Exhibit D

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## DRAFT RESOLUTION

## Before the Zoning Administrator in and for the County of Monterey, State of California

In the matter of the application of:
WULF (PLN170341)

## RESOLUTION NO. ----

Resolution by the Monterey County Zoning
Administrator:

1) Finding the project exempt from CEQA per Section 15303 (a), and 15303 (e) of the CEQA Guidelines; and
2) Approving a Coastal Administrative Permit to allow additions to an existing single family dwelling including 277-square feet on the first floor, a new 429-square foot second story with 190 -square foot deck off the second-floor addition; and
3) Approving a Coastal Development Permit to allow development within 750 -feet of a known archaeological resource.
2744 Pradera Road, Carmel Meadows, Carmel
Area Land Use Plan (APN: 243-034-010-000)
The Wulf application (PLN170341) came on for a public hearing before the Monterey County Zoning Administrator on June 29, 2017. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

## FINDINGS

1. FINDING: CONSISTENCY - The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:

- the 1982 Monterey County General Plan;
- Carmel Land Use Plan
- Monterey County Zoning Ordinance (Title 20)

The proposed new second floor and deck are points of contention, with a neighbor expressing perceived impacts on privacy and views. Correspondence was received from a single neighbor during the course of project review. Concerns were addressed using the text, policies, and regulations of the Monterey County Code (MCC).
b) The property is located at 2744 Pradera Road, Carmel Meadows (Assessor's Parcel Number 243-034-010-000), Carmel Area Land Use Plan, Coastal Zone. The parcel is zoned Medium Density Residential/2
units per acre, with a Design Control overly and an 18-foot height limit (Coastal Zone) [MDR/2-D (18) (CZ)]. MDR zoning allows residential development as a principal use subject to the granting of a Coastal Administrative Permit.
c) The 0.23 -acre ( 10,000 square feet) lot was created with the Carmel Meadows Final Map, Unit No. 1, Cities and Towns, Book 5, Page 85, recorded on May 14, 1952, and is thus a legal lot.
d) The project planner conducted a site inspection on three separate occasions. On April 5, 2017 staff met with the applicant at the project site to verify that the project on the subject parcel conforms to the plans listed above. On April 19, 2017, the project planner conducted a second visit to the Carmel Meadows neighborhood to confirm the presence of other second-story homes on Pradera Road. Finally, on May 10, 2017, the project planner, at the neighbor's request, went out to the neighbor's home on Ribera Road to observe the project's staking and flagging from this vantage point.
e) Height Verification. The zoning district has a height restriction set at 18 feet above average natural grade. The proposed second story and single story additions meet the 18 -foot height limit. Condition No. 4, Height Verification, is recommended to ensure the height of the finished structure conforms to the plans and the maximum height allowance.
f) Visual Resources. The project, as proposed, is consistent with the Carmel Area LUP policies regarding Visual Resources (Chapter 2.2). While the staking and flagging can be seen from Highway 1 by virtue of its striking orange color, the project's second floor is in harmony with surrounding development and does not pose a significant impact to the public viewshed.
g) Public Access. The project site is located west of Highway 1, in a residential subdivision, and is not described as an area where the LCP requires public access (Figure 3, Public Access, in the Carmel Area Land Use Plan). As proposed, the project is in conformance with the public access and public recreation policies of the Coastal Act and LCP, and does not interfere with any form of historic public use or trust rights.
h) Design. Pursuant to MCC Chapter 20.44, the proposed project site and surrounding area are designated as a Design Control Zoning District ("D" zoning overlay), which regulates the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character. The proposed exterior colors and materials will match the existing structure: light gray with a white trim and dark gray shingles for the roof. The proposed exterior finishes will blend with the surrounding environment, and are consistent with other dwellings in the neighborhood, specifically other dwellings with second stories, and will not disrupt the overall character of the neighborhood. Therefore, the project as proposed, assures protection of the public viewshed and is consistent with the neighborhood character.
i) The project was referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, this application warranted referral to the LUAC because there is known
controversy associated with this project. On May 15, the LUAC reviewed the project and made design recommendations, namely to blend in the second story addition with the existing structure; privacy issues were also addressed at this meeting. It was generally understood that only the public viewshed is protected by the policies set forth by Monterey County. On June 5, 2017, the applicant returned to the LUAC with revised plans. The LUAC members were not receptive to the revised design and voted against the project (3- noes, 1- abstention).
j) The application, project plans, and related supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development can be found in Project File PLN170341.
2. FINDING:

EVIDENCE: a) The project has been reviewed for site suitability by the following departments and agencies: RMA-Planning, Carmel Highlands Fire Protection District, RMA-Public Works, RMA-Environmental Services, Water Resources Agency and the Carmel Highlands Land Use Advisory Committee. Conditions recommended by RMA-Planning and RMAEnvironmental Service have been incorporated. There has been no indication from these departments/agencies that the site is not suitable for the proposed development.
b) Staff identified potential impacts to Archaeological and Historical Resources. The following reports have been prepared:

- Phase One Historic Assessment (LIB170083), prepared by PAST Consultants, Seth Bergstein, Pacific Grove, CA, November 9, 2016
- Preliminary Cultural Resources Reconnaissance (LIB170227), prepared by Susan Morley, M.A., Marina, CA, May 2017

The above-mentioned technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.
c) Staff conducted a site inspection on April 5, 2017 to verify that the site is suitable for this use.
d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN170341.
3. FINDING: HEALTH AND SAFETY - The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use; or be detrimental or injurious to property and improvements in the neighborhood; or to the general welfare of the County.

EVIDENCE: a) The project was reviewed by RMA - Planning, Carmel Highlands Fire Protection District, RMA - Public Works, RMA - Environmental Services, and Water Resources Agency. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
b) Public utilities for this residence are provided by California-American Water Company, Carmel Area Wastewater District, and the Monterey Peninsula Water Management District. The single-family dwelling will continue to be served by these same agencies.
c) The application, project plans, and related supporting materials submitted by the project applicant to the Monterey County RMA Planning for the proposed development can be found in Project File PLN170341
4. FINDING: NO VIOLATIONS - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.
EVIDENCE: a) Staff reviewed Monterey County RMA - Planning and Building Services Department records and is not aware of any violations existing on subject property.
b) Staff conducted a site inspection on April 5, 2017 and researched County records to assess if any violation exists on the subject property.
c) There are no known violations on the subject parcel.
d) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development can be found in Project File PLN170341.
5. FINDING: CEQA (Exempt): - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.
a) 15303 (a) categorically exempts one single-family residence, or a second dwelling unit in a residential zone. The proposed project would add improvements to the existing single family dwelling in a medium density residential zone (MDR/2.5).
b) 15303 (e) categorically exempts accessory structures including patios. The proposed second floor deck would fall under the category of accessory structure and thus, is categorically exempt.
c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. A report provided concludes that the proposed project would not impact any resources. Staff finds that there is adequate evidence to support finding that there are no unique circumstances for potential impact in this case
d) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN170341.
6. FINDING: APPEALABILITY - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: a) Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20) states that the proposed project is appealable to the Board of Supervisors.
b) Section 20.86.080 of the Monterey County Zoning Ordinance (Title 20) states that the proposed project is subject to appeal by an applicant or an aggrieved person who has exhausted all County appeals, or by any two (2) members of the California Coastal Commission because this project is between the sea and the first through public road paralleling the sea.

## DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

1. Find the project Exempt from CEQA per Section 15303 (a) and 15303 (e) of the CEQA Guidelines; and
2. Approve a Coastal Administrative Permit and Design Approval to allow additions to an existing single family dwelling including 277-square feet on the first floor, a new 429square foot second story with a 190 -square foot deck off the second-floor addition; and
3. Approve a Coastal Development Permit to allow development within 750 -feet of a known archaeological resource, in general conformance with the attached plans, and subject to the attached conditions hereto.

Approval is subject to 9 conditions, incorporated herein by reference.
PASSED AND ADOPTED this 29th day of June, 2017:

Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON $\qquad$ .

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

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

## NOTES

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

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

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County RMA-Planning and RMA-Building Services Department office in Salinas.
2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

## Monterey County RMA Planning

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

## 1. PD001-SPECIFIC USES ONLY

| Responsible Department: <br> Condition/Mitigation Monitoring Measure: | RMA-Planning <br> This Administrative Permit (PLN170341) allows additions to an existing single-family dwelling, including 277 -square feet on the first floor, a new 429 -square foot second story with 190 -square foot deck off the second-floor addition and a composite roof. The property is located at 2744 Pradera Road (Assessor's Parcel Number $243-034-010-000$ ), Carmel Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Zoning Administrator. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning) |
| :---: | :---: |
| Compliance or Monitoring ction 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:
Condition/Mitigation Monitoring Measure:

Compliance or
Monitoring Action to be Performed:

RMA-Planning
The applicant shall record a Permit Approval Notice. This notice shall state:
"An Administrative Permit (PLN170341) was approved by the Zoning Administrator for Assessor's Parcel Number 243-034-010-000 on June 29. 2017. The permit was granted subject to 9 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

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

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

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

## Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

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

## Action to be Performed:

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

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

## 4. PD041-HEIGHT VERIFICATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

Compliance or
Monitoring Action to be Performed:

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

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

Prior to the foundation pre-pour inspection, the Owner/Applicant shall provide evidence (i.e. certified letter) from a licensed civil engineer or surveyor, to the Director of RMA- Planning for review and approval, that the height of first and second finished floors from the benchmark are consistent with what was approved on the building permit.

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

## 5. EROSION CONTROL PLAN

| Responsible Department: | Environmental Services |
| ---: | :--- |
| Condition/Mitigation <br> Monitoring Measure: | The applicant shall submit an Erosion Control Plan in conformance with the <br> requirements of Monterey County Code Chapter 16.12. The Erosion Control Plan <br> shall include a construction entrance, concrete washout, stockpile area(s), material |
|  | storage area(s), portable sanitation facilities and waste collection area(s), as <br> applicable. (RMA-Environmental Services) |
| Compliance or <br> Monitoring | Prior to issuance of any grading or building permits, the applicant shall submit an |
| Action to be Performed: |  |

## 6. INSPECTION-DURING ACTIVE CONSTRUCTION

| Responsible Department: | Environmental Services |
| ---: | :--- |
| Condition/Mitigation <br> Monitoring Measure: | The applicant shall schedule an inspection with RMA-Environmental Services to <br> inspect drainage device installation, review the maintenance and effectiveness of |
|  | BMPs installed, and to verify that pollutants of concern are not discharged from the |
|  | site. At the time of the inspection, the applicant shall provide certification that all |
|  | necessary geotechnical inspections have been completed to that point. This |
| inspection requirement shall be noted on the Erosion Control Plan. (RMA - |  |

## 7. INSPECTION-FOLLOWING ACTIVE CONSTRUCTION

| Responsible Department: | Environmental Services |
| :---: | :---: |
| Condition/Mitigation Monitoring Measure: | The applicant shall schedule an inspection with RMA-Environmental Services to ensure all disturbed areas have been stabilized and all temporary erosion and sediment control measures that are no longer needed have been removed. This inspection requirement shall be noted on the Erosion Control Plan. (RMA Environmental Services) |
| Compliance or Monitoring Action to be Performed: | Prior to final inspection, the owner/applicant shall schedule an inspection with RMA-Environmental Services. |

## 8. INSPECTION-PRIOR TO LAND DISTURBANCE

| Responsible Department: | Environmental Services |
| ---: | :--- |
| Condition/Mitigation <br> Monitoring Measure: | The applicant shall schedule an inspection with RMA-Environmental Services to |
| ensure all necessary sediment controls are in place and the project is compliant with |  |

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

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

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

## COLOR SAMPLES FOR PROJECT FILE NO.



Materials: $P_{\text {AIn }} t$ Description: Body Colors: SA= Fruncisen For


Materials: $\qquad$ Colors: $\qquad$ Description: $\qquad$


Materials: $\qquad$ Colors: $\qquad$


Aspen Bronze 1 Light 6.5" Height LED Outdoor Wall Sconce from the Kirkham Collection

## Item \# bci2227698 Model \# 8102-A138-L Kirkham LED Collection

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DESIGN CRITERIA: 2017 California code of regulations, title 24
Seismic Zone D2, WIND EXPOSURE ( 85 mph ), soil bearing pressure 1500 psf,
TESCRIPTI
PRESCRIPTIVE INSULATION $=$ ceiling - R38, walls - R30, floors - -slab, windows
U. 35 EOB ,


NOTES
GENERAL Notes:

${ }^{3 .}{ }_{4}^{\text {s. stud }}{ }^{\text {Vent }}$





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na
na sulation $n$-values to be equal or beterer if tilemative material is used.
Wood exposes tower
Wood exposed to weathert to bas specified or equal in structure and weather resistant abilites.
See scope of work isted below.



 Nace








$=$ Walls and areas for demo.

## FRONT ELEVATION

 EXISTING scale $3 / 16^{\prime \prime}=1$

FRONT ELEVATION PROPOSED
Scale $1 / 4^{\prime \prime}=1^{\prime}$

## BACK ELEVATION EXISTING scale $3 / 16^{\prime \prime}=1^{\circ}$





ROOF PLAN scale $114^{\prime \prime}=1$






SECTION A12 scale $1 / 4=1$


SECTION B12 scale $1 / 4^{\prime \prime}=1$


