HDR	Header
HGR	Hanger
JSTS	Joists
[N]	New
o.c.	On Center
OPNG	Opening
PLYWD	Plywood
P.T.	Pressure Treated
RDWD	Redwood
RFTR	Rafter
REQ'D	Required
RET.	Retaining
SHTHG	Sheathing
SIM.	Similar
T & B	Top and Bottom
T & G	Tongue and groove
TYP.	Typical
T.N.	Toe Nail
U.O.N.	Unless Otherwise Noted

VICINITY MAP

SCOPE OF WORK

1. NEW 2153 SQ FT RESIDENCE (CONDITIONED SPACE)
2. NEW 440 SQ FT 2 CAR GARAGE
3. NEW 1615 SQ FT PERMEABLE DRIVEWAY
4. 946 SQ FT. DECK
5. NEW SOLAR PANELS

SEAL

FRED & SILVIA MIRANDA
24418 SanJuan Rd
Carmel CA 93923
009-013-011
PLN190098

1" ACTUAL

IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

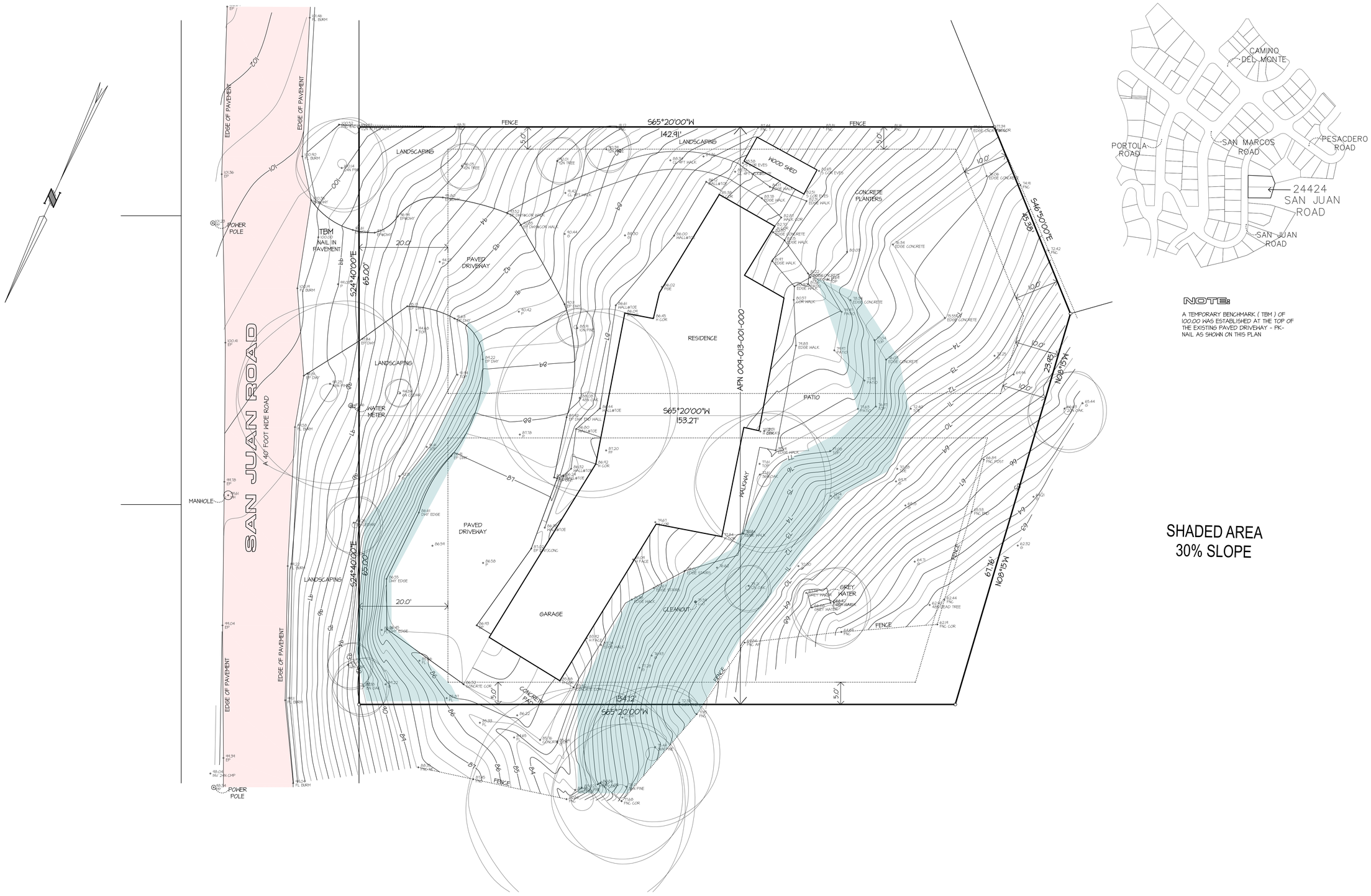
BY	REVISIONS	DATE

Date:	2/18/21
Scale:	AS NOTED
Drawn:	
Job:	
Sheet	

A.01

Plotted On: 2/18/21

TITLE SHEET / GENERAL INFO



NOTE:

A TEMPORARY BENCHMARK (TBM) OF 100.00 HAS ESTABLISHED AT THE TOP OF THE EXISTING PAVED DRIVEWAY - PK-NAIL AS SHOWN ON THIS PLAN

SHADED AREA
30% SLOPE

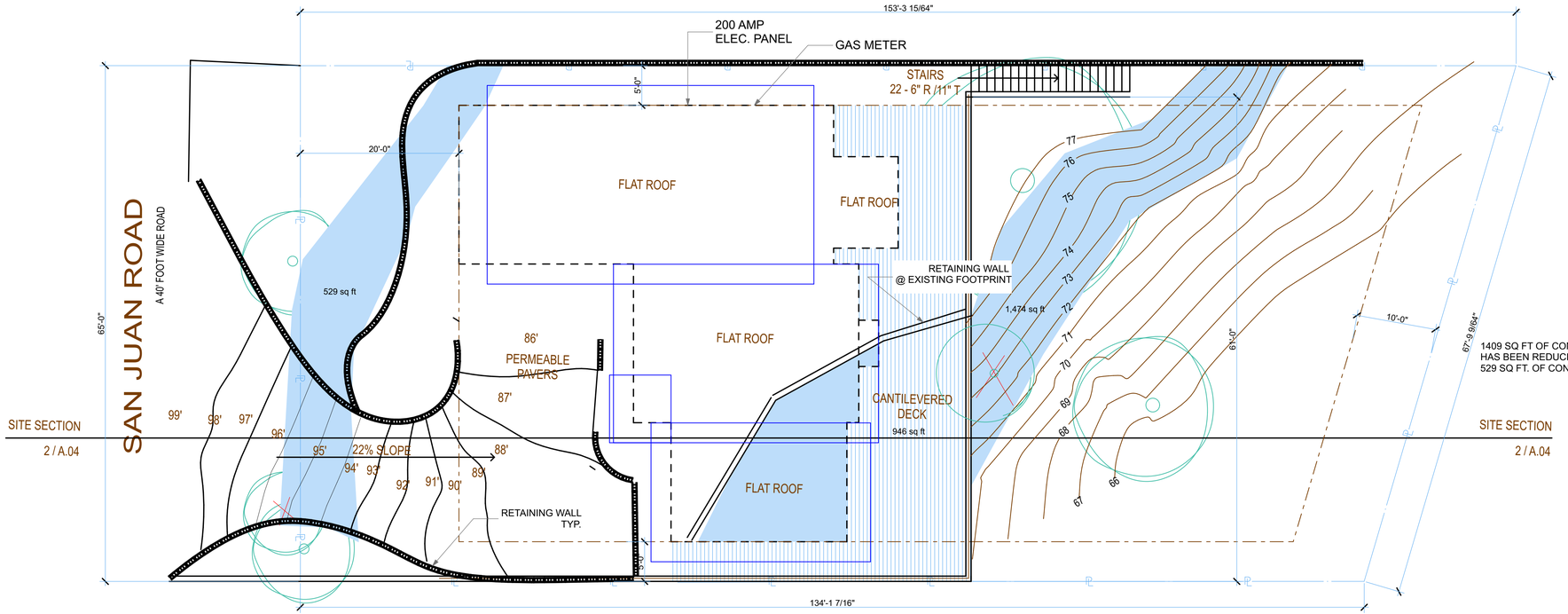
H. D. PETERS CO.
ENGINEERING - SURVEYING - LAND PLANNING
119 CENTRAL AVENUE - POST OFFICE BOX 512 SALINAS, CALIFORNIA 93902 PH (831) 424-3961 FAX (831) 424-2746

24424 SAN JUAN ROAD
CARMEL, CA 93923
APN 009-013-001-000

TOPOGRAPHIC SURVEY
PREPARED FOR
MR. FRED MIRANDA

SCALE 1"=10' DRAWN J.V. JOB NO. 4196
DATE JULY, 2017 FILE NO. 4196 TOPO

SHEET 1 OF 1



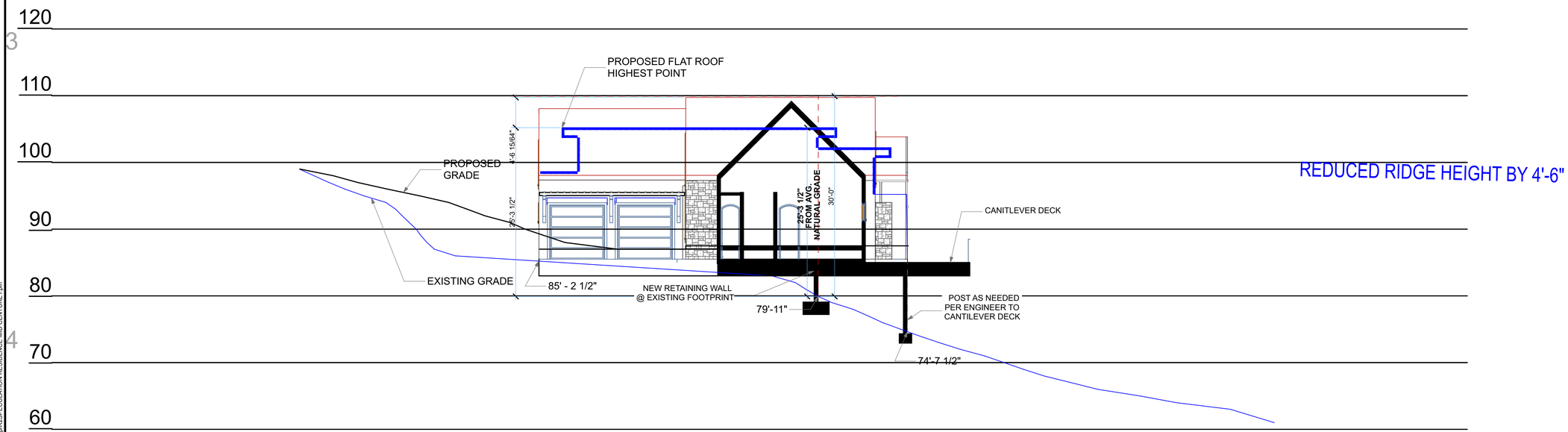
1 SITE PLAN | DWG
SCALE: 1/8" = 1'-0"

LEGEND

- (E) TOPO
- (P) TOPO
- DRAINAGE LINE
- PROPERTY LINE
- SET BACK
- EDGE OF ASPHALT
- ROOF OVERHANG
- CENTER OF RD
- SITE SECTION
- CLEAN OUT
- CATCH BASIN
- SPLASH BLK. W/ CB
- TREE PROTECTION
- EXTERIOR LIGHT
- 4" PRIVACY WALL — 194' LF
- RETAINING WALL — 125' LF

CUT 20
FILL 200
NET 220

1409 SQ FT OF CONSTRUCTION ON A 30 % OR GREATERSLOPE
HAS BEEN REDUCED BY 880 SQ FT.
529 SQ FT. OF CONSTRUCTION ON SLOPE OF 30% FOR ENTRY DRIVEWAY



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

MONTEREY DESIGN CENTER
CHAD BROWN
DESIGN + BUILD
201 CANNERY ROW
STE. 1
MONTEREY, CA 93940
831.392.7788

SEAL

FRED & SILVIA MIRANDA
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PLN190098

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BY	REVISIONS	DATE

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Drawn:	
Job:	
Sheet	

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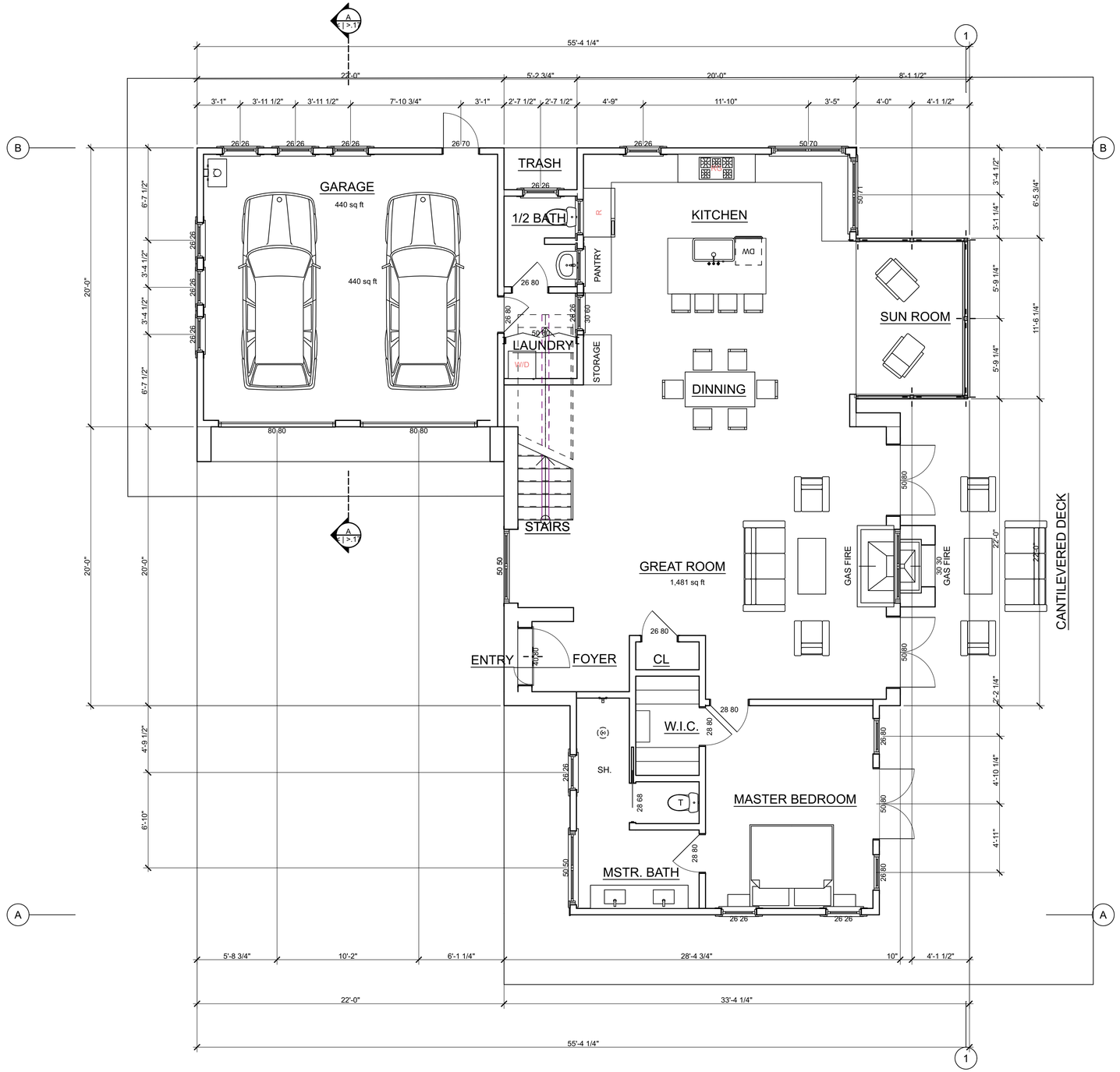
SITE / ROOF PLAN / SURVEY & DETAILS



1 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

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MONTEREY DESIGN CENTER
CHAD BROWN
DESIGN + BUILD
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831.392.7788

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Job:	
Sheet	

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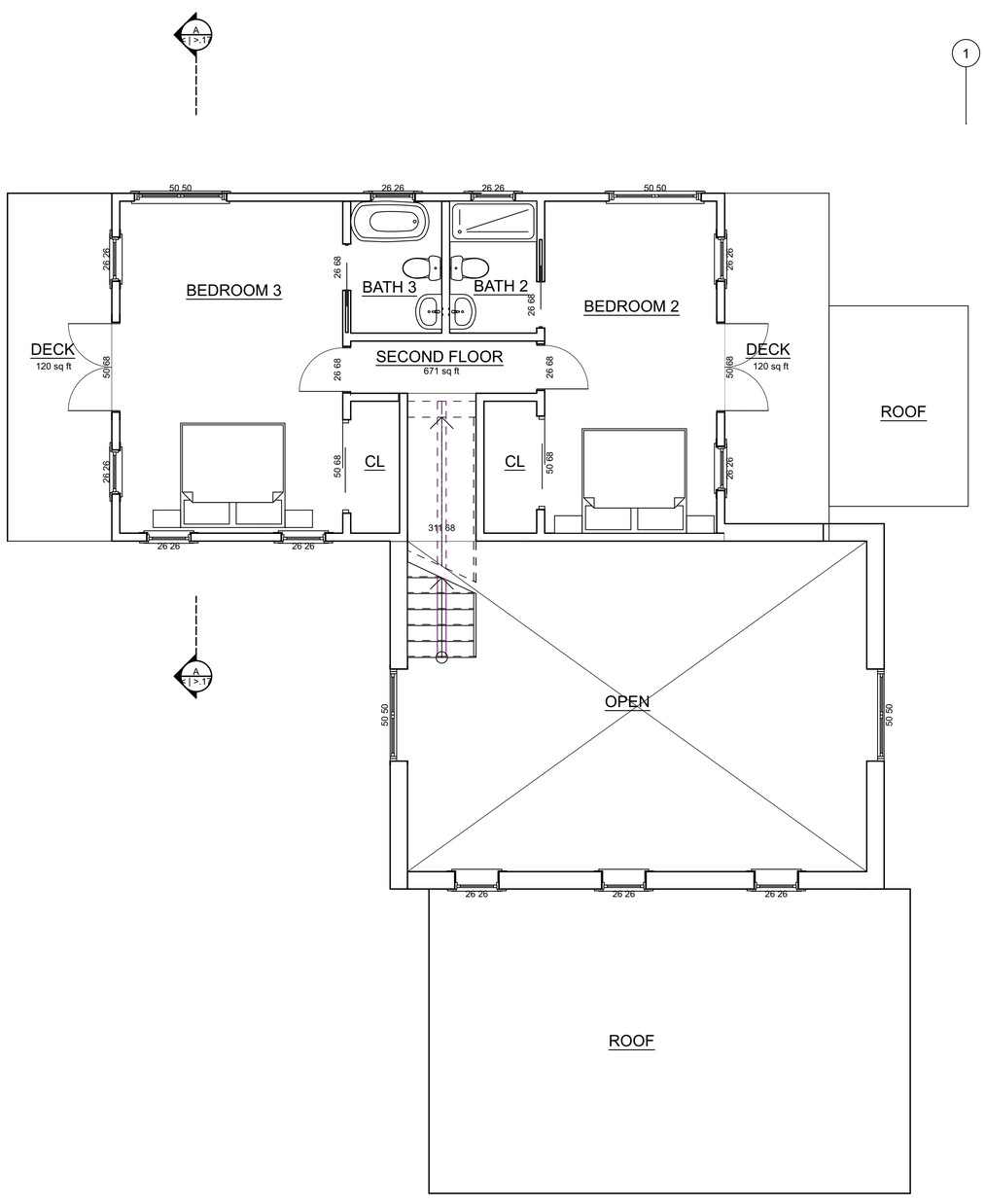
Plotted On: 2/18/21

FLOOR PLANS



1 SECOND FLOOR - LOWER ROOF PLAN
SCALE: 1/4" = 1'-0"

MONTEREY DESIGN

MONTEREY DESIGN CENTER

CHAD BROWN
DESIGN + BUILD

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STE. 1
MONTEREY, CA 93940

831.392.7788

SEAL

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PLN190098

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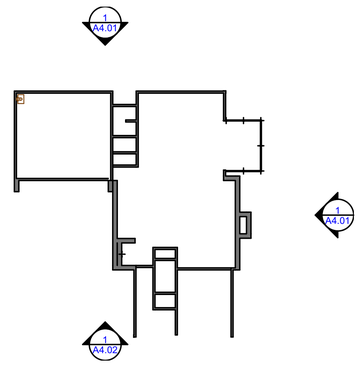
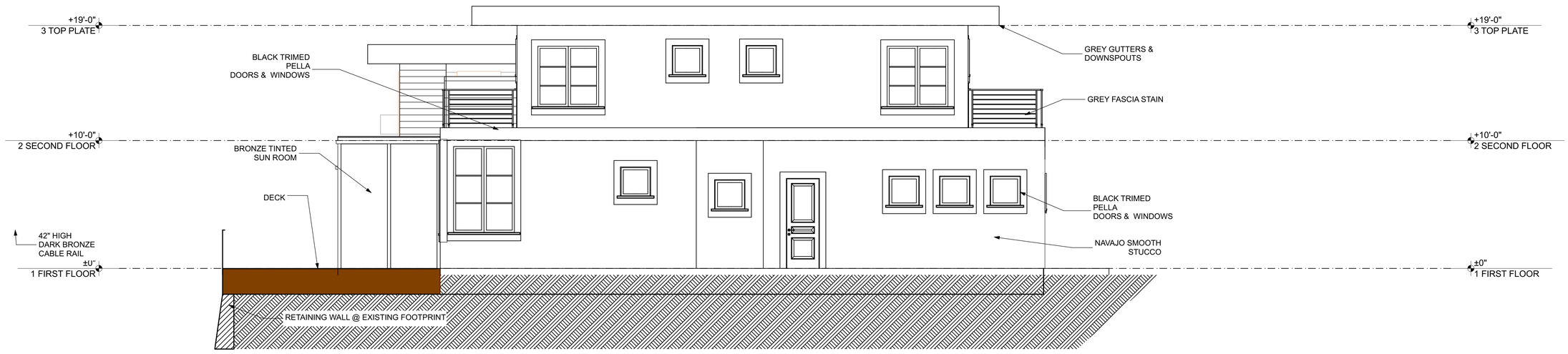
Plotted On: 2/18/21

2ND FLOOR PLAN

NORTH ELEVATION

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





EAST ELEVATION

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

MONTEREY DESIGN

MONTEREY DESIGN CENTER

CHAD BROWN
DESIGN + BUILD

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STE. 1
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831.392.7788

SEAL

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24418 SanJuan Rd
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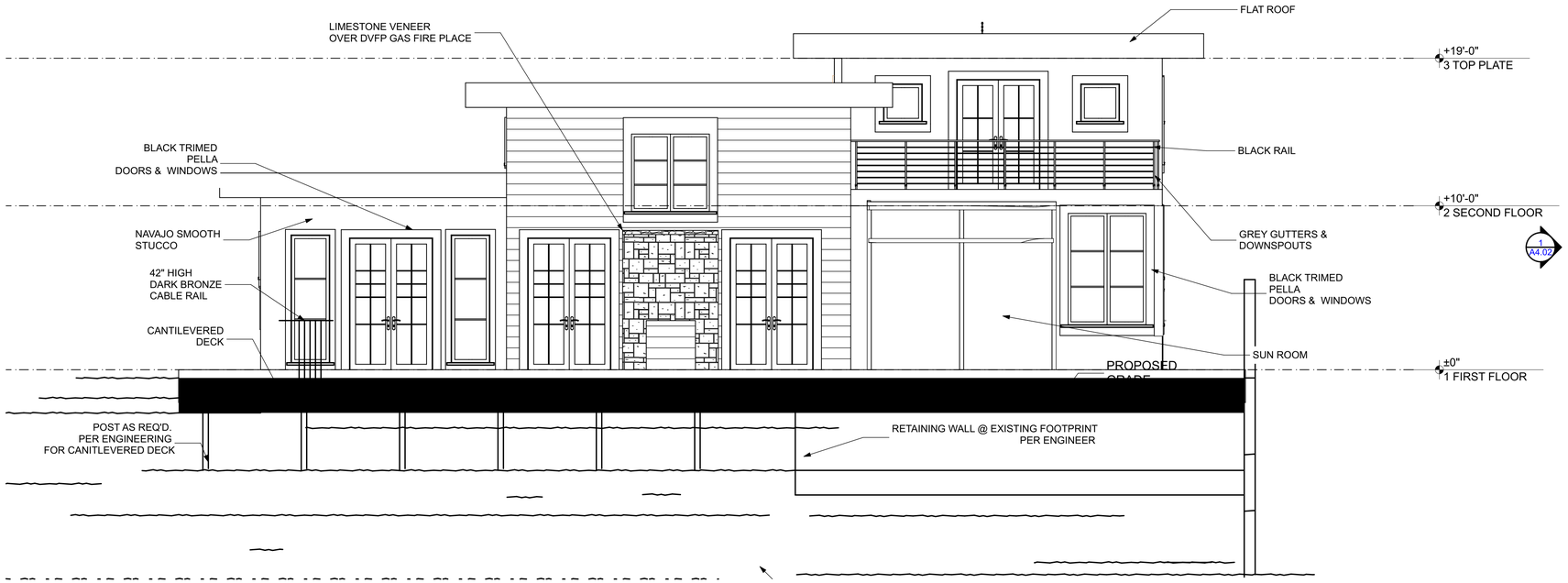
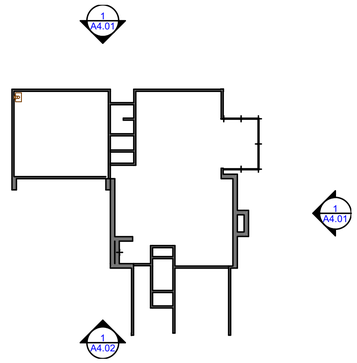
BUILDING ELEVATIONS



SOUTH ELEVATION

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



WEST ELEVATION

MONTEREY DESIGN

MONTEREY DESIGN CENTER

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DESIGN + BUILD

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SEAL

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24418 SanJuan Rd
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009-013-011
PLN190098

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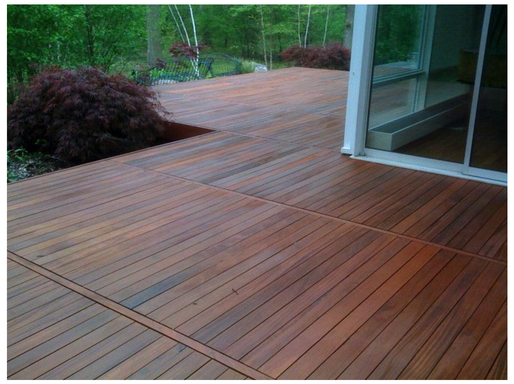
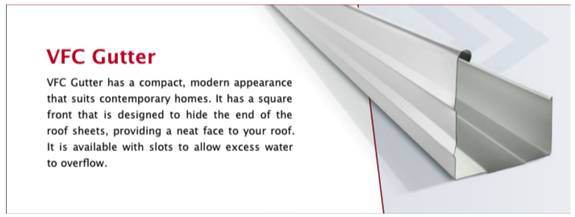
Plotted On: 2/18/21

BUILDING ELEVATIONS (CONT)



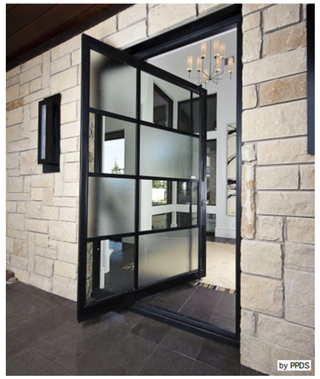
Ipe_deck_stain



GUTTER

DOWNSPOUT

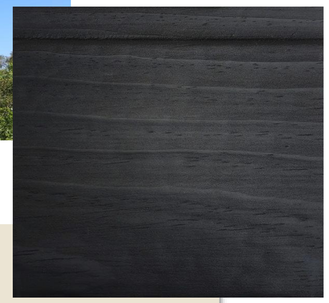
EXTERIOR LIGHT



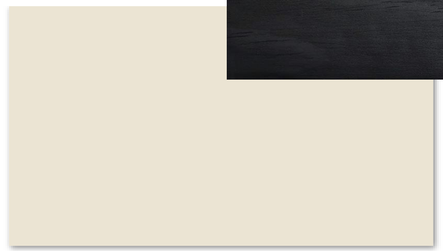
ENTRY DOOR

GREY FASCIA

DEGMEDA Shou Sugi Ban
LIGHT Grey Accoya® Wood



BLACK TRIM DOORS AND WINDOWS

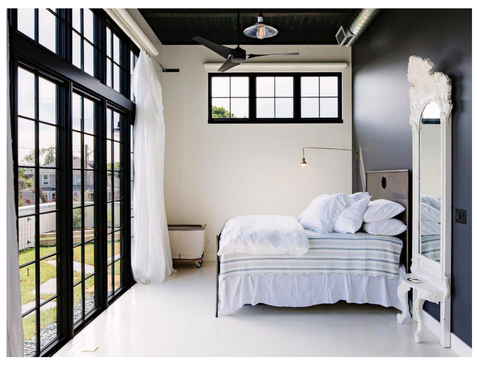


S-2: Base B
P-2: Light Base
Navajo

NAVAJO SMOOTH STUCCO

BLACK FRAMED WINDOW KITCHEN

INDIAN LIMESTONE THIN VENEER



INTERIOR BEDROOM

TRENCH DRAIN

GARAGE DOOR

PERMEABLE PAVER

MONTEREY DESIGN

MONTEREY DESIGN CENTER

CHAD BROWN
DESIGN + BUILD

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STE. 1
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SEAL

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1" ACTUAL

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Job:	
Sheet	

A.08

Plotted On: 2/18/21

MATERIALS & COLORS

RESOLUTION FOR PLN190098

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

In the matter of the application of:
WALNUT COVE LLC (PLN190098)
RESOLUTION NO. 21 - 069
Resolution by the Monterey County Board of Supervisors:

1. Granting the appeal of Fred Miranda from the Planning Commission's October 28, 2020, statement and issuance of a final determination that the Planning Commission had an unbreakable tie vote and neither approved nor denied the subject application;
2. Finding that the project involves the construction of a single-family dwelling on an existing legal lot of record, which qualifies as a Class 3 Categorical Exemption pursuant to section 15303(a) of the CEQA Guidelines, and there are no applicable exceptions pursuant to section 15300.2;
3. Approving a Combined Development Permit consisting of:
   a. Coastal Administrative Permit and Design Approval to allow the construction of a 3,114 square foot two-story single-family dwelling with an attached 462 square foot garage;
   b. Coastal Development Permit to allow the removal of two trees (Monterey pine and Coast Live oak);
   c. Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and
   d. Coastal Development Permit to allow approximately 80 square feet of development on slopes exceeding 30 percent.

24424 San Juan Road, Carmel Woods, Carmel Area Land Use Plan, Coastal Zone (APN 009-013-012-000)

The Appeal by Fred Miranda from the decision of the Monterey County Planning Commission to state and issue a final determination that the Planning Commission had an unbreakable tie vote and neither approved nor denied the subject application (WALNUT COVE LLC/PLN190098) came on for a public hearing before the Monterey County Board of Supervisors on March 16, 2021. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

FINDINGS

1. **FINDING:** **PROCESS** – The County has processed the subject Combined Development Permit application (Planning File No. 190098/Walnut Cove LLC) (the project) in compliance with all applicable procedural requirements.

EVIDENCE:

a) On June 4, 2019, pursuant to Monterey County Code (MCC) Sections 20.12, 20.44, and 20.82, Walnut Cove LLC (Applicant) filed an application for discretionary permits to allow: construction of a 4,023 square foot two-story single-family dwelling with an attached 462 square foot two-car garage; removal of two trees (one Monterey pine and one Coast Live oak); development within 100 feet of environmentally sensitive habitat; and approximately 80 square feet of development on slopes exceeding 30 percent; on a project site located at 24424 San Juan Road, Carmel Woods (Assessor's Parcel Number 009-013-012-000), Carmel Area Land Use Plan, Coastal Zone.

b) The County referred the originally-proposed project to the Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) for review. The LUAC, at a duly-noticed public meeting at which all persons had the opportunity to be heard, reviewed the proposed project on July 1, 2019, and voted 4 – 0 (4 yes, 0 no, and 1 absent) to continue the item to July 15, 2019. See Finding No. 2, Evidence p.

c) At the duly-noticed public meeting on July 15, 2019, at which all persons had the opportunity to be heard, the LUAC reviewed the project and voted 5 – 0 (5 yes and 0 no) to continue the item to August 5, 2019. See Finding No. 2, Evidence p.

d) The County subsequently scheduled the project for public hearing before the Monterey County Planning Commission on October 9, 2019. At the duly-noticed public hearing, at which all persons had the opportunity to be heard, the Planning Commission continued the project and directed staff to return with a resolution for denial of the project as proposed, or directed the applicant to revise the project to reduce the amount of development on slopes exceeding 30 percent and to reduce the mass of the proposed residence. The Applicant opted to revise the project per Planning Commission direction.

e) Subsequent to the continuance approved by the Planning Commission on October 9, 2019, the Applicant revised the project to reduce the overall bulk and mass of the proposed structure and re-submitted the revised plans in March 2020.

f) The County again referred the revised project to the Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) for review on October 5, 2020. The LUAC, at a duly-noticed public meeting at which all persons had the opportunity to be heard, reviewed the revised project and voted 6 – 0 (6 yes, 0 no, and 1 absent) to continue the item to October 19, 2020, because the applicant did not participate in the meeting. Staff later determined

that the agenda was mailed to an obsolete or incorrect address for the applicant's agent. See Finding No. 2, Evidence q.

g) At the duly-noticed public meeting on October 19, 2020, at which all persons had the opportunity to be heard, the LUAC reviewed the revised project and voted 5 – 1 – 1 (5 yes, 1 no, and 1 abstain) to not support the project as revised. In the motion, the LUAC did not offer project-specific recommendations to modify the project. See Finding No. 2, Evidence r.

h) The Monterey County Planning Commission held a duly-noticed public hearing on the Walnut Cove LLC application on October 28, 2020. Notices for the Planning Commission public hearing were published in the Monterey County Weekly on October 15, 2020; posted at and near the project site on October 15, 2020; and mailed and to vicinity property owners and interested parties on October 13, 2020.

i) On October 28, 2020, after review of the application and submitted documents, and a duly-noticed public hearing at which all persons had the opportunity to be heard, the Planning Commission voted 8 – 0 (8 yes, 0 no, and 2 absent) to state and issue a final determination, per Rule 10.1 of the Monterey County Planning Commission Rules for the Transaction of Business, that the Planning Commission had an unbreakable tie vote and neither approved nor denied the subject application (Monterey County Planning Commission Resolution No. 20-037). The Planning Commission Resolution is included in the March 16, 2021, staff report to the Board of Supervisors as Attachment F.

j) Fred Miranda (Appellant) timely filed an appeal from the October 28, 2020, decision of the Planning Commission pursuant to MCC section 20.86.030.C. The appeal challenged the Planning Commission's decision to state and issue a final determination that the Planning Commission had an unbreakable tie vote and neither approved nor denied the subject application. See Finding No. 11 (Appeal) and supporting evidence for a summary of the Appellants' contentions and the County's responses.

k) Pursuant to MCC section 20.86.030.C and E, 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, and no appeal shall be accepted until the notice of decision has been given (i.e., mailed). The County mailed the written notice of the decision (i.e., Planning Commission Resolution No. 20-037) on December 18, 2020, and said appeal was filed with the Clerk of the Board of Supervisors on January 4, 2021, within the 10-day timeframe prescribed by MCC section 20.86.030.C. 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 March 16, 2021, staff report to the Board of Supervisors as Attachment D.

l) On January 13, 2021, Appellant agreed to postpone the appeal hearing, and waive the requirement pursuant to Monterey County Code that the Board of Supervisors consider the appeal and render a decision within 60 days of receipt, to allow time to revise the plans to address the concerns expressed by the neighbors and the Planning

Commission. On January 22, 2021, Appellant submitted revised plans that reduced the floor area and height of the proposed single-family dwelling. The proposed residence at 24424 San Juan Road would be reduced by 341 square feet in floor area, and by 6.0 feet in roof height.

m) Said appeal was timely brought to a duly-noticed public hearing before the Monterey County Board of Supervisors on March 16, 2021. Notice of the hearing was published on March 4, 2021, in the Monterey County Weekly; notices were mailed on March 3, 2021, to all property owners and occupants within 300 feet of the project site, and to persons who requested notice; and at least three notices were posted at and near the project site on or about March 5, 2021.

n) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in project file no. PLN190098; and Clerk of the Board of Supervisors' file(s) related to the appeal.

2. **FINDING:** **CONSISTENCY** – The project and/or use, as conditioned, is consistent with the policies of the Monterey County 1982 General Plan, Carmel Area Land Use Plan, Carmel Area Coastal Implementation Plan – Part 4, Monterey County Zoning Ordinance - Coastal (Title 20), and other County health, safety, and welfare ordinances related to land use development.

EVIDENCE: a) The project, as revised, involves the construction of a 3,114 square foot two-story single-family dwelling with an attached 462 square foot two-car garage; the removal of two trees (one Monterey pine and one Coast Live oak); development within 100 feet of environmentally sensitive habitat; and approximately 80 square feet of development on slopes exceeding 30 percent. The project also involves construction of 479 square feet of deck area, approximately 990 cubic yards of associated grading (760 cubic yards cut and 230 cubic yards fill), approximately 407 linear feet of 4-foot high retaining and privacy walls, and a 2,581 square foot permeable driveway.

b) Allowed Uses. The subject 9,965 square foot (0.228-acre) property is located at 24424 San Juan Road, Carmel Woods (Assessor's Parcel Number 009-013-012-000), Carmel Area Land Use Plan, Coastal Zone. The subject parcel is zoned Medium Density Residential, with maximum gross density of 2 units per acre and a Design Control overlay (Coastal Zone) [MDR/2-D (CZ)]. MDR zoning allows residential development as a principle use, subject to the granting of a Coastal Administrative Permit. Monterey County Code (MCC) section 20.12.040.A and H allow for the first single-family dwelling per lot and accessory structures. The proposed development is consistent with the established residential use of the property within a residential zoning district. Therefore, as proposed, the project is an allowed land use for this site.

Additionally, tree removal and development within 100 feet of environmentally sensitive habitat and on slopes exceeding 30 percent

is allowed subject to the granting of applicable coastal development permits (see Finding Nos. 8, 9, and 10, and supporting evidence).

c) The project has been reviewed for consistency with the text, policies, and regulations in the:
   - 1982 Monterey County General Plan;
   - Carmel Area Land Use Plan (LUP);
   - Carmel Area Coastal Implementation Plan (CIP) - Part 4; and
   - Monterey County Zoning Ordinance - Coastal (Title 20).

   The subject property is located within the coastal zone; therefore, the 2010 Monterey County General Plan does not apply.

d) No conflicts were found to exist. The County received communications from interested members of the public during the course of project review indicating inconsistencies with the text, policies, and regulations in the applicable plans and MCC; however, the County finds that the project is consistent with the text, policies, and regulations in the applicable documents.

e) Concerns were raised by interested members of the public related to the following:
   - Construction of the single-family dwelling on slopes exceeding 30 percent;
   - The potential for the proposed development to impact a drainage easement;
   - The potential for the proposed development to impact additional trees;
   - The consistency of the proposed exterior design and colors with the neighborhood character; and
   - Construction related impacts that could result from development of the single-family dwelling.

   These concerns are addressed below in this evidence, and in Evidence h, i, and j below. Also, see Evidence p, q, and r below regarding review by the Carmel Unincorporated/Highlands Land Use Advisory Committee. See also Finding Nos. 3, 4, 6, 7, 8, 9, 10, and supporting evidence.

   Due to the topography of the subject parcel, there is no feasible alternative for development on slopes exceeding 30 percent (see Finding No. 8 and supporting evidence). Per the biological report (LIB190216) prepared for the project, the proposed development will neither impact the drainage easement nor the long-term maintenance of the adjacent environmentally sensitive habitat area (see Finding No. 10 and supporting evidence).

   Per the arborist report (LIB190167) prepared for the project, the tree removal has been limited to that required for the development footprint and will maintain the overall health and long-term maintenance of the forest resources on the property. The remaining trees would be protected per Condition No. 9, Tree and Root Protection (see Finding No. 9 and supporting evidence). The proposed exterior colors and materials are consistent with the

neighborhood character and applicable policies of the Carmel Area LUP. Traffic and construction related impacts would be temporary and controlled by a construction management plan (Condition No. 4).

f) Lot Legality. The subject parcel located at 24424 San Juan Road (Assessor's Parcel Number 009-013-012-000) is identified as Lot 12, in Block Numbered 306, on "Licensed Surveyor's Map of Re-Subdivision of Blocks 305 and 306, Third Addition Carmel Woods," filed for record on June 21, 1938, in Volume 3 of Surveys, Page 164, and recognized through a Certificate of Compliance (Monterey County File No. CC180036). Therefore, the County recognizes the subject property as a legal lot of record.

g) Archaeological Resources. County records identify that the project site is in an area of moderate sensitivity for archaeological resources. The subject property is less than 2.5 acres (see Evidence b above) and is categorically exempt from CEQA (see Finding No. 6 and supporting evidence); therefore, pursuant to MCC section 20.146.090.B, an archaeological survey was not required. The potential for inadvertent impacts to cultural resources is limited and will be controlled by application of the County's standard project condition of approval (Condition No. 3), which requires the contractor to stop work if previously unidentified resources are discovered during construction.

h) Design Review and Neighborhood Character. Pursuant to MCC Chapter 20.44, the proposed project parcel and surrounding area are designated as a Design Control Zoning District ("D" zoning overlay), which regulates the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character.

As proposed, the exterior colors and materials are consistent with the residential setting. The primary exterior colors and materials include grey metal and cedar roofing, limestone and off-white stucco siding finishes, and black trim doors and windows. The proposed exterior colors and finishes would blend with the surrounding environment, are consistent with the surrounding residential neighborhood character, and are consistent with other neighborhood dwellings. Also, per Carmel LUP Policy 2.2.3.6, the proposed structure would be subordinate to and blend into the environment, using appropriate exterior materials and earth tone colors that give the general appearance of natural materials.

Nearby dwellings have a variety of architectural styles and the proposed exterior colors and finishes blend with the surrounding environment, are consistent with the surrounding residential neighborhood character and setting and with other dwellings in the neighborhood. The proposed residence is consistent with the size and scale of surrounding residences, and the proposed bulk and mass would not contrast with the neighborhood character. The proposed structures would also conform to all applicable development standards. As proposed, the project ensures protection of the public

viewshed, is consistent with neighborhood character, and assures visual integrity.

Concerns were raised by interested parties regarding the design of the project and its compatibility with the neighborhood character. Commenters indicated that the home's bulk and mass would be too large compared to the immediate vicinity. Based on County records, staff reviewed the square footages of the homes within this vicinity. Based on this review and site visits, the proposed development of a 3,114 square foot two-story single-family dwelling with an attached 462 square foot two-car garage is comparable to other built homes within the vicinity. Due to the small lot sizes in this area, many homes are two-story and several are three-story. Therefore, the proposed square footage, as well as the proposed bulk and mass of the proposed structure are not out of character with the neighborhood.

Since the initial proposal submitted by the applicant and considered by the Planning Commission on October 9, 2019, the applicant has revised the project to significantly reduce the amount of structural bulk and mass of the proposed residence and impacts to slopes. Project revisions include the following:

- Reduced development on slopes exceeding 30 percent by approximately 520 square feet (from 600 square feet to the revised amount of 80 square feet). This includes entirely avoiding development on slope exceeding 30 percent on the lower half of the property by reducing the front setback from 36 feet to 20 feet.
- Reduced the height above average natural grade by approximately 12 feet (from 30 feet to 18 feet).
- Reduced the total floor area by 779 square feet (a 17.9 percent reduction from 4,355 square feet to 3,576 square feet).
- Reduced the structural coverage by 543 square feet (a 16.4 percent reduction from 3,319 square feet to 2,776 square feet).
- Reduced the structural width (side to side) of the proposed single-family dwelling by 5 feet.
- Reduced the overall structural length (front to rear) by 9 feet.

Based on the evidence described above, the County finds that the project, as proposed and conditioned, conforms to the policies and development standards of the applicable Carmel Area LUP and ordinances related to land use development. The proposed structure and use are consistent with the surrounding residential neighborhood character (i.e.; design, colors, and material finishes), the size and scale of surrounding residences, and the neighborhood character. As proposed, the project ensure protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity.

i) Development Standards. The development standards for the MDR zoning district are identified in MCC section 20.12.060. Required setbacks in this MDR district are 20 feet (front), 10 feet (rear), and 5 feet (sides). The proposed attached structures would have a front

setback of 20 feet, a rear setback of 52 feet, and side setbacks of 7 and 10 feet.

The site coverage maximum in this MDR district is 35 percent, and the floor area ratio maximum is 45 percent. The lot is approximately 0.228-acres or 9,965 square feet, which would allow site coverage of approximately 3,488 square feet and floor area of approximately 4,484 square feet. The proposed single-family dwelling and attached garage would result in site coverage of 2,776 square feet (27.9 percent), and floor area of 3,576 square feet (35.9 percent).

The maximum allowed height in this MDR zoning district is 30 feet above average natural grade. The proposed dwelling and garage would have an approximate height of 18 feet above average natural grade.

Therefore, the project conforms to applicable development standards.

j) Pescadero Canyon and Watershed. The subject property is not located within the area of the Del Monte Forest Land Use Plan (DMF LUP); therefore, DMF LUP policies limiting structural and impervious surface coverage to reduce runoff do not apply. However, site development would be subject to current regulations regarding control of drainage. Due to the site being adjacent to Pescadero Canyon, Condition Nos. 12 (Stormwater Control Plan) and 13 (Winter Inspections) will be required to address post-construction requirements and runoff reduction, and to ensure contaminants are not discharged into Pescadero Canyon and the Carmel Bay Area of Special Biological Significance.

k) Public Access. See Finding No. 7 and supporting evidence.

l) Slopes Exceeding 30 Percent. See Finding No. 8 and supporting evidence.

m) Tree Removal. See Finding No. 9 and supporting evidence.

n) Environmentally Sensitive Habitat Area (ESHA). See Finding No. 10 and supporting evidence.

o) Previously Approved Development (Demolition). On June 13, 2019, the Monterey County Zoning Administrator approved a Coastal Administrative Permit (Resolution No. 19-021; Planning File No. PLN180240) on this same parcel (entitlement approved for Assessor's Parcel Numbers 009-013-011-000 and 009-013-012-000, located at 24418 and 24424 San Juan Road, Carmel Woods, Carmel Area Land Use Plan, Coastal Zone) to allow demolition of a 2,775 square foot single-family dwelling, inclusive of an attached garage.

p) Land Use Advisory Committee (LUAC) Review – July 1 and July 15, 2019. Staff referred the project to the Carmel Unincorporated/Highlands LUAC for review on July 1, 2019 and July 15, 2019. At the July 1, 2019, the LUAC continued the application until the applicant removed a fallen tree from a neighboring property, provided color samples, lowered the overall roof plate height, and re-staked the proposed development. The application went before the LUAC again on July 15, 2019. Between LUAC meetings, the

applicant submitted revised plans to reduce the height from 30 feet to 28 feet above average natural grade and re-staked the proposed development. At the July 15, 2019 meeting, the LUAC reviewed the color samples and recommended another continuance and directed the applicant reduce the plate heights even lower. The applicant reviewed the request and concluded that the first revision was adequate to address the concern regarding height. The design was revised so the proposed residence would be two feet under the maximum allowable height for the zone in which it is located.

q) Land Use Advisory Committee (LUAC) Review – October 5, 2020. Staff referred the project to the Carmel Unincorporated/Highlands LUAC for review again on October 5, 2020. The LUAC, at a duly-noticed public meeting at which all persons had the opportunity to be heard, reviewed the proposed project, and voted 6 – 0 (6 ayes and 0 nays) to continue the project because the applicant did not participate in the meeting. Staff later determined that the agenda was mailed to an obsolete or incorrect address for the applicant's agent.

At the LUAC meeting, interested members of the public expressed concerns related to the bulk and mass of the proposed residence, impact on neighborhood character, development on slope, drainage and erosion control, tree removal, and the staking and flagging.

r) Land Use Advisory Committee (LUAC) Review – October 19, 2020. The LUAC reviewed the proposed project at a duly-noticed public meeting at which all persons had the opportunity to be heard. At this LUAC meeting, interested members of the public expressed concerns related to the bulk and mass of the proposed residence, impact on neighborhood character, development on slope, drainage and erosion control, tree removal, and the staking and flagging. The LUAC voted 5 – 1 – 1 (5 yes, 1 no, and 1 abstain) to not support the project as proposed. The LUAC did not offer project-specific recommendations to modify the project.

s) Staking and Flagging. The applicant submitted photographs of the staking and flagging installed on or before September 28, 2020. Based on County staff site inspections on September 8 and 29, 2020, the staking and flagging was intact and the weather clear enough for an assessment of potential visual impacts. As directed by the County, the applicant installed orange netting to delineate the structure corners and ridge/roof peaks of the proposed structure. The County did not require more extensive staking and flagging for the following reasons: 1) although Map A (General Viewshed) of the Carmel Area LUP identifies the subject property as being located within the general viewshed, existing topography, vegetation and trees, and structures screen the project site from State Route/Highway 1, public lands and scenic vistas, and Carmel City Beach; 2) the site is not visible from Point Lobos State Reserve; 3) the proposed project on the subject property would not obstruct public views of the shoreline from State Route/Highway 1; and 4) the project does not involve ridgeline development.

The County's adopted staking and flagging criteria allow flexibility and discretion in determining the scope of staking and flagging required for a project. Based on the County staff site inspection on September 8 and 29, 2020, the corner and ridge staking and flagging provided sufficient visual reference for the County to determine potential visual impacts to the public viewshed and satisfied the County's requirement for review. See also Evidences t and u below.

t) Visual Resources and Public Viewshed. As proposed, the project is consistent with the Carmel Area LUP policies regarding Visual Resources (Chapter 2.2) and will have no adverse impact on a public viewshed. The project planners conducted site inspections on July 12, 2019, and September 8 and 29, 2020, to verify that the project minimizes development within the public viewshed. Pursuant to the Carmel Area LUP and CIP, development within the public viewshed shall be sited in the area that is least visible to the public viewshed and shall be make use of colors and materials that are subordinate to and blend with the environment (see Evidence h above). Although Map A (General Viewshed) of the Carmel Area LUP identifies the subject property as being located within the general viewshed, existing topography, vegetation and trees, and structures screen the project site from State Route/Highway 1, public lands and scenic vistas, and Carmel City Beach. The site is also not visible from Point Lobos State Reserve. Additionally, the proposed development would not detract from the natural beauty of the surrounding undeveloped ridgelines and slopes in the public viewshed (LUP Policy 2.2.3.1). The project site is in an established residential neighborhood, and the adjacent parcels have been developed with similar single-family dwellings and accessory structures. As proposed, the project assures protection of the public viewshed.

u) Private Views and Privacy. Concerns were expressed by interested members of the public regarding the proposed structure height and the impact on private views and privacy of surrounding residences. Private views and privacy are not protected under the Carmel Area Land Use Plan or applicable MCC.

v) Staff conducted site inspections on July 12, 2019 and September 8 and 29, 2020, to verify that the project on the subject property conforms to applicable policies and regulations, as well as the plans attached.

w) The application, plans, and supporting materials submitted by the project applicant to Monterey County Planning for the development found in Project File PLN190098.

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

EVIDENCE:

a) The project includes construction of a single-family dwelling (i.e., a residential use) within an established residential neighborhood. Therefore, the use is suitable for the site.

b) The project was reviewed by HCD-Planning, Cypress Fire Protection District, Public Works, Environmental Services, and the Environmental Health Bureau. There has been no indication from

these departments/agencies that the site is not suitable for the development. Recommended conditions have been incorporated.

c) The following technical reports have been prepared:
- Biological Assessment (LIB190216) prepared by Thompson Wildland Management, Monterey, California, August 3, 2019;
- Geotechnical Investigation (LIB190169) prepared by Butano Geotechnical Engineering, Freedom, California, August 30, 2018; and
- Tree Assessment (LIB190167) prepared by Frank Ono, Forester, Pacific Grove, California, June 7, 2019.

d) 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 proposed. All development shall be in accordance with these reports (Condition No. 7).

e) Staff reviewed submitted plans and conducted site inspections on July 12, 2019 and September 8 and 29, 2020, to verify that the site is suitable for the use proposed.

f) The application, plans, and supporting materials submitted by the project applicant to Monterey County Planning for the development are found in Project File PLN190098.

4. **FINDING:** **HEALTH AND SAFETY –** The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood 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, Cypress Fire Protection District, Public Works, Environmental Services, and the Environmental Health Bureau (EHB). Conditions have been recommended, 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 utilities are available to the subject property. The previously-developed single-family dwelling (see Finding No. 2, Evidence o) had public water and sewer connections provided by the California American Water Company and the Carmel Area Wastewater District (CAWD), respectively, and will continue to use these same connections. The CAWD wastewater collection and treatment system/facility has adequate remaining capacity for sewage disposal. The proposed development would also include any required stormwater drainage facilities.

c) Members of the public raised concerns about construction impacts resulting from the project. The subject property is located in the Carmel Woods neighborhood where lots are relatively small, and roads are narrow. Temporary construction activities would create short-term nuisances from traffic and noise generated by the project. The applicant submitted a Construction Management Plan (CMP)

during the application review process that was reviewed by Public Works. A condition of approval has been incorporated requiring submittal of a new CMP as a part of the final construction application to include any revisions made as part of the planning review (Condition No. 4). Hours of construction will be limited to Monday through Saturday between 8:00 a.m. and 4:30 p.m. The construction of the project is estimated to take a total of 12 months. Implementation of the CMP would minimize traffic and delineate the area of proposed construction parking and proposed haul routes.

d) The project includes grading of approximately 760 cubic yards of cut and 230 cubic yards of fill. The soil will be balanced to the extent feasible on the neighboring property which will be constructing a new single-family dwelling during the approximate time as this application. The applicant will be required to submit a final grading plan as a part of the construction permit process to identify the areas of cut and fill.

e) The application, plans, and supporting materials submitted by the project applicant to Monterey County Planning for the development found in Project File PLN190098.

5. **FINDING:** **NO VIOLATIONS –** The subject property complies with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist.

EVIDENCE:

a) Monterey County Planning and Building Services records were reviewed, and the County is not aware of any violations.

b) The project planner conducted a site inspection on September 8 and 29, 2020, to verify that there are no violations.

c) There are no known violations.

d) The application, plans, and supporting materials submitted by the project applicant to Monterey County Planning for the development are found in Project File PLN190098.

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

EVIDENCE:

a) California Environmental Quality Act (CEQA) Guidelines section 15303 categorically exempts the construction and location of limited numbers of new, small facilities or structures, such as a new single-family dwelling and accessory structures. CEQA Guidelines section 15303(a) also categorically exempts the construction of up to two single-family dwellings on a lot in a residential zone.

b) The proposed project involves the construction of a single-family dwelling and accessory structure on a residentially-zoned parcel within a developed neighborhood. Therefore, the proposed development qualifies as a Class 3 categorical exemption pursuant to section 15303 of the CEQA Guidelines.

c) None of the exceptions under CEQA Guidelines section 15300.2 apply. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a

scenic highway, unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact. No adverse environmental effects were identified during staff review of the development application. An unusual circumstance does not exist for a proposed project that satisfies the requirements of an exempt class under CEQA and meets all required development standards for the zoning district.

d) The technical reports prepared for the project do not identify any potentially significant or cumulative impacts. There is no substantial evidence that would support a fair argument that the project has a reasonable possibility of having a significant effect on the environment or that it would result in a cumulative significant impact. Moreover, as stated in Evidence a above, CEQA Guidelines section 15303(a) categorically exempts the construction of up to two single-family dwellings on a single lot in a residential zone. As proposed, the project would not exceed the cumulative impacts anticipated under this categorical exemption.

e) No evidence of significant adverse environmental effects was identified during staff site inspections on July 12, 2019 and September 8 and 29, 2020.

f) The application, project plans, and related support materials submitted by the project applicant to Monterey County Planning for the development found in Project File PLN190098.

7. **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 the applicable Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

EVIDENCE: a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.146.130 of the CIP can be demonstrated.

b) No evidence has been submitted or found showing the existence of historic public use or trust rights over this property.

c) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3, Public Access, in the Carmel Area Land Use Plan).

d) Staff conducted site inspections on July 12, 2019, and September 8 and 29, 2020, to verify that the proposed project would not impact public access.

e) Carmel Area Land Use Plan Policy 5.3.3.4.c protects public visual access and requires that structures and landscaping placed upon land west of State Route/Highway 1 shall be sited and designed to retain public views of the shoreline. The subject property is located west of Highway 1; however, the subject property does not obstruct public views of the shoreline from the highway. Therefore, construction of the proposed single-family dwelling will not obstruct public visual access.

f) The application, project plans, and related support materials submitted by the project applicant to Monterey County Planning for the proposed development found in Project File PLN190098.

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

EVIDENCE: a) Pursuant to the policies of the Carmel Area Land Use Plan (LUP Policies 2.2.4.10.a and 2.7.4.1) and applicable Monterey County Code (MCC sections 20.146.030.C.1.a and 20.64.230.C.1), a coastal development permit is required and the criteria to grant said permit has been met.

b) The project includes a coastal development permit to allow development on slopes exceeding 30 percent. Pursuant to applicable LUP policies and MCC regulations, development on slopes that exceed 30 percent is prohibited unless there is no feasible alternative that 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 Monterey County General Plan and applicable land use plan than other development alternatives. In this case, there are no feasible alternative building sites that would completely avoid development on slopes that exceed 30 percent.

c) The property slopes steeply away from San Juan Road and contains large areas of slopes in excess of 30 percent at both its front and rear sections. Based on site topography, accessing the property from San Juan Road is not feasible without encroaching into slopes exceeding 30 percent. As proposed, the development on slopes exceeding 30 percent would encompass approximately 80 square feet of area for the driveway and associated turnaround area for emergency vehicles.

d) The applicant has significantly reduced the amount of developed area involving 30 percent or greater slope from the initial proposal considered by the Planning Commission on October 9, 2019. Revisions made to avoid development on slope exceeding 30 percent on the lower half of the property include the following:
- reduction of the front setback from 36 feet to 20 feet;
- 9-foot reduction of the overall structural length (front to rear); and
- 5-foot reduction in structural width (side to side) of the single-family dwelling.

Based on these revisions, development on slope exceeding 30 percent has been reduced from approximately 600 square feet to the revised amount of 80 square feet – a net reduction of approximately 520 square feet. These revisions have also reduced the bulk and mass of the proposed development, including a 779 square foot (17.9 percent) reduction in floor area from 4,355 square feet to 3,576 square feet; and a 543 square foot (16.4 percent) reduction in structural coverage from 3,319 square feet to 2,776 square feet. See also Finding No. 2, Evidence h.

e) As proposed, the subject project minimizes development on slopes exceeding 30 percent in accordance with the applicable goals and

policies of the Carmel Area Land Use Plan. The project planners conducted site inspections on July 12, 2019, and September 8 and 29, 2020, to analyze possible development alternatives and to verify the subject project minimizes development on slopes exceeding 30 percent.

f) The County shall require such conditions of approval and changes in the development deemed necessary to assure compliance with MCC section 20.64.230.E.1, which regulates the approval of development on slopes in excess of 30 percent, and to ensure stability of the development; therefore, the following conditions have been applied: Condition Nos. 12 (Stormwater Control Plan) and 13 (Winter Inspections).

Additionally, during the construction permit phase, the contractor will be required to comply with applicable building code requirements and resource protection measures such as erosion control plan review and approval, grading plan review and approval, inspections by Environmental Services staff, and geotechnical plan review and certification. In summary, overall site development would be subject to current regulations regarding control of drainage and would be required to address post-construction requirements and runoff reduction.

g) The application, project plans, and related support materials submitted by the project applicant to Monterey County Planning for the proposed development found in Project File PLN190098.

9. **FINDING:** **TREE REMOVAL –** The tree removal is the minimum required under the circumstances, and the removal will not involve a risk of adverse environmental impacts.

EVIDENCE: a) The project includes application for the removal of two trees (Monterey pine and Coast Live oak). In accordance with the applicable policies and regulations, a coastal development permit is required and the criteria to grant said permit have been met.

b) A Tree Assessment (report), including an Amendment (LIB190168; Frank Ono, Forester) prepared for the site pursuant to CIP Section 20.146.060 identified the removal of two (2) protected trees within the proposed development footprint. The report confirmed that the trees identified for removal are the minimum necessary for the proposed development and determined that the proposed development would not adversely impact the long-term health of the forest habitat on the property.

Per the evidence above, the project has been sited and designed to minimize tree removal, and no other protected trees would be removed due to the proposed development. Per the report prepared for the project, the tree removal has been limited to that required for the development footprint (CIP section 20.146.060.D.3), and will maintain the overall health and long-term maintenance of the forest resources on the property (CIP section 20.146.060.D.4). The

proposed project also includes removal of two additional trees (plum and holly) that are not protected under Monterey County Code.

c) The report recommended tree replanting at a 1:1 ratio, resulting in the replanting of one each five-gallon or larger Monterey pine and Coast Live oak trees (Condition No. 10).

Additionally, CIP section 20.146.060.D.6 directs the replacement of native trees on the site in accordance with the recommendations of the arborist, except where it is demonstrated that replacement of trees would result in an overcrowded, unhealthy environment. Per Condition Nos. 7 (Notice of Report) and 9 (Tree and Root Protection), replanting and site development shall be completed in accordance with the arborist's report. The installation of tree protection measures would be required prior to issuance of a construction permit.

d) Members of the public raised concerns about potential impacts to a landmark tree on a neighboring property to the south. The arborist recommended to hand dig in this area prior to construction to ensure no roots are impacted. This recommendation has been incorporated (Condition No. 7, Notice of Report).

e) As proposed, the project minimizes tree removal in accordance with the applicable goals, policies, and regulations of the Carmel Area Land Use Plan (Forest Resources) and the associated Coastal Implementation Plan.

f) Staff conducted site inspections on July 12, 2019, and September 8 and 29, 2020, to verify that the tree removal is the minimum necessary for the project and to identify any potential adverse environmental impacts related to the proposed tree removal.

g) The application, project plans, and related support materials submitted by the project applicant to Monterey County Planning for the proposed development found in Project File PLN190098.

10. **FINDING:** **DEVELOPMENT WITHIN 100 FEET OF ENVIRONMENTALLY SENSITIVE HABITAT AREAS (ESHA)** – The project minimizes its impact on environmentally sensitive habitat areas in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

EVIDENCE: a) The project includes a coastal development permit to allow development within 100 feet of ESHA (i.e., the Pescadero Canyon). Pursuant to the policies of the Carmel Area Land Use Plan (LUP) and applicable Monterey County Code (MCC), a coastal development permit is required and the criteria to grant said permit has been met.

b) The policies in Chapter 2.3 of the Carmel Area LUP are directed at maintaining, protecting, and where possible enhancing sensitive habitats. As sited, designed, and conditioned, the project minimizes potential impacts to ESHA in accordance with the applicable goals and policies of the LUP and MCC.

c) The property does not contain any mapped environmentally sensitive habitat areas; however, the parcel is adjacent to the Pescadero Canyon, which is designated ESHA and open space. Pursuant to the

policies in Chapter 2.3 of the Carmel Area LUP and MCC section 20.146.040, development adjacent to sensitive habitat areas shall only be allowed at densities which are compatible with the protection and maintenance of the resources.

d) Due to the location of the subject property, any development on the property would result in development within 100 feet or less of ESHA (i.e., the Pescadero Canyon). A Biological Assessment (report) prepared for the proposed project (LIB190216; Thompson Wildland Management) concluded that the site does not support any federally and/or state protected special status species and/or sensitive habitat, and that the proposed development would not result in potential impacts to sensitive habitat or species. Also, the property has been previously disturbed by the construction, landscaping, and subsequent demolition of a single-family dwelling. As sited and designed, the proposed development is within the most suitable location of the property, considering the topography, slopes, existing vegetation, and shape of the parcel. Additionally, the proposed project conforms to the density and other development standard requirements of the zoning district, and is compatible with the protection and maintenance of the adjacent resources. See Finding No. 2, Evidence i.

e) An interested member of the public raised a concern regarding whether the proposed development would have the potential to impact an adjacent drainage easement. Staff reviewed County records, the proposed development plans, technical reports, and completed multiple site visits. Site development would be subject to current regulations regarding control of drainage. Condition Nos. 12 (Stormwater Control Plan) and 13 (Winter Inspections) will be required to address post-construction requirements and runoff reduction, and to ensure contaminants are not discharged into Pescadero Canyon and the Carmel Bay Area of Special Biological Significance. Also, per Condition No. 7 (Notice of Report), development shall be completed in accordance with the biologist's report. Additionally, during the construction permit phase, the contractor will be required to comply with applicable building code requirements and resource protection measures such as erosion control plan review and approval, grading plan review and approval, and inspections by Environmental Services staff.

   The subject property is also within the General Municipal Permit Boundary and is required to implement design strategies to limit disturbances to creeks and natural drainage features, minimize compaction of highly permeable soils, limit clearing and grading to the minimum area needed for the project, and minimize impervious surfaces.

f) The project planner completed site inspections on July 12, 2019, and September 8 and 29, 2020, to verify that the proposed project would not impact ESHA.

g) The application, project plans, and related support materials submitted by the project applicant to Monterey County Planning for the proposed development found in Project File PLN190098.

11. **FINDING:** **APPEAL** – Upon consideration of the documentary evidence, the staff report, the oral and written testimony, and all other evidence in the record, the Board finds that there is substantial evidence to support the appeal by Fred Miranda and makes the following specific findings in regard to the Appellant's contentions:

EVIDENCE: a) Appellant (Fred Miranda), pursuant to Monterey County Code (MCC) section 20.86.030.C, timely appealed the Monterey County Planning Commission's October 28, 2020 decision. The appeal challenged the Planning Commission's decision to state and issue a final determination that the Planning Commission had an unbreakable tie vote and neither approved nor denied the subject application. See also Finding No. 1, Evidence j.

The summarized text of the Appellant's contentions and the County's responses to those contentions are set forth in Evidence b through g below. The Appeal, including the complete text of the Appellant's contentions, is included in the March 16, 2021, staff report to the Board of Supervisors as Attachment D, and is incorporated herein by reference.

b) Appellant's Specific Contention A: The Appellant contends: *"There is no feasible alternative to development does not encroach on slopes exceeding 30 percent."*

As described in Finding No. 8 and supporting evidence, there are no feasible alternative building sites that would completely avoid development on slopes that exceed 30 percent, and the area that has been chosen serves to minimize this impact. The property slopes steeply away from San Juan Road and contains large areas of slopes in excess of 30 percent at both the front and rear sections of the property. Based on site topography, accessing the property from San Juan Road is not feasible without encroaching partially into slopes exceeding 30 percent. As proposed, the subject project minimizes development on slopes exceeding 30 percent in accordance with the applicable goals and policies of the Carmel Area LUP. The County has also recommended conditions of approval to ensure stability of the proposed development.

c) Appellant's Specific Contention B: The Appellant contends *"The proposed projects would not impact an adjacent drainage easement."*

During the construction permit phase, the contractor will be required to comply with applicable building code requirements and resource protection measures such as erosion control plan review and approval, grading plan review and approval, inspections by Environmental Services staff, and geotechnical plan review and certification. The subject property is also within the General Municipal Permit Boundary and is required to implement design

strategies to limit disturbances to creeks and natural drainage features, minimize compaction of highly permeable soils, limit clearing and grading to the minimum area needed for the project, and to minimize impervious surfaces. In summary, overall site development would be subject to current regulations regarding control of drainage and would be required to address post-construction requirements and runoff reduction. The County has also applied conditions of approval to ensure reduction of run-off from the proposed development (Condition No. 12, Stormwater Control Plan, and Condition No. 13, Winter Inspections).

d) Appellant's Specific Contention C: The Appellant contends, *"The proposed structures, and exterior colors and materials, would be compatible with the neighborhood character."*

As described in Finding No. 2, Evidences h and i, the revised project would ensure protection of the public viewshed, be consistent with the neighborhood character, and assure visual integrity. The proposed exterior colors and finishes are earth tone colors that give the general appearance of natural materials and would blend with the surrounding environment. The proposed structure would be consistent with the surrounding residential neighborhood character and setting, and consistent with other dwellings in the neighborhood. Neighborhood dwellings have a variety of architectural styles, so there is no specific design that defines this area. The proposed structural designs, combined with the proposed exterior colors and finishes, will blend with the surrounding environment pursuant to Carmel LUP Policy 2.2.3.6. The proposed structure and use are consistent with the surrounding residential neighborhood character (i.e.; design, colors, and material finishes), the size and scale of surrounding residences along San Juan Road, and would not contrast with the neighborhood character.

e) Appellant's Specific Contention D: The Appellant contends: *"The proposed projects are consistent with applicable plan policies and zoning regulations."*

As proposed and conditioned, the project conforms to the policies and development standards of the applicable Carmel Area LUP and ordinances related to land use development. Based on staff review of the application materials and technical reports, both projects minimize development on slopes exceeding 30 percent, avoid development impacts to environmentally sensitive habitat areas, minimize tree removal, and are consistent with the neighborhood character. The proposed structures would also conform to all applicable development standards such as setbacks, floor area, site coverage, and structure height. Based on review of County records, the proposed square footages and bulk and mass of the proposed structures are not out of character with the neighborhood. See also Finding No. 2, Evidence h and i; as well as Finding Nos. 8, 9, and 10 and supporting evidence.

f) Appellant's Specific Contention E: The Appellant contends: "*The proposed, the projects qualify for categorical exemptions pursuant to CEQA.*"

Based on review of the proposed project and applicable policies and regulations, the project is categorically exempt from environmental review per section 15303(a) of the CEQA Guidelines. This categorical exemption applies to the construction of single-family dwellings within a residential neighborhood. The proposed project involves the construction of a single-family dwelling and accessory structure on a residentially-zoned parcel within a developed neighborhood. The County also recognizes the property as a separate legal lot of record (see Finding No. 2, Evidence f).

None of the exceptions under CEQA Guidelines section 15300.2 apply. The project is not located on a hazardous waste site or historic resource, near a scenic highway, is not likely to effect cultural resources, and will not have a significant effect on the environment based on the evidence in the record. The technical reports prepared for the project do not identify any potentially significant or cumulative impacts. Moreover, the construction of up to two single-family dwellings on a single lot in a residential zone would be categorically exempt under section 15303(a) of the CEQA Guidelines. As proposed, the project would not exceed the cumulative impacts anticipated under this categorical exemption for a single lot or parcel, or the assumed buildout of the area in the certified Local Coastal Program. Since this project would occur on a separate legal lot of record, the potential cumulative impacts are within the parameters of this categorical exemption, and there is no substantial evidence that would support a fair argument that the project has a reasonable possibility of having a significant effect on the environment or that it would result in a cumulative significant impact. Therefore, the project is categorically exempt. See also Finding No. 6 and supporting evidence.

g) Appellant's Specific Contention F: The Appellant contends: "*The affordability of the proposed projects is not applicable.*"

In this case, applicable Monterey County Code and/or Land Use Plan Policies do not regulate the affordability of single-family dwellings on residential lots. Affordable or inclusionary housing is only required under specific circumstances such as a subdivision of 4 or more units/lots. The circumstances that would warrant a requirement for affordable or inclusionary housing are not present.

12. **FINDING:** **APPEALABILITY –** The decision on this project may be appealed to the California Coastal Commission.

EVIDENCE: California Coastal Commission. Pursuant to Title 20, section 20.86.080.A, the project is subject to appeal by/to the California Coastal Commission because it involves development located between the sea and the first through public road paralleling the sea

(i.e., San Juan Road), and development that is permitted in the underlying zone as a conditional use (i.e.; tree removal, development on slopes exceeding 30 percent, and development within 100 feet of environmentally sensitive habitat area). The project site is not located within 300 feet of the inland extent of any beach or of the mean high tide line of the sea, or located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

DECISION

NOW, THEREFORE BE IT RESOLVED, based on the above findings and evidence and the administrative record, that the Board of Supervisors does hereby:

A. Certify that the foregoing recitals and findings are true and correct;

B. Grant the appeal of Fred Miranda from the Planning Commission's October 28, 2020 statement and issuance of a final determination that the Planning Commission had an unbreakable tie vote and neither approved nor denied the subject application;

C. Find that the project involves the construction of a single-family dwelling on an existing legal lot of record, which qualifies as a Class 3 Categorical Exemption pursuant to section 15303(a) of the CEQA Guidelines, and there are no exceptions pursuant to section 15300.2; and

D. Approve a Combined Development Permit consisting of a:

a. Coastal Administrative Permit and Design Approval to allow for the construction of a 3,114 square foot two-story single-family dwelling with an attached 462 square foot garage;

b. Coastal Development Permit to allow the removal of two trees (Monterey pine and Coast Live oak);

c. Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and

d. Coastal Development Permit to allow approximately 80 square feet of development on slopes exceeding 30 percent.

All work must be in general conformance with the attached plans, and this approval is subject to sixteen (16) conditions of approval, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED on this 16th day of March 2021, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez and Askew
NOES: Supervisor Adams
ABSENT: None
(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 March 16, 2021.

Dated: March 23, 2021
Revised Date: April 12, 2021
File ID: RES 21-052
Agenda Item No.: 10

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

Julian Lorenzana, Deputy

Monterey County RMA Planning

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

PLN190098

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Combined Development Permit (File No. PLN190098) allows the construction of a 3,114 square foot two-story single-family dwelling with an attached 462 square foot garage, removal of two (2) trees (Monterey pine and Coast Live oak), development within 100 feet of environmentally sensitive habitat area, and approximately 80 square feet of development on slopes exceeding 30 percent. The property is located at 24424 San Juan Road, Carmel (Assessor's Parcel Number 009-013-012-000), Carmel Land Use Plan, Coastal Zone. 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 Chief of 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. (Planning)

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state: "A Combined Development Permit (Resolution Number 21-069) was approved by the Monterey County Board of Supervisors for Assessor's Parcel Number 009-013-012-000 on March 16, 2021. The permit was granted subject to sixteen (16) conditions of approval which run with the land. A copy of the permit is on file with Monterey County Planning."

Proof of recordation of this notice shall be furnished to the Chief of Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (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 Chief of 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 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. (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 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. CONSTRUCTION MANAGEMENT PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall submit a Construction Management Plan (CMP) to Planning and Public Works for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project. The CMP shall include, at a minimum, the duration of the construction, hours of operation of Monday thru Saturday from 8:00 a.m. to 4:30 p.m., truck routes, estimated number of truck trips that will be generated, number of construction workers, and location of 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 grading and construction phases of the project. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to issuance of a building permit, the Owner/Applicant/Contractor shall prepare a CMP and shall submit the CMP to Planning and Public Works for review and approval.

On-going through all grading and construction phases, the Owner/Applicant/Contractor shall implement the approved measures.

5. PD012(F) - LANDSCAPE PLAN & MAINTENANCE (SFD ONLY)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The site shall be landscaped. Prior to the issuance of a building permit, the applicant shall submit a landscape plan to Planning for review and approval. The landscape plan may be submitted as part of the construction plan set. The plan shall contain 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 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. (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 Planning for review and approval. The 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 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 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.

6. PD005(A) - NOTICE OF EXEMPTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Pursuant to CEQA Guidelines §15062, a Notice of Exemption shall be filed for this project. The filing fee shall be submitted prior to filing the Notice of Exemption. (Planning)

Compliance or Monitoring Action to be Performed: After project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to Planning.

7. PD016 - NOTICE OF REPORT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: A notice shall be recorded with the Monterey County Recorder which states: "An Arborist Report (Library No. LIB190168), including an amendment, was prepared by Frank Ono, Urban Forester on June 12, 2019 and is on file in Monterey County Planning. All development shall be in accordance with this report. A Biological Assessment (Library No. LIB190216), was prepared by Rob Thompson on August 3, 2019 and is on file in Monterey County Planning. All development shall be in accordance with this report." (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 Planning.

Prior to occupancy, the Owner/Applicant shall submit letters to Planning from the arborist and biologist certifying that all development has been implemented in accordance with the reports.

8. PD052 - PRE-CONSTRUCTION MEETING

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to the commencement of any grading or construction activities, a pre-construction meeting shall be held on the site. The meeting shall include representatives of each of the selected contractors, Frank Ono, Forester, or designee, who conducted the Tree Assessment (Monterey County File No. LIB190168), the Owner/Applicant, Planning (if necessary), and any other appropriate County Departments. The purpose of the meeting is to review the conditions of approval that are applicable to the grading and construction of the approved development. (Planning)

Compliance or Monitoring Action to be Performed: Prior to commencement of any grading or construction activities, the Owner/Applicant shall contact Frank Ono, Forester, or designee, who conducted the Tree Assessment (Monterey County File No. LIB190168) to schedule a pre-construction meeting prior to commencement of any grading or construction activities. The Owner/Applicant shall be responsible for ensuring that all appropriate contractors and technical consultants are in attendance. Evidence shall be submitted to Planning that the pre-construction meeting occurred and appropriate measures for tree removal, retention and protection were discussed.

9. PD049 - TREE AND ROOT PROTECTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to beginning any construction and/or tree removal, trees which are located close to trees approved for removal or any construction activities 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. (Planning)

Compliance or Monitoring Action to be Performed: Prior to construction or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit evidence of tree protection for on-site and the neighboring property to the south (if applicable) to 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 Planning to document that the tree protection has been successful on-site and for the neighboring property to the south, or if follow-up remediation measures or additional permits are required.

10. PD048 - TREE REPLACEMENT/RELOCATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall replace each tree approved for removal as follows:
- Replacement ratio of 1:1, resulting in replanting with a total of one (1) five gallon (if available) Monterey pine tree and one (1) five gallon Coast Live oak in a location with the greatest opening in the stand to allow for a minimum of competition and maximum sunlight. Occasional deep watering (more than two weeks apart) during the late spring, summer and fall is recommended during the first two years after establishment. The location of the tree replacement shall be identified on the landscape plan. (Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of a construction permit, the Owner/Applicant shall submit evidence of the location of the tree replacement to Planning for review and approval. Evidence shall be on the landscape plan.

Prior to final of the construction permit, the Owner/Applicant shall submit evidence of the tree replacement to 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.

11. 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.

12. STORMWATER CONTROL PLAN (PR1)

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a Stormwater Control Plan addressing the Post-Construction Requirements (PCRs) for Development Projects in the Central Coast Region. The Stormwater Control Plan shall incorporate the measures identified on the completed the Site Design and Runoff Reduction Checklist. (Environmental Services)

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

13. WINTER INSPECTIONS - AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE (ASBS)

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The owner/applicant shall schedule weekly inspections with Environmental Services during the rainy season, October 15th to April 15th, to ensure contaminants are not discharged into the Carmel Bay Area of Special Biological Significance. This inspection requirement shall be noted on the Erosion Control Plan. (Environmental Services)

Compliance or Monitoring Action to be Performed: During construction, the owner/applicant shall schedule weekly inspections with Environmental Services in the rainy season (October 15th to April 15th).

14. 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. (Development Services)

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

15. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: RMA-Planning

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

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

16. PD032(A) - PERMIT EXPIRATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of three (3) years, to expire on March 16, 2024, unless use of the property or actual construction has begun within this period. (Planning)

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

MIRANDA RESIDENCE

FRED & SILVIA MIRANDA
24424 SAN JUAN RD
CARMEL, CA 93923
009-013-012

GENERAL NOTES

1. CONTRACTOR LICENSE: THE CONTRACTOR(S) PERFORMING THE WORK DESCRIBED BY THESE PLANS AND SPECIFICATIONS SHALL BE PROPERLY AND CURRENTLY LICENSED DURING THE EXECUTION OF THE PROJECT AND SHALL NOT PERFORM WORK OUTSIDE THE LEGAL SCOPE OF ANY LICENSE.
2. SCOPE: THE CONTRACTOR SHALL PROVIDE AND PAY FOR ALL LABOR, MATERIALS, TOOLS, EQUIPMENT AND MACHINERY, TRANSPORTATION, WATER, HEAT, ELECTRICAL, TELEPHONE, AND ANY OTHER RELATED ITEMS NECESSARY FOR THE PROPER EXECUTION AND TIMELY COMPLETION OF THE WORK.
3. QUALITY CONTROL: IT IS THE EXPRESS INTENTION OF THESE PLANS AND SPECIFICATIONS TO REQUIRE A HIGH STANDARD OF WORK. IF, IN THE OPINION OF THE CONTRACTOR, ANY PORTION OF THE DOCUMENTATION HEREIN IS INCONSISTENT WITH THIS, THE OWNER AND THE DESIGNER SHALL BE NOTIFIED PRIOR TO EXECUTING THE WORK AND ALLOWED REVISION TIME IF FELT NECESSARY.
4. WARRANTY: THE CONTRACTOR WARRANTS TO THE OWNER THAT ALL MATERIALS AND EQUIPMENT FURNISHED UNDER THIS CONTRACT WILL BE NEW UNLESS OTHERWISE SPECIFIED, AND THAT ALL WORK WILL BE OF GOOD QUALITY, FREE FROM FAULTS AND DEFECTS, AND IN CONFORMANCE WITH THE CONTRACT DRAWINGS AND SPECIFICATIONS.
5. PERMITS: UNLESS OTHERWISE INSTRUCTED, THE OWNER SHALL PAY ALL PERMIT FEES INCLUDING UTILITIES. THE CONTRACTOR SHALL SECURE THE BUILDING PERMIT AND ANY OTHER PERMITS PRIOR TO STARTING THE WORK AND COMPLY WITH ALL INSPECTION REQUIREMENTS THROUGH FINAL SIGN-OFF.
6. LEGAL/NOTICES/CODE COMPLIANCE: THE CONTRACTOR SHALL GIVE ALL NOTICES AND COMPLY WITH ALL LAWS, ORDINANCES, BUILDING CODES, RULES, REGULATIONS AND OTHER LAWFUL ORDERS OF ANY PUBLIC AUTHORITY BEARING ON THE PERFORMANCE OF WORK. THE CONTRACTOR SHALL PROMPTLY NOTIFY THE DESIGNER IN WRITING IF THE DRAWINGS AND/OR SPECIFICATIONS ARE AT VARIANCE WITH ANY SUCH REQUIREMENTS. (2013 U.B.C.)
7. CONSTRUCTION RESPONSIBILITY: THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES SELECTED TO EXECUTE THE WORK. THE CONTRACTOR SHALL COORDINATE ALL PORTIONS OF WORK WITHIN THE SCOPE OF THE CONTRACT.
8. JOB SITE SAFETY: THE CONTRACTOR SHALL BE RESPONSIBLE FOR INITIATING, MAINTAINING AND PROPERLY SUPERVISING ADEQUATE INDUSTRY STANDARD SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THIS WORK.
9. INSURANCE: LIABILITY INSURANCE SHALL BE MAINTAINED BY THE CONTRACTOR TO PROTECT AGAINST CLAIMS UNDER WORKMAN'S COMPENSATION ACTS, DAMAGES DUE TO BODILY INJURY INCLUDING DEATH, AND FOR ANY PROPERTY DAMAGES ARISING OUT OF OR RESULTING FROM THE CONTRACTOR'S OPERATIONS UNDER THE CONTRACT. THE INSURANCE SHALL BE FOR LIABILITY LIMITS SATISFACTORY TO THE OWNER. THE OWNER HAS THE RIGHT TO REQUIRE CONTRACTUAL LIABILITY INSURANCE APPLICABLE TO THE CONTRACTOR'S OBLIGATIONS. CERTIFICATES OF SUCH INSURANCE SHALL BE FILED WITH THE OWNER PRIOR TO THE COMMENCEMENT OF WORK.
10. INDEMNIFICATION: THE CONTRACTOR WHO AGREES TO PERFORM THIS WORK ALSO AGREES TO INDEMNIFY AND HOLD HARMLESS THE OWNER AND DESIGNER FROM AND AGAINST ALL CLAIMS/DAMAGES/LOSSES/AND EXPENSES, INCLUDING ATTORNEY'S FEES AND LITIGATION COSTS, ARISING OUT OF RESULTING FROM THE PERFORMANCE OF THE WORK.
11. CLEANING UP: THE CONTRACTOR SHALL KEEP THE PREMISES AND SITE FREE FROM ACCUMULATION OF WASTE MATERIALS DURING CONSTRUCTION BY PERIODIC CLEAN UP AND OFF-SITE DEBRIS REMOVAL. FINAL CLEANUP AND DEBRIS DISPOSITION SHALL BE TO THE SATISFACTION OF THE OWNER.
12. EXISTING CONDITIONS: CONTRACTOR SHALL VISIT THE SITE AND VERIFY ALL EXISTING CONDITIONS PRIOR TO ANY WORK AND NOTIFY THE DESIGNER OF ANY DISCREPANCIES BETWEEN THESE DRAWINGS CONDITION AND EXISTING AFFECTING THE WORK AND NATURE OF SPECIFIED MATERIALS AND/OR SCOPE OF DESIGN.
13. CONSTRUCTION NOTES: ALL NOTES, DIMENSIONS, ETC. INDICATE NEW MATERIALS OR CONSTRUCTION UNLESS OTHERWISE NOTED.
14. BUILDING CODES: PROJECT SHALL COMPLY WITH THE 2016 CALIFORNIA BUILDING, PLUMBING, MECHANICAL, ELECTRICAL, FIRE AND ENERGY CODES.

APPLICABLE CODES

ALL CODES REFERENCED ARE TO BE USED AS AMENDED BY THE STATE OF CALIFORNIA AND LOCAL JURISDICTION.

PROJECT SHALL COMPLY WITH THE:

2016 CALIFORNIA BUILDING CODE
2016 CALIFORNIA PLUMBING CODE
2016 CALIFORNIA MECHANICAL CODE
2016 CALIFORNIA FIRE CODE
2016 CALIFORNIA ELECTRICAL CODE
2016 CALIFORNIA ENERGY CODE
2016 ACCESS COMPLIANCE

UTILITIES:

GAS	PG&E
ELEC.	PG&E
SEWER	MRWPCA
WATER	DOMESTIC - CAL AM

PROJECT DATA

A.P.N.:	009-013-012
ZONING:	MDR/2 - D (CZ)
SITE AREA:	9965 SQ FT
BLDG USE:	RESIDENTIAL
OCC. GROUP:	R3-U1
CONST. TYPE:	V-B
CLIMATE ZONE:	4
BLDG. CODE:	2016 CBC
FIRE SPRINKLERS:	YES

SITE COVERAGE

LOT AREA	9965 SQ.FT.	
ALLOWED	3487.78 SQ. FT.	35%
RESIDENCE MAIN FLOOR	1835 SQ. FT.	
GARAGE	462 SQ FT	
WATER PROOF DECK	479 SQ. FT.	
PROPOSED SITE COVERAGE	2776 SQ.FT.	27%

FLOOR AREA RATIO

ALLOWED F.A.R.	4484 SQ. FT.	45%
MAIN FLOOR	1835 SQ. FT.	
LOWER FLOOR	1279 SQ. FT.	
GARAGE	462 SQ. FT.	
PROPOSED F.A.R	3576 SQ.FT	36%

BUILDING HEIGHT
MAX. HEIGHT ALLOWED 30 FT.
PROPOSED HEIGHT 17'-10"

PARKING
2 SPACES COVERED

PROJECT TEAM

DESIGNER:
MONTEREY DESIGN/SILCON CONSTRUCTORS
3160 OCEAN TERRACE
MARINA, CA 93933
OFFICE PHONE: (831) 392-7788
OFFICE FAX: -
CONTACT: CHAD BROWN

STRUCTURAL ENGINEER:
JACK CAMP

CIVIL/SURVEY/SOILS & GEOTECH ENGINEER:
LAND SET SURVEYORS
520 CRAZY HORSE CANYON RD #B
SALINAS, CA 93907
(831) 443-6970

TITLE 24 ENGINEER / MECHANICAL ENGINEER:
MONTEREY ENERGY GROUP
26465 Carmel Rancho Blvd. #8
Carmel-By-The-Sea, CA 93923
(831) 372-8328

FIRE PROTECTION:
TBD
ADDRESS
CITY
PHONE
CONTACT

SHEET INDEX

ABBREVIATIONS

ALT.	Alternate
BLKG	Blocking
BM	Beam
CONT.	Continuous
CONC.	Concrete
D.F.	Douglas Fur
DCKG	Decking
DIA.	Diameter
[E]	Existing
EA.	Each
E.N.	Edge Nailing
ETC.	Etcetera
EXT.	Exterior
FLR	Floor
FNDN	Foundation
F.N.	Face Nail
FRMG	Framing
FTG	Footing
GA.	Gauge
GALV.	Galvanized

HDR	Header
HGR	Hanger
JSTS	Joists
[N]	New
o.c.	On Center
OPNG	Opening
PLYWD	Plywood
P.T.	Pressure Treated
RDWD	Redwood
RFTR	Rafter
REQ'D	Required
RET.	Retaining
SHTHG	Sheathing
SIM.	Similar
T & B	Top and Bottom
T & G	Tongue and groove
TYP.	Typical
T.N.	Toe Nail
U.O.N.	Unless Otherwise Noted

VICINITY MAP

N

SCOPE OF WORK

1. NEW 1,835 SQ FT MAIN FLOOR
   NEW 1,279 SQ FT LOWER FLOOR
   NEW 462 SQ FT GARAGE
   NEW 479 SQ FT WP DECK
   NEW 479 SQ FT COVERED PATIO

2. NEW 2581 SQ FT PERMEABLE DRIVEWAY
3. NEW SOLAR PANELS

MONTEREY DESIGN CENTER

CHAD BROWN
DESIGN + BUILD

201 CANNERY ROW
STE. 1
MONTEREY, CA 93940

831.392.7788

SEAL

FRED & SILVIA MIRANDA
24424 SanJuan Rd
Carmel CA 93923
009-013-012
PLN190098

1" ACTUAL

IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

BY	REVISIONS	DATE

Date:	2/18/21
Scale:	AS NOTED
Drawn:	
Job:	
Sheet	

A.01

Plotted On: 2/18/21

TITLE SHEET / GENERAL INFO

NOTE:

A TEMPORARY BENCHMARK (TBM) OF 100.00 WAS ESTABLISHED AT THE TOP OF THE EXISTING PAVED DRIVEWAY - PK-NAIL AS SHOWN ON THIS PLAN

SHADED AREA
30% SLOPE

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Job:	
Sheet	

A.02

Plotted On: 2/18/21

TOPOGRAPHIC SURVEY

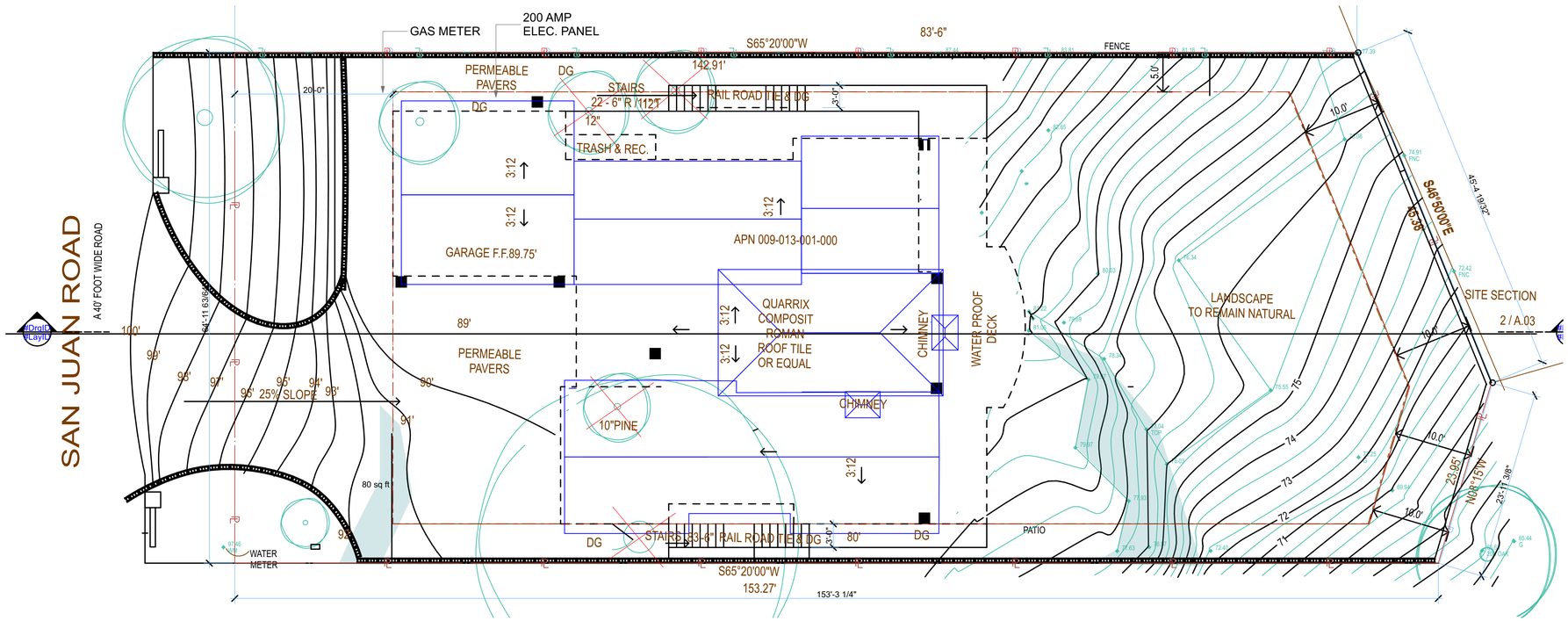
H.D. PETERS CO.
ENGINEERING - SURVEYING - LAND PLANNING
119 CENTRAL AVENUE - POST OFFICE BOX 512 SALINAS, CALIFORNIA 93902 PH (831) 424-3961 FAX (831) 424-2746

24424 SAN JUAN ROAD
CARMEL, CA 93923
APN 009-013-001-000

TOPOGRAPHIC SURVEY
PREPARED FOR
MR. FRED MIRANDA

SCALE 1"=10' DRAWN J.J. JOB NO. 4196

DATE JULY, 2017 FILE NO. 4196 TOPO

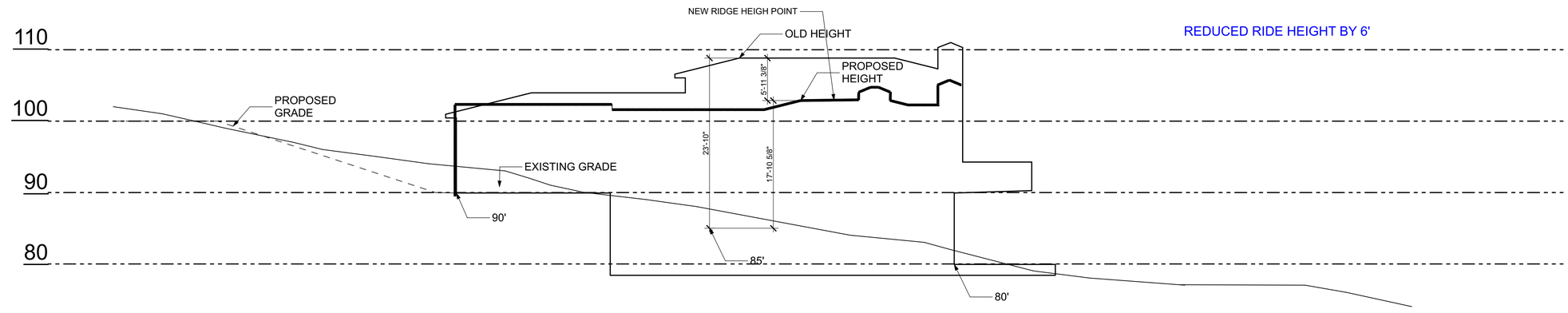


CUT 760
FILL 230
NET 530

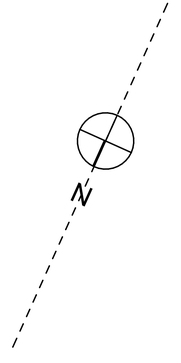
265 BALANCED ON SITE
265 HAUL OFF OR SPREAD ON SITE

80 SQ FT OF CONSTRUCTION W/
SLOPE GREATER THEN 30%

1 SITE PLAN | DWG
SCALE: 1/8" = 1'-0"



2 SITE SECTION
SCALE: 1/8" = 1'-0"



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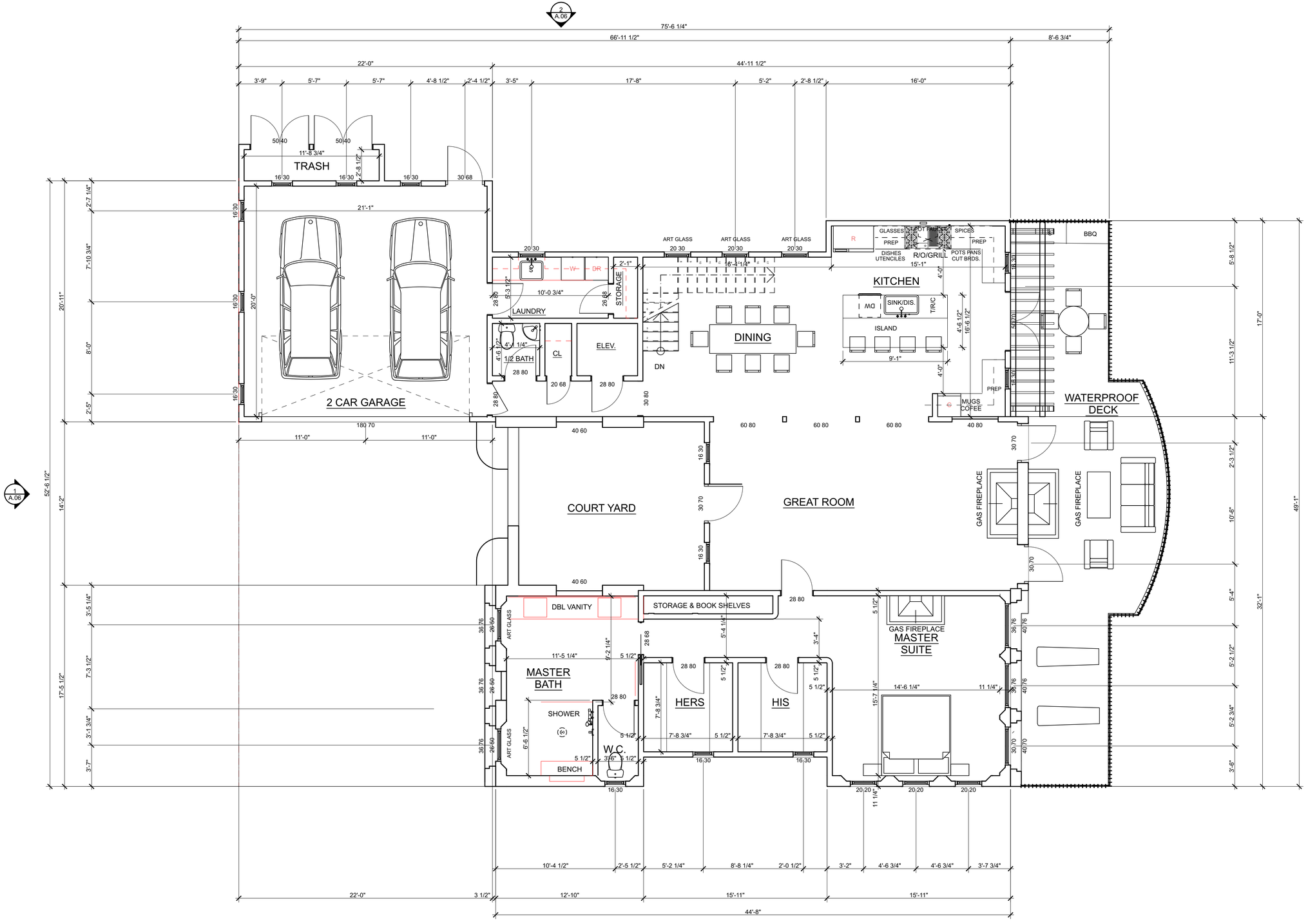
Drawn:	
Job:	
Sheet	

A.03

Plotted On: 2/18/21

SITE / LIGHTING / LANDSCAPE PLAN/SITE SECTION



1 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

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MONTEREY DESIGN CENTER

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1" ACTUAL

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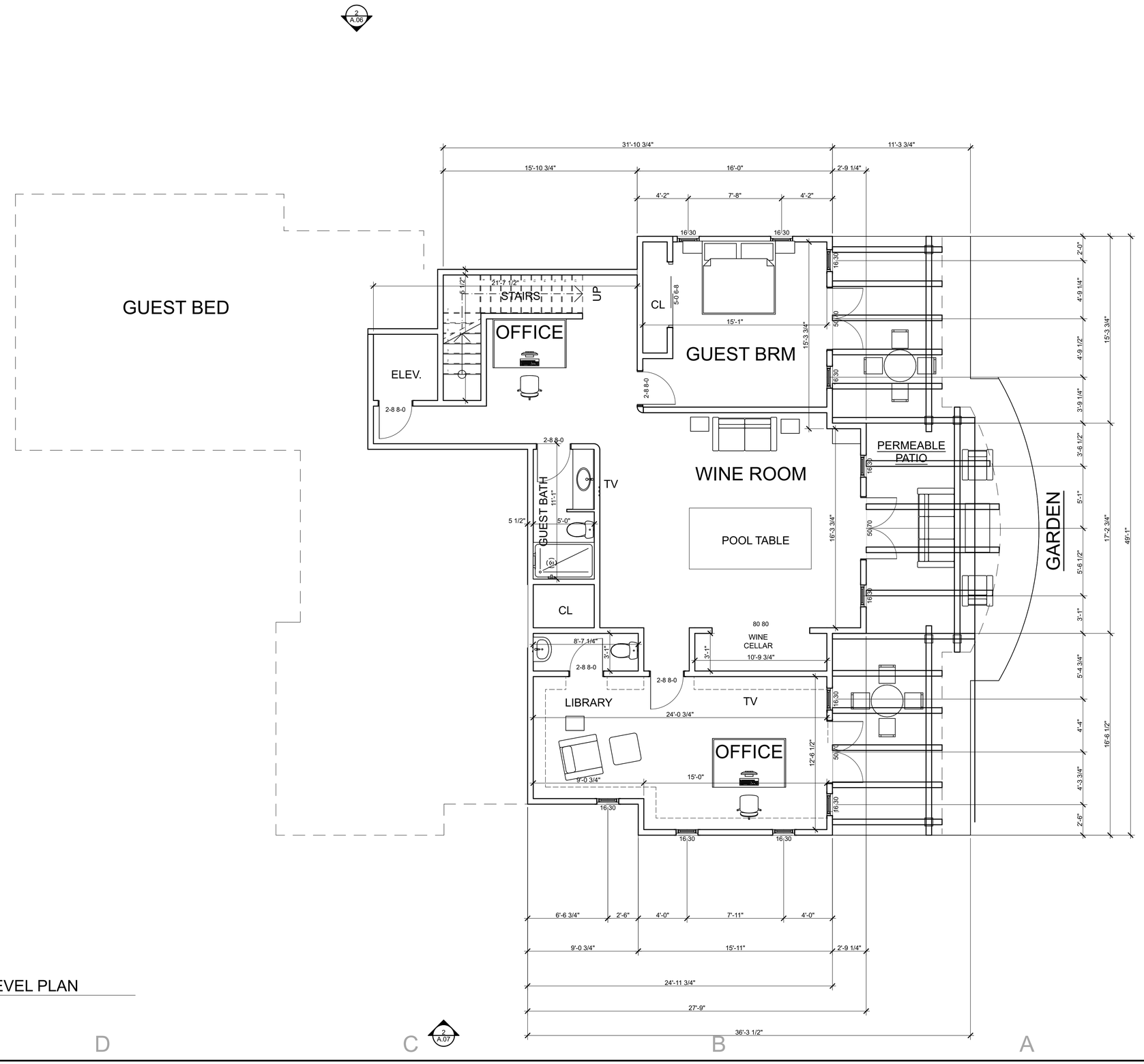
BY	REVISIONS	DATE

Date:	2/18/21
Scale:	AS NOTED
Drawn:	
Job:	
Sheet	

A.04

Plotted On: 2/18/21

MAIN FLOOR PLAN



2 LOWER LEVEL PLAN
SCALE: 1/4" = 1'-0"

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1" ACTUAL

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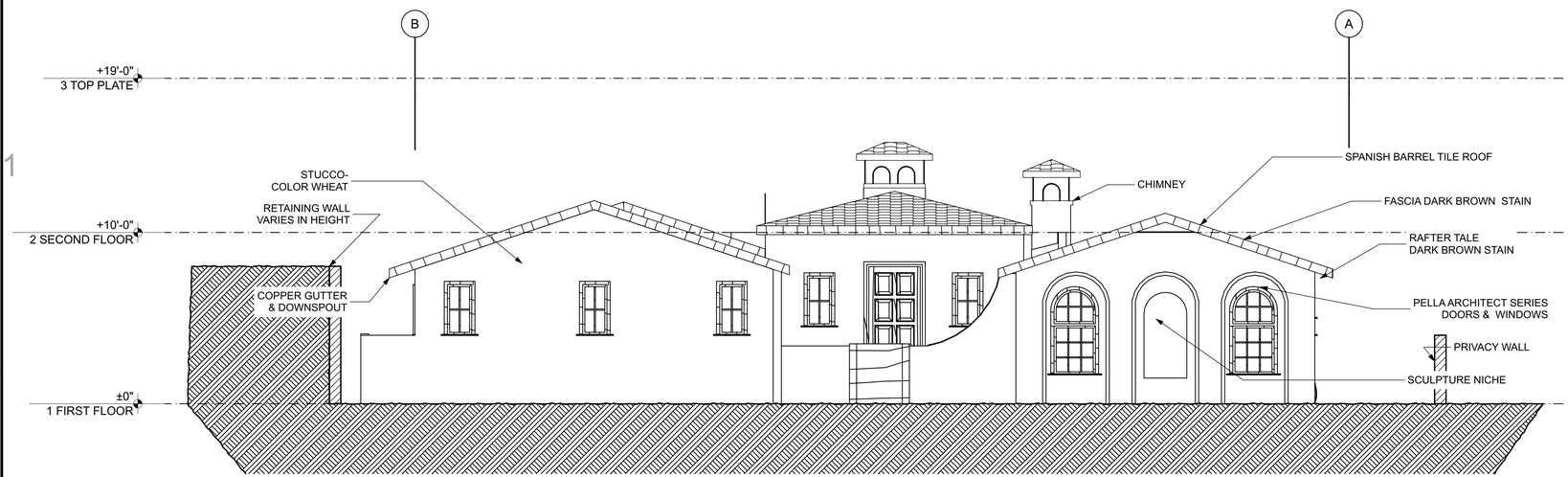
BY	REVISIONS	DATE

Date:	2/18/21
Scale:	AS NOTED
Drawn:	
Job:	
Sheet	

A.05

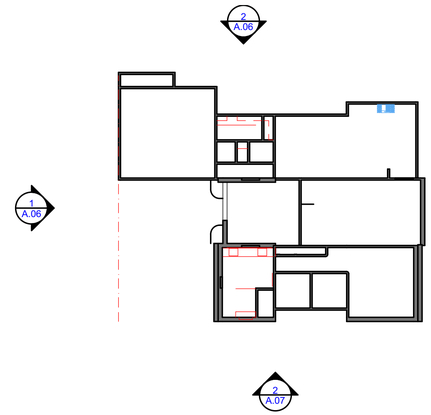
Plotted On: 2/18/21

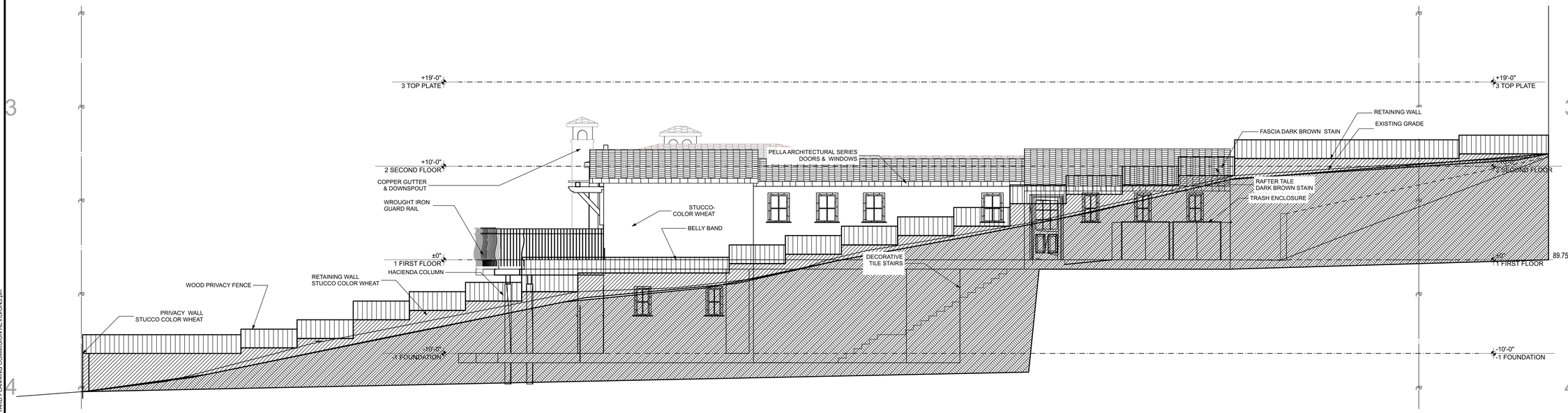
LOWER FLOOR PLAN



1 A.06 FRONT ELEVATION

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





2 A.06 SIDE ELEVATION

SCALE: 3/16" = 1'-0"

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1" ACTUAL

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Sheet	

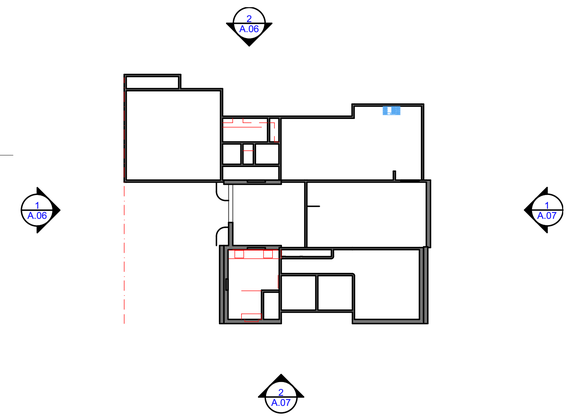
A.06

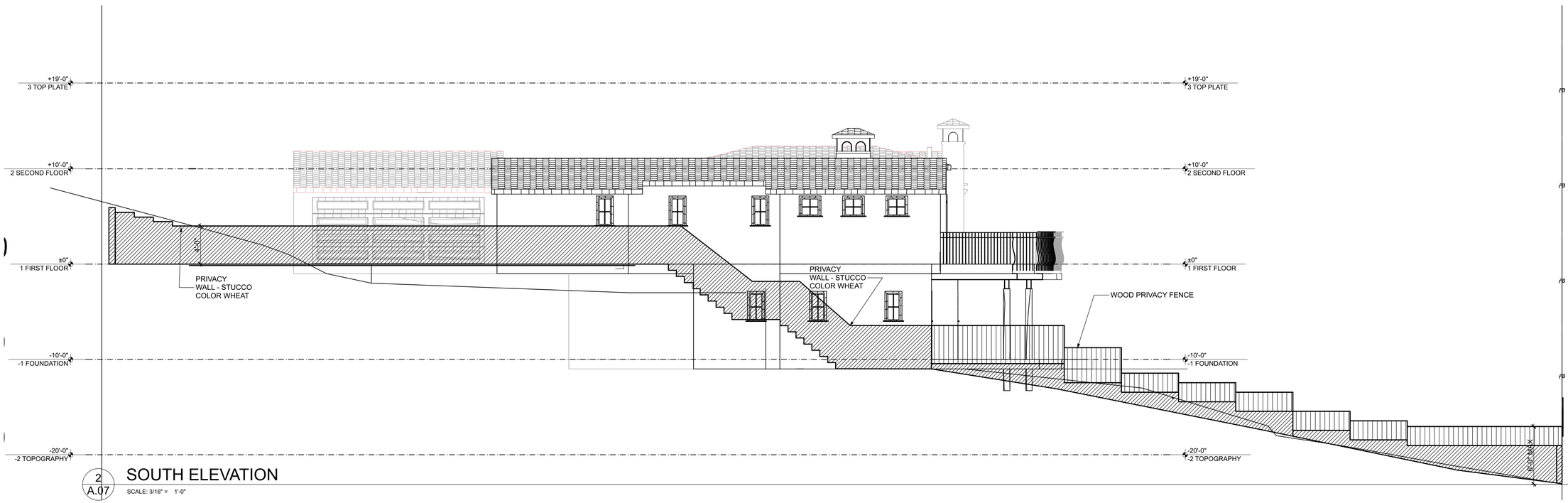
Plotted On: 2/18/21

BUILDING ELEVATIONS

1 A.07 EAST ELEVATION

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





2 A.07 SOUTH ELEVATION

SCALE: 3/16" = 1'-0"

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1" ACTUAL

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Sheet	

A.07

Plotted On: 2/18/21

BUILDING ELEVATIONS (CONT)

KITCHEN INTERIOR

TRENCH DRAIN COVER

DRAIN COVER

GUTTER & DOWNSPOUT

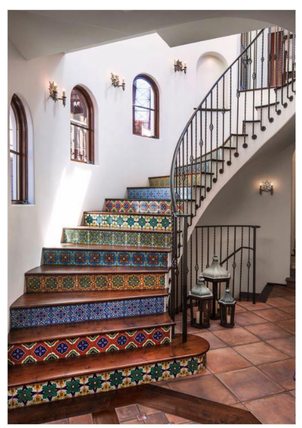
ENTRY DOOR

COMPOSITE DBL ROMAN SADDLE BROWN

FLOOR TILE TRANSITION

GARAGE DOOR

STUCCO COLOR WHEAT



STAIR TILE

EXTERIOR LIGHT

PERMEABLE PAVER

PELLA ARCHITECT SERIES

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BY	REVISIONS	DATE

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Drawn:	
Job:	
Sheet	

A.08

Plotted On: 2/18/21

MATERIALS & COLORS