

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

In the matter of the application of:

SIGNAL HILL LLC (PLN100338)

RESOLUTION NO. 23-005

Resolution by the Monterey County Planning
Commission to:

- 1) Certify the Signal Hill LLC Environmental Impact Report (SCH#: 2015021054);
- 2) Adopt CEQA Findings and a Statement of Overriding Considerations;
- 3) Approve a Combined Development Permit for the “Reduced Height Project” (Alternative 9 of the Final EIR) consisting of:
 - a) Coastal Administrative Permit and Design Approval to allow the demolition of an existing 4,124 square foot single family residence and the construction of a new three level 11,933 square foot single family residence including an attached three-car garage, a 986 square foot entry court, 106 square feet of uncovered terraces, approximately 2,600 square feet of covered terraces, new driveway, and approximately 1,700 cubic yards of grading (1,200 cubic yards cut/500 cubic yards fill) and restoration of approximately 1.67 acre of native dune habitat;
 - b) Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and
 - c) Coastal Development Permit for development on slopes exceeding 30 percent;
 - d) Coastal Development Permit for development within 750 feet of a known archeological resources;
 - e) Coastal Development Permit for Ridgeline Development; and
 - f) Coastal Development Permit for removal of three Monterey Cypress trees.
- 4) Adopt a Mitigation Monitoring and Reporting Plan.

[1170 Signal Hill Road, Pebble Beach, Del Monte Forest Area Land Use Plan (APN: 008-261-007-000)]

Corrected on February 1, 2023 (This resolution corrects the previous resolution mailed on January 30, 2023)

The Signal Hill LLC application (PLN100338) came on for public hearing before the Monterey County Planning Commission on December 7, 2022 and January 25, 2023. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **PROJECT DESCRIPTION AND CONSISTENCY** – The project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

- EVIDENCE:**
- a) Conformance with Plans. Staff reviewed this project for consistency with the text, policies, and regulations in:
 - the 1982 Monterey County General Plan;
 - Del Monte Forest Area Land Use Plan (LUP);
 - Monterey County Coastal Implementation Plan Part 5 (CIP);
 - Monterey County Zoning Ordinance (Title 20);Public comment submitted during project review alleged that the project was inconsistent with the text, policies, and regulations in these documents on various grounds. Staff has considered these comments and made appropriate revisions to the project and/or mitigation measures when it concluded these comments had merit. Additionally, the Environmental Impact Report (EIR) addressed these comments as to alleged and potential inconsistencies with text, policies, and/or and regulations.
 - b) Allowed Use. The property is located at 1170 Signal Hill Road, Pebble Beach (Assessor's Parcel Number 008-261-007-000), Del Monte Forest Area Land Use Plan (LUP). The parcel is zoned "LDR/1.5-D (CZ)" [Low Density Residential, 1.5 acres per unit with Design Control Overlay (Coastal Zone)], which allows residential uses. This project consists of demolition of an existing single-family dwelling and construction of a new single-family dwelling with associated site improvements for residential use. Therefore, the project is an allowed land use for this site.
 - c) Project Description. In 2010, an application was filed on behalf of the property owner Signal Hill LLC (Massy Mehdipour) for the demolition of an existing 4,124 square foot single family residence and the construction of a new three level 11,933 square foot single family residence including an attached three-car garage, a 986 square foot entry court, 106 square feet of uncovered terraces, approximately 2,600 square feet of covered terraces, new driveway, and approximately 1,700

cubic yards of grading (1,200 cubic yards cut/500 cubic yards fill) and restoration of approximately 1.67 acre of native dune habitat. Proposed materials and colors for the new dwelling include reddish beige stucco, beige stone cladding, gray slate roofing on sloped roof with brown wood on the underside of eaves and gray gravel roofing on the flat roof surfaces, and reddish black metal door and window frames. Three Monterey Cypress trees are proposed for removal. (The proposed project was for a structure with a maximum height of 30 feet, and therefore is referred to herein as the “Full Height Project”.) Except where otherwise noted, this Resolution contains Findings and Evidence in support of a revised project or project alternative that is described in the EIR as Alternative 9, “Reduced Height Project,” identical to the Full Height Project but reduced in height from the Full Height Project by five feet or no more than 25 feet in height as measured from average natural grade (“the RH Project”).

- d) Historic Resources. The existing house proposed for demolition was designed by Richard Neutra for Arthur and Kathleen Connell in 1957. The “Connell House” was listed on the National Register of Historic Places and was automatically added to the State Historic Landmark Register on June 13, 2014. The key cultural resource policy of the LUP (pg. 5 of the LUP) requires that resources be maintained, preserved, and protected for their scientific and cultural heritage values. The policy suggests that new development “incorporate site planning and design features necessary to avoid impacts to cultural resources, and where impacts are unavoidable, they shall be minimized and reasonably mitigated.” The current application proposes demolition of the existing house which represents a significant impact to the cultural resource. Preservation of the Connell house has been considered but was found to be infeasible. Reasonable mitigation is proposed that would require documentation of the existing structure, but this mitigation would not reduce the significance of the impacts of the project to a less than significant level. A separate Finding (Finding 13) is included in this Resolution regarding the historic resource.

- e) Historic Resources Review Board. The originally proposed project was referred to the Historic Resources Review Board (HRRB) for review on three occasions. On August 4, 2011, the proposed demolition of the existing house was discussed and the HRRB voted unanimously to deem the residence significant under State of California Criterion 3. On March 6, 2014, the HRRB reviewed a referral from the State Historic Preservation Officer (SHPO) and voted in favor of listing the Connell house on the State and National Registers of Historic Resources. On August 6, 2014, August 24, 2015, and September 3, 2015, the HRRB considered plans to address damage and neglect of the existing house and voted to approve

a Mothballing Plan (Resolution No. 15CP01861). On January 5, 2023, the HRRB reviewed the project and made a recommendation to the Planning Commission to approve the Reduced Height Alternative, Alternative 9 of the EIR (voted 3 ayes and 1 no with 1 abstaining, 2 recused). See Finding 13 for more detail on historic resources.

- f) Environmentally Sensitive Habitat. Pursuant to Section 20.14.030.E, of the Coastal Implementation Plan, Part 1 (Coastal Zoning Ordinance), a Coastal Development Permit is required for development within 100 feet of Environmentally Sensitive Habitat Areas (ESHA). The site is located within coastal sand dune habitat which is considered ESHA as defined in the LUP and CIP. With grading and construction staging areas, a total of 0.39 acres (including the existing development footprint of 0.16 acres) will be impacted from construction the Project. Restoration of native dune habitat is proposed. The Project, as conditioned and mitigated, will have a less than significant impact on environmentally sensitive habitat. A separate Finding (Finding 12) is included in this Resolution regarding the ESHA.
- g) Tree Removal. Three Monterey Cypress trees will be removed for the development. An Arborist Report was prepared that concluded that the trees are not within the native habitat identified as a type of ESHA in Figure 2a of Del Monte Forest Land Use Plan. Mitigation measures are proposed in the EIR which serves as the basis for the full replacement and also improves the long-term screening of the development. A separate Finding (Finding 15) is included in this Resolution regarding tree removal.
- h) Development on Slopes. Pursuant to Section 20.64.320 of the Monterey County Coastal Implementation Plan Part 1 (Coastal Zoning Ordinance), a Coastal Development Permit is required for development on slopes of 30% or greater. The Project involves development on approximately 870 square feet of area containing slopes greater than 30%. The Project minimizes development on slopes and the geotechnical report recommends that the development on slopes is feasible. A separate Finding (Finding 15) is included in this Resolution regarding development on slopes.
- i) Visual Resources. A Coastal Development Permit is required for Ridgeline Development pursuant to Section 20.66.010 of the Coastal Zoning Ordinance. The proposed single-family dwelling is located just below the crest of a hill and the staking and flagging of the originally proposed structure was found visible against the sky when viewed from Fanshell beach. The property is located within the viewshed area of 17 Mile Drive as mapped in Figure 3 of the Del Monte Forest Land Use Plan. Pursuant to Del Monte Forest Area CIP Section 20.147.070(6), a permit for development on the crest of a hill that would silhouette against the sky may only be granted if the decision

making body is able to make findings that: 1) there are no alternatives to development so as to avoid ridgeline development; 2) the proposed development will not have a significant adverse visual impact due to required landscaping, required modifications to the proposal, or other conditions; or, 3) development on the ridge will minimize grading, tree removal or otherwise better meet resource protection policies or development standards of the Local Coastal Program. Further, Section 20.147.070(6) states that “the proposed development shall be modified for height, bulk, design, size, location and siting and/or shall incorporate landscaping or other techniques so as to avoid or minimize the visual impacts of ridgeline development as viewed from a public viewing area.” The full height project is taller and larger than the existing dwelling. Photo-simulations of the originally proposed project indicate that the new house could be silhouetted against the sky on the ridge off Signal Hill Road when viewed from Fanshell Beach. The RH Project would reduce the height and visibility of the proposed dwelling and vegetative screening will be provided so that the Project would comply with visual resource policies of the Del Monte Forest Land Use Plan and will not have a adverse visual impact on the 17 Mile Drive viewshed. A separate Finding (Finding 14) is included in this Resolution regarding ridgeline development.

- j) Archeological Resources. A Coastal Development Permit is required for development within 750 feet of a known archaeological site. Pursuant to LUP Policy 58 and CIP Section 20.147.080.B, an archaeological survey was prepared for the project (see Finding 2, Evidence b). The general surface reconnaissance on the subject parcel had results that were negative for resources, but the report’s research found a known prehistoric site within 750 feet of the project site. Conditions 12 through 15 are the Archaeological Mitigation and Monitoring Measures. They include construction personnel training, submittal of an archaeological monitoring plan that includes monitoring and respectful treatment of any human remains pursuant to Public Resources Code Section 5097.98.
- k) Soils and Geology. The project site is located within 1/8 mile of a potentially active fault. Pursuant to CIP Section 20.147.060.A, a geologic report was prepared for the project (See Finding 2, Evidence b). The report concludes that the proposed development is feasible from a geologic and soil engineering standpoint provided the recommendations included in the report are incorporated into the project. Mitigation Measure GEO/mm-1.1 requiring that all development be in conformance with the reports prepared for the project as a condition of approval, has been applied to the project (Condition No. 34).
- l) Design. The site is located within a Design Control (D) Zoning District. The purpose of the Design Control Zoning District is

to provide a district for the regulation of the location, size, configuration, materials, and colors of structures and fences in those areas of the County of Monterey where the design review of structures is appropriate to assure protection of the public viewshed, neighborhood character, and to assure the visual integrity of certain developments without imposing undue restrictions on private property. The Signal Hill LLC project has been reviewed for siting, design, colors, materials, height, character, and viewshed impacts. The subject site is in an identified public view area from 17 Mile Drive as shown on Figure 3 of the LUP (Visual Resources map). It is also in the viewshed of public vantage points along the shoreline of Fan Shell Beach. The scenic and visual resources policy guidance statement of the LUP states that it is the objective of the plan to “protect the area’s magnificent scenic and visual resources, to avoid incompatible development, and to encourage improvements and facilities which complement the natural scenic assets...” LUP Policy 51 requires buildings developed on residential lots in the Visual Resources area to be “situated to allow the highest potential for screening from view” and LUP Policy 56 urges design and siting of structures in scenic areas should not detract from scenic values and should be subordinate to, and blended into, the environment. The Full Height Project is inconsistent with these viewshed policies because of its large size, bulk, massing, and prominence in the public viewshed. Two alternatives with a reduced visual impact are presented in the EIR, Reduced Project and Reduced Height Project (RH Project). The RH Project is preferable for the area because it blends with the natural landscape and is smaller, while retaining the aesthetic qualities of the original Legorreta design. The Reduced Project is not preferable because it would reduce the design by width, height, and layout so much that it would impair the architectural vision. The RH Project includes modifications to minimize visual impacts. The Proposed Project is in an area where there are several large custom-built homes visible among the sand dunes off 17 Mile Drive. The Planning Commission directs staff to use discretion in the review of the construction permits for the Legorreta construction under the RH Project and allow a minor deviation from the approved height. The proposed dwelling will not change the character of the neighborhood in this setting, and, as mitigated, will not significantly impact the viewshed. Proposed colors, materials consist of reddish beige stucco, beige stone cladding, gray slate roofing on sloped roof with brown wood on the underside of eaves and gray gravel roofing on the flat roof surfaces, and reddish black metal door and window frames. To address viewshed policies, the vegetative screening and an exterior lighting plan conditions have been applied to the project (Condition Nos. 9 and 16).

- m) Yard Regulations. The project is consistent with the development standards for the zoning district. The building coverage totals 8,058 square feet. Development Standards for the LDR Zoning District allow maximum building site coverage of 15 percent. The RH Project will result in building site coverage of 8.5 percent. The maximum floor area ratio of the LDR/1.5 zoning district in the Del Monte Forest area is 17.5 percent, or 16,504 square feet. The project floor area ratio is 12.6 percent, or 11,933 square feet. Setbacks of 30 feet front, 20 feet side and rear are met. Maximum allowable height is 30 feet, and the RH Project maximum height is 25 feet from average natural grade. The subject site is outside of the Pescadero Watershed areas and impervious coverage is not limited. Proposed impervious coverage includes the building footprint, entry court and uncovered terraces, and a new driveway and totals 10,008 square feet.
- n) Alternatives Considered. An EIR was prepared for the originally proposed project. A range of reasonable alternatives to the originally proposed project were considered in the EIR. Some of the alternatives were dismissed from further consideration in the EIR (Alternatives 2, 3, 5, 7, and 8). Alternatives 2 and 3 specifically were dismissed because they would conflict with LUP and CIP policies. The remaining alternatives (Alternatives 1, 4, 6, 9, and 10) were discussed further in the EIR. The County has considered these alternatives in the context of the applicants' objectives, consistency with the applicable text, policies, and regulations (LUP and CIP), and specific economic, legal, social, and technological considerations. More detail on the County's considerations of project alternatives is provided in Finding 8. Ultimately, the County finds that Alternative 9 (RH Project) meets most of the applicants' objectives, minimize impacts of aesthetics, and best aligns with the social, legal, and other considerations for this project. This alternative represents the alternative that, on the balance, best aligns with relevant considerations while preserving, protecting, and restoring coastal resources. Restoration of ESHA will be performed on the property and areas of restored habitat will be placed in a conservation easement protecting the long-term maintenance of the habitat, impacts to visual resources will be reduced through implementation of the reduced height alternative, and most project objectives will be met.
- o) Site Visit. The project planner conducted site inspections on November 27, 2013, June 30, 2015, and September 11, 2022, to verify that the project on the subject parcel conforms to the plans listed above.
- p) Land Use Advisory Committee. Based on the Land Use Advisory Committee guidelines adopted by the Monterey County Board of Supervisors (Resolution No. 08-338), this application warranted referral to the LUAC because the project

requires environmental review and because it includes a Design Approval that requires a public hearing. The Full Height Project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review on four occasions. At the LUAC meeting on December 2, 2010, the matter was tabled for a future meeting. The project was scheduled again for review at the July 21, 2011, meeting but was continued in response to a request by the owner. On August 4, 2011, the LUAC heard comments made by neighbors and others, and the committee voted again to continue the item due to the applicant or project representative not being present. A representative of the applicant presented the project at the November 17, 2011, LUAC meeting, and many public comments were received. The LUAC vote split, 3 in favor and 3 against the project.

- q) 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 PLN100338.

2. FINDING:

SITE SUITABILITY – The site is physically suitable for the use proposed.

EVIDENCE:

- a) The Project has been reviewed for site suitability by the following departments and agencies: HCD-Planning; Cypress Fire Protection Districts; HCD-Engineering Services, HCD-Environmental Services; Environmental Health Bureau. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended by these departments and agencies have been incorporated.
- b) The EIR identified potential impacts to Aesthetics, Archaeological Resources, Air Quality and Greenhouse Gases, Biological Resources, Geology, Seismicity, and Soils, Hazards and Hazardous Materials, Historical Resources, Hydrology and Water Quality, and Noise, which could result from all components of the Project. All impacts other than those associated with the demolition of the Historical Resource can be mitigated to a level that is less-than-significant. Historical Resource impacts can be mitigated but not to a less than significant level.
- c) The technical reports by outside consultants listed in the References of the FEIR indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.
- d) The site designated for residential use. A residential structure has existed on the site since the 1950's. As proposed, residential use of the property would continue.

- e) Staff conducted site inspections on November 27, 2013, June 30 2015, and September 11, 2022 to verify that the site is suitable for the proposed use.
- f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County HCD-Planning for the proposed development found in Project File PLN100338.

3. FINDING:

HEALTH AND SAFETY - The establishment, maintenance, or operation of the project 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 nor will it be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE:

- a) All necessary public facilities are available for the project. Water and sewer service will be provided by California American Water and the Carmel Area Wastewater District through the Pebble Beach Community Services District. The Environmental Health Bureau reviewed the project application and did not require any conditions pertaining to water, sewer, or solid waste. A water permit from the Monterey Peninsula Water Management District is required prior to the issuance of a building permit.
- b) The project includes replacement of one residential structure for another within an area designed for residential use. Emergency services are available, building permits will be required to ensure the building is designed and built in accordance with California Building Standards, geotechnical engineers have provided recommendations for the development that will be incorporated, and there are no known hazards that may impact health and safety of residence in the area.
- c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County HCD - Planning for the proposed development found in Project File PLN100338.

4. FINDING:

VIOLATIONS – The subject property is in not compliance with all rules and regulations pertaining to the condition of the existing historic structure. Violations exist on the property. The approval of this permit will correct the violations and bring the property into compliance.

- a) Violations exist on subject property. Staff conducted site inspections in late January of 2010, November 27, 2013, as well as June 30, 2015, and September 11, 2022, and researched County records to assess if any violation exists on the subject property. The existing dwelling is in a state of disrepair and the

structure is considered being kept in a substandard condition, which resulted in a violation (File No. 13CE00338). This permit will allow for the demolition of the existing structure and, once removed, will clear the violation. In addition to the substandard conditions, one of two Monterey Cypress trees required to be replanted and monitored for five years has died and the final reporting (years 4 and 5) could not be located. The restoration plan was based on permit PLN100418, an after-the-fact permit to clear code violation No. CE090788 (Reso. No. 13-021). The remedy for replanting can be met by carrying over the replanting requirement to this permit (PLN100338). This will include planting of a cypress tree in approximately the same location, as part of the Monterey Cypress Tree Protection, Replacement, Maintenance, and Monitoring Plan (BIO/mm-1.1). Condition No. 16 reflects the update that seven trees shall be planted, and survival ensured onsite. See also Finding 16.

- b) Applicant and the County entered a Stipulated Agreement to resolve Applicant's violation for the substandard structure. The Stipulated Agreement required Applicant to take specific actions, including stucco repair to prevent moisture penetration, removal of mildew or mold laden soft materials, security measures including a chain link fence and plywood installation on windows and doors, sheathing to prevent moisture intrusion from broken windows or doors, roof repairs for waterproofing, pest control measures, installation of cross ventilation, and monthly reports on the condition of the weatherization. This is known as the "Mothball Protection Plan." Monterey County Code Enforcement continues to conduct periodic checks for compliance with the required maintenance.
- c) Requirements for the structure and the maintenance thereof will continue until a building permit is issued for demolition of the existing dwelling.
- d) The application, plans, and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100338 and the corrective actions are required by Code Enforcement File No. 13CE0338 and Planning File No. PLN100418.

5. FINDING:

CEQA (EIR) – The Final Environmental Impact Report (EIR) for the Signal Hill LLC Project, including the fully analyzed Full Height Project and the project alternatives, has been completed in compliance with the California Environmental Quality Act (CEQA). It was presented to the County of Monterey Planning Commission, which reviewed and considered the information contained in the EIR prior to recommending certification of the Final EIR and approval of

the RH Project. The Planning Commission finds the EIR reflects the County of Monterey's independent judgment and analysis.

- EVIDENCE:**
- a) CEQA requires preparation of an EIR if there is substantial evidence considering the whole record that the project may have a significant effect on the environment. The County prepared the EIR because the project would demolish a historic resource.
 - b) The application submittal was deemed complete on August 13, 2013. Between 2013 and 2014, studies were prepared for project environmental assessment. However, the timeline for the development of the EIR was suspended per request of the property owner in February 2014. It was eventually resumed, but the process was slowed by many factors, including a neighbor's challenges to the validity of the reports prepared and the inability to set the exact project description while the status of the existing house as an historic resource was disputed. In August 2017, revised plans were submitted by the applicant for an alternative design which lowered the height of the house and modified the third floor. The project planner at the time reported in a status update to the HRRB at the December 7, 2017, meeting that waiting for the plans caused a delay on the EIR to be completed. Other causes for the delay from Draft to Final EIR included the volume of comments on the EIR, County staff turnover, COVID-19, and depletion of funds to complete the Final EIR.
 - c) The Draft EIR was circulated for public review from August 24 through October 12, 2018, and a public scoping meeting for the Notice of Preparation was held on February 23, 2015, at the Pebble Beach Community Services District Office at 3101 Forest Lake Road, Pebble Beach (SCH#: 2015021054).
 - d) Issues that were analyzed in the EIR include Aesthetics, Agricultural Resources, Archaeological Resources, Air Quality and Greenhouse Gases, Biological Resources, Geology, Seismicity, and Soils, Hazards and Hazardous Materials, Historical Resources, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Paleontological Resources, Population and Housing, Public Services, Utilities, Recreation, and Transportation and Traffic. The EIR identified potential impacts that are less than significant or can be mitigated to a less than significant level associated with all topics, except impacts to Historical Resources, which cannot be mitigated to less than significant levels if a project that involved demolition is chosen. As described in these findings and in the EIR, mitigation measures that avoid or substantially lessen the impacts to Aesthetics, Archaeological Resources, Air Quality and Greenhouse Gases, Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise have been incorporated (see Finding No. 6). For the impact identified as

significant and unavoidable, all feasible mitigation measures have been incorporated, but even with such mitigation, the impacts remain significant.

- e) Public review of the Draft EIR generated comments from the public and public agencies. The County responded to these comments and made clarifications and corrections to text of the Draft EIR. None of the revisions required recirculation of the EIR. (See Finding 10.) Responses to comments and revisions to the Draft EIR constitute the Final EIR. The Final EIR was made available to the public on November 21, 2022.
- f) Tribal consultation under Assembly Bill 52 (AB 52) was not required because the Notice of Preparation (NOP) for this project was issued on February 17, 2015. The requirement for tribal consultation pursuant to AB 52 is for projects that had an NOP issued on or after July 1, 2015.
- g) All project changes required to avoid significant effects on the environment have been incorporated into the RH Project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations; it is designed to ensure compliance during Project implementation. The applicant must enter an “Agreement to Implement a Mitigation Monitoring and/or Reporting Plan” as a condition of Project approval.
- h) Pursuant to CEQA Guidelines Section 15088(b), upon finalizing the Final EIR and at least 10 days prior to the Planning Commission’s consideration of the Final EIR, the County notified those public agencies that submitted comments on the Draft EIR that a Final EIR is available for review and provides the proposed responses to the public agency comments. Staff did so by email on November 16, 2022, and by mail to those without email contact addresses on the same day.
- i) Evidence the Planning Commission has received and considered includes: the application, technical studies/reports, staff report that reflects the County’s independent judgment, and information and testimony presented during public meetings and hearings. These documents are on file in HCD-Planning (File No. PLN100338) and are hereby incorporated by reference.
- j) Monterey County HCD-Planning, located at 1441 Schilling Place South, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to certify the Final EIR will be based.
- k) The site supports potential habitat for rare or endangered species. For purposes of the Fish and Game Code, the project will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. State Department of Fish and Game reviewed the EIR to comment and

recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).

6. FINDING:

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS IDENTIFIED IN THE EIR THAT ARE REDUCED TO A LEVEL OF “LESS THAN SIGNIFICANT” BY THE MITIGATION MEASURES IDENTIFIED IN THE EIR AND ADOPTED FOR THE PROJECT – The Project would result in significant and potentially significant impacts that will be mitigated to a less than significant level due to incorporation of mitigation measures from the EIR into the conditions of Project approval. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment as identified in the draft FEIR. This Resolution incorporates all the mitigation measures that were identified in the Signal Hill LLC Final EIR and makes them conditions of approval of the Project. All potentially significant environmental impacts can be mitigated through the measures cited in the Final EIR, except for impacts to the existing historic residence.

EVIDENCE: a)

The EIR identified potentially significant impacts that require mitigation to Aesthetics, Archaeological Resources, Air Quality and Greenhouse Gases, Biological Resources, Geology, Seismicity, and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise, which could result from all components of the proposed Full Height Project of the EIR. These impacts will be mitigated to a less than significant level with incorporation of mitigation measures from the EIR into the conditions of project approval and approval of Alternative 9 (Reduced Height Project Alternative, or RH Project). In its decision, the Planning Commission considered project approval subject to conditions of approval that incorporate the proposed mitigation.

b)

Aesthetics. The RH Project (Reduced Height Project, Alternative 9 in the EIR) would potentially have adverse aesthetic effects. These impacts would be reduced by incorporating mitigation measures. Impacts identified for this Project in Chapter 5 of the EIR include:

AES Impact 1: The proposed residential structure would be seen extending above the ridgeline from locations on 17-Mile Drive and Fanshell Beach, which would be inconsistent with County of Monterey visual resources policy and result in a potentially significant impact to the scenic vista.

AES Impact 2: The RH Project would stand out from the dune more than the existing residence, resulting in a potentially

significant impact to the site and surroundings and visual character as seen from 17-Mile Drive and Fanshell Beach.

AES Impact 3: Visibility of light sources and glow from the proposed residence, and glare from window glass, would potentially create a new source of light and glare, degrade nighttime dark skies, and adversely affect visual quality resulting in a significant impact to the surroundings.

Mitigations to reduce these impacts to a level of less than significant are incorporated:

AES/mm-3.1 exterior lighting plan and BIO/mm-3.1, BIO/mm-3.2, and BIO/mm-3.3 with their respective vegetative screening and restoration activities (described below).

See Chapter 4-1, Aesthetic Resources, of the Final EIR for the analysis of aesthetics in relation to the Full Height Project and the RH Project. See the Mitigation Monitoring and Reporting Plan, attached herein, for full text of these mitigations and their respective reporting and monitoring actions.

- c) Archaeological Resources. The RH Project (Reduced Height Project, Alternative 9 in the EIR) would potentially have an adverse effect on archaeological resources. These impacts would be the same for the Full Height Project and the RH Project. Impacts identified include the following:

AR Impact 1: Ground disturbance (e.g., grading, excavation, vegetation removal, dune rehabilitation activities) associated with the project could result in the disturbance and destruction of unknown archeological resources, resulting in a significant impact.

AR Impact 2: Ground disturbance (e.g., grading, excavation) associated with the project could result in the disturbance of unknown human remains, resulting in a significant impact.

AR Impact 3: Impacts to archaeological resources caused by inadvertent damage or destruction of unknown resources would be cumulatively considerable when considered in conjunction with other potential disturbances in the project area, resulting in a significant cumulative impact.

Mitigations to reduce these impacts to a level of less than significant are:

AR/mm-1.1 - contractors/employees to receive training from a qualified archaeologist;

AR/mm-1.2 - Archaeological Monitoring Plan;

AR/mm-1.3 - archaeological monitor; and

AR/mm-2.1 –notifications pursuant to Health and Safety Code Section 7050.5, discovery of human remains.

See Chapter 4-4, Archaeological Resources, of the Final EIR for the analysis of archaeological resources in relation to the full height project. See the Mitigation Monitoring and Reporting Plan, attached herein, for full text of these mitigations and their respective reporting and monitoring actions.

- d) **Air Quality and Greenhouse Gases.** The RH Project (Reduced Height Project, Alternative 9 in the EIR) would potentially have an adverse effect on air quality and greenhouse gases. AQ/GHG Impact 1: Implementation of the proposed project could result in the generation of emissions as a result of construction activities in an area in non-attainment for ozone (8-hour standard) and PM10, resulting in a potentially significant impact. Mitigations to reduce these impacts to a level of less than significant are:
AQ/GHG/mm-1.1 - Best Management Practices for reducing fugitive dust; and
AQ/GHG/mm-1.2 - Best Management Practices for reducing nitrogen oxides (NOx), reactive organic gases (ROG) and diesel particulate matter (DPM) emissions from construction equipment.
See Chapter 4-7, Less than Significant Issue Areas, of the Final EIR for the analysis of air quality and greenhouse gases in relation to the full height project. See the Mitigation Monitoring and Reporting Plan, attached herein, for full text of these mitigations and their respective reporting and monitoring actions.
- e) **Biological Resources.** The RH Project (Reduced Height Project, Alternative 9 in the EIR) would potentially have an adverse effect on biological resources. BIO Impact 1: Implementation of the Project would require the removal of two [sic] Monterey Cypress trees and grading in the vicinity of nine additional Monterey Cypress trees, resulting in a potentially significant impact. BIO Impact 2: The Project has potential to impact California legless lizards and coast horned lizards that are considered to be California Species of Special Concern. The proposed project has potential to impact nesting birds that are protected under the Migratory Bird Treaty Act and California Fish and Game Code. These impacts are potentially significant. BIO Impact 3: The Project would result in the permanent loss of 0.39 acre and the temporary disturbance of 1.67 acres of Environmentally Sensitive Habitat Area, resulting in a potentially significant impact. BIO Impact 4: Implementation of the Project has the potential to impact a 0.13-acre coastal wetland, resulting in a potentially significant impact. Mitigations to reduce those impacts to a level of less than significant are:
BIO/mm-1.1 - Monterey Cypress Tree Protection, Replacement, Maintenance, and Monitoring Plan;
BIO/mm-2.1 - environmental monitor;
BIO/mm-2.2 - environmental awareness training for all construction and habitat restoration personnel;

BIO/mm-2.3 - surveys for California legless lizards and other reptiles;
 BIO/mm-2.4 - Best management practices designed to minimize impacts to legless lizards;
 BIO/mm-2.5 - avoid the nesting season to the extent feasible;
 BIO/mm-2.6 - 100-foot buffer around the nest site;
 BIO/mm-3.1 - open space conservation and scenic easement to be granted to the Del Monte Forest Foundation;
 BIO/mm-3.2 - Bond sufficient to cover the estimated cost of planting and establishing the proposed 1.67-acre habitat restoration area;
 BIO/mm-3.3 - Monitoring the success of the habitat restoration area;
 BIO/mm-3.4 - fencing that excludes adjacent ESHA from disturbance;
 BIO/mm-3.5 - stockpile and construction staging areas;
 BIO/mm-3.6 - do not include any rain gutter outfall or other stormwater or wastewater outfall that directs concentrated flows capable of eroding the sand dune substrates in the adjacent ESHA;
 BIO/mm-3.7 - landscape plans;
 BIO/mm-3.8 - imported soils for amendment in the landscape areas is prohibited;
 BIO/mm-3.9 - offsite dune habitat restoration plan that provides for restoration of dune habitat within the Asilomar Dunes;
 BIO/mm-4.1 - buffer zone for *Juncus articus* (var. *balticus*, *mexicanus*) Herbaceous Alliance vegetation; and
 BIO/mm-4.2 - flag the perimeter of the coastal wetland.
 Application of herbicides shall be prohibited within 25 feet of the coastal wetland. No removal of Mexican rush shall be permitted, and any vegetation removal efforts within 25 feet of the coastal wetland shall be implemented by hand.
 See Chapter 4-2, Biological Resources, of the Final EIR for the complete analysis. See the Mitigation Monitoring and Reporting Plan, attached herein, for full text of these mitigations and their respective reporting and monitoring actions.

- f) Geology, Seismicity, and Soils. The RH Project (Reduced Height Project, Alternative 9 in the EIR) would potentially have an adverse effect on geology, seismicity, and soils.
GEO Impact 1: Implementation of the Project could expose people or structures to substantial adverse effects involving seismic hazards, resulting in a potentially significant impact.
GEO Impact 2: Construction activities and the increase in impervious surfaces as a result of the Project could result in increased erosion, loss of topsoil, and the transportation of sediment and/or construction debris off-site during rain events, resulting in a potentially significant impact.

GEO Impact 3: Implementation of the Project could result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse due to development being sited on potentially unstable soils.

GEO Impact 4: The Project would be located in an area with low to moderately expansive soils that could cause damage to structures and safety hazards as a result of soil instability, resulting in a potentially significant impact.

Mitigations to reduce these impacts to a level of less than significant include:

GEO/mm-1.1 - meet or exceed California Building Standards Code. Recommendations provided by Cleary Consultants, Inc. (2010) in the geotechnical study. Additionally, implementation of HYD/mm-1.1, HYD/mm-2.1, and their respective reporting and monitoring actions will control runoff and erosion and ensure best management of post-development stormwater runoff. See Chapter 4-5, Geology and Soils, of the Final EIR for the complete analysis.

g) Hazards and Hazardous Materials. The RH Project (Reduced Height Project, Alternative 9 in the EIR) would potentially have an adverse effect on hazards and hazardous materials.

HAZ Impact 1: Implementation of the proposed project has the potential to result in the inadvertent upset or release of hazardous materials used to fuel and maintain construction equipment and vehicles during construction of the proposed project, resulting in a potentially significant impact.

Mitigations to reduce those impacts to a level of less than significant are:

HAZ/mm-1.1 - Hazardous Material Spill Prevention, Control, and Countermeasure Plan;

HAZ/mm-1.2 - Cleaning and refueling of equipment and vehicles; and

HAZ/mm-1.3 - monitoring reports.

See Chapter 4-7, Less than Significant Issue Areas, of the Final EIR for the analysis of air quality and greenhouse gases in relation to the full height project. See the Mitigation Monitoring and Reporting Plan, attached herein, for full text of these mitigations and their respective reporting and monitoring actions.

h) Hydrology and Water Quality. The RH Project (Reduced Height Project, Alternative 9 in the EIR) would potentially have an adverse effect on hydrology and water quality.

HYD Impact 1: During construction, the Project would require grading on slopes in excess of 30%, which may result in increased runoff, erosion, and sedimentation associated with soil disturbance, potentially violating water quality standards during construction, resulting in a potentially significant impact.

HYD Impact 2: After construction, the Project would increase impervious surfaces at the project site, potentially increasing

the stormwater runoff volume and rate compared to existing conditions, which could cause erosion, increased peak flows, and other impacts to the existing drainage pattern, resulting in a potentially significant impact.

HYD Impact 3: The Project would alter the existing drainage pattern both during and following construction, which could contribute to increased erosion and sedimentation on- and off-site, resulting in a potentially significant impact.

HYD Impact 4: The Project would increase impervious surfaces at the site, which would increase stormwater runoff volume and rate compared to existing conditions potentially causing erosion, increased peak flows, and other impacts to the existing drainage pattern, resulting in a potentially significant impact.

Mitigations to reduce those impacts to a level of less than significant are:

HYD/mm-1.1 - Erosion control plan; and

HYD/mm-2.1 - Drainage plan.

See Chapter 4-6, Hydrology and Water Quality, of the Final EIR for the analysis of air quality and greenhouse gases in relation to the full height project. See the Mitigation Monitoring and Reporting Plan, attached herein, for full text of these mitigations and their respective reporting and monitoring actions.

- i) Noise. The RH Project (Reduced Height Project, Alternative 9 in the EIR) would potentially have an adverse effect on noise levels in the area during construction.

NOI Impact 1: Implementation of the Project would require use of construction equipment and vehicles that could exceed noise thresholds for sensitive receptors during the construction phase of the proposed project, resulting in a significant effect.

NOI Impact 2: Implementation of the Project could generate a substantial temporary increase in ambient noise levels during construction of the project, resulting in a significant effect.

Mitigation to reduce those impacts to a level of less than significant is:

NOI/mm-1.1 - Noise attenuation measures including hours, notice, and devices.

See Chapter 4-7 for the complete analysis in relation to the full height project. See the Mitigation Monitoring and Reporting Plan, attached herein, for full text of these mitigations and their respective reporting and monitoring actions.

- j) With implementation of the above mitigation measure, residual impacts associated with Aesthetics, Archaeological Resources, Air Quality and Greenhouse Gases, Biological Resources, Geology, Seismicity, and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise exposure would be less than significant.

7. **FINDING:**

SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS – (POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS IDENTIFIED IN THE EIR THAT ARE NOT REDUCED TO A LEVEL OF “LESS THAN SIGNIFICANT” BY THE MITIGATION MEASURES) –

Like the Full Height Project that was analyzed in the EIR, the RH Project will result in a significant and unavoidable impact to Historical Resources that will not be mitigated to a less than significant level even with the incorporation of mitigation measures. Specific economic, legal, social, technological, and other considerations make alternatives infeasible.

EVIDENCE:

- a) The EIR identified a potentially significant impact to Historic Resources that would result from the RH Project. Mitigation Measures have been identified which reduce some of these impacts, but not to a level of insignificance; therefore, these impacts are significant and unavoidable.
- b) The EIR identified the environmentally superior alternative to the Project as Preservation of the existing structure (Alternative 1). The LUP guiding policy on cultural resources (pg. 5 of the LUP) New land uses and development are considered compatible with Preservation only when they incorporate site planning and design features necessary to avoid impacts to cultural resources. Additionally, where impacts are unavoidable, they shall be minimized and reasonably mitigated. The current application proposes demolition of the existing house, which the EIR concluded would be a significant impact to an historical resource. Preservation of the Connell House has been considered but was found to be practically infeasible. Reasonable mitigation is proposed that would require documentation of the existing structure, but this mitigation would not reduce the significance of the impacts of the project to a less than significant level.
- c) Mitigation Measures have been identified to provide mitigation, to the extent feasible.
HR Impact 1: The project would demolish the Connell House, a significant historical resource, resulting in a significant impact.
HR Impact 2 (Cumulative): Impacts to historical resources caused by destruction of the Connell House would be cumulatively considerable when considered in conjunction with other recent losses of Neutra commissions throughout the United States, resulting in a significant cumulative impact. Impact HR-1 and HR-2 identify the same mitigation measures to reduce the impact to the extent feasible. They are:
HR/mm-1.1 - Recordation of the Connell House per the most recent guidelines of the Historic American Buildings Survey (HABS); and HR/mm-1.2. - Web page documenting the Connell House.
- d) See Final EIR Master Response MR-2 relating to the impacts and

mitigation measures associated with the removal of the historic structure. The Final EIR explains the adequacy and feasibility of the proposed mitigation measures to meet the Secretary of the Interior's

Standards for the Treatment of Historic Properties.

- e) Testimony was received prior to and in the public hearing of January 25, 2023, in favor of the Preservation Alternative and in favor of the full height project, as well as the reduced height alternative.

8. FINDING:

ALTERNATIVES TO THE EIR PROPOSED PROJECT –

The EIR evaluated a reasonable range of potentially feasible alternatives to the Full Height Project in compliance with CEQA Guidelines section 15126.6. Specific economic, legal, social, technological, or other considerations make infeasible the Project alternatives identified in the EIR, except for Alternative 9, the Proposed Project.

EVIDENCE:

- a) Under CEQA Guidelines, Section 15126.6(f)(2), an alternative project location need only be analyzed if the significant effects of the proposed project would be avoided or substantially lessened by putting the project in another location. An alternative location was considered as a project alternative, but a study of the existing structure's condition found movement of it infeasible. Furthermore, based upon limitations related to the impacts to dune habitat, archaeological resources, aesthetic impacts, and the low availability of developable parcels of similar size that could reasonably accommodate a similarly sized development, a specific alternative location for the Project was not analyzed.
- b) The applicant established the following project objectives:
- Remove the existing residence and construct a new single-family residence on the project site of a size compatible with the surrounding community and which allows for enjoyment of the natural beauty of the surrounding area.
 - Construct a new, high-quality residence that is exemplary of the architectural design skill of recognized Mexican architect Ricardo Legorreta.
 - Restore areas of the project site outside of the construction area to their natural condition and allow for local native animal, insect, and plant life to flourish once again.
 - Better the Pebble Beach community through the overall improvement of the property.
- c) Pursuant to CEQA Guidelines Section 15126.6(c), the range of alternatives shall include alternatives that avoid or reduce identified impacts and can feasibly accomplish most of the basic project objectives.
- d) In addition to the full height project, nine alternatives were considered. A subset of five of them were then assessed in the Alternatives Chapter of the EIR; they are: 1) Preservation, 2)

Project Integration, 3) Reduced Project, 4) Reduced Height, and 5) No Project Alternative. These five alternatives are discussed below. Because Reduced Height is the Project that is the subject of this entitlement, the full height project (the project described and analyzed in the EIR) is also discussed herein.

Full Height Project. The full height project (the project described and analyzed in the EIR) would include the same project description as the Project except that the height of the proposed dwelling would be five feet taller. The full height project would result in significant and unavoidable impacts to historic resources. It would have significant but mitigable impacts to Archaeological Resources, Air Quality and Greenhouse Gases, Biological Resources, Geology, Seismicity, and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise. These impacts are similar to the Project (Reduced Height Alternative). The full height design was found to silhouette approximately 10 feet above the ridgeline, as seen from an approximately 300-foot section of 17-Mile Drive and from the eastern end of Fanshell Beach (refer to Figures 4.1-16 and 4.1-18 of the EIR). This visual (aesthetic) impact is inconsistent with visual resource policies of the Del Monte Forest Land Use Plan (Policies 47, 48, and 52). Reducing the height would decrease the impacts of the project on aesthetic resources. The full height project meets all the applicant's objectives. Demolition of the existing structure would be a significant impact to Historic Resources that could not be fully mitigated. With the two Historic Resources mitigation measures applied, unmitigated impacts would remain.

No Project. The No Project Alternative (Alternative 5) would result in no improvements or changes to the current conditions at the site at the time of the Notice of Preparation. The No Project alternative would have different impacts on Aesthetic Resources and Hazards due to the substandard conditions of the existing residence (structurally unsound, potential for mold and mildew, and general state of disrepair). Aesthetic impacts and Hazards impacts were found to increase. All other impacts would be reduced. Significant and unavoidable impacts to the Historical Resources would still occur under the No Project Alternative because of the decay and dereliction to the property. The No Project Alternative would result in an ongoing public nuisance and hazard if not properly abated. There would not be additional temporary or permanent impacts to coastal dune ESHA, but there also would not be restoration activity on the disturbed ESHA of the site. The degraded structure would offer little historical or no aesthetic benefit to the community under the No Project Alternative. Finally, this

Alternative is the least capable of meeting the applicant's project objectives. For all of these reasons, this is not the preferred project alternative.

Preservation. The Preservation Alternative (Alternative 1 in the EIR) would include retaining the Connell House and preserving, repairing, and replacing portions of the structure for single-family occupancy in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. Restoration could still occur on the parcel. Impacts related to Aesthetics, Archaeological Resources, Air Quality and Greenhouse Gases, Biological Resources, Geology, Seismicity, and Soils, Hazards and Hazardous Materials, Historical Resources, Hydrology and Water Quality, and Noise, would be less than the Project (Reduced Height Alternative) or the full height project. Significant and unavoidable Historical Resources impacts would not occur under the Preservation Alternative. Additionally, there would not be additional permanent impact to coastal dune ESHA. The Preservation Alternative assumes the County could mandate the applicant to perform the 1.67-acre restoration actions on disturbed ESHA areas of the site that were associated with the applicant's project while retaining existing house, which would be difficult to enforce. With this restoration included, the Preservation Alternative was found to be the environmentally superior alternative. This alternative is technically feasible (as discussed in Final EIR Chapter 9, Master Response MR-2) however, this Alternative would not meet the applicant's project objectives. Given the applicant's objectives, there are specific economic, legal, social, and technological considerations that make the Preservation alternative infeasible. While the "Preservation" alternative in the EIR appears to be the least environmentally damaging option, the property owner has clearly expressed that they will not actually implement this alternative. Should a project be approved that does not involve demolition of the existing structure, it is likely that the near-term impacts would be similar to the "No Project" alternative, which would include continuation of a hazardous structure in a state of disrepair and long-term impacts may include additional deterioration of the resources due to decay from age and elements. Additionally, while no exact numbers are available, the Preservation alternative would likely cost as much as demolition and new construction, but result in a smaller house that is undesirable to the property owner. This assumption of cost is based on a generally accepted concept that extensive remodels involving major structural, plumbing, electrical, and mechanical repairs, and in particular historic renovation remodels, are nearly as expensive, and in some cases more expensive, than new construction. The County could elect to adopt the

environmentally superior alternative but doing so would likely result in no change in current conditions in the near future. Long-term, the structure would likely continue to deteriorate from time and elements until the structure has lost all integrity and would no longer qualify as an historic resource. For these reasons, the Preservation alternative has been dismissed.

The Project Integration Alternative (Alternative 4 in the EIR) involves a redesign of the project to add additional square footage to the existing residence in a manner that is compatible with some portion or all of the existing structure and integrates with it by designing an addition to the existing residence. This alternative is technically feasible but would not fit the narrowly defined applicant objectives for the project (see evidence b). This alternative would not meet the applicant's objective to replace the Connell House with a structure of a different design by a different architect, but it would meet two project objectives in that it would allow a new dwelling of a size compatible with the surrounding community and it would allow for enjoyment of the natural beauty of the surrounding area. Impacts related to Aesthetics, Archaeological Resources, Air Quality and Greenhouse Gases, Biological Resources, Geology, Seismicity, and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise, would be similar to the Project. Project Integration would have a decreased impact on Historical Resources because some extent of the Connell House would be preserved.

This alternative has been dismissed for the same reasons as the Preservation Alternative. Integration would require extensive rebuilding and remodeling of the existing structure, which is not in keeping with the property owner's objectives for the property and consideration of the Integration alternative would likely lead to conditions similar to the no project alternative in the near future.

Reduced Project. The Reduced Project Alternative (Alternative 6 in the EIR) would reduce the overall development footprint to stay within the existing developed building footprint. The height of the proposed single-family residence structure would be roughly five feet shorter than the full height project. Under this alternative, project visibility and impacts associated with ridgeline development would be avoided by eliminating an upper level and shrinking the widths of the floor areas and patios. By reducing bulk by two thirds, Biological Resources impacts would also decrease. The impacts to Archaeological Resources, Air Quality and Greenhouse Gases, Geology, Seismicity, and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise would be similar and require some mitigation. Potentially significant impacts to

Historical Resources would be similar under this alternative, resulting in significant and unavoidable impacts. This alternative is technically feasible, but it would not meet the objectives of the applicant except that it would allow for enjoyment of the natural beauty of the surrounding area. Consequently, this alternative has similar social, technical, legal, and economic considerations to the Preservation alternative. Additionally, this alternative would limit the size of a new dwelling in a manner inconsistent with limitations on similarly situated properties in the area. Other residences and additions have been permitted on 17 Mile Drive larger than the Connell House. Therefore, this is not the preferred project alternative.

Reduced Height. The Reduced Height Project Alternative (Alternative 9) is the recommended project. This alternative is technically feasible and would meet all project objectives except it would involve minor changes to the full height project architectural plans. Impacts to Aesthetics would be less than the full height project and are explored in depth in the EIR. Other impacts are similar to the full height project and require similar mitigation. Potentially significant impacts to Historical Resources occur under this alternative, resulting in significant and unavoidable impacts. This is the Project because it would accomplish nearly all the objectives and would mitigate Aesthetics impacts.

Mitigation Measure AES/mm-1.1, which requires the height be reduced by ten feet, would not be incorporated. The mitigation measure institutes, and makes enforceable, a reduction in height from the full height project resulting in a project that is consistent with the description of the Reduced Height Alternative (Alternative 9) of the EIR. Without Mitigation Measure AES/mm-1.1, the impact of the height on the potential ridgeline development would not be fully mitigated to a less-than-significant level.

9. FINDING:

STATEMENT OF OVERRIDING CONSIDERATIONS -

The Planning Commission has weighed the project's economic, legal, social, technological, and other benefits, including region-wide and statewide environmental benefits against its unavoidable significant environmental impacts. The Planning Commission finds that the benefits of the project outweigh its unavoidable, adverse environmental impact. Each benefit set forth below constitutes an overriding consideration warranting approval of the project despite the identified unavoidable impact. Additionally, each benefit, standing on its own, is sufficient to support this Statement of Overriding Considerations.

EVIDENCE:

The RH Project will have a significant unavoidable impact on historic resources from the demolition of the Connell House.

However, the RH Project will result in development that will provide benefits described herein to both the surrounding community and the County as a whole. In balancing the public good in approving this project against the unavoidable significant impacts identified, the Commission finds that the benefits of the project outweigh the unavoidable adverse environmental effects. The project would provide the following benefits to the public:

- i. The Project would result in a custom-built estate home within a setting that is known to support this type of development and represents consistent application of development policies absent the historic resources considerations.
- ii. The Project will permanently preserve approximately 1.67 acres of sand dune habitat and open space on the project site. Mitigation Measures and monitoring activities of this project require the preservation and long-term management of this area.
- iii. The Project will include offsite restoration of coastal dune, either through direct implementation or through in lieu fee. Offsite restoration is anticipated to take place through in lieu fee in the Asilomar Dune Complex, thereby improving the long-term viability of the ecosystem beyond this parcel. As outlined in Finding 8, evidence d, the applicant would be unlikely to participate in the restoration of coastal dune offsite if they are granted an entitlement that does not include demolition and new construction.
- iv. The Project will create economic benefits to the County and the economy through the creation of jobs for construction (temporary), and the creation of new property tax revenue through higher property valuation.
- v. The Project includes demolition of a dilapidated structure. By granting the demolition permit, hazardous and unsafe conditions of the existing structure could be corrected. Although technically feasible, preservation of the Connell House would require at least some degree of tear down and reconstruction due to the unstable structural conditions of the existing building. The applicant has repeatedly expressed to staff that they do not wish to live in the Neutra designed house. A best-case outcome of not granting the demolition permit is that the applicant would invest the large amount of time and money required to preserve the house and clear the violation, then resell the property. Another outcome could be that they would sell the property without improving the structure because the Preservation Project entitlement would clear the violation. It is difficult to predict a buyer for the property with Preservation as the active permit would step forward. The worst-case outcome would be that the

applicant is granted the entitlement only for the Preservation Alternative and would not comply with the requirements. In that case, the Aesthetics and Historic Resources impacts would be similar to the No Project Alternative, which the EIR concluded were worse than Preservation.

10. FINDING:

MITIGATION MONITORING PROGRAM – Pursuant to Public Resources Code Section 21081.6, the County is, as part of this action, adopting a mitigation monitoring and reporting plan (MMRP) that incorporate, and make enforceable changes made to the Project that mitigate for or avoid significant effects on the environment.

- EVIDENCE:**
- a) Adoption of the MMRP is part of the Planning Commission’s action. The mitigation measures identified in the Final EIR, will be incorporated as conditions of approval and are included as an attachment to this resolution as Exhibit 2.
 - b) The Applicant/Owner of the Project will be required to enter an “Agreement to Implement a Mitigation Monitoring and Reporting Plan” as a condition of approval for the Project.
 - c) Mitigation Measures are found in the Final EIR for the Signal Hill, LLC Project, October 2022.
 - d) The application, plans, and supporting materials submitted by the Project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN100338.

11. FINDING:

RECIRCULATION NOT REQUIRED – No new significant information has been added to the EIR since circulation of the Draft EIR that would require recirculation. Pursuant to Section 15088.5 of the CEQA Guidelines, the County of Monterey would be required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the EIR for public review but before certification. “Significant new information” requiring recirculation may include, for example, a disclosure showing:

- 1) A new significant environmental impact resulting from the project or from a new mitigation measure proposed to be implemented;
- 2) A substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- 3) A feasible project or mitigation measure, considerably different from others previously analyzed, that clearly would lessen the significant environmental impacts of the project, but that the project’s proponents decline to adopt; or

- 4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

No such significant circumstances have occurred, and no such changes have been made to the EIR, as further explained below.

EVIDENCE: a)

Changes have been made to the Draft EIR in response to comments received. The changes and responses to comments are both integrated into and more fully described in the Final EIR. In response to a comment letter from California Coastal Commission, staff incorporated additional mitigation measures for Biological Resources impacts to the coastal dune habitat h. An offsite dune restoration (or in-lieu fee) in 1:1 ratio to the square feet of impervious surface added by the project further mitigates for impacts to ESHA.” Mitigation Measure BIO/mm-3.9, Offsite Dune Habitat Restoration or In Lieu Fee, was added to the Biological Resources mitigations and BIO/mma-3.9.1 was added as monitoring and reporting action for the mitigation. The full wording is listed as Condition 31 in the MMRP. The project proponent has agreed to this mitigation.

- b) A second responsive edit was made based upon the California Coastal Commission’s comment letter. The Commission shared its concern with the EIR’s proposed full height project, writing that the height, mass, and bulk of the full height project would have the potential to adversely affect the scenic quality and visual character of 17-Mile Drive on visual resources. Minor clarifications to the EIR have been incorporated and a Reduced Height Alternative has been selected to address visual impacts.

- c) In response to the comment letter from MBARD, staff added the following requirement to BIO/mm-3.4: “No wood chipping shall be allowed onsite.” This edit is found on page 4.2-71 of Chapter 4 and in the MMRP.

- d) In response to the comment letter from MBARD, some changes have been made within the air quality section of Chapter 4.7 and in the MMRP. These changes clarify and amplify dust control measures, alternative fuels in construction equipment, and the need for compliance with MBARD rules and regulations.

- e) In response to the comment letter from the Pacific Legal Foundation, staff added additional wording to the Alternatives Analysis Chapter of the Draft EIR regarding the difference between physical and economic considerations as it applies to CEQA and alternatives analysis. This was added to page 5-7 in section 5.4, Preliminary Alternatives.

- f) In response to public comment letter P123, staff added clarifying statements as to what “Preservation” is understood to mean in the EIR, page 5-7 in section 5.4, Preliminary Alternatives.

- g) In response to public and applicant questions in comment letters about the cost and the difficulty of the Preservation Alternative, staff edited section 5.6.1.4 Other Issue Areas, as shown with strike-through and underline, in the following: “Although reconstruction and/or rehabilitation of an existing structure can often be more difficult than constructing something from scratch, per the structural report prepared for the project, rReconstruction of the existing 4,125-square-foot residence would generally entail an effort comparable to original construction, and is therefore likely to require less construction over a shorter period of time effort in comparison to construction of the proposed 11,933-square-foot residence. Construction of this alternative would require fewer material/haul trips and less construction noise due to the reduced size of the project. This alternative would maintain the existing building footprint and would require less grading and ground disturbing activities than the proposed project, thereby also reducing construction-related air emissions and noise.”
- h) In response to public comment letter 122, and to correct what were logically typos, a responsive edit to section 5.6.4.1. was made to clarify that a height reduction would not be warranted if the Reduced Height Alternative were approved. BIO/mm-1.1 and BIO/mma-1.1.1, tree replacement and protection, should be included in this list of mitigation measures rather than AES/mm-1.1 and AES/mma-1.1.1. This required a strike-out of AES and addition of BIO twice.
- i) In response to two public comment letters on the Draft EIR, letters P125 and P126, staff clarified statements regarding common public views in Table 4.1.1, a comprehensive review of the applicable local plans and policies relevant to aesthetics (visual resources).
- j) The applicant’s comment letter on the Draft EIR, letter P125, also shared concerns with the portrayal of the previous code violations on the property in terms of their timing and handling. To more clearly convey the timing of a of a previously granted Restoration Permit prior to the EIR NOP, responsive edits were made in Chapter 2 and Chapter 4, including clarification of tree removal violations (page 2-20 in Section 2.3.2 Dune Habitat Restoration). Changes in conditions at the site and to the historic residence located at the project site have occurred since the NOP was published (page 4-3, Environmental Baseline), and clarifications on the “Mothball Protection Plan”. (page 4.3-30, Baseline Conditions).
- k) Public comment letter P125 questioned the portrayal state of the existing house during the EIR consultant visit on April 20, 2015. To convey the state of the house interior more clearly at the site visit and who was at the site visits, responsive edits were made in Chapter 4.3, Historical Resources.

- l) Public comment letter P125 questioned Draft EIR Chapter 4 description of the Historic Assessment done on the existing house and suggested that the applicant's Historic Property Development report done in December 2011 be extensively quoted in the EIR. Responsive edits were made on page 4.3-34.
- m) Public comment letter P125 requested the EIR Chapter 4, description of the Site-Specific Setting, include quotes from Arthur Connell about the climate issues and impacts of natural elements on the house. A description was added.
- n) Public comment letter P125 also shared concern with the portrayal of the existing structure's floor area. To more clearly convey the existing house size, a responsive edit was made on page 2-7 and 4.1-45, as follows: "The proposed residence would be 11,933 square feet in size, almost three times larger than the existing 4,125-square-foot residence, which includes an addition over 3.5 times bigger than the existing 3,299-square-foot residence."
- o) Public comment letter P125 requested a specific edit to Alternative 8 in Table 5-1 to specify the existing house degradation. The edit was made, "many of the materials and elements of the existing structure were degraded to an extent that would prevent the ability to integrate them into a reconstructed structure."
- p) In response to public comment letter P24 and several others, staff added the analysis done by Simpson Gumpertz and Heger (2016), which was incorporated by reference in the Draft EIR, as Appendix F.
- q) Other minor modifications to the EIR include clarifications and corrections of non-substantive content. These edits are specified in a cover sheet to the Final EIR, page xix.

12. FINDING:

EVIDENCE: a)

DEVELOPMENT WITHIN 100 FEET OF ESHA/ RESTORATION PLAN

– The project minimizes impacts to Environmentally Sensitive Habitat Areas (ESHA) consistent with the Policies of the Del Monte Forest LUP and CIP.

The RH Project includes the removal of coastal dune habitat where the footprint of new construction and driveway extends beyond the footprint of the existing development. The project site consists of approximately 2.2 acres of land and the total area of existing impervious surfaces is approximately 0.16 acres, or 7.3 percent of the 2.2-acre site. This includes the existing house and approximately 2,825 square feet of asphalt driveway and concrete patios.

The total area of impervious surfaces in the Project is 10,008 square feet, including: the building structure (8,058 square feet), stone pavers installed in the entry court (986 square feet), stone pavers installed in the outdoor uncovered terraces (106

square feet), and concrete driveway (858 square feet). Total proposed coverage for the project is 10.4 percent.

The Project has been sited over the location where the existing impervious area is located. The Project would convert an additional 2,970 square feet beyond the existing surfaces in areas that have disturbed or degraded sand dune habitat. Much of this area was impacted during grading associated with construction of the existing structure and from human occupation and landscaping associated with the existing structure. The added footprint would not impact the long-term maintenance of the sand dune habitat on the site with mitigation incorporated. Additionally, the proposed project is well under the site coverage and floor area allowed on the site.

- b) The site is located within a disturbed portion of coastal sand dune and is adjacent to undisturbed sand dune habitat that is known to support rare plant and animal species. As such, staff required preparation of a biological report to determine the actual presence of rare or endangered plant or animal species or conditions that might support these species. Biological reports were prepared for the site by Mike Zander with Zander and Associates and Fred Ballerini. The Biologists describe the property as being sparsely vegetated open sands with a mix of coastal dune scrub, European beach grass, and iceplant. Special status plant species including those listed as 1A, 1B, or 2 on the California Native Plant Society (CNPS) known to occur in the dune habitat were noted and surveys were conducted at the site during the appropriate times of the year. Spring flowering plants were found in the Signal Hill area to confirm the appropriate blooming season for the surveys but none of these plants were found on the site during the various visits from biologists.

Animal species, listed as rare, threatened, or endangered or designated as “Species of Special Concern” by the U.S Fish and Wildlife Service or California Department of Fish and Wildlife, that are known to occur in the area and within dune habitat were also surveyed. The biologists did not positively identify any sensitive animal species on the site but did assume that legless lizards, horned lizards, and certain birds may be present.

- c) A Restoration Plan was prepared by Zander Associates (2018) and incorporated into the EIR. The Project is subject to fifteen Biological Mitigation Measures, which include restoration, habitat protection measures, and habitat management to minimize potential impacts that would result from the proposed residential development. The Restoration Plan will restore 1.67 acres of the 2.2-acre property and the owner will preserve and protect it under a Conservation and Scenic Easement deed.

- d) Restoration and conservation will result in 76 percent of the parcel being restored to ecologically functional ESHA (native dune habitat). In this way, the development of the parcel is subordinate to ESHA.

13. FINDING:

VIEWSHED/RIDGELINE DEVELOPMENT: The RH Project will not create a substantial adverse visual impact when viewed from a common public viewing area and no alternative location exists on the subject site which would allow a reasonable development without the potential for ridgeline development.

EVIDENCE:

- a) The proposed house is located on a ridgeline off 17 Mile Drive. The existing house is one story and blends well with the site and the hills and trees in the background when viewed from 17 Mile Drive and viewpoints off 17 Mile Drive. Views from 17 Mile Drive and viewpoints along 17 Mil Drive are an important resource and are protected pursuant to the Del Monte Forest LUP. The Project will be a maximum of 25 feet above average natural grade. The Project (Reduced Height Project, Alternative 9 in the EIR) is taller than the existing structure on the property and the EIR found it to present an exposed face appearing approximately three times larger than that of the existing structure (Alternatives Analysis, Chapter 5 of the Final EIR). The increase in height will increase the visibility of the structure when viewed from 17 Mile Drive and Fanshell Beach.
- b) Photographic simulations provided in the EIR Chapter 4-1, Aesthetic Resources indicate that the full height project would be located on a ridge and silhouetted against the sky when looking east and uphill from Fanshell beach. Ridgeline effect was documented for the full height project which was fully analyzed in the EIR and would be five feet taller than the Project. Photographic simulations of the Project (Reduced Height Project, Alternative 9 in the EIR) from the same five key viewing areas included in the Visual Impact Assessment discussed in the Aesthetic Resources chapter are shown in Figures 5-11, 5-14, 5-17, 5-20 and 5-23 of Chapter 5, Alternatives Analysis. It is evident from these Figures that the Project is a reduction of Ridgeline impact.
- c) Vegetative screening is proposed for the development which is anticipated to assist in reducing the Ridgeline effect and the visual impacts to viewshed. In the Final EIR, biological mitigation measures BIO/mm-1.1, BIO/mm-3.1, BIO/mm-3.2 and BIO/mm-3.3 and their monitoring actions were included in the measures which would reduce the visual impacts to a level of *less-than-significant* for the Reduced Height Project. The trees behind the property when viewed from 17 Mile Drive continue to grow and in the near future, trees are anticipated to constitute the backdrop of the Project

- when viewed from common public viewing areas.
- d) The Project (Reduced Height Project, Alternative 9 in the EIR) would allow the applicant to demolish the Neutra house with applicable mitigation measures and build a new house in the same location. The Project would reduce impacts on viewshed so that the new house will be compatible with the visibility and mass of other homes visible in the same viewshed. With the reduced height, the project will not significantly alter views either from 17 Mile Drive or Fanshell Beach because the mass will be reduced, and the trees will soften the ridgeline effect.

14. FINDING: DEVELOPMENT ON SLOPES OF 30% OR GREATER:

There is no feasible alternative which would prevent development on slopes that exceed 30 percent. Non-sloped areas are occupied by ESHA. The proposed development better achieves the goals, policies and objectives of the 1982 Monterey County General Plan and applicable land use plan than other development alternatives because it contains most development impact on previously developed areas.

- EVIDENCE:**
- a) The project includes a Coastal Development Permit to allow development on slopes exceeding 30 percent. Some portions of the site surrounding the existing home contain slopes in excess of 30%. Grading and foundation preparation for the Project would impact small areas containing slopes near the existing building footprint (approximately 870 square feet). Outside of the existing footprint, the parcel is comprised of slopes mostly exceeding 30 percent, and the project has been sited and designed to use the least sloped areas of the property. Most of the development proposed is within the footprint of the existing structure and patios. Most of the grading on slopes exceeding 30 percent is in the area of the driveway.
- b) The geologic and seismic analysis relied on a project-specific geotechnical study prepared by Cleary Consultants, Inc. (March 2010, Appendix E of the EIR). The analysis also considers the various existing state and local regulations that apply to geotechnical design and construction, which include the California Building Code and the Monterey County ordinances for building and grading. This law would require the applicant to demonstrate adequate compliance with requirements to safely construct on the site given both the subsurface geology and local seismic conditions prior to issuance of construction permits. The driveway and entry court are the main area of the property that would include development on slopes over thirty percent. Guidance offered in the geotechnical report for those areas includes two and one-half inches asphaltic concrete over six inches Class II aggregate base and for twelve inches of subgrade soil and the aggregate base to be compacted to at least 95 percent relative compaction. The geotechnical engineer determined that the site is adequate for the Project provided that recommendations of the geotechnical engineer are incorporated. The Project has been conditioned to incorporate the geotechnical recommendations.

- c) During staff site inspections on November 27, 2013, June 30, 2015, and September 11, 2022, staff verified that the Project minimizes development on slopes exceeding 30 percent. Additional analysis was done during the environmental assessment. Outside of the existing building pad area, other areas of the property have similarly steep slopes.
- d) The property is occupied by coastal sand dune and wetland (ESHA). The property is on 17 Mile Drive and within a protected viewshed. A redesign to avoid all slopes would cause greater impacts to ESHA and thereby conflict more with the goals and policies of the Del Monte Forest Area LUP.
- e) Mitigation Measures were indicated to reduce the level of impacts to development on slopes to *less-than-significant*. They are:
HYD/mm-1.1 - Prior to issuance of demolition, grading, or construction permits, the Applicant shall submit an erosion control plan to the County for review and approval.
HYD/mm-2.1 - Prior to issuance of demolition, grading, or construction permits, the Applicant shall submit a drainage plan to the County for review and approval.

15. FINDING:

TREE REMOVAL – The siting, location, size, and design has been established to minimize tree removal and has been limited to that required for the overall health and long-term maintenance of the property.

EVIDENCE:

- a) Three Monterey Cypress trees will be removed as part of this project. In accordance with the applicable policies of the Del Monte Forest Coastal Implementation Plan, (DMF CIP), a Coastal Development Permit is required; the criteria to grant said permit have been met.
- b) Pursuant to Section 20.147.050.B.1 of the DMF CIP, an Arborist Report and Forest Management Plan was prepared for the proposed project (LIB100394). The arborist report evaluated the health, structure, and preservation suitability for each tree within or adjacent to the proposed development. The report found five Monterey Cypress trees located within the proposed footprint of the new construction at the time. According to the arborist report, three of these trees were in poor health and two were in fair health. The report also noted that two trees would be moved from the proposed building footprint to another location near the house. As described in Finding 4, one of those trees has died. Due to the circumstances of its planting as part of a Restoration Permit, the tree will also be replaced as part of Condition No. 16, Monterey Cypress Tree Plan. The Plan will be developed as part of condition compliance on this entitlement. The Plan will require additional Monterey Cypress tree planting if the transplanted tree does not survive. For the Coastal Development Permit, three Monterey Cypress trees are considered removed.
- c) The project has been designed and sited to minimize the removal of protected trees to the greatest extent possible under the circumstances. Several native Monterey Cypress trees are to the north of the proposed construction site. Relocating the proposed dwelling and courtyard to the south or west would result in a more substantial

amount of development on slopes exceeding 30 percent or on areas of sand dune habitat (ESHA).

- d) Measures for protection of trees and replacement of any impacted by this project have been incorporated as Condition No. 16. Condition No. 16 is based on Biological Resources Mitigation Measure 1.1, which required the applicant to plant four 36-inch box Monterey Cypress trees to ensure all removed Monterey Cypress trees are replaced on site at a 2:1 ratio, over three years after planting the replacement trees, the applicant shall submit evidence demonstrating that the replacement trees are in a healthy, growing condition. Condition No. 16 differs from the statements about tree removals in the EIR in that three trees are considered removed, as discussed in evidence a, and that one of the replacement trees will be 48-inch box placed on the western side of the new structure. During construction, a County-approved arborist shall be on-site to monitor any grading activities that occur within the Critical Root Zone of trees to remain in place. If transplanting or trimming of the existing trees for construction activities results in a declining or dead condition, the Cypress Tree Plan shall be followed, and a Coastal Development Permit shall be obtained as such activity constitutes native tree removal.
- e) No significant long-term effects on the forest ecosystem are anticipated. The project as proposed will not significantly reduce the availability of wildlife habitat over the long term as the site has surrounding forested areas which are to remain untouched
- f) Staff conducted site inspections on November 27, 2013 and September 11, 2022, to verify that the tree removal is the minimum necessary for the project.
- g) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN100338.

16. FINDING: **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and applicable Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Del Monte Forest Area CIP Section 20.147.130, can be demonstrated.
 - b) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - c) The subject property is not described as an area where the Local Coastal Program requires physical public access (Figure 8, Major Public Access and Recreational Facilities, in the Del Monte Forest Area LUP).
 - d) The subject project parcel is in an area where the Local Coastal Program requires visual public access (Figure 3, Visual Resources, in the Del Monte Forest Area LUP) and CIP 20.147.070.

- e) Based on the project location among large trees, more planned vegetative screening, planned restoration of sand dune habitat, and its topographical relationship to most visual public access points in the area, the development proposal will not interfere with visual access along 17-Mile Drive or from Point Lobos. Consistent with Del Monte Forest Area LUP Policies 123 and 137, the proposed development as mitigated and conditioned will not block significant public views toward the ocean and will not adversely impact the public viewshed or scenic character in the project vicinity.
- f) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN100338.

- 17. FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:**
- a) Board of Supervisors. Pursuant to Title 20, Section 20.86.030, an appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
 - b) 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 between the sea and the first through public road paralleling the sea (i.e., State Route/Highway 1).

DECISION

NOW, THEREFORE, based on the above findings and evidence and the administrative record as a whole, the Planning Commission does hereby take the following actions:

1. Certify the Signal Hill LLC Environmental Impact Report (EIR) (SCH#: 2015021054);
2. Adopt the above CEQA findings and a Statement of Overriding Considerations;
3. Approve a Combined Development Permit for the "Reduced Height Project" (Alternative 9 of the Final EIR) consisting of:
 - a) Coastal Administrative Permit and Design Approval for the demolition of an existing 4,124 square foot single family residence and the construction of a new three level 11,933 square foot single family residence including an attached three-car garage, a 986 square foot entry court, 106 square feet of uncovered terraces, approximately 2,600 square feet of covered terraces, new driveway, and approximately 2,040 cubic yards of grading (1,210 cubic yards cut/830 cubic yards fill);
 - b) Coastal Development Permit for development within 100 feet of environmentally sensitive habitat; development includes restoration of native dune habitat in dunes outside the building area;
 - c) Coastal Development Permit for development on slopes exceeding 30 percent;
 - d) Coastal Development Permit for Ridgeline Development;
 - e) Coastal Development Permit for development within 750 feet of a known archeological resource; and
 - f) Coastal Development Permit for removal of three Monterey Cypress trees.
4. Adopt the Mitigation Monitoring and Reporting Plan.

All work must be in general conformance with the attached plans, and this approval is subject to 43 conditions (including 34 mitigation measures), all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 25th day of January, 2023, upon motion of Commissioner Coffelt seconded by Commissioner Monsalve, by the following vote:

AYES: Coffelt, Gonzalez, Monsalve, Roberts, Work, Mendoza
 NOES: Daniels, Getzelman
 ABSENT: Carrillo, Diehl
 ABSTAIN: None

DocuSigned by:

Craig Spencer

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Craig Spencer, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON **JAN 30 2023**.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **FEB 9 2023**.

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

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

NOTES:

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

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

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

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

County of Monterey HCD Planning

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

PLN100338

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This permit Combined Development Permit for the "Reduced Height Project" (Alternative 9 of the Final EIR) consists of

- a) Coastal Administrative Permit and Design Approval to allow the demolition of an existing 4,124 square foot single family residence and the construction of a new three level 11,933 square foot single family residence including an attached three-car garage, a 986 square foot entry court, 106 square feet of uncovered terraces, approximately 2,600 square feet of covered terraces, new driveway, and approximately 1,700 cubic yards of grading (1,200 cubic yards cut/500 cubic yards fill) and restoration of approximately 1.67 acre of native dune habitat;
- b) Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and
- c) Coastal Development Permit for development on slopes exceeding 30 percent;
- d) Coastal Development Permit for development within 750 feet of a known archeological resources; and
- e) Coastal Development Permit for Ridgeline Development; and
- f) Coastal Development Permit for removal of three Monterey cypress trees at 1170 Signal Hill Road, Pebble Beach (Assessor's Parcel Number 008-261-007-000), Del Monte Forest Area Land Use Plan,

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 HCD 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.

(HCD - Planning Department)

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 23-005) was approved by the Planning Commission for Assessor's Parcel Number 008-202-014-000 on January 25, 2023. The permit was granted subject to 43 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning." (HCD - Planning)

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

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 HCD - Planning.

3. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: RMA-Planning

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 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, 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. (HCD - Planning Department)

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, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Chief of HCD-Planning for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the HCD-Planning Department.

4. PD010 - EROSION CONTROL PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Chief of HCD - Planning and Chief of HCD - Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Chief of HCD - Planning and Chief of HCD - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Chief of HCD - Planning and Chief of HCD - Building Services.
(HCD)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, the Owner/Applicant shall submit an Erosion Control Plan to HCD - Planning and HCD - Building Services for review and approval.

The Owner/Applicant, on an on-going basis, shall comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Chief of HCD - Planning and Chief of HCD - Building Services

5. PW0044 - CONSTRUCTION MANAGEMENT PLAN

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: The applicant shall submit a Construction Management Plan (CMP) to the RMA-Planning Department and the Department of Public Works for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project and shall provide the following information: Duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the Construction/grading phase of the project. (Public Works)

Compliance or Monitoring Action to be Performed: 1. Prior to issuance of the Grading Permit or Building Permit Owner/Applicant/ Contractor shall prepare a CMP and shall submit the CMP to the RMA-Planning Department and the Department of Public Works for review and approval.

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

6. WRSP1 - DRAINAGE PLAN (NON-STANDARD CONDITION)

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide a drainage plan, prepared by a registered civil engineer or licensed architect, to mitigate on-site and off-site impacts from impervious surface stormwater runoff. Drainage improvements shall be constructed in accordance with plans approved by the HCD- Environmental Services. (Water Resources Agency)

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

7. WRSP2 - WATER AVAILABILITY CERTIFICATION (NON-STANDARD CONDITION)

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide the Monterey County Water Resources Agency proof of water availability in the form of a Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permits, the owner/applicant shall submit a Water Release Form to the HCD for review and approval.

A copy of the Water Release Form can be obtained at the Monterey Peninsula Water Management District, the Water Resources Agency, or online at:
www.mcwra.co.monterey.ca.us

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

Responsible Department: RMA-Planning

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

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

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

9. AES/MM-3.1 -- EXTERIOR LIGHTING PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: EXTERIOR LIGHTING PLAN. The applicant shall submit an exterior lighting plan to the County of Monterey Resource Management Agency – Planning Department for review and approval. The lighting plan shall be prepared using guidance and best practices endorsed by the International Dark Sky Association and shall comply with Title 24 lighting requirements. The lighting plan shall include the following:

- a. All exterior point-source lighting shall be directed downward and fully shielded from off-site views.
- b. Exterior lighting shall be designed so that it does not focus illumination onto exterior walls or the hillside on or adjacent to the proposed development.
- c. Any security lighting installed on the property shall be equipped with motion detectors to prevent the illumination from remaining on.
- d. No reflective coatings shall be used on exterior south, west, and southwest facing windows.
- e. All windows visible from 17-Mile Drive, Signal Hill Road, or other surrounding public areas shall be constructed of electrochromic glass to minimize visibility at night. The electrochromic glass will be visually transparent during the daytime and will become darker and translucent at night to avoid a “lighthouse effect.” (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of demolition, grading, or construction permits, the applicant shall submit to the County of Monterey Resource Management Agency – Planning Department an exterior lighting plan reflecting compliance with this measure.

10. AQ/GHG/MM-1.1 -- DUST CONTROL DURING CONSTRUCTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: DUST CONTROL DURING CONSTRUCTION. Prior to issuance of demolition, grading, or construction permits, the following Best Management Practices and standard mitigation measures for reducing fugitive dust emissions shall be noted on project grading plans. All measures shall be adhered to during all project construction activities.

- a. Reduce the amount of disturbed area where possible.
- b. Water all sand/dirt stockpiles at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure.
- c. Prohibit grading activities to the extent feasible when wind speeds exceed 15 miles per hour.
- d. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- e. All trucks hauling dirt, sand, soil, or other loose materials shall be covered and shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer).
- f. Plant appropriate vegetative ground cover in disturbed areas that are planned for habitat restoration as soon as possible.
- g. Cover inactive storage piles.
- h. Install wheel washers at the entrance to the construction site for all exiting trucks.
- i. Sweep streets if visible soil material is carried out from the construction site.
- j. Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The contact information shall be provided to the Monterey Bay Air Resources District prior to issuance of demolition, grading, or construction permits. The phone number of the Monterey Bay Air Resources District shall be visible to ensure compliance with Rule 402 (Nuisance).
- k. Limit the area under construction at any one time. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of demolition, grading, or construction permits, the applicant shall submit revised grading plans to the County of Monterey HCD – Planning establishing compliance with this measure.

11. AQ/GHG/MM-1.2 -- AIR QUALITY BEST MANAGEMENT PRACTICES DURING CONSTRUCTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: AIR QUALITY BEST MANAGEMENT PRACTICES DURING CONSTRUCTION. Prior to issuance of the Combined Development Permit, the following Best Management Practices and standard mitigation measures for reducing nitrogen oxides (NOx), reactive organic gases (ROG) and diesel particulate matter (DPM) emissions from construction equipment shall be noted on project grading plans. All measures shall be adhered to during all project construction and decommissioning activities.

- Maintain all construction equipment in proper tune according to manufacturer's specifications.
- Diesel-powered equipment shall be replaced by electric equipment whenever feasible to reduce NOx emissions.
- Diesel-powered equipment shall be replaced by gasoline-powered equipment whenever feasible.
- Whenever feasible, construction equipment shall use alternate fuels such as compressed natural gas, propane, electricity, or biodiesel.
- Diesel construction equipment meeting the California Air Resources Board Tier 4 emission standards for off-road heavy-duty diesel engines shall be used.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- All on- and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job site to remind drivers and operators of the 5-minute idling limit.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of demolition, grading, or construction permits, the applicant shall submit revised grading plans to the County of Monterey HCD – Planning establishing compliance with this measure.

12. AR/MM-1.1 -- ARCHAEOLOGICAL RESOURCE CONSTRUCTION PERSONNEL TRAINING

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: ARCHAEOLOGICAL RESOURCE CONSTRUCTION PERSONNEL TRAINING. Prior to commencement of any demolition, site grading, or vegetation removal activities, the applicant shall verify that all contractors/employees involved in ground disturbing and vegetation removal activities have received training from a qualified archaeologist. The training shall address the following issues:

- Review the types of archaeological artifacts and resources that may be uncovered;
- Provide examples of common archaeological artifacts and resources to examine;
- Review what makes an archaeological resource significant to archaeologists, and local Native Americans;
- Describe procedures for notifying involved or interested parties in case of a new discovery;
- Describe reporting requirements and responsibilities of construction personnel;
- Review procedures that shall be used to record, evaluate, and mitigate new discoveries; and,
- Describe procedures that would be followed in the case of discovery of disturbed as well as intact human burials and burial-associated artifacts.

(HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to commencement of any demolition, site grading, or vegetation removal activities, the applicant shall submit to the County of Monterey HCD – Planning a signed letter by a qualified archaeologist reporting the date of training and a list of names and signatures of those in attendance.

13. AR/MM-1.2 -- ARCHAEOLOGICAL MONITORING PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: ARCHAEOLOGICAL MONITORING PLAN. Prior to issuance of grading and construction permits, the applicant shall submit an Archaeological Monitoring Plan to the County of Monterey HCD – Planning for review and approval. The Plan shall be prepared by a qualified archaeologist and reviewed and updated as needed in the event of project alterations or amendments. The plan shall include, at minimum:

- List of personnel involved in the monitoring activities;
- Description of the types of project activities requiring monitoring;
- Description of how the monitoring shall occur;
- Description of monitoring frequency;
- Description of resources expected to be encountered;
- Description of circumstances that would result in a diversion or stopping of work activities in the case of discovery at the project site;
- Description of procedures for diverting or stopping work on the site and notification procedures, including contacting the Ohlone/Costanoan-Esselen Nation (OCEN) Tribal Council;
- Procedures for developing a strategy in consultation with the OCEN Tribal Council if resources are discovered for either return to the Tribe or reburial; and,
- Description of monitoring reporting procedures, as applicable to each identified project component. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and construction permits, the applicant shall submit an Archaeological Plan prepared by a qualified archaeologist to the County of Monterey HCD – Planning for review and approval.

14. AR/MM-1.3 -- ARCHAEOLOGICAL MONITOR

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: ARCHAEOLOGICAL MONITOR. At a minimum, a County of Monterey HCD – Planning-approved archaeological monitor shall be present during initial ground disturbing construction and vegetation removal activities, and as further described in the approved Archaeological Monitoring Plan, until it is deemed the potential for encountering unknown archaeological resources is negligible. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Upon completion of all monitoring and mitigation activities required by AR/mm-1.1 through AR/mm-1.3, and prior to final inspection or occupancy, whichever occurs first, the applicant shall submit to the County of Monterey HCD – Planning, a report summarizing all monitoring and mitigation activities and confirming that all recommended mitigation measures have been met.

15. AR/MM-2.1 -- ARCHAEOLOGICAL MONITORING PLAN AND DISCOVERY OF HUMAN REMAINS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: ARCHAEOLOGICAL MONITORING PLAN AND DISCOVERY OF HUMAN REMAINS. The following measure shall be incorporated into the Archaeological Monitoring Plan, and noted on all grading and construction plans:

a. If human remains are exposed during construction, the applicant shall notify the Monterey County HCD – Planning immediately and comply with State Health and Safety Code Section 7050.5, which requires that no further disturbance shall occur until the County Coroner has been notified and can make the necessary findings as to origin and disposition of the remains pursuant to Public Resources Code Section 5097.98. Construction shall halt in the area of the discovery of human remains, the area shall be protected, and consultation and treatment shall occur as prescribed by law. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and construction permits, the applicant shall submit the Archaeological Plan prepared by a qualified archaeologist to the County of Monterey HCD – Planning to establish compliance with this measure.

16. BIO/MM-1.1 -- MONTEREY CYPRESS TREE PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MONTEREY CYPRESS TREE PLAN. The applicant shall submit a Monterey Cypress Tree Protection, Replacement, Maintenance, and Monitoring Plan to the County of Monterey HCD for review and approval by the Director of Planning. The plan shall be prepared by a licensed arborist and provide for the installation, maintenance, and monitoring of seven 36-inch box Monterey cypress trees and one 48-inch box Monterey Cypress tree. The 48-inch box Cypress tree shall be planted in a location that will provide screening of the new development when viewed from Fanshell Beach and 17-Mile Drive.

The Monterey Cypress Tree Protection, Replacement, Maintenance, and Monitoring Plan shall include provisions for the installation and maintenance of the replacement trees to be monitored by a qualified arborist. The arborist shall monitor the health and vigor of the replacement trees for a minimum of 3 years following installation. If at any time, the arborist determines that the replacement trees are in poor vigor, the arborist will recommend management actions to remedy the concerns. The applicant or applicant's representative shall implement the arborist recommendation(s) within 1 month of receiving the recommendation. If any replacement tree(s) die, the applicant shall replace the tree(s) at a 1:1 ratio. Each replacement tree shall be monitored by the arborist for a minimum of 3 years following the tree installation date.

The plan shall identify the Critical Root Zone for all Monterey cypress trees at the project site that will remain in place. In addition, the plan shall provide for the installation of tree protection measures around the trees to remain. Tree protection measures may include installation of temporary fencing and/or straw bale barricades in the trees' Critical Root Zone, as identified by the arborist. All replacement trees and tree protection measures must be clearly shown on the project construction and landscape plans.

If root pruning within a tree's Critical Root Zone is necessary, root pruning shall be performed by the monitoring arborist or skilled labor at the direction of the monitoring arborist per the approved Monterey Cypress Tree Protection, Replacement, Maintenance, and Monitoring Plan. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of demolition, grading, or construction permits, the applicant shall submit the Monterey Cypress Tree Protection, Replacement, Maintenance, and Monitoring Plan to the County of Monterey HCD – Planning for review and approval.

Prior to issuance of demolition, grading, or construction permits, the applicant shall submit photographic evidence and a letter from a qualified arborist verifying that tree protection measures have been installed as recommended in the Monterey Cypress Tree Protection, Replacement, Maintenance, and Monitoring Plan to the County of Monterey HCD.

During construction, a County of Monterey-approved arborist shall be on-site to monitor any grading activities that occur within the Critical Root Zone of trees to remain in place per the approved Monterey Cypress Tree Protection, Replacement, Maintenance, and Monitoring Plan.

Prior to final inspection, the applicant shall submit to the County of Monterey HCD – Planning photographic evidence and a letter from a qualified arborist verifying that replacement trees have been planted as specified in the Monterey Cypress Tree Protection, Replacement, Maintenance, and Monitoring Plan.

After replacement planting has been completed, the applicant shall submit to the Monterey County HCD – Planning reports from the arborist detailing the results of the monitoring efforts and the status of the trees. Reports shall be submitted on a yearly basis or as specified in the Monterey Cypress Tree Protection, Replacement, Maintenance, and Monitoring Plan.

17. BIO/MM-2.1 -- RESTORATION MONITOR FUNDING AGREEMENT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: RESTORATION MONITOR FUNDING AGREEMENT. Prior to issuance of demolition, grading, or construction permits, the applicant shall enter into a funding agreement with County of Monterey HCD – Planning to fund, and the County of Monterey shall retain, an environmental monitor for all measures requiring environmental mitigation to ensure compliance with the Environmental Impact Report mitigation measures. The monitor shall be granted unlimited access to the project site in accordance with timelines specified in Environmental Impact Report mitigation measures and shall be responsible for:

- a. ensuring that procedures for verifying compliance with environmental mitigations are implemented;
- b. establishing lines of communication and reporting methods;
- c. conducting weekly compliance visits and reporting;
- d. conducting construction crew training regarding environmentally sensitive habitat areas and special-status species; and,
- e. outlining actions to be taken in the event of non-compliance.

Unless otherwise specified in applicable mitigation measures, monitoring shall be conducted weekly during residential demolition and construction and monthly following completion of the residential development and into the first year of the habitat restoration program. Additional monitoring visits may occur based on findings from these monitoring actions. (HCD-Planning)

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

Prior to issuance of demolition, grading, or construction permits, the applicant shall enter into an agreement with the County of Monterey to finance the County's contract with an environmental monitor.

Prior to commencement of demolition, site grading, or vegetation removal, the environmental monitor shall conduct an environmental awareness training for all construction and habitat restoration personnel. The environmental awareness training shall include discussions of the California legless lizards, coast horned lizards, and nesting birds that may occur in the project area. The training shall include: a description of the species and their habitats; general provisions and protections afforded by the California Environmental Quality Act and Migratory Bird Treaty Act; measures implemented to protect the species; review of the project boundaries and special conditions; the monitor's role in project activities; lines of communication; and procedures to be implemented in the event a special-status species is observed in the work area. The environmental training shall include distribution of an environmental training brochure, and collection of signatures from all attendees acknowledging their participation in the training. Subsequent trainings shall be provided by the environmental monitor as needed for additional construction or restoration operations workers throughout the duration of project construction and restoration.

Prior to commencement of demolition, site grading, or vegetation removal, the environmental monitor shall submit to the County a collection of signatures from all construction and habitat restoration personnel acknowledging their participation in the environmental awareness training.

Within 30 days prior to any structure demolition and site grading within the construction footprint, the environmental monitor shall conduct surveys for California legless lizards and other reptiles. The surveyor shall utilize hand search methods in areas of planned disturbance where legless lizards and other reptiles are expected to be found (e.g., under shrubs and ice plant, against the residence foundation, or under debris). If a California legless lizard, coast horned lizard, or other native reptiles are observed, the surveyor shall capture the individual(s) from the disturbance area and relocate the individual(s) into suitable habitat in the dune scrub restoration area. Care shall be taken to identify habitat in the restoration area that is dominated by native plant species.

The environmental monitor shall be present during site grading activities to walk behind the grading equipment and capture native reptiles that were overlooked during the pre-disturbance survey and are unearthed by the equipment. The surveyor shall capture and relocate any legless lizards, coast horned lizards, or other native reptiles observed. The captured individuals shall be removed from the disturbance area and placed in suitable habitat within native plant species on the parcel but outside of the development area.

Within 30 days prior to any structure demolition and site grading within the construction footprint, the applicant shall submit to the County of Monterey Resource Management Agency – Planning Department a letter from the environmental monitor detailing the results of the surveys.

It is anticipated that legless lizards and other reptiles will be encountered during the invasive species removal efforts that will be conducted under the Dune Restoration Plan. The proposed Dune Restoration Plan provides best management practices designed to minimize impacts to legless lizards during implementation of the plan. The

18. BIO/MM-2.2 -- ENVIRONMENTAL AWARENESS TRAINING

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: ENVIRONMENTAL AWARENESS TRAINING. Prior to commencement of demolition, site grading, or vegetation removal, the environmental monitor shall conduct an environmental awareness training for all construction and habitat restoration personnel. The environmental awareness training shall include discussions of the California legless lizards, coast horned lizards, and nesting birds that may occur in the project area. The training shall include: a description of the species and their habitats; general provisions and protections afforded by the California Environmental Quality Act and Migratory Bird Treaty Act; measures implemented to protect the species; review of the project boundaries and special conditions; the monitor's role in project activities; lines of communication; and procedures to be implemented in the event a special-status species is observed in the work area. The environmental training shall include distribution of an environmental training brochure, and collection of signatures from all attendees acknowledging their participation in the training. Subsequent trainings shall be provided by the environmental monitor as needed for additional construction or restoration operations workers throughout the duration of project construction and restoration. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to commencement of demolition, site grading, or vegetation removal, the environmental monitor shall submit to the County a collection of signatures from all construction and habitat restoration personnel acknowledging their participation in the environmental awareness training.

19. BIO/MM-2.3 -- SURVEYS FOR CALIFORNIA LEGLESS LIZARDS AND OTHER REPTILES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: SURVEYS FOR CALIFORNIA LEGLESS LIZARDS AND OTHER REPTILES. Within 30 days prior to any structure demolition and site grading within the construction footprint, the environmental monitor shall conduct surveys for California legless lizards and other reptiles. The surveyor shall utilize hand search methods in areas of planned disturbance where legless lizards and other reptiles are expected to be found (e.g., under shrubs and ice plant, against the residence foundation, or under debris). If a California legless lizard, coast horned lizard, or other native reptiles are observed, the surveyor shall capture the individual(s) from the disturbance area and relocate the individual(s) into suitable habitat in the dune scrub restoration area. Care shall be taken to identify habitat in the restoration area that is dominated by native plant species.

The environmental monitor shall be present during site grading activities to walk behind the grading equipment and capture native reptiles that were overlooked during the pre-disturbance survey and are unearthed by the equipment. The surveyor shall capture and relocate any legless lizards, coast horned lizards, or other native reptiles observed. The captured individuals shall be removed from the disturbance area and placed in suitable habitat within native plant species on the parcel but outside of the development area. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Within 30 days prior to any structure demolition and site grading within the construction footprint, the applicant shall submit to the County of Monterey HCD – Planning a letter from the environmental monitor detailing the results of the surveys.

20. BIO/MM-2.4 -- CALIFORNIA LEGLESS LIZARD BEST MANAGEMENT PRACTICES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: CALIFORNIA LEGLESS LIZARD BEST MANAGEMENT PRACTICES. It is anticipated that legless lizards and other reptiles will be encountered during the invasive species removal efforts that will be conducted under the Dune Restoration Plan. The proposed Dune Restoration Plan provides best management practices designed to minimize impacts to legless lizards during implementation of the plan. The proposed best management practices shall be implemented. In addition, at least one member of the habitat restoration crew shall be qualified to recognize, capture, and relocate any California legless lizards, coast horned lizards, and other reptiles that may be encountered during invasive species removal efforts in the dune scrub restoration area. The qualified individual shall be on-site during all invasive species removal efforts. If a native reptile is observed during the vegetation removal, the individual shall be captured and relocated to suitable habitat away from the vegetation removal. Care shall be taken to place the lizard(s) among native plant species.

The proposed Dune Restoration Plan includes a monitoring and reporting schedule. The species and amounts of reptiles captured and relocated shall be documented in the monitoring reports that will be submitted to the County of Monterey. In the event that a special-status species is observed, the monitoring biologist shall submit a California Natural Diversity Database report of the sighting to the California Department of Fish and Wildlife. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to invasive species removal efforts, the applicant shall provide the County of Monterey HCD – Planning notification identifying the qualified specialist designated to identify, capture, and relocate legless lizard or other reptiles encountered during implementation of the Dune Restoration Plan.

21. BIO/MM-2.5 -- NESTING BIRD SURVEY AND BUFFER ZONE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: NESTING BIRD SURVEY AND BUFFER ZONE. Demolition, construction, and grading activities shall be timed to avoid the nesting season to the extent feasible. If any demolition, construction or grading activities occur during the typical nesting bird season (March 1 through September 30), the environmental monitor shall conduct a nesting bird survey and verify that migratory birds are not occupying the disturbance area. If nesting activity is detected, the following measures should be implemented:

- The monitor shall determine whether it is appropriate to establish a 500-foot no work buffer around any raptor or special-status species nest and shall establish a 100-foot no work buffer around any common passerine species nest. If appropriate, the monitor has the discretion to require that no work may occur in the buffer zone while the nest is active.
- If adhering to the established buffer zone is not feasible or other unique circumstances exist, the monitor may contact the California Department of Fish and Wildlife to establish a reduced buffer area and monitoring protocol for work to continue in the buffer zone. The monitor shall document all active nests and submit a letter report to the County of Monterey and California Department of Fish and Wildlife, documenting project compliance with the Migratory Bird Treaty Act and applicable project mitigation measures. (HCD-Planning)

Compliance or Monitoring Action to be Performed: If any demolition, construction or grading activities occur during the typical nesting bird season (March 1 through September 30), the environmental monitor shall submit a letter report to the County of Monterey HCD – Planning detailing the project's compliance with this measure. If no demolition, construction, or grading activities occur during the typical nesting bird season (March 1 through September 30), the environmental monitor shall submit a letter report to the County of Monterey HCD – Planning confirming implementation of this measure is not necessary.

22. BIO/MM-2.6 -- ACTIVE BIRD NEST BUFFER

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: ACTIVE BIRD NEST BUFFER. Vegetation removal activities associated with the Dune Restoration Plan have the potential to disturb nesting passerines. If an active bird nest is encountered during invasive plant species removal efforts, the monitoring biologist shall establish a 100-foot radius buffer around the nest site. No vegetation removal activities (including herbicide applications) shall occur within the 100-foot buffer. Invasive species removal efforts may continue after the monitoring biologist confirms that the nest is no longer active. (HCD-Planning)

Compliance or Monitoring Action to be Performed: If an active bird nest is encountered during invasive plant species removal efforts, the environmental monitor shall submit a letter report to the County of Monterey HCD – Planning detailing the project's compliance with this measure. If no active bird nest is encountered during invasive plant species removal efforts, the environmental monitor shall submit a letter report to the County of Monterey HCD – Planning confirming implementation of this measure is not necessary.

23. BIO/MM-3.1 -- CONSERVATION AND SCENIC EASEMENT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of demolition, grading, or construction permits, and consistent with Del Monte Forest Land Use Plan Environmentally Sensitive Habitat Area Policies 13 and 17, the applicant shall permanently protect all Environmentally Sensitive Habitat Areas located outside the construction area by establishing deed restrictions or a permanent open space conservation and scenic easement to be granted to the Del Monte Forest Foundation. The deed restrictions/easement shall encompass the approximately 1.67 acres proposed for dune scrub restoration shown in Figures 2-3 and 4.2-2. The restrictions shall designate the easement area as a native dune scrub restoration area and Environmentally Sensitive Habitat Area, where only habitat restoration and other resource dependent uses are permitted. The only deviations from such restrictions may be to repair existing sewer cleanouts and associated sewer pipes that are located in the area. The deed restrictions shall require any future work on the sewer cleanouts and associated piping to be monitored by a qualified biologist and all disturbance areas to be restored to central dune scrub habitat per the specifications put forth in the applicant's Dune Restoration Plan. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of demolition, grading, or construction permits, the applicant shall submit to the County of Monterey HCD – Planning a recorded easement reflecting compliance with this measure.

24. BIO/MM-3.2 -- DUNE RESTORATION PLAN BOND

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: DUNE RESTORATION PLAN BOND. The Applicant shall submit a bond to the County of Monterey HCD – Planning for an amount determined by the County of Monterey to be sufficient to cover the estimated cost of planting and establishing the proposed 1.67-acre habitat restoration area. The bond shall be held for a minimum of 5 years and shall be extended if necessary and shall not be terminated until the Dune Restoration Plan has been deemed successfully completed to ensure the successful establishment and maintenance of the habitat restoration. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of demolition, grading, or construction permits, the applicant shall submit to the County of Monterey HCD – Planning appropriate documentation reflecting compliance with this measure.

25. BIO/MM-3.3 -- MONITORING CONTRACT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MONITORING CONTRACT. The Applicant shall enter into a contract with a qualified professional for the purpose of monitoring the success of the habitat restoration area. At a minimum, the monitoring contract shall include a requirement that the monitor conduct an annual site visit and assessment of the restoration success for 5 years. At the end of the 5-year monitoring period, the monitor shall prepare a monitoring report, which shall be submitted to the Monterey County HCD – Planning for approval and shall be used as a determining factor in assessing the successful establishment of the restoration as it relates to the bond posted by the applicant. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to finalization of building permits and occupancy, the applicant shall submit to the County of Monterey HCD – Planning a contract with a qualified professional reflecting compliance with this measure.

26. BIO/MM-3.4 -- FENCING THAT EXCLUDES ADJACENT ENVIRONMENTALLY SENSITIVE HABITAT AREA

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: FENCING THAT EXCLUDES ADJACENT ENVIRONMENTALLY SENSITIVE HABITAT AREA. Prior to issuance of demolition, grading, or construction permits, all demolition, grading, and construction plans shall clearly show the location of project delineation fencing that excludes adjacent Environmentally Sensitive Habitat Area from disturbance. Immediately prior to construction, the project site shall be clearly fenced so that the contractor is aware of the limits of allowable site access and disturbance. The fencing shall consist of highly visible construction fence supported by steel T stakes that are driven into the soil. The environmental monitor shall field-fit the placement of the project delineation fencing to minimize impacts to adjacent Environmentally Sensitive Habitat Area and other sensitive resources. The project delineation fencing shall remain in place and functional throughout the duration of the project construction and landscaping activities. All disturbances except habitat restoration activities shall be prohibited outside of the delineated construction area. No wood chipping shall be allowed onsite. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of demolition, grading, or construction permits, the applicant shall submit revised project plans to the County of Monterey HCD – Planning showing compliance with this measure.

Throughout the duration of construction activities, the environmental monitor shall provide monthly monitoring reports to the County of Monterey HCD – Planning reflecting compliance with this measure.

27. BIO/MM-3.5 -- STOCKPILES AND STAGING AREAS BEST MANAGEMENT PRACTICES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: STOCKPILES AND STAGING AREAS BEST MANAGEMENT PRACTICES. Prior to issuance of demolition, grading, or construction permits, the applicant shall submit demolition, grading, and construction plans that identify all stockpile and construction staging areas, which shall be located within the construction area and outside the adjacent dune restoration area. Stockpiles and staging areas shall not be placed in areas that have potential to experience significant runoff during the rainy season. All project-related spills of hazardous materials within or adjacent to the project site shall be cleaned up immediately. Spill prevention and cleanup materials shall be onsite at all times during project construction. Cleaning and refueling of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to current Best Management Practices applicable to attaining zero discharge of stormwater runoff. No maintenance, cleaning, or refueling shall occur within 50 feet of the dune restoration area. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks and spills. The grading plan shall be subject to review and approval by the County of Monterey HCD. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of demolition, grading, or construction permits, the applicant shall submit revised project plans to the County of Monterey HCD - Planning for review and approval.

Throughout the duration of construction activities, the environmental monitor shall provide monthly monitoring reports to the County of Monterey HCD – Planning reflecting compliance with this measure.

28. BIO/MM-3.6 -- CONTROL STORMWATER OR WASTEWATER OUTFALL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: CONTROL STORMWATER OR WASTEWATER OUTFALL. Prior to issuance of demolition, grading, or construction permits, project plans shall be submitted that do not include any rain gutter outfall or other stormwater or wastewater outfall that directs concentrated flows capable of eroding the sand dune substrates in the adjacent Environmentally Sensitive Habitat Area, consistent with Del Monte Forest Area Land Use Plan Environmentally Sensitive Habitat Area Policy 8. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of demolition, grading, or construction permits, the applicant shall submit revised project plans to the County of Monterey HCD – Planning for review and approval, reflecting compliance with current Post-construction Stormwater Management requirements and demonstrating that stormwater and wastewater outfalls will not concentrate flows to sand dune substrates adjacent to Environmentally Sensitive Habitat Areas.

29. BIO/MM-3.7 -- PLANT SPECIES LANDSCAPE PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: PLANT SPECIES LANDSCAPE PLAN. Prior to issuance of demolition, grading, or construction permits, project landscape plans shall be revised and resubmitted to the County of Monterey HCD for review and approval that clearly list all plant species to be planted and/or seeded in the landscape areas. The listed plant species shall be drought tolerant, and the landscape materials shall not include any plant species that is identified on the most recent version of the California Invasive Plant Council Invasive Plant Inventory. All listed plant species shall be appropriate for the dune habitat in the Del Monte Forest area. Examples of appropriate species include but are not limited to the following: All species included on the applicant submitted Dune Restoration Plans (Ballerini 2015, page 2; Zander 2012, Page 5), dune lupine (*Lupinus chamissonis*), Monterey cypress (*Hesperocyparis macrocarpa*), Monterey pine (*Pinus radiata*), California saltbush (*Atriplex californica*), dune sedge (*Carex pansa*), Pt. Reyes Ceanothus (*Ceanothus gloriosus gloriosus*), San Luis Obispo Ceanothus (*Ceanothus maritimus*), California croton (*Croton californicus*), California brittlebush (*Encelia californica*), leafy daisy (*Erigeron foliosus*), coastal buckwheat (*Eriogonum cinereum*), island wallflower (*Erysimum insulare*), California poppy (*Eschscholzia californica maritima*), gumweed (*Grindelia stricta*), wedge leaf horkelia (*Horkelia cuneata*), cardinal monkeyflower (*Mimulus cardinalis*), crisp monardella (*Monardella undulata* ssp. *crispa*), and black sage (*Salvia mellifera*). Other dune appropriate species shall include those listed in the San Francisco Bay Conservation and Development Commission's publication "Shoreline Plants: A Landscape Guide for the San Francisco Bay Area" (pages 18 through 33). (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of demolition, grading, or construction permits, the applicant shall submit revised project landscape plans to the County of Monterey HCD – Planning Department for review and approval that clearly list all plant species to be planted and/or seeded in the landscape areas.

30. BIO/MM-3.8 -- LANDSCAPE PLAN SUBSTRATES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: LANDSCAPE PLAN SUBSTRATES. Prior to issuance of demolition, grading, or construction permits, the landscape plans shall specify that the use of imported soils for amendment in the landscape areas is prohibited. The native sand dune substrates shall be retained in the landscape area and dune appropriate species shall be utilized in the landscaping. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of demolition, grading, or construction permits, the applicant shall submit revised landscape plans that reflect compliance with this measure.

31. BIO/MM-3.9 -- OFFSITE DUNE HABITAT RESTORATION OR IN LIEU FEE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: OFFSITE DUNE HABITAT RESTORATION OR IN LIEU FEE. Prior to the issuance of a building or grading permit, the applicant/owner shall submit to HCD-Planning for review and approval an offsite dune habitat restoration plan that provides for restoration of dune habitat within the Asilomar Dunes system at a ratio of 1:1 for any new dune habitat coverage over existing conditions (i.e. for any new areas of the site that are being converted from dune habitat to residential uses). The plan shall clearly identify each type of new dune habitat coverage (structural and non-structural) in site plan view with accompanying square footage calculations.

In lieu of providing for off-site dune habitat restoration, the applicant/owner may provide prior to permit issuance a dune restoration payment of \$2.40 per square foot, or the rate reflected in the current Fee Schedule for the Environmental Enhancement Fund, for the calculated square footage of new dune habitat coverage beyond existing conditions to be used for the sole purpose of financing dune habitat restoration and maintenance within the Asilomar Dunes system. The applicant/owner shall submit evidence of the calculation of square footage based on the construction permit design (anticipated to be equivalent to 7,840 square feet) and a receipt that indicates the total amount has been deposited into an interest-bearing account to be established and managed by one of the following entities as approved by the HCD-Planning Department: the City of Pacific Grove, Monterey County, or the California Department of Parks and Recreation. All of the funds and any accrued interest shall be used for the above-stated purpose. (HCD-Planning)

Compliance or Monitoring Action to be Performed: If the applicant/owner opts to directly provide off-site dune habitat restoration, prior to issuance of construction permits, the applicant/owner shall provide to HCD-Planning for review and approval the proposed restoration plan and the location and permissions required for it to be implemented. Prior to building final inspection, applicant/owner shall provide evidence to HCD-Planning for review and approval that the approved off-site restoration has been implemented by a County-approved biologist. If applicant/owner opts to pay in-lieu fees, prior to issuance of construction permits, the applicant/owner shall submit receipt(s) that reflect compliance with this measure.

32. BIO/MM-4.1 -- 100-FOOT BUFFER ZONE FROM JUNCUS ARTICUS HERBACEOUS ALLIANCE VEGETATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: 100-FOOT BUFFER ZONE FROM JUNCUS ARTICUS HERBACEOUS ALLIANCE VEGETATION. Project plans shall be revised to clearly show a minimum 100-foot setback and buffer zone between the project construction area (including all areas proposed for demolition, construction, staging, or landscaping) and the edge of the *Juncus articus* (var. *balticus*, *mexicanus*) Herbaceous Alliance vegetation, as shown in Figure 4.2-1 of the EIR. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of demolition, grading, or construction permits, the applicant shall submit revised project plans to the County of Monterey HCD – Planning demonstrating compliance with this measure.

33. BIO/MM-4.2 -- COASTAL WETLAND PERIMETER FLAGGING

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: COASTAL WETLAND PERIMETER FLAGGING. Prior to initiating the proposed dune scrub restoration activities, the environmental monitor shall flag the perimeter of the coastal wetland. Application of herbicides shall be prohibited within 25 feet of the coastal wetland. No removal of Mexican rush shall be permitted, and any vegetation removal efforts within 25 feet of the coastal wetland shall be implemented by hand. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to initiating the proposed dune scrub restoration activities, the environmental monitor contracted by the County shall submit a letter report detailing the project's compliance with this measure.

Throughout the duration of construction activities, the environmental monitor shall submit regular (weekly) monitoring reports demonstrating compliance with this measure.

34. GEO/MM-1.1 -- GEOTECHNICAL STUDY

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: GEOTECHNICAL STUDY. The project shall be designed to meet or exceed all applicable requirements of the California Building Standards Code. The Applicant shall ensure that all design and construction recommendations provided by Cleary Consultants, Inc. (2010) in the geotechnical study are included on construction specifications and implemented during construction of the proposed project. Prior to issuance of the Combined Development Permit, the Applicant shall submit to the County of Monterey HCD – Planning, for review and approval, grading and engineering plans that are consistent with this measure. (HCD-Planning)

Compliance or Monitoring Action to be Performed: The Applicant shall submit grading and engineering plans consistent with this measure to the County of Monterey HCD – Planning for review and approval to establish compliance with this measure.

35. HAZ/MM-1.1 -- HAZARDOUS MATERIAL SPILL PREVENTION, CONTROL, AND COUNTERMEASURE PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: HAZARDOUS MATERIAL SPILL PREVENTION, CONTROL, AND COUNTERMEASURE PLAN. Prior to issuance of demolition, grading, or construction permits, the Applicant shall prepare a Hazardous Material Spill Prevention, Control, and Countermeasure Plan to minimize the potential for, and effects of, spills of hazardous or toxic substances during construction of the project. The plan shall be submitted for review and approval by the Monterey County HCD – Planning, and shall include, at minimum, the following:

- a. A description of storage procedures and construction site maintenance and upkeep practices;
- b. Identification of a person or persons responsible for monitoring implementation of the plan and spill response;
- c. Identification of Best Management Practices to be implemented to ensure minimal impacts to the environment occur, including but not limited to the use of containment devices for hazardous materials, training of construction staff regarding safety practices to reduce the chance for spills or accidents, and use of non-toxic substances where feasible;
- d. A description of proper procedures for containing, diverting, isolating, and cleaning up spills, hazardous substances, and/or soils, in a manner that minimizes impacts on surface and groundwater quality and sensitive biological resources;
- e. A description of the actions required if a spill occurs, including which authorities to contact and proper clean-up procedures; and,
- f. A requirement that all construction personnel participate in an awareness training program conducted by qualified personnel approved by the Monterey County HCD – Planning. The training must include a description of the Hazardous Materials Spill Prevention, Control, and Countermeasure Plan, the plan's requirements for spill prevention, information regarding the importance of preventing spills, the appropriate measures to take should a spill occur, and identification of the location of all clean-up materials and equipment. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of demolition, grading, or construction permits, the applicant shall submit a Hazardous Material Spill Prevention, Control, and Countermeasure Plan to the County of Monterey Resource Management Agency – Planning Department establishing compliance with this measure.

36. HAZ/MM-1.2 -- CLEANING AND REFUELING BEST MANAGEMENT PRACTICES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: CLEANING AND REFUELING BEST MANAGEMENT PRACTICES. During construction activities, the cleaning and refueling of equipment and vehicles shall occur only within a designated staging area. This staging area shall conform to Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and avoid potential leaks or spills. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of demolition, grading, or construction permits, the applicant shall submit revised project plans to the County of Monterey HCD – Planning identifying designated staging areas in compliance with this measure.

37. HAZ/MM-1.3 -- SPILL PREVENTION AND CLEAN-UP

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: SPILL PREVENTION AND CLEAN-UP. All project-related spills of hazardous materials within or adjacent to the project area shall be cleaned-up immediately. Spill prevention and clean-up materials shall be on-site at all times during construction. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Throughout project construction, the environmental monitor shall submit regular monitoring reports to the County of Monterey HCD – Planning establishing compliance with this measure.

38. HR/MM-1.1 -- HISTORIC AMERICAN BUILDINGS SURVEY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: HISTORIC AMERICAN BUILDINGS SURVEY. Prior to issuance of the demolition, grading, or construction permits and subsequent to repair and restoration of ongoing vandalism and degradation, the applicant shall submit to the County of Monterey HCD – Planning for review and approval a recordation of the Connell House per the most recent guidelines of the Historic American Buildings Survey (HABS). Where baseline conditions are no longer in existence and have not been repaired, original features and materials shall be restored, with the use of documentary evidence, in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. The documentation package shall include measured drawings; written and oral histories, including historic context and statement of significance; written architectural description; bibliographic materials; large-format, black-and-white photographs; and relevant related information. The original documentation shall be submitted to the HABS office in Washington, D.C., for deposit in the Library of Congress. Copies of the documentation package shall be offered to the Pebble Beach Company Lagorio Archives; Monterey Public Library (California Room); Monterey County Historical Society; Richard Neutra archives at the UCLA Charles E. Young Research Library, Syracuse University Library, and Columbia University Avery Architectural and Fine Arts Library; and Northwest Information Center at Sonoma State University, Rohnert Park.

An individual or team meeting the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61) shall be retained to oversee the return of the property to baseline conditions in accordance with the Secretary of the Interior's Standards and to prepare the HABS materials. In the event that restoration is not possible, recordation shall still be required in accordance with the Secretary of the Interior's Standards to the greatest extent feasible. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of the demolition, grading, or construction permits, the applicant shall submit a recordation of the Connell House per the most recent guidelines of the Historic American Buildings Survey (HABS) to the County of Monterey HCD Planning to demonstrate compliance with this measure.

39. HR/MM-1.2 -- CONNELL HOUSE WEB PAGE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: CONNELL HOUSE WEB PAGE. Prior to issuance of demolition, grading, or construction permits, the applicant shall submit for review and approval to the County of Monterey HCD – Planning, and a designated host organization (e.g., Monterey County Historical Society or Pebble Beach Company), electronic information in a web-based format for use in creating a web page documenting the Connell House. Prior to starting the gathering of this information, the applicant shall work with a qualified professional to create a scope of work for the educational materials to be developed, and the scope of work shall be provided to the Monterey County Historic Resources Review Board for review and approval. The web page shall document the house, its history, and features, at baseline conditions. The web page shall include, but not be limited to, a video tour of the Connell House to be completed prior to any demolition; photographs; architectural drawings; current and historic photographs; and background material such as oral histories with individuals with knowledge of the Connell House.

An individual or team meeting the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61) shall be retained to prepare the web page content. The web page shall be operational no later than 1 year following issuance of project permits. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of demolition, grading, or construction permits, the Applicant shall submit educational information documenting the Connell House to the County of Monterey HCD – Planning for incorporation into a web page documenting the Connell House.

40. HYD/MM-1.1 -- EROSION CONTROL PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: EROSION CONTROL PLAN. Prior to issuance of demolition, grading, or construction permits, the Applicant shall submit an erosion control plan to the County of Monterey HCD for review and approval.

All identified erosion control measures shall be in place prior to the start of construction. The County of Monterey HCD shall periodically conduct subsequent inspections of the site throughout the duration of construction, including prior to the start of construction and prior to and after any significant storm events, to ensure the following:

- a. To ensure all identified erosion control measures are in place prior to the start of construction;
- b. To identify locations and features of the site that contribute to stormwater discharge;
- c. To assess the adequacy of the best management practices and controls in place to reduce pollutant loadings and ensure they were properly installed and are functioning appropriately;
- d. To determine whether implementation of additional best management practices or corrective measures are needed; and,
- e. To direct and oversee the implementation of any identified additional best management practices or corrective measures.

In the event of a prolonged storm event, the County of Monterey HCD – Planning shall conduct inspections every 24 hours through the duration of the storm event.

Requirements of the approved erosion control plan and drainage plan shall be included on all construction specifications. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of demolition, grading, or construction permits, the Applicant shall submit an erosion control plan to the County of Monterey HCD – Environmental Services for review and approval to establish compliance with this measure.

41. HYD/MM-2.1 -- DRAINAGE PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: DRAINAGE PLAN. Prior to issuance of demolition, grading, or construction permits, the Applicant shall submit a drainage plan to the County of Monterey HCD – Planning for review and approval by the Director of Building Inspection.

Upon completion of construction, and periodically thereafter as necessary, the County of Monterey HCD – Planning shall inspect the site to ensure the following:

- a. All best management practices and drainage facilities installed to reduce increased runoff were properly installed and are functioning properly;
- b. The best management practices and drainage facilities are adequate to control erosion and stormwater runoff; and
- c. Post-development stormwater runoff does not exceed pre-development stormwater runoff.

In the event drainage facilities are found to be inadequate to ensure post-development stormwater runoff does not exceed pre-development stormwater runoff, the County of Monterey HCD – Planning shall identify additional corrective measures to be implemented and direct the implementation of additional measures, as needed, to prevent any increase in post-development stormwater runoff.

Requirements of the approved drainage plan shall be included on all construction specifications. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of demolition, grading, or construction permits, the Applicant shall submit a drainage plan in compliance with this measure to the County of Monterey HCD to establish consistency with this measure.

42. NOI/MM-1.1 -- NOISE CONTROL DURING CONSTRUCTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: NOISE CONTROL DURING CONSTRUCTION. The following noise attenuation measures shall be implemented during construction activities to reduce construction-related noise effects on adjacent sensitive receptors. The following measures shall be noted on construction plans prior to issuance of demolition, grading, or construction permits and shall be implemented throughout the duration of construction activities:

- a. Construction activities shall be limited to daytime hours between 7:00 a.m. and 7:00 p.m. Monday through Saturday. No construction shall be allowed on Sundays or national holidays.
- b. Neighborhood notice. Residents and other sensitive receptors within 300 feet of the project site shall be notified of the construction activities, including the nature of construction activities and schedule, in writing, at least 48 hours prior to the initiation of construction activities. The notice shall include contact information for questions and complaints, including name, phone number, address, and e-mail address.
- c. Construction equipment with internal combustion engines shall have sound control devices at least as effective as those provided by the original equipment manufacturer.
- d. No equipment shall be permitted to have an unmuffled exhaust.
- e. Impact tools, such as jack hammers, pavement breakers, and rock drills, used for project demolition or construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler shall be placed on the compressed air exhaust. External jackets shall be used on impact tools, where feasible.
- f. Stationary noise sources shall be located as far away from nearby receptors as possible, and shall muffle, incorporate noise barriers, or implement other noise control measures to the extent feasible.
- g. Trucks and construction equipment shall be prohibited from idling at the construction site or along streets serving the construction site. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of demolition, grading, or construction permits, the applicant shall submit revised construction plans to the County of Monterey HCD – Planning establishing compliance with this measure.

Throughout construction activities, the environmental monitor shall submit regular monitoring reports to the County of Monterey HCD – Planning establishing compliance with this measure.

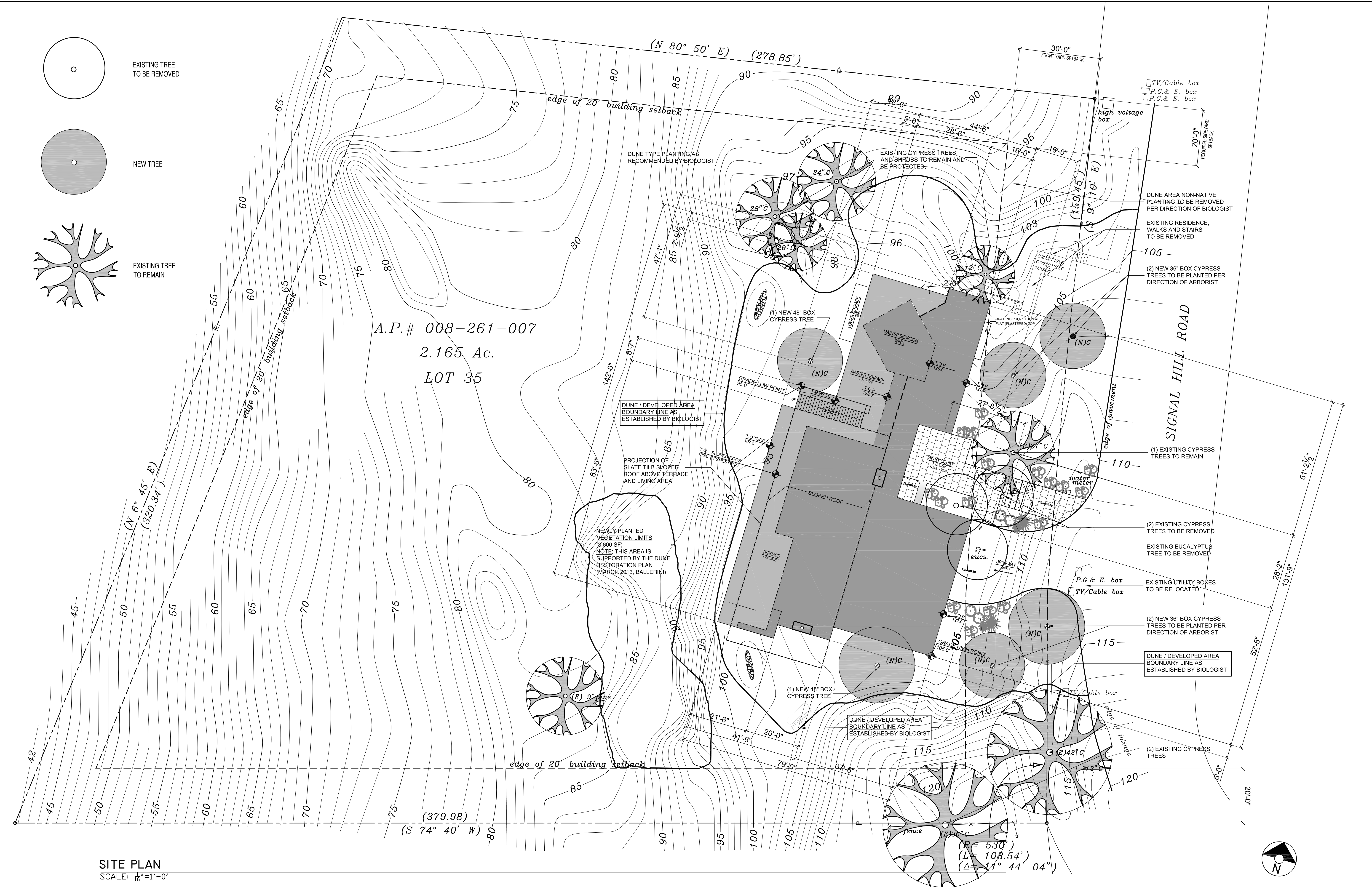
43. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

Responsible Department: RMA-Planning

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

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

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



SITE PLAN

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

LEGAL DESCRIPTION:

SUBDIVISION: EL PESCADERO RHO
PLANNING AREA: GREATER MONTEREY PENINSULA
AREA PLAN: DEL MONTE FOREST LAND USE PLAN
COUNTY FILE NUMBER: PLN100338L

ADDRESS: 1170 SIGNAL HILL DRIVE
PEBBLE BEACH, CA 93953

ACCESSOR'S PARCEL No.: 008-267-007
LOT No.: 35
ZONING: LDR/1.5-D (CZ)
USE: SINGLE FAMILY RESIDENTIAL

LOT COVERAGE

LOT SIZE: 2.165 Acres - (94,307 s.f.)
MAXIMUM ALLOWABLE BUILDING COVERAGE (per code): = 15%
94,307 s.f. X 15% = 14,146 s.f.
ACTUAL BLDG. COVERAGE: 8,058 s.f. / 94,307 s.f. = 8.5%

IMPERVIOUS LOT COVERAGE:

BUILDING FOOTPRINT*: 8,058 s.f.
ENTRY COURT (Stone Pavers): 986 s.f.
UNCOVERED TERRACES (Stone Pavers): 106 s.f.
DRIVEWAY (Concrete): 858 s.f.
TOTAL: 10,008 s.f. = 10.6%
* Includes all covered terraces, decks and garage.

FLOOR AREA

MAXIMUM ALLOWABLE FLOOR AREA - (LDR/1.5D): 17.5%
ALLOWABLE FLOOR AREA:
94,307 sf. x 17.5% = 16,504 sf.

PROPOSED FLOOR AREA / RATIO:

LOWER LEVEL: 5,229 s.f.
FIRST FLOOR (w/GARAGE): 5,426 s.f.
SECOND FLOOR: 1,278 s.f.
TOTAL FLOOR AREA: 11,933 s.f./94,307 =12.6%

BUILDING HEIGHT

MAXIMUM ALLOWABLE HEIGHT - LDR/1.5D: 30 FEET
HEIGHT CALCULATION:
HIGH POINT OF NATURAL GRADE: 105.0'
LOW POINT OF NATURAL GRADE: 95.0'
DIFFERENTIAL: 10.0'

AVERAGE GRADE: 10'/2 = 5' + 95.0' = 100.0'

ACTUAL HEIGHT ELEVATION: 100' + 25' = 125.0'

GRADING CUT/FILL (see civil drawings)

CUT 1,200 CY
FILL 500 CY
EXPORT 700 CY

REQUIRED PARKING

REQUIRED PARKING FOR SINGLE FAMILY DWELLING: 2 CARS
COVERED PARKING SPOTS PROVIDED: 3 CARS

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LEGEND

EL ELEVATION
F.F.EL. FINISHED FLOOR ELEVATION
F.G. FINISHED GRADE
T.O.P. TOP OF PARAPET.
T.O.W. TOP OF WALL
A.F.F. ABOVE FINISHED FLOOR
SPOT ELEVATION (PLAN)
ELEVATION (SECTION)
CEILING HEIGHT CHANGE
FLOOR ELEVATION CHANGE
FINISHING MATERIAL CHANGE

REVISIONS

BUILDING ROTATION - JULY 2015

KEY PLAN

CASA
PEBBLE BEACH

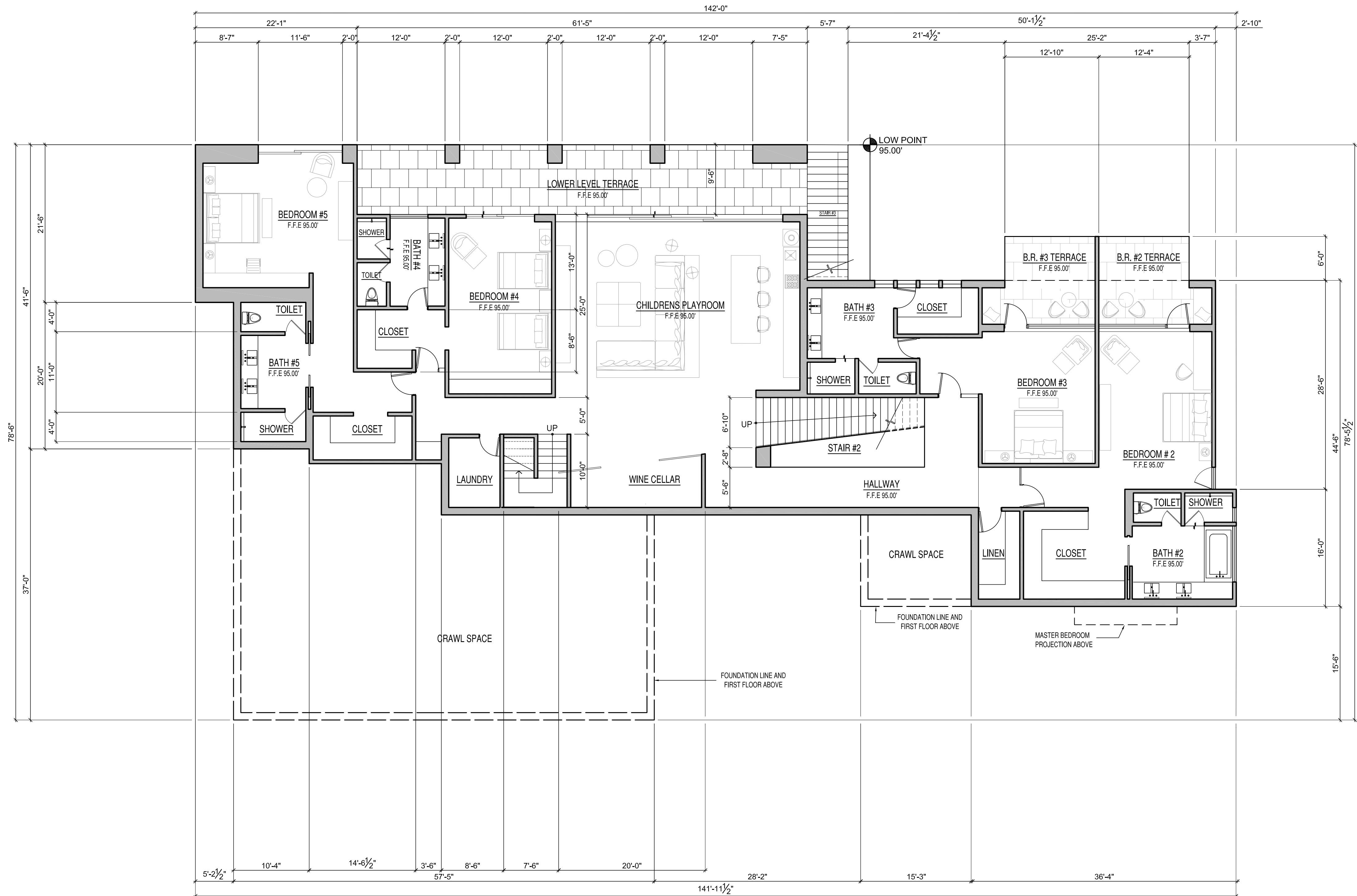
1170 SIGNAL HILL ROAD
PEBBLE BEACH, CALIFORNIA

SITE

PLAN

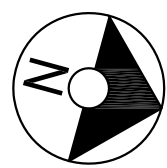
A-1.0

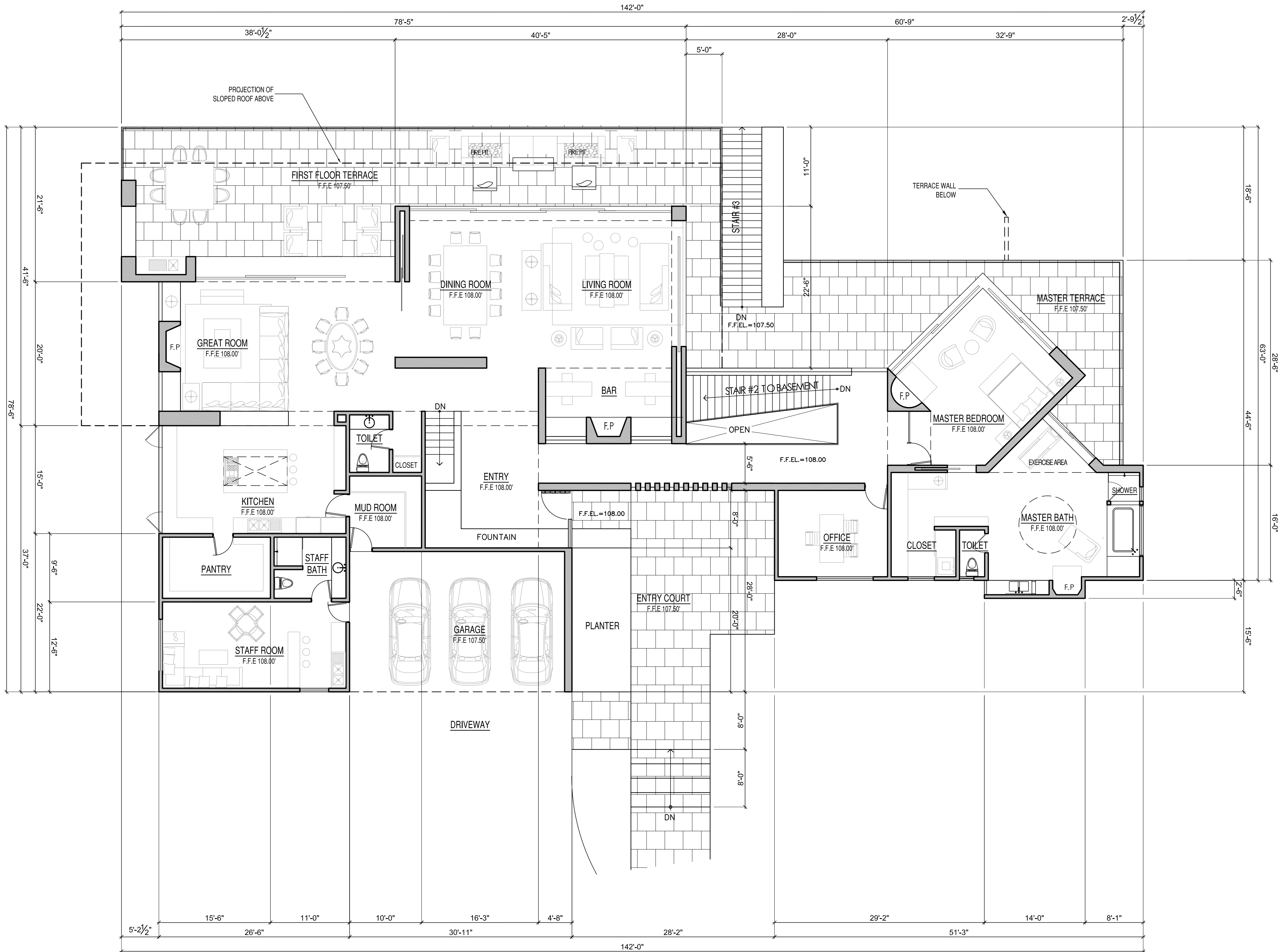
DATE SCALE
2/18/2018 1/16"=1'-0"



GROUND FLOOR / BASEMENT PLAN

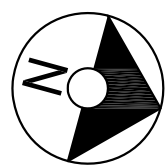
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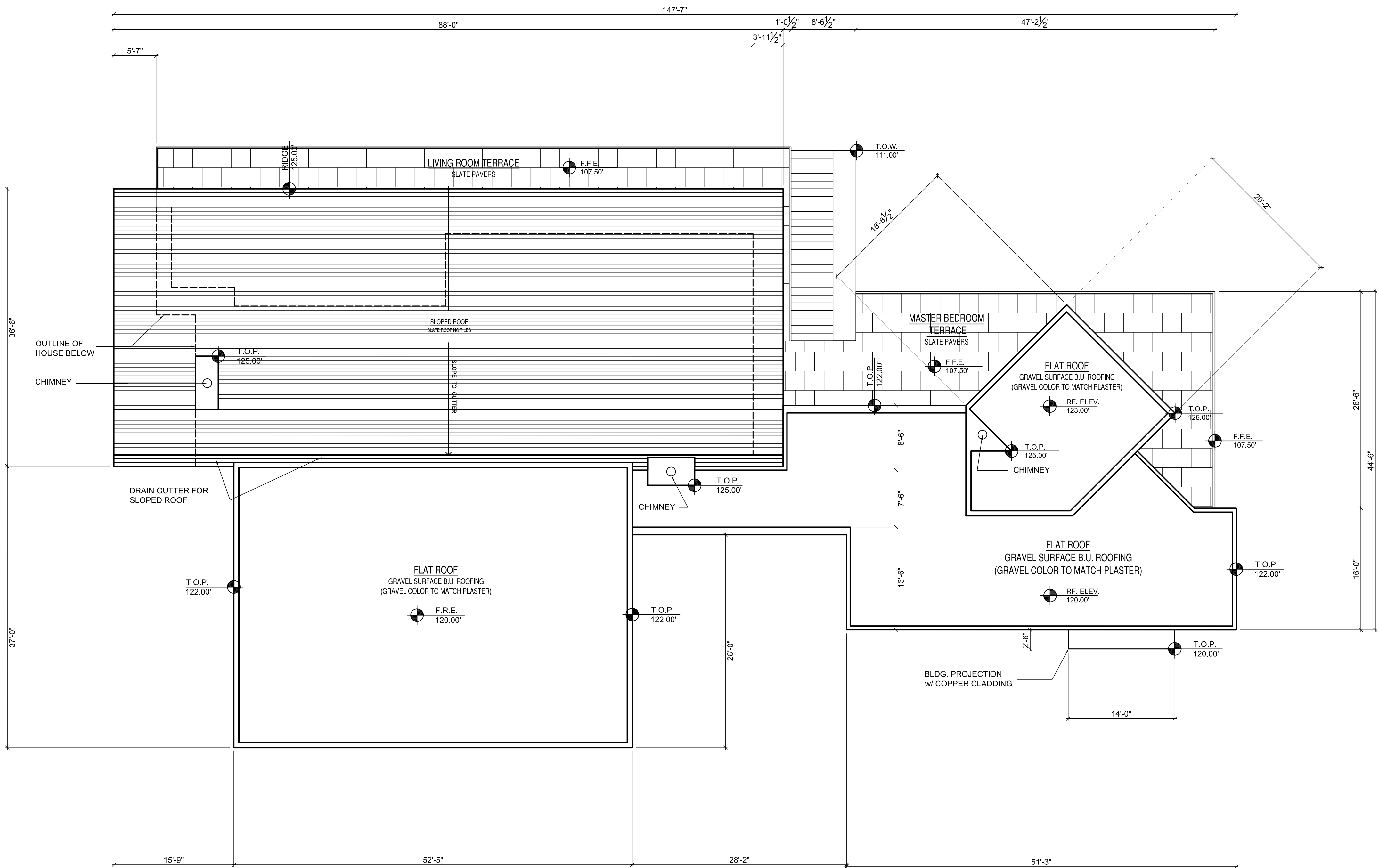




FIRST FLOOR

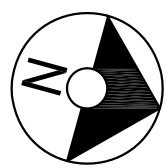
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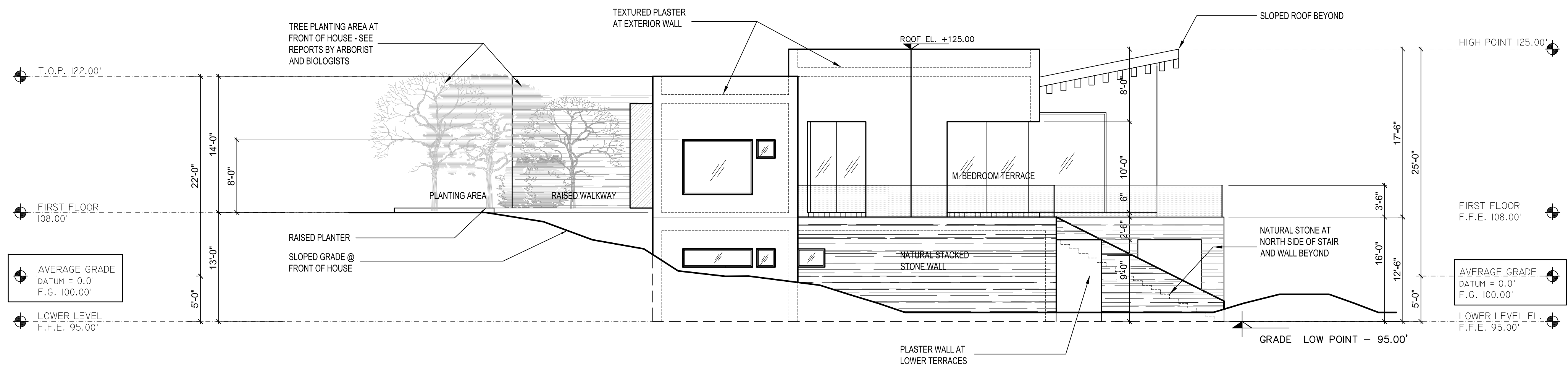




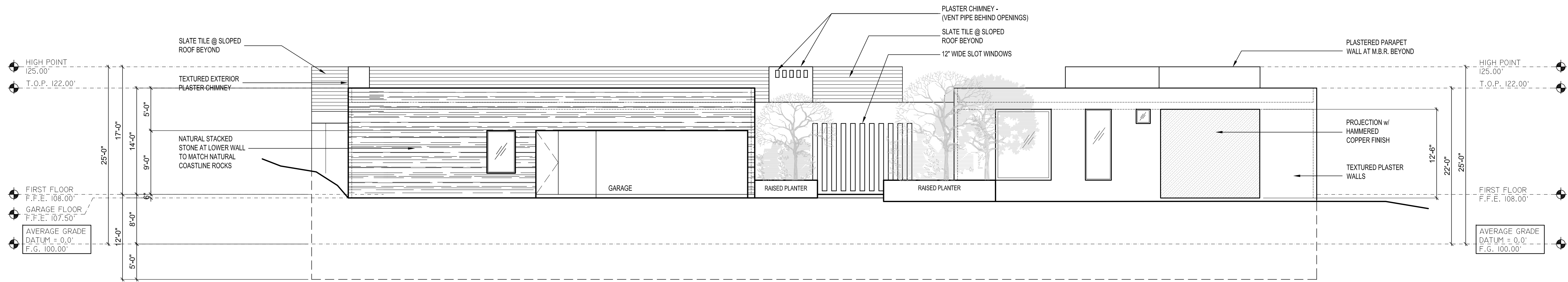
ROOF PLAN

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





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



EAST (STREET) ELEVATION
SCALE: 1/8"=1'-0"

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REVISIONS

EIR MITIGATION - AUGUST 2017

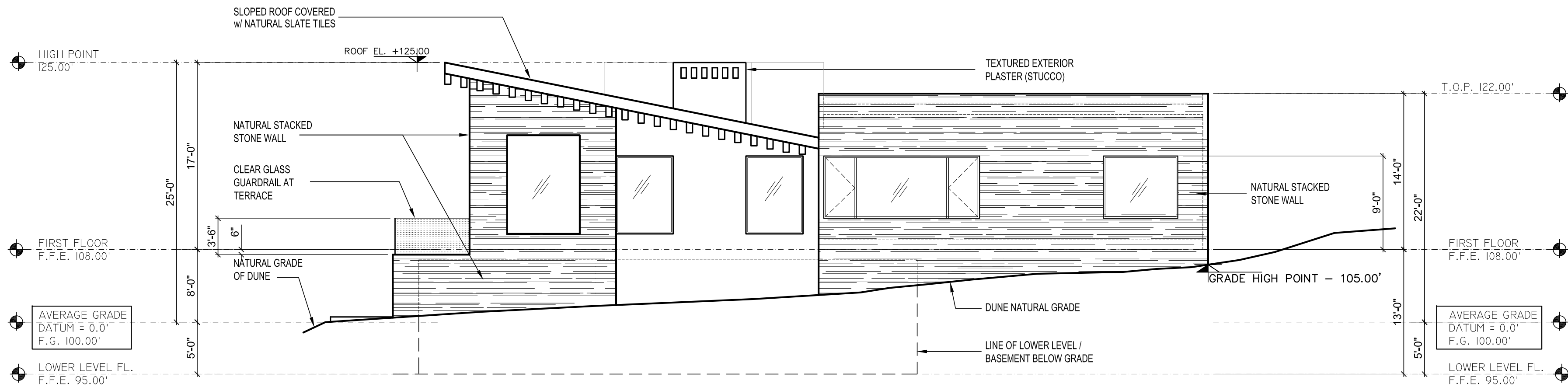
CASA
PEBBLE BEACH

1170 SIGNAL HILL ROAD
PEBBLE BEACH, CALIFORNIA

EXTERIOR
ELEVATIONS

A-4.0

DATE	SCALE
2/20/2018	1/8"=1'-0"



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



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

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REVISIONS

△ EIR MITIGATION - AUGUST 2017

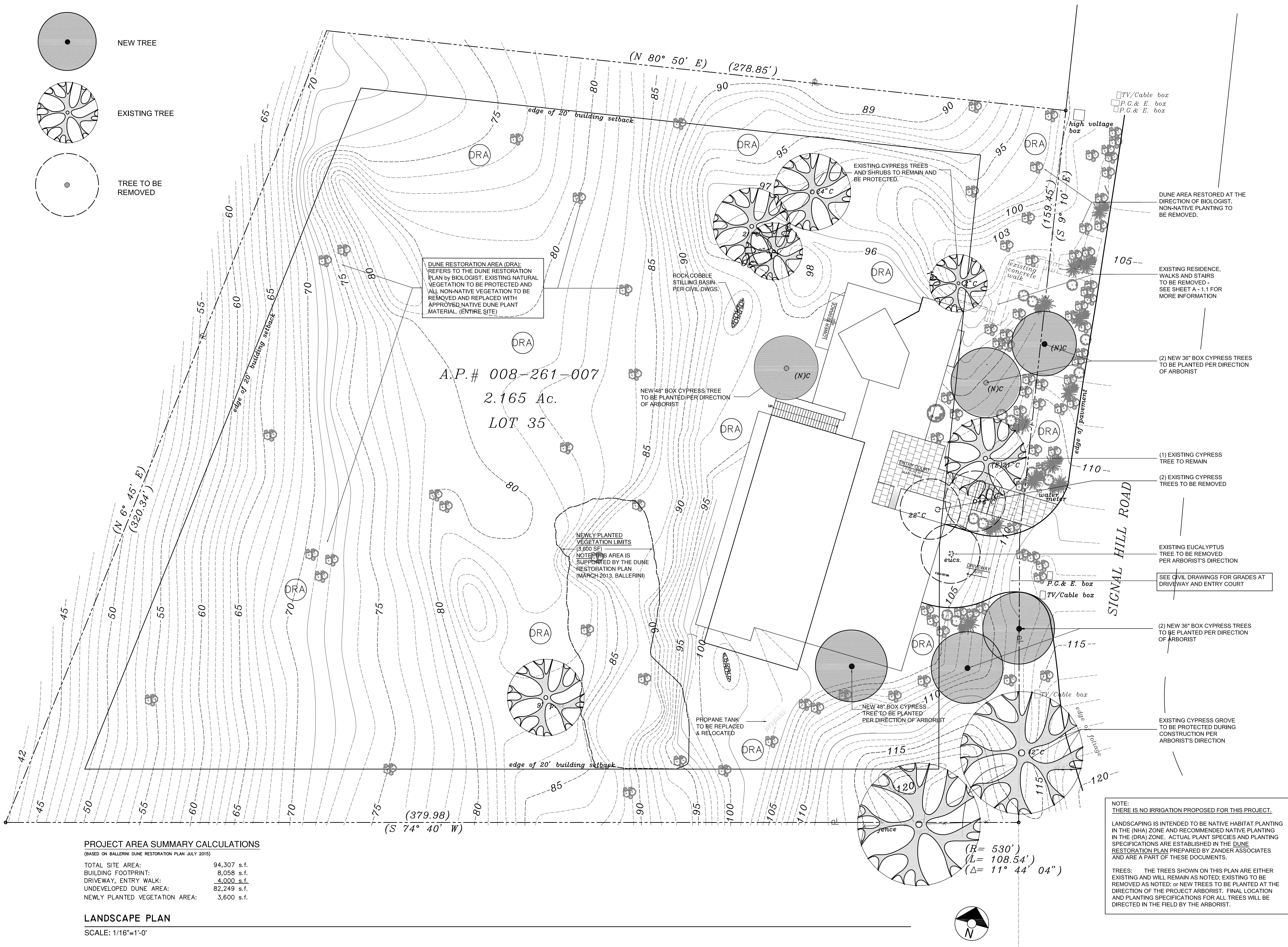
CASA
PEBBLE BEACH

1170 SIGNAL HILL ROAD
PEBBLE BEACH, CALIFORNIA

EXTERIOR
ELEVATIONS

A-4.1

DATE	SCALE
2/20/2018	1/8"=1'-0"



PROJECT AREA SUMMARY CALCULATIONS	
(BASED ON BALLERINI DUNE RESTORATION PLAN JULY 2015)	
TOTAL SITE AREA:	94,307 s.f.
BUILDING FOOTPRINT:	8,058 s.f.
DRIVEWAY, ENTRY WALK:	4,000 s.f.
UNDEVELOPED DUNE AREA:	82,249 s.f.
NEWLY PLANTED VEGETATION AREA:	3,600 s.f.

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

NOTE:
THERE IS NO IRRIGATION PROPOSED FOR THIS PROJECT.
LANDSCAPING IS INTENDED TO BE NATIVE HABITAT PLANTING IN THE (NHA) ZONE AND RECOMMENDED NATIVE PLANTING IN THE (DRA) ZONE. ACTUAL PLANT SPECIES AND PLANTING SPECIFICATIONS ARE ESTABLISHED IN THE DUNE RESTORATION PLAN PREPARED BY ZANDER ASSOCIATES AND ARE A PART OF THESE DOCUMENTS.
TREES: THE TREES SHOWN ON THIS PLAN ARE EITHER EXISTING AND WILL REMAIN AS NOTED; EXISTING TO BE REMOVED AS NOTED; OR NEW TREES TO BE PLANTED AT THE DIRECTION OF THE PROJECT ARBORIST. FINAL LOCATION AND PLANTING SPECIFICATIONS FOR ALL TREES WILL BE DIRECTED IN THE FIELD BY THE ARBORIST.

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LEGEND

- EL ELEVATION
- F.F.EL. FINISHED FLOOR ELEVATION
- F.C.H. FINISHED CEILING HEIGHT
- F.O. FINISHED OPENING
- T.O.P. TOP OF PARAPET WALL EL.
- T.O.W. EL. TOP OF WALL EL.
- A.F.F. ABOVE FINISHED FLOOR
- SPOT ELEVATION (PLAN)
- ELEVATION (SECTION)
- CEILING HEIGHT CHANGE
- FLOOR ELEVATION CHANGE
- FINISHING MATERIAL CHANGE

REVISIONS

- BUILDING ROTATION - JULY 2015
- EIR MITIGATION - AUGUST 2017

CASA
PEBBLE BEACH

1170 SIGNAL HILL ROAD
PEBBLE BEACH, CALIFORNIA

LANDSCAPE
PLAN

L-1.0

DATE	SCALE
2/20/18	1/16"=1'-0"



SLATE ROOF



STUCCO BODY



EXTERIOR STONE

DESIGN ARCHITECT

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WINDOW FRAME



EXTERIOR WOOD

1170 SIGNAL HILL DRIVE