

Exhibit C

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EXHIBIT C
DRAFT RESOLUTION

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

In the matter of the application of:

COLLINS (PLN130339)

RESOLUTION NO. ----

Resolution by the Monterey County Planning
Commission:

- 1) Adopting the Mitigated Negative Declaration;
- 2) Recommending the Board of Supervisors adopt a resolution of intent to approve the Local Coastal Program Amendment to rezone the property from Resource Conservation, Coastal Zone ["RC(CZ)"] to Watershed and Scenic Conservation, Special Treatment, Coastal Zone ["WSC/SpTr(CZ)"];
- 3) Approving the Combined Development Permit, subject to approval of the Local Coastal Program Amendment, consisting of:
 - a. Coastal Administrative Permit and Design Approval to allow construction of a 2,397 square foot two-story single family dwelling with a 409 square foot attached garage and 143 square foot mechanical room;
 - b. Coastal Administrative Permit to establish a domestic well;
 - c. Coastal Development Permit to allow the removal of one 14-inch and one 18-inch Monterey pine tree;
 - d. Coastal Development Permit to allow development within 100-feet of an environmentally sensitive area;
 - e. Coastal Development Permit to allow development on slopes in excess of 30%; and
- 4) Adopting a Mitigation Monitoring and Reporting Program; and

[PLN130339, James G & Sook Collins, 83 Mount Devon Road, Carmel, Carmel Area Land Use Plan (APN: 241-021-007-000)]

The Collins Combined Development Permit application (PLN130339) came on for public hearing before the Monterey County Planning Commission on August 30, 2017. 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:** **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 Area Land Use Plan;
- Monterey County Coastal Implementation Plan Part 4;
- Monterey County Zoning Ordinance (Title 20); and
- Monterey County Coastal Implementation Plan Part 6, Appendix 13 (Local Coastal Program Amendment Procedures)

Communications were received during the course of review of the project indicating inconsistencies with the text, policies, and regulations in these documents. However, these comments have been addressed and no conflicts were found to exist.

- b) The property is located at 83 Mount Devon Road, Carmel (Assessor's Parcel Number 241-021-007-000), Carmel Area Land Use Plan (CAR LUP) and zoning is Resource Conservation, Coastal Zone or "RC(CZ)." The subject property is part of the Behavioral Science Institute lands (BSI property or BSI), which is identified as a Special Treatment area in the Carmel Area Land Use Plan. Existing development on the site consists of over 700-linear feet of the Mount Devon Road right of way and a 100,000 gallon Cal Am municipal water storage tank, meter, and maintenance access.
- c) Development of the site includes the construction of a two-story single family dwelling with an attached partially subterranean garage. Structural coverage will not exceed 1,700 square feet. Site improvements include a driveway apron off Mount Devon Road, establishment of a domestic well and construction of a well access road, installation of a septic tank and geoflow subsurface dispersal area. The current RC zoning designation prohibits establishment of residential uses. Therefore, the applicant requests a rezone and approval of the Combined Development Permit is subject to approval of the Local Coastal Program amendment.
- d) The applicant requests a Local Coastal Program (LCP) amendment pursuant to Section 30514 of the Public Resources Code, Division 20, California Coastal Act to allow a rezone of the subject property from Resource Conservation, Coastal Zone to Watershed Scenic Conservation, Special Treatment, Coastal Zone or "WSC(SpTr)(CZ)." See Finding No. 4 and supporting evidence for further discussion.

- e) Consistency with WSC(SpTr)(CZ) zoning. Establishment of a single family dwelling is allowed in the WSC district provided a Coastal Administrative Permit is obtained. Therefore, approval of the Combined Development Permit is consistent with this requirement. Section 20.17.060.C.1 of Title 20 establishes minimum setbacks (30-feet from the front, 20-feet from the side, and 20-feet from the rear) and a maximum height limit of 24-feet in the WSC zone. The proposed location of the single family dwelling is 20-feet from the front (Evidence “j” below), over 100-feet from the side and rear, and is 23-feet 10-inches high from average natural grade. Therefore, the project is consistent with the site development standards of the district.
- f) Consistency with Policy 4.4.3E.6 of the CAR LUP – BSI Residential Development. This policy allows residential development of the BSI property provided residential units are capped at 25, are sited outside of the view from Highway 1, and the upper steeper portion of BSI lands remain in open space. Based on Finding No. 5 and supporting evidence, the project is consistent with this policy.
- g) Tree Removal. The project includes removal of two protected trees. In accordance with Section 20.146.060 of the CIP, the project includes a Coastal Development Permit and required findings for removal have been made. See Finding No. 6 and supporting evidence for further discussion.
- h) Development within 100-feet of Environmentally Sensitive Habitat Areas (ESHA). ESHA has been identified onsite. Pursuant to Section 20.146.040 of the CIP, the project includes a Coastal Development Permit to allow development within 100-feet of ESHA. The project meets the required findings to allow such development and evidence to support approval of the permit is contained in subsequent Finding No. 7.
- i) Development on slopes in excess of 30%. The project includes grading and construction on slopes in excess of 30% which requires approval of a Coastal Development Permit pursuant to Section 20.64.230 of Title 20. The project includes this required permit and findings and evidence to support approval are contained within subsequent Finding No. 8.
- j) Height and Setback Exception. The front setback required by the WSC zoning district is 30-feet and the garage is proposed 20-feet from Mount Devon Road. Section 20.62.040.N of Title 20 allows for an exception to the front setback requirement for properties where the elevation of the front half of the lot, at a point 50-feet from the centerline of the traveled roadway, is 7-feet above or below the grade of said centerline. In these cases, parking spaces, private garages or carports, attached or detached, may encroach into the front yard setback requirement up to 5-feet from the front line. The elevation rises approximately 20-feet from the centerline of Mount Devon Road to 50-feet of the front half of the subject property. Therefore, the project is consistent with this exception.

- k) Design Control. Section 20.44.020.C.2 of Title 20 states that regulations contained within the Design Control (“D”) district apply to all areas within the Carmel Area Land Use Plan. Therefore, staff reviewed the proposed location, size, configuration, materials, and colors of structure. was required to assure protection of the public viewshed, neighborhood character. The overall appearance of the neighborhood is eclectic as residential developments range in size and architectural style. The proposed mass and style of the dwelling is consistent with the character of the area. View of the structure would have the greatest impact from Mount Devon Road, however; this would not create an impact to the critical viewshed and is consistent with policies for the protection of scenic resources. See applicable viewshed evidence contained in Finding Nos. 5, 6, and 9.
- l) The project was referred to the Carmel/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 it involves public controversy, is not exempt from environmental review, and approval is required at a public hearing. On September 15, 2014, the was presented to the LUAC for review and recommendation to the Planning Commission and Board of Supervisors. Two members of the public provided comments identifying potential issues relative to the rezone, drainage, erosion, well permit, setbacks, development on slopes in excess of 30%, grading quantities, and requirement of a Variance. The LUAC had comments relative to why the subject property was zoned differently from the rest of the BSI properties and stated that further research to determine this is necessary. The LUAC recommended approval of the project with a vote of 4 ayes and 2 members absent. Concerns of the public and LUAC have been addressed in this resolution.
- m) 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. Staff researched and reviewed Monterey County RMA-Planning and Building Services Department records and conducted a site inspection to asses if any violation exists on the subject property. No violations exist on the property.
- n) The project planner conducted a site inspection on February 28, 2017 to verify that the project on the subject parcel conforms to the plans listed above.
- o) 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 PLN130339.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, Carmel Highlands Fire Protection District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Staff identified potential impacts to biological resources, archaeological resources, soil/slope stability, and percolation. The following reports have been prepared:
 - “Biological Assessment of Gary Collins Property APN: 241-021-007-000” (LIB140278) prepared by Fred Ballerini, Fred Ballerini Horticultural Services, Pacific Grove, CA, May 10, 2014.
 - “Preliminary Archaeological Assessment of a Portion of APN 241-021-007-000, Carmel Highlands, Monterey County, California” (LIB140277) prepared by Mary Doane, B.A., and Gary S. Breschini, Ph. D., RPA, Archaeological Consulting, Salinas, CA, January 24, 2014.
 - “Geotechnical Engineering Report” (LIB160170) prepared by Beacon Geotechnical, Inc., Paso Robles, CA, December 16, 2013.
 - “Percolation Data Sheet” (LIB140279) prepared by Biosphere Consulting, Santa Cruz, CA, January 29, 2014.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 February 28, 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 PLN130339.

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, Environmental Health Bureau, 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) Necessary public facilities will be provided. The project includes installation of a domestic well to provide potable water and an alternative onsite wastewater treatment system (OWTS) for wastewater service. The Environmental Health Bureau has reviewed the project and recommended conditions requiring obtaining permits for the OWTS (Condition No. 28) and domestic well (Condition No. 29) as well as record a deed restriction (Condition No. 30) and provide a maintenance contract (Condition No. 31) for the OWTS. No issues remain.
- c) The project includes development on slopes in excess of 30% (Finding No. 8) which would have potential to result in soil erosion cause by grading and land disturbance and altering drainage patterns resulting in new impervious surfaces. The project has been reviewed by RMA-Environmental Services and Water Resources Agency and no issues have been identified. The project includes recommended conditions requiring submittal and approval an erosion control plan (Condition No. 13), grading plan (Condition No. 15), and drainage plan (Condition No. 22). Also incorporated are conditions requiring inspections prior to land disturbance (Condition No. 16) to determine potential erosion, during active construction (Condition No. 17) to determine ongoing compliance, and following active construction (Condition No. 18) to ensure compliance with the approved plans and specifications. Condition No. 14 has also been incorporated requiring certification that development has been constructed in accordance with the recommendations contained in the Geotechnical Engineering Report.
- d) Temporary impacts during construction were identified during review of the project. As recommended by Public Works, Condition No. 21 has been incorporated requiring submittal of a construction management plan (CMP) for review and approval prior to issuance of construction permits. The CMP shall include information indicating duration of construction, hours of operation, number of estimated truck trips, number of construction workers, and delineation of parking and truck staging areas. This information will ensure that measures developed to minimize traffic impacts during construction are part of the CMP and will be successful.
- e) Staff conducted a site inspection on February 28, 2017 to verify that the site is suitable for this use.
- f) 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 PLN130339.

4. **FINDING:** **LOCAL COASTAL PLAN AMENDMENT** – Processing of the Local Coastal Plan (LCP) amendment is consistent with the procedures set forth in Section 30514 of the California Coastal

Act and Part 6, Appendix 13 of the Monterey County Coastal Implementation Plan. Approval of the LCP amendment to allow rezoning of the property is consistent with standards by which the adequacy of the local coastal program is determined.

- EVIDENCE:**
- a) The project includes rezoning of 30-acre subject property from Resource Conservation, Coastal Zone [RC(CZ)] to Watershed Scenic Conservation, Special Treatment, Coastal Zone [WSC-SpTr(CZ)]. Pursuant to Section 30514(d) of the California Coastal Act, an amendment of the LCP includes any action by the local government which authorizes use of a parcel of land, other than that designated in the certified local coastal program, as a permitted use of such parcel.
 - b) Consistency with the California Coastal Act. The rezone is consistent with the applicable Coastal Resources Planning and Management Policies contained Chapter 3 of the California Coastal Act.

Article 2 – Public Access. The subject property is not located in an area where adequate public access or facilities, including parking areas, for the use of the general public exists. Therefore, the rezone would not impact existing or future public access and is consistent with this policy. See Finding No. 10.

Article 5 – Land Resources. Environmentally sensitive habitats exist on the site. However, the rezone will not result in a significant disruption of habitat values. The project as proposed and conditioned results in siting and design preventing impacts which would significantly degrade the habitats and is found to be compatible. See Finding No. 7.

Article 6 – Development. Development resulting from the rezone will be located adjacent to an existing public road. Potable water and wastewater service will be made available (Finding No. 3). Impacts to the viewshed will not occur (Finding Nos. 5, 6, and 9). The site is suitable for the rezone and resulting development (Finding No. 2) and there is no indication that it will involve a risk to health and safety (Finding No. 3).

- c) Consistency with the Carmel Area Land Use Plan (CAR LUP). The rezone is consistent with the applicable standards and policy objectives of the CAR LUP.

2.2 Visual Resources. The rezone and resulting development is consistent will not result in an impact to the viewshed. See Finding Nos. 5, 6, and 9.

2.3 Environmentally Sensitive Habitats. The rezone and resulting development minimizes impact on environmentally sensitive habitat areas in accordance with the applicable goals and

policies of the Carmel Area Land Use Plan (CAR LUP) and Coastal Implementation Plan Part 4 (CIP). See Finding No. 7.

2.4 Water and Marine Resources. The rezone and resulting development has been conditioned to ensure impacts caused by soil erosion and drainage are minimized. See Finding No. 3.

2.5 Forestry and Soil Resources. The rezone and resulting development results in removal of the minimum amount of trees necessary. See Finding No. 6.

2.7 Hazards. The rezone and resulting development will not interfere with policies applicable to fire, flood, and/or seismic and geologic hazards. See Finding Nos. 2 and 3.

2.8 Archaeological Resources. The rezone and resulting development the subject property is consistent with policies requiring protection archaeological resources. See Finding No. 9.

4.4 Land Use Development Policies. Rezoning the property from Resource Conservation, Coastal Zone [RC(CZ)] to Watershed Scenic Conservation, Special Treatment, Coastal Zone [WSC-SpTr(CZ)] is consistent with Policy 4.4.3.E.6 of the CAR LUP, for the development of Behavioral Science Institute (BSI) lands (Finding No. 5). The WSC land use category applies to the upland and mountainous areas east of Highway 1 and allows for rural residences. The proposed development resulting from the rezone is consistent with the primary objective of the WSC land use as it will not conflict with the protection of the watershed, streams, plant communities, and scenic values. See Finding No. 1.

5.3 Public Access Policies and Recommendations. The subject property does not meet the public access criteria contained in the CAR LUP. Therefore, the rezone will not conflict with the protection policies for providing public access. See Finding No. 10.

- d) Establishment of the current Resource Conservation, Coastal Zone or “RC(CZ)” zoning. In 1966, Monterey County adopted the Monterey Peninsula Area Plan and the subject property was zoned Agriculture/Residential. On February 24, 1967, the property owner, The Monterey County Foundation, conveyed the 30-acre parcel to the County by Conservation and Scenic Easement Deed (recorded on Reel 495, Page 586 of the Official Records of Monterey County). On April 14, 1983, Monterey County adopted the Carmel Area Land Use Plan and the property was rezoned to RC(CZ). The CAR LUP provides no explanation for the resulting zoning but identifies the subject property to be part of BSI lands. A comprehensive development plan was not adopted for BSI and there is no indication of policy requirement to restrict

development on the property. Based on the available information, staff finds the RC zone was a result of the development restriction contained in the conservation easement.

- e) Establishment of Conservation Easement. Staff found no documenting evidence that conveyance of the Conservation and Scenic Easement was required to implement Monterey County policies and/or as a condition of approval or mitigation resulting from permitted development. However, staff received documentation, as part of public comment, claiming that the conveyance was pursued as a way to conserve the property received by the Monterey County Foundation as a gift from the D'Ambrogio family in memory of Major Charles (A.K.A Frank) Francis De Amaral, Jr., after he lost his life in battle during the Vietnam War. This information corroborates the lack of documentation addressed above. Therefore, staff finds that establishment of the easement was of a private act.
- f) Termination of the Conservation and Scenic Easement Deed. Article 7 of the Conservation and Scenic Easement Deed states that in the event that the State of California, or any political subdivision thereof, should pass legislation for the purpose of restricting the use of real property to conserve and maintain natural scenic beauty, open space lands, natural resources, and that legislation results in the restriction of use of the subject property for those purposes; the Grantor, or successors in interest, has the option to have the property free from the restrictions imposed by the deed by giving written notice to the Grantee. Upon giving notice, the conveyance shall immediately cease. On December 21, 1990, the current owner of the property, Walter and Loretta Warren filed a Notice of Conservation and Scenic Easement Deed (recorded on Reel 2590 Page 780 of the Official Records of Monterey County) pursuant to Article 7 of the deed based upon enactment of the California Coastal Act as the "qualifying legislation."
- g) Staff conducted a site inspection on February 28, 2017 to verify that the site is suitable for the proposed rezone.
- h) 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 PLN130339.

5. **FINDING:** **BEHAVIORAL SCIENCE INSTITUTE (BSI)**
 DEVELOPMENT - Establishment of the residential use on the property is consistent with the residential development policy and implementation standards for BSI lands, contained within the Carmel Area Land Use Plan (CAR LUP) and Monterey County Coastal Implementation Plan Part 4 (CIP).
- EVIDENCE:** a) The subject property is delineated in Figure 2 – Special Treatment Areas of the CAR LUP and is shown as part of the BSI property.
- b) Policy 4.4.3E.6 of the CAR LUP states that the BSI property may be developed for residential use. A maximum of 25 units may be

approved; all units shall be sited outside of the view from Highway 1. These units may be used in conjunction with the institutional use. The upper steeper portion shall remain in open space. Special Treatment Area Development Standards contained in Section 20.146.120.C.7 of the CIP states that the BSI property may be developed for residential use. A maximum of 40 units may be approved; all units shall be sited outside of the view from Highway 1. These units may be used in conjunction with the institutional use. The upper steeper portion shall remain in open space.

- c) Unit Cap. The BSI property contains 12 privately owned lots at its current configuration, 8 of which are developed with single family dwellings. Altogether, there are a total of 9 residential units in BSI and the proposed project will result in 10 units. This is under the maximum amount of units allowed in the CAR LUP and CIP.
- d) View from Highway 1. Map A – General Viewshed and data contained in the Monterey County Geographic Information System indicates that a portion of the subject property is located in the “General Viewshed,” a highly sensitive area. However, the proposed development area sits just outside of the viewshed area. Consistent with County regulations, staking and flagging of the proposed structure was installed and on February 28, 2017, staff preformed a site visit to determine if the project would have an impact to the viewshed. The project staking was not visible from Highway 1, Highway 1 turnouts, or the Pt. Lobos State Reserve. Therefore, the project will not be visible from Highway 1.
- e) Development Outside of the Upper Steeper Portion. the BSI property contains two peaks of mountainous terrain to the north and south and flatlands to the west. The highest elevation of the northern peak is approximately 860-feet above sea level and the elevation of the southern peak is approximately 850-feet above sea level (FASL), while the lowest elevation of BSI is just under 200-FASL. Project plans indicate that the proposed development will occur at approximately 520-FASL, falling just above the mid-range level of the overall elevation of the BSI property. Since adoption of the CAR LUP, 4 developments on BSI property have been approved and occurred in elevations between 380 and 845-FASL, with a calculated average of 525-FASL. Therefore, the proposed location is found consistent within the established elevation range allowed for development, supporting the conclusion that the proposed project is consistent with the CAR LUP policy for BSI development.
- f) Open Space Upper Steeper Portion. The project includes conservation of the upper steeper portion of the subject property in open space. Condition No. 27, Mitigation Measure No. 4, has been incorporated requiring the area outside of the building envelope (over 29-acres ranging in elevation from 530 to 820-FASL) to be placed within a Conservation and Scenic Easement Deed prohibiting further development; with the exception of the 2,500 square foot geoflow subsurface wastewater dispersal area,

to allow for required maintenance of the geoflow tubing.
Language in the deed shall specifically note that the purpose of the easement is for the long-term preservation of the ESHA and Viewshed in accordance with CAR LUP protection policies and as a direct result of approval of the proposed project.

- g) 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 PLN130339.

6. **FINDING:** **TREE REMOVAL** – The subject project minimizes tree removal in accordance with the applicable goals and policies of the Carmel Area Land Use Plan CAR LUP and the associated Coastal Implementation Plan (CIP).

- EVIDENCE:**
- a) The project includes removal of a 14-inch Monterey pine tree, located adjacent to the northern portion of the structure where excavation and construction activities would impact structural roots of this tree. A second 18-inch Monterey pine tree is located in the proposed patio area and the applicant proposed to retain this tree by constructing a tree well. Grading and construction would have to potential damage this tree and reduce its life expectancy. Therefore, staff has analyzed the project to include its removal. In accordance with the applicable policies of the CAR LUP and Section 20.146.060 of the CIP, a Coastal Development is required and the criteria to grant said permit have been met.
 - b) A Biological Assessment (Finding No. 2, Evidence “b”) was prepared and analyzed impacts to individual Monterey pines and the Monterey Pine Forest Habitat within the area of development. This analysis included a “worst case scenario” for the removal of 4 to 5 trees. Both short and long-term impacts were identified and tree protection measures and remedial mitigations were recommended. These recommendations have been incorporated.
 - c) Removal is the minimum necessary for the proposed development. The proposed development is sited closest to the existing roadway and the tiered design of the structure reduces the amount of structural coverage to less than 1,700 square feet, reducing the amount of vegetation removal needed. In addition, if the proposed construction techniques are effective, retention of the 18-inch pine will be successful; reducing removal to only the 14-inch pine.
 - d) As provided in Finding No. 5, Evidence “d,” development of the single family dwelling, tree removal, will not result in exposure of structures within the critical viewshed.
 - e) Condition No. 11 has been incorporated requiring implementation of tree protection measures to prevent inadvertent damage from equipment or tree removal activity prior to and during construction.
 - f) In cases where native trees, 12-inches or greater, are to be removed, the CIP requires replacement on a 1 to 1 ratio, which was also recommended by the project biologist. Therefore, Condition No. 10 has been incorporated requiring the applicant to plant 2 replacement Monterey pine trees on the parcel.

- g) In accordance with the Migratory Bird Treaty Act, Condition No. 12 has been incorporated requiring the applicant to retain a County qualified biologist to perform a nest survey within 300-feet of proposed tree removal, if the activity occurs during the typical bird nesting season. If nesting birds are found on the project site, an appropriate buffer plan shall be established by the project biologist.
- h) Staff conducted a site inspection on February 28, 2017 to verify that the tree removal is the minimum necessary for the project and to identify any potential adverse environmental impacts related to the proposed tree removal.
- i) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN130339.

7. **FINDING: ENVIRONMENTALLY SENSITIVE HABITAT AREAS (ESHA)** – The subject project minimizes impact on environmentally sensitive habitat areas in accordance with the applicable goals and policies of the Carmel Area Land Use Plan (CAR LUP) and Coastal Implementation Plan Part 4 (CIP).
- EVIDENCE:**
- a) A Biological Assessment (Finding No. 2, Evidence b) was prepared for the project and identified two distinct overlapping co-dominant vegetation types on the subject property: Central Maritime Chaparral and endemic Monterey Pine Forest. Four special status species or habitat were identified on the subject property: Monterey Pine Forest, Monterey pine (*pinus radiate*), Yadon’s rein orchid (*Piperia yadonii*), and Central Maritime Chaparral. The proposed site improvements will require both development in (Monterey Pine Forest and Central Maritime Chaparral) and near (Yadon’s rein orchid) ESHA. In accordance with Section 20.146.040 of the CIP, a Coastal Development is required and the criteria to grant said permit have been met.
 - b) In accordance with CAR LUP ESHA policies contained on 2.3.3, developments within and/or adjacent to ESHA shall be compatible with the long-term maintenance of the resource, restricted to only areas needed for structural improvements, and allowed only at densities compatible with the protection and maintenance of the adjoining resources. In addition, deed restrictions or dedications of permanent conservation easements shall be required over environmentally sensitive habitat areas where development is proposed on parcels containing such habitats.
 - c) Compatibility with ESHA. Section 20.146.040.B.3 states that new land uses are considered compatible only in situations in which the proposal incorporates necessary site planning and design features which protect habitat impacts and which do not set a precedent for continued land development with the potential to degrade the resource. Siting of the development is close to the existing roadway, reducing the amount of driveway, grading, and vegetation removal needed. The dwelling is designed to be partially below ground and stepped into the hillside resulting in a structural coverage of less than 1,700 square feet. In accordance

with CAR LUP Policy 2.3.3.6 and Section 20.146.040.B.7 of the CIP, Condition No. 27, Mitigation Measure No. 4, has been incorporated requiring dedication of the area outside of the building envelope (approximately 29.7-acres of the 30-acre parcel) to be placed within a Conservation and Scenic Easement Deed ensuring the long-term preservation of ESHA. Therefore, the project has been found to be located and designed to reduce land disturbance to minimum amount necessary in this case and would not set a precedent for continued land development with the potential to degrade the resource as further development would be restricted.

- d) Appropriate Density. The proposed project will result in a density of 1 unit per 30-acres which is an appropriate restriction to protect ESHA while allowing for the minimum amount of development in this case.
- e) Short-term ESHA Impacts. The project includes land disturbance within Monterey Pine Forest and Central Maritime Chaparral. The project biologist concludes that avoidance of these areas would not be feasible and identified potential impacts and mitigation measures to reduce those impacts to a less than significant level. Compliance with these mitigations require the applicant to develop, in consultation with a qualified biologist, a Biological Resources Protection Plan (Condition No. 24, Mitigation Measure No. 1) specifying logistics relative to the identification and protection of ESHA during grading and construction and implementation of biological resources training program for construction personnel and a Well Drilling Plan (Condition No. 25, Mitigation Measure No. 2) intended to reduce impacts to sensitive plants species during the well drilling process by retention of well discharge tailings and preventing water from migrating off-site. Construction is not proposed near the area where Yadon's rein orchid is located; however, implementation of the Biological Resources Protection Plan will ensure the plants will be protected during land disturbance. Implementation and monitoring of these mitigations will ensure the applicant contracts with a project biologist to ensure their involvement prior to land disturbance and during grading and construction, as verification of success of the protection of ESHA.
- f) Small-leaved lomatium (*Lomatium parvifolium*) was found on the subject property in proximity to the proposed well. Although this plant is not considered a special status species (California Rare Plant Rank of 4.2, plants of limited distribution), the biologist felt it necessary to identify potential impacts to this plant as well as include protection measures. Condition No. 26, Mitigation Measure No. 3 has been incorporated requiring the applicant to submit a Restoration Plan for replanting and 5-year monitoring of small-leaved lomatium, if impacts occur.
- g) Staff conducted a site inspection on February 28, 2017 to verify ESHA locations and potential project impacts to ESHA.

- h) 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 PLN130339.
8. **FINDING: DEVELOPMENT ON SLOPE** – There is no feasible alternative which would allow development to occur on slopes of less than 30%.
- EVIDENCE:**
- a) The location of the proposed dwelling and driveway contains an average slope of 34% and the location of the proposed wastewater dispersal area contains an average slope of 47%. In accordance with the applicable policies of the Plan (CAR LUP) and Coastal Implementation Plan Part 4 (CIP), a Coastal Development Permit is required and the criteria to grant said permit have been met.
 - b) The proposed improvements are located close to the existing roadway, reducing the amount of grading and disruption of slopes.
 - c) Staff identified an alternative location for the dwelling which contains an average slope of approximately 22%. However, creating access to this area would still require development on slopes in excess of 30% and the proposed structure would be in proximity of Yadon's rein orchid (*Piperia yadonii*), a Federally Listed Endangered plant. A potential alternative location further along Mount Devon Road was also suggested by a member of the public. This location has an approximate elevation around 750-above sea level. Based on the development policy for BSI, this area would be considered as the upper steeper area where residential development is prohibited. Therefore, these alternative locations do not better meet the goals, policies, and objective of the Local Coastal Program.
 - d) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN130339.
9. **FINDING: CEQA (Mitigated Negative Declaration)** - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.
- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - b) Monterey County RMA-Planning prepared an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to CEQA. The IS/MND is on file in the offices of RMA-Planning and is hereby incorporated by reference.
 - c) The IS/MND identified several potentially significant effects, but the applicant has agreed to proposed mitigation measures that

mitigate the effects to a point where clearly no significant effects would occur.

- d) All project changes required to avoid significant effects on the environment have been incorporated into the project and are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations, is designed to ensure compliance during project implementation, and is hereby incorporated herein by reference. The applicant must enter into an “Agreement to Implement a Mitigation Monitoring and/or Reporting Program” in accordance with Condition No. 6.
- e) The Draft IS/MND for PLN130339 was prepared in accordance with CEQA Guidelines and circulated for public review from March 29, 2017 through April 28, 2017 (SCH#: 2017031068).
- f) Issues that were analyzed in the IS/MND include: aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, and utility/service systems.
- g) The project was identified to have no impact on agriculture and forest resources, hazards/hazardous materials, mineral resources, population/housing, public services, recreation, transportation/traffic, or utilities/service systems.
- h) Less than significant impacts have been identified for air quality, cultural resources, geology/soils, greenhouse gas emissions, hydrology/water quality, and noise. Conditions of approval have been incorporated to assure compliance with County requirements to the extent that they mitigate the identified potential impacts. Therefore, mitigation measures were not necessary to reduce potential impacts to a less than significant level.
- i) Potential Impacts to Cultural Resources. Monterey County Geographic Information System indicates that the subject property is located within a high archaeological sensitivity zone. An archaeological survey was submitted (Finding No. 2) with the application and concluded that the project area contains no evidence of potentially significant archaeological resources. Pursuant to State Assembly Bill 52, staff conducted a Tribal Consultation with the Ohlone/Costanoan-Esselen Nation (OCEN). Concerns with the protection of OCEN Ancestral Heritage Sites if resources are accidentally uncovered were conveyed. Therefore, a standard condition of approval requiring halting all work if resources are accidentally uncovered. Implementation of the project would have a less than significant impact on cultural resources.
- j) Potential Impacts to Scenic Resources. Site improvements will not create an impact to the general viewshed at its proposed location. However, pursuant to County regulations, approved projects may be amended to allow modification of approved development,

including relocation. This is especially critical because approval of the rezone does not limit development within a specific area, resulting in a potential to impact scenic resources in the future. Therefore, Condition No. 27, Mitigation Measure No. 4, has been incorporated requiring dedication of the area outside of the building envelope (approximately 28.95-acres of the 30-acre parcel) to be placed within a Conservation and Scenic Easement Deed, ensuring the long-term preservation of viewshed.

- k) Potential Impacts to Biological Resources. the project would have the potential to impact Monterey Pine Forest, Monterey pine (*pinus radiate*), Yadon's rein orchid (*Piperia yadonii*), and Central Maritime Chaparral. Mitigation measures have been developed based on the recommendations of the project biologist and have been incorporated as conditions of approval and implementation will reduce impacts to these resources to a less than significant level. See Finding No. 7.
- l) Potential Impacts to Land Use/Planning. The project includes rezoning of the 30-acre parcel from Resource Conservation, Coastal Zone to Watershed Scenic Conservation, Special Treatment, Coastal Zone. This would allow establishment of a residential use. The rezone does not limit development within a specific area, resulting in a potential to conflict with applicable policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect; specifically, consistency with the BSI residential development policy and policies protecting scenic and biological resources. Therefore, Condition No. 27, Mitigation Measure No. 4, has been incorporated requiring dedication of the area outside of the building envelope (approximately 29.7-acres of the 30-acre parcel) to be placed within a Conservation and Scenic Easement Deed.
- m) Evidence that has been received and considered includes: the application, technical studies/reports (Finding No. 2), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings. These documents are on file in RMA-Planning (PLN130339) and are hereby incorporated herein by reference.
- n) Staff analysis contained in the IS/MND and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Game (CDFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. The site supports scenic and biological resources. For purposes of the Fish and Game Code, the project may have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. The IS/MND was sent to the California Department of Fish and Game for review, comment, and to 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).

- o) The County has considered comments received during the public review period and they do not alter the conclusions in the IS/MND. See subsequent Evidence “p” through “y.”
- p) Comments included concerns with previous impacts caused by past development in the area. The project as proposed and condition, meets the California Building Code and, to the furthest extent possible, prevents slope failure to occur as a result from project implementation as discussed in Finding No. 3, Evidence “c.”
- q) Comments included concerns with allowing development on a property that is currently, and previously, encumbered by a conservation and scenic easement deed. The Conservation and Scenic Easement Deed (recorded on Reel 495, Page 586 of the Official Records of Monterey County) was terminated and restrictions on the property contained in the easement no longer apply (Finding No. 4, Evidence “f”).
- r) Comments identified that the rezone is unprecedented. The comments stated that the previously approved rezone of BSI property discussed in the IS/MND did not require development on slopes in excess of 30% and or a Variance to setbacks, unlike the proposed project. Therefore, approval of the rezone is not supported. While past approvals could be considered as examples, they cannot be the basis of which similar projects are approved. In addition, reference to the previous rezone was provided for information purposes, it was not used as evidence for no impact, less than significant impact, or as a mitigation.
- s) Comments identified that approval of the project would set a precedent for approval of a rezone and/or development on slopes in excess of 30% Approval of the rezone and Combined Development Permit is based on an independent review of specific facts resulting in supporting evidence to find the project consistent with applicable policies and regulation. Approval of this permit does not allow for future projects (similar or not) to be approved without a case by case analysis for meeting required findings. Therefore, approval would not set a precedent. Approval does not mean that any project, either located in BSI or not, containing ESHA, slopes in excess of 30%, and/or tree removal can and will be supported in the future.
- t) Comments included a concern with miscalculation of grading quantities. This miscalculation is based on the commenter assuming location of the structure does not meet front setback requirements and approval would require additional grading by located the structure further into the hillside. As discussed in Finding No. 1, Evidence “j,” the project meets the height and setback exception for front setbacks and no additional grading or vegetation removal will be required. In addition, granting of a Variance is not required.
- u) Comments state that the IS/MND did not address traffic and public safety impacts to Mount Devon Road caused by grading and

during construction. The IS/MND states that the project would result in temporary impacts due to construction. As discussed in Finding No. 3, Evidence “d,” standard Condition No. 21 has been incorporated to ensure temporary impacts are controlled through implementation of a Construction Management Plan.

- v) Comments state that the subject property is pristine with steep slopes and that there are no existing roads or buildings on the parcel. Therefore, the RC zoning should remain to protect ESHA on the site. As described in Finding No. 1, Evidence “b,” existing development on the site consists of portions of Mount Devon Road and a Cal Am water tank. In addition, impacts to ESHA have been identified (see previous Evidence “k”) and implementation of mitigations will result in a less than significant impact. Furthermore, as discussed in Finding No. 7, the project as proposed and conditioned, is compatible with the long-term maintenance of the resource.
- w) Mitigations measures to reduce impacts to ESHA and development on slopes in excess of 30% do not provide consistency with CAR LUP, stating that staff should not “assume that the protections for such areas that are embodied in the CIP and the Land Use Plan can be overridden by a handful of mitigation measure(s).” Discretionary projects are required to be consistent with the applicable policies and regulations in order for approval. Mitigation measures are tools to reduce environmental impacts identified in an environmental document. Although policy implementation may overlap with mitigations, the project as a whole (proposed, sited, designed, conditioned, and mitigated) must be found consistent. In other words, mitigations alone do not provide policy consistency.
- x) Comments state that the CAR LUP prohibits development within Central Maritime Chaparral habitat. The code section quoted by the commenter is specific to a terrestrial plant habitat, the Dwarf Coastal Chaparral. Although protection measures are required, there is no prohibition on development within Central Maritime Chaparral. Comments relative to these issues have been resolved.
- y) Comments state that the CAR LUP BSI development policy does not provide an exception to allow rezoning, development on slopes in excess of 30%, and/or a Variance to the front setback. Staff’s analysis of project and this policy is relative to consistency. Although the IS/MND identifies that the project shall be consistent, it does not state that consistency is the sole basis for approval.
- z) Mitigation Measure No. 1 has been modified and added to the project as Condition No. 24. The revised mitigation measure clarifies that the intent is to ensure impacts to biological resources as a whole and not only specific to a certain plant. In addition, it clarifies that only impacts to Yadon’s rein orchid can be avoided; however, with implementation of the mitigation, impacts to Monterey Pine Forest and individual pine trees, Central Maritime Chaparral, and small-leaved lomatium would be reduced to less than significant. The mitigation was modified to read as follows:

“In order to ensure impacts environmentally sensitive habitats are reduced to a less than significant level, ~~to small-leaved lomatium, Yadon’s rein orchid, and Monterey pine are avoided~~, the owner/applicant shall submit a Biological Resources Protection Plan, developed in consultation with the project biologist, prior to the issuance of construction permits. Implementation of the plan shall ensure impacts to Yadon’s rein orchid are avoided and impacts to Monterey Pine Forest, individual Monterey pine trees, Central Maritime Chaparral habitat, and small-leaved lomatium are less than significant. This plan shall include information of how sensitive plants species will be identified and protected during grading and construction for the driveway, structures, domestic well access road, and the installation of the geoflow subsurface drip tubing for wastewater treatment. In addition, the plan shall include how a biological resources training program for construction personnel will be implemented and documented.”

This revision is more effective in mitigating and avoiding potential significant effects because it better identifies the potential impacts and clarifies the intended mitigation. The revised mitigation measure will not cause any potentially significant effect on the environment.

- aa) Monterey County RMA-Planning, located at 1441 Shilling 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 adopt the Negative Declaration is based.

- 10. **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 Local Coastal Program, and does not interfere with any form of historic public use or trust rights.
- EVIDENCE:**
 - a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.146.130.B of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3 in the Carmel Area Land Use Plan).
 - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

11. **FINDING:** **APPEALABILITY** - The decision on the Combined Development Permit may be appealed to the Board of Supervisors and the California Coastal Commission. The recommendation of the rezone is not appealable.
- EVIDENCE:**
- a) Section 20.86.030.A of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.
 - b) Section 20.86.080.A.3 of the Monterey County Zoning Ordinance states that the proposed project is subject to appeal by/to the Coastal Commission because the Combined Development Permit involves development as a conditional use.
 - c) Section 20.86 of the Monterey County Zoning Ordinance is applicable to discretionary decisions made by the Planning Commission. Action on the rezone does not include approval or denial, only recommendation.

DECISION

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

- 1) Adopt the Mitigated Negative Declaration;
- 2) Adopt a resolution of intent to approve the Local Coastal Program Amendment to rezone the property from the Resource Conservation, Coastal Zone ["RC(CZ)"] zoning classification to the Watershed and Scenic Conservation, Special Treatment, Coastal Zone ["WSC/SpTr(CZ)"] zoning classification;
- 3) Approve the Combined Development Permit, subject to approval of the Local Coastal Program Amendment, consisting of:
 - a. Coastal Administrative Permit and Design Approval to allow construction of a 2,397 square foot two-story single family dwelling with a 409 square foot attached garage and 143 square foot mechanical room;
 - b. Coastal Administrative Permit to establish a domestic well;
 - c. Coastal Development Permit to allow the removal of one 14-inch and one 18-inch Monterey pine tree;
 - d. Coastal Development Permit to allow development within 100-feet of an environmentally sensitive area;
 - e. Coastal Development Permit to allow development on slopes in excess of 30%; and
- 4) Adopt a Mitigation Monitoring and Reporting Program; and

All of which is in general conformance with the attached plans and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 30th day of August, 2017 upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

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

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

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

NOTES

1. You will need a building permit and must comply with the 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.

ATTACHMENT 1 OF EXHIBIT C

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA AMENDING SECTION 20.08.060 OF TITLE 20 (COASTAL ZONING ORDINANCE) OF THE MONTEREY COUNTY CODE TO AMEND THE ZONING CLASSIFICATION OF CERTAIN PROPERTY IN THE COUNTY OF MONTEREY.

County Counsel Summary

This ordinance amends Section 20-16 of the Sectional District Maps of Section 20.08.060 of Title 20 (Monterey County Coastal Implementation Plan) of the Monterey County Code to rezone a 30-acre parcel from the “RC(CZ)” [Resource Conservation, Coastal Zone] zoning classification to the “WSC-SpTr(CZ)” [Watershed Scenic Conservation, Special Treatment, Coastal Zone] zoning classification. The property is located at 83 Mount Devon Road, Carmel in the coastal unincorporated area of Monterey County (APN: 241-021-007-000).

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. ZONING DISTRICT MAP. Section 20-16 of the Sectional District Maps of Section 20.08.060 of the Monterey County Code is hereby amended to change the zoning of a 30-acre parcel located at 83 Mount Devon Road, Carmel (Assessor’s Parcel Number: 241-021-007-000) from the “RC(CZ)” [Resource Conservation, Coastal Zone] zoning classification to the “WSC-SpTr(CZ)” [Watershed Scenic Conservation, Special Treatment, Coastal Zone] zoning classification, as shown on the map attached hereto as Exhibit A and incorporated by reference.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective on the thirty-first day after its adoption or the day certification by the California Coastal Commission becomes final and effective, whichever is later.

PASSED AND ADOPTED this ____ day of _____, 2017 by the following vote:

AYES:

NOES:
ABSENT:
ABSTAIN:

Mary Adams, Chair
Monterey County Board of Supervisors

A T T E S T:

GAIL T. BORKOWSKI,
Clerk of the Board of Supervisors

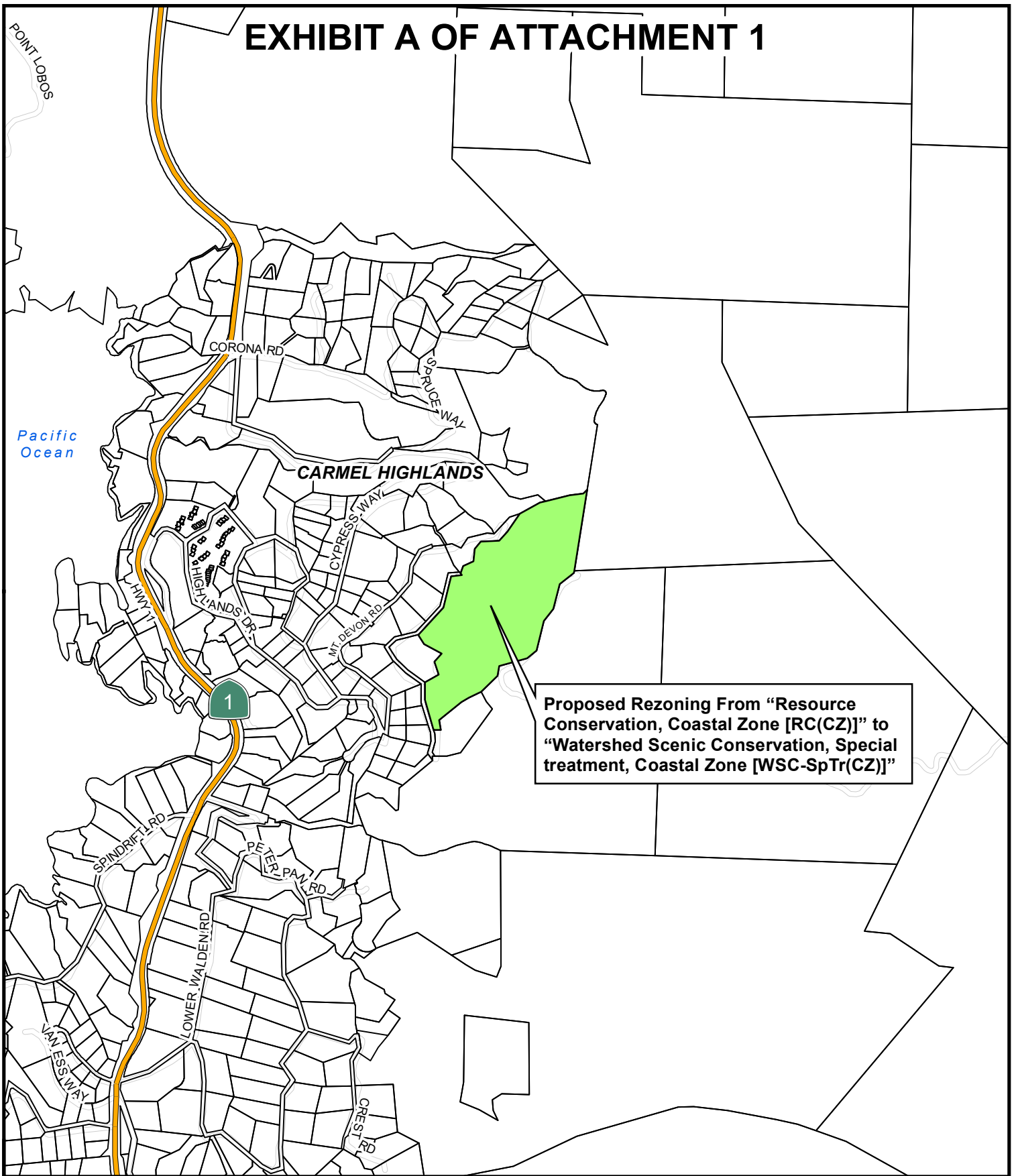
By: _____
Deputy

APPROVED AS TO FORM:

WENDY S. STRIMLING
Senior Deputy County Counsel

Exhibit A of Attachment 1

EXHIBIT A OF ATTACHMENT 1



REZONING: SECTION 20-22 & 20-16, TITLE 20

APN: 241-021-007-000

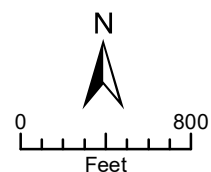
FILE #



SUBJECT PARCEL



PARCEL



Monterey County RMA Planning

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

PLN130339

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Combined Development Permit (PLN130339) allows: 1) Coastal Administrative Permit and Design Approval to allow the construction of a 2,397 square foot single family dwelling; 2) Coastal Administrative Permit to allow the establishment of a new well; 3) a Coastal Development Permit to allow the removal of one 14-inch and one 18-inch Monterey Pine tree; and 4) Coastal Development Permit to allow development on slopes in excess of 30%. The property is located at 83 Mt Devon Road, Carmel (Assessor's Parcel Number 241-021-007-000), Carmel Area Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. 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 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 The applicant shall record a Permit Approval Notice. This notice shall state:

Monitoring Measure: "A Combined Development Permit (Resolution Number ***) was approved by the Board of Supervisors for Assessor's Parcel Number 241-021-007-000 on *****. The permit was granted subject to 31 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.
(RMA - Planning Department)

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

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

Responsible Department: RMA-Planning

Condition/Mitigation If, during the course of construction, cultural, archaeological, historical or
Monitoring Measure: 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. The Monterey County RMA - Planning Department 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 Department)

Compliance or The Owner/Applicant shall adhere to this condition on an on-going basis.
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 the Monterey County RMA - Planning Department 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. 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/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless.
(RMA - 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 Director of RMA-Planning Department for review and signature by the County.

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

5. 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. (RMA - 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 RMA - 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 RMA - Planning prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.

6. 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. (RMA - 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 RMA-Planning.

7. PD011(A) - TREE REMOVAL

Responsible Department: RMA-Planning

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

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

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

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of RMA - Planning . A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and contractor's estimate to RMA - Planning for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit one (1) set landscape plans of approved by RMA-Planning, a Maximum Applied Water Allowance (MAWA) calculation, and a completed "Residential Water Release Form and Water Permit Application" to the Monterey Peninsula Water Management District for review and approval.

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/ shall submit an approved water permit from the MPWMD to RMA-Building Services.

Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall ensure that the landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to Monterey County RMA - Planning.

On an on-going basis, all landscaped areas and fences shall be continuously maintained by the Owner/Applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

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

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The lighting source shall be shielded and recessed into the fixture. Exterior windows on the structure shall be designed to allow a lower visual transmittance of light. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture as well as exterior window information meeting the requirements of this condition. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of RMA - Planning, prior to the issuance of building permits.
(RMA - Planning)

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

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

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

10. PD048 - TREE REPLACEMENT/RELOCATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Within 60 days of permit approval, the applicant shall replace and or relocate each tree approved for removal as follows:
- Replacement ratio: 1 to 1
Replacement tree(s) shall be located within the same general location as the tree being removed. (RMA - Planning)

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

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

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

11. PD049 - TREE AND ROOT PROTECTION

Responsible Department: RMA-Planning

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

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

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

12. PD050 - RAPTOR/MIGRATORY BIRD NESTING

Responsible Department: RMA-Planning

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

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

13. EROSION CONTROL PLAN

Responsible Department: Environmental Services

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

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

14. GEOTECHNICAL CERTIFICATION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall provide certification from a licensed practitioner that all development has been constructed in accordance with the recommendations in the project Geotechnical Engineering Report. (RMA- Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall submit a letter to RMA-Environmental Services for review and approval.

15. GRADING PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a grading plan incorporating the recommendations in the project Geotechnical Engineering Report prepared by Beacon Geotechnical, Inc. The grading plan shall also address face of structure setbacks from slopes, the requirements of Monterey County Code Chapter 16.08, and the geotechnical inspection schedule shall be included on the plan. The applicant shall provide certification from the licensed practitioner that the grading plan incorporates their geotechnical recommendations. (RMA-Environmental Services)

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

Prior to issuance of any grading or building permits, the applicant shall submit certification from a licensed practitioner that they have reviewed the grading plan for conformance with the geotechnical recommendations.

16. INSPECTION-PRIOR TO LAND DISTURBANCE

Responsible Department: Environmental Services

Condition/Mitigation 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 Monterey County regulations. This inspection requirement shall be noted on the Erosion Control Plan. (RMA – Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to commencement of any land disturbance, the owner/applicant shall schedule an inspection with RMA-Environmental Services.

17. INSPECTION-DURING ACTIVE CONSTRUCTION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall schedule an inspection with RMA-Environmental Services to 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 – Environmental Services)

Compliance or Monitoring Action to be Performed: During construction, the applicant shall schedule an inspection with RMA-Environmental Services.

18. 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.

19. PW0005 - ENCROACHMENT (STD DRIVEWAY)

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Obtain an encroachment permit from the Department of Public Works and construct a standard driveway connection to Mt. Devon Road.

Compliance or Monitoring Action to be Performed: Prior to Building/Grading Permits Issuance, Owner/Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupancy or commencement of use. Applicant is responsible in obtaining all permits and environmental clearances.

20. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

Responsible Department: RMA-Public Works

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

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

21. 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.

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.

22. WR002 - STORMWATER CONTROL

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. Impervious surface stormwater runoff shall be dispersed at multiple points, on the least steep available slopes, away from and below any septic leach fields. Erosion control shall be provided at each outlet. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permit, the owner/applicant shall submit a drainage plan with the construction permit application.

The Building Services Department will route a plan set to the Water Resources Agency for review and approval.

23. WR049 - WATER AVAILABILITY CERTIFICATION

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 complete Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permit, the owner/applicant shall submit a Water Release Form to the Water Resources Agency 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.

24. MM001 - BIOLOGICAL RESOURCES PROTECTION PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: In order to ensure impacts environmentally sensitive habitats are reduced to a less than significant level, the owner/applicant shall submit a Biological Resources Protection Plan, developed in consultation with the project biologist, prior to the issuance of construction permits. Implementation of the plan shall ensure impacts to Yadon's rein orchid are avoided and impacts to Monterey Pine Forest, individual Monterey pine trees, Central Maritime Chaparral habitat, and small-leaved lomatium are less than significant. This plan shall include information of how sensitive plants species will be identified and protected during grading and construction for the driveway, structures, domestic well access road, and the installation of the geoflow subsurface drip tubing for wastewater treatment. In addition, the plan shall include how a biological resources training program for construction personnel will be implemented and documented.

Compliance or Monitoring Action to be Performed: Mitigation Measure Action No. 1a: Prior to the issuance of construction permits for grading or building, the owner/applicant shall include a note on the construction plans encompassing the language contained in Mitigation Measure No. 1. The owner/applicant shall submit plans to RMA-Planning for review and approval.

Mitigation Measure Action No. 1b: Prior to the issuance of construction permits for grading and/or building, the owner/applicant shall submit to RMA-Planning a copy of the contract between the owner/applicant and a qualified biologist (referred to as the project biologist). The contract shall include provisions of consultation of develop and implement the Biological Resources Protection Plan. The contract shall be submitted to the RMA-Planning Department for review and approval. Should RMA-Planning find the contract incomplete or unacceptable, the contract will be returned to the owner/applicant and a revised contract shall be re-submitted for review and approval.

Mitigation Measure Action No. 1c: Prior to the issuance of construction permits for grading and/or building, the owner/applicant shall submit a Biological Resources Protection Plan to RMA-Planning for review and approval. The protection plan shall include: logistics of how flagging of sensitive plant species locations installation of temporary protection fencing will occur, the length of time these measures will remain in place, and when no longer necessary, how removal of the measure will occur. The plan shall also include a biological resources training program for construction personnel on the importance of avoiding the identified protection areas.

Mitigation Measure Action No. 1d: Prior to the issuance of construction permits for grading and/or building, the owner applicant shall submit evidence that the protection measures outlined in the approved Biological Resources Protection Plan have been in place. This evidence shall include an inspection letter from the project biologist with photo documentation of onsite protection measures as well a record of compliance for implementation of biological resources training program for construction personnel.

Mitigation Measure Action No. 1e: Prior to final of construction permits for grading and/or building, the owner applicant shall submit a final inspection letter from the project biologist verifying compliance with Biological Resources Protection Plan.

25. MM002 - WELL DRILLING PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: In order to ensure impacts to sensitive plant species during the well drilling process are minimized, protection measures shall be installed to retain well discharge tailings and water from migrating off-site. Prior to issuance of the well permit, the owner/applicant shall submit a drilling plan identifying and implementing the following protection measures:

- Installation of tree protection fencing
- Installation of erosion and sediment control devices
- Identify areas where equipment will be restricted to the building envelope and excluded from any coastal scrub habitat zones
- Use of portable retention pits or retention bio bags for well drilling and deposit of well spoils
- Identify locations of portable excavation pits within the building envelope or on existing pavement
- Identify how and when removal of drilling equipment and portable retention pits will occur
- Use of vacuum truck to remove standing water and slurry debris within the portable retention pits
- Removal of drilling equipment and portable retention pits

Compliance or Monitoring Action to be Performed: Mitigation Measure Action No. 2: Prior to issuance of construction permits for grading and/or building, the owner/applicant shall submit a drilling plan all protection measures identified in Mitigation Measure No. 2 to RMA-Planning for review and approval.

26. MM003 - RESTORATION PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: If during project staging and/or implementation, impacts to small-leaved lomatium occurs, the applicant shall submit a restoration plan with a 2:1 replacement ratio and a 5-year monitoring period to ensure potential impacts to the sensitive species have been sufficiently reduced.

Compliance or Monitoring Action to be Performed: Mitigation Measure Action No. 3a: Prior to issuance of construction permits for grading and/or building, the owner/applicant shall include language contained in Mitigation Measure No. 3 on the site plan.

Mitigation Measure Action No. 3b: Prior to final of construction permits for grading and/or building, the owner/applicant shall submit a letter of verification by the project biologist that either the restoration plan was not necessary or evidence that the restoration plan was implemented.

27. MM004 - CONSERVATION AND SCENIC EASEMENT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: In order to prevent future development from occurring on the upper stepper areas of the property and to ensure the protection of scenic and biological resources, a Conservation and Scenic Easement shall be placed on the subject property for areas outside of the identified building envelope. This easement shall be developed on consultation with RMA-Planning staff, the project biologist, and a project surveyor and conveyed to the County of Monterey. The easement shall show the exact location of the easement with a metes and bounds description and contain a clear and concise list of prohibited activities and development within the easement area. An exception shall be made for maintenance a repair of the proposed primary geoflow subsurface wastewater dispersal area.

Compliance or Monitoring Action to be Performed: Mitigation Measure Action No. 4a: Prior to issuance of construction permits for grading and/or building, the owner/applicant shall submit the Conservation and Scenic Easement deed to RMA-Planning for review and approval. Subsequent to RMA-Planning's approval, the Board of Supervisors shall accept the conveyance and the deed shall be recorded with the Monterey County Recorder's Office.

28. EHSP01 ALTERNATIVE ONSITE WASTEWATER TREATMENT SYSTEM: OBTAIN PERMIT

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The Environmental Health Bureau (EHB) has determined that adequate area exists on the property to accommodate an alternative onsite wastewater treatment system (Alt OWTS).

Submit a completed permit application with applicable fees and the following information for review and approval:

- Proposed wastewater production rates
- Site plan indicating Alt OWTS treatment unit and dispersal proposal, designed by a registered engineer having experience in alternative wastewater treatment and disposal
- Soils and percolation testing report prepared by a qualified individual, which includes a summary of the soil profile extending at least 2' past the bottom of the proposed dispersal field and a determination of the depth to an impervious layer or groundwater if within 10' below the bottom of the proposed dispersal field.
- Linear loading rate evaluation

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permit, submit to EHB for review and approval an Alt OWTS application and pay all associated fees.

Alt OWTS permit shall be issued concurrent with construction permit.

29. EHSP04 WATER WELL CONSTRUCTION PERMIT

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Obtain a water well construction permit from the Environmental Health Bureau pursuant to Monterey County Code Chapter 15.08, Water Wells.

Compliance or Monitoring Action to be Performed: Prior to drilling the well, a CA-licensed well drilling contractor shall obtain a water well construction permit from the Environmental Health Bureau on behalf of the owner.

30. EHSPO2 ALTERNATIVE ONSITE WASTEWATER TREATMENT SYSTEM: DEED RESTRICTION

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The property owner shall record a deed restriction with the Monterey County Recorder for parcel 241-311-003-000 which indicates that an alternative onsite wastewater treatment system (Alt OWTS) is installed on the property. The deed restriction shall include, but is not limited to, the following details:

- The Alt OWTS is subject to all future federal, state or local laws and ordinances regarding the permitting, operation and maintenance and/or monitoring of Alt OWTS
- The Alt OWTS is subject to an annual operating permit with applicable fees paid to the Environmental Health Bureau
- Property owner agrees to enter into and maintain a maintenance contract with an authorized service provider

Contact EHB to request a copy of the deed restriction template. The property owner will be responsible to pay cost recovery fees associated with review of the deed restriction by County Counsel.

Compliance or Monitoring Action to be Performed: Prior to final inspection of the construction permit the property owner shall sign and notarize the completed deed restriction template and submit the draft for review and approval by the Environmental Health Bureau and County Counsel.

Once approved, the deed restriction shall be recorded with the Monterey County Recorder. Proof of recordation shall be provided to EHB and the Planning Department.

31. EHSPO3 ALTERNATIVE ONSITE WASTEWATER TREATMENT SYSTEM: MAINTENANCE CONTRACT

Responsible Department: Health Department

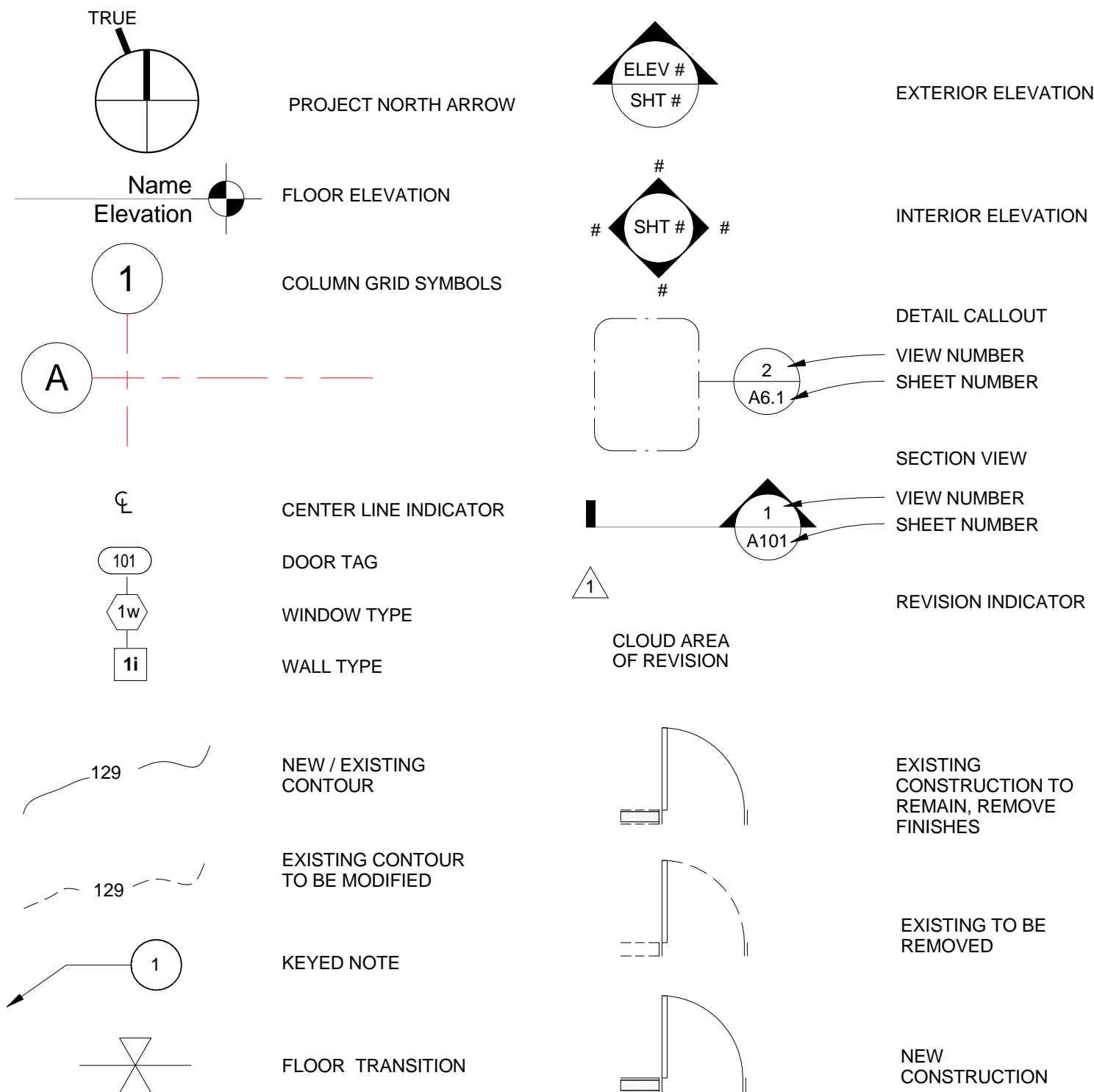
Condition/Mitigation Monitoring Measure: The proposed alternative onsite wastewater treatment system (Alt OWTS) requires ongoing maintenance and monitoring to function as designed. A signed operations and maintenance contract with an authorized service provider must be submitted to the Environmental Health Bureau (EHB). The contract must include, but is not limited to:

- Contract term, specification of services to be performed and frequency of service
- Statement indicating that EHB will be notified if either party fails to comply with the contract terms
- A monitoring/ maintenance report, including effluent quality as specified by the associated Alt OWTS operating permit, shall be submitted to EHB every 6 months, or as specified by the EHB operating permit
- EHB shall be notified at each contract renewal term, and a copy of the contract shall be submitted to EHB

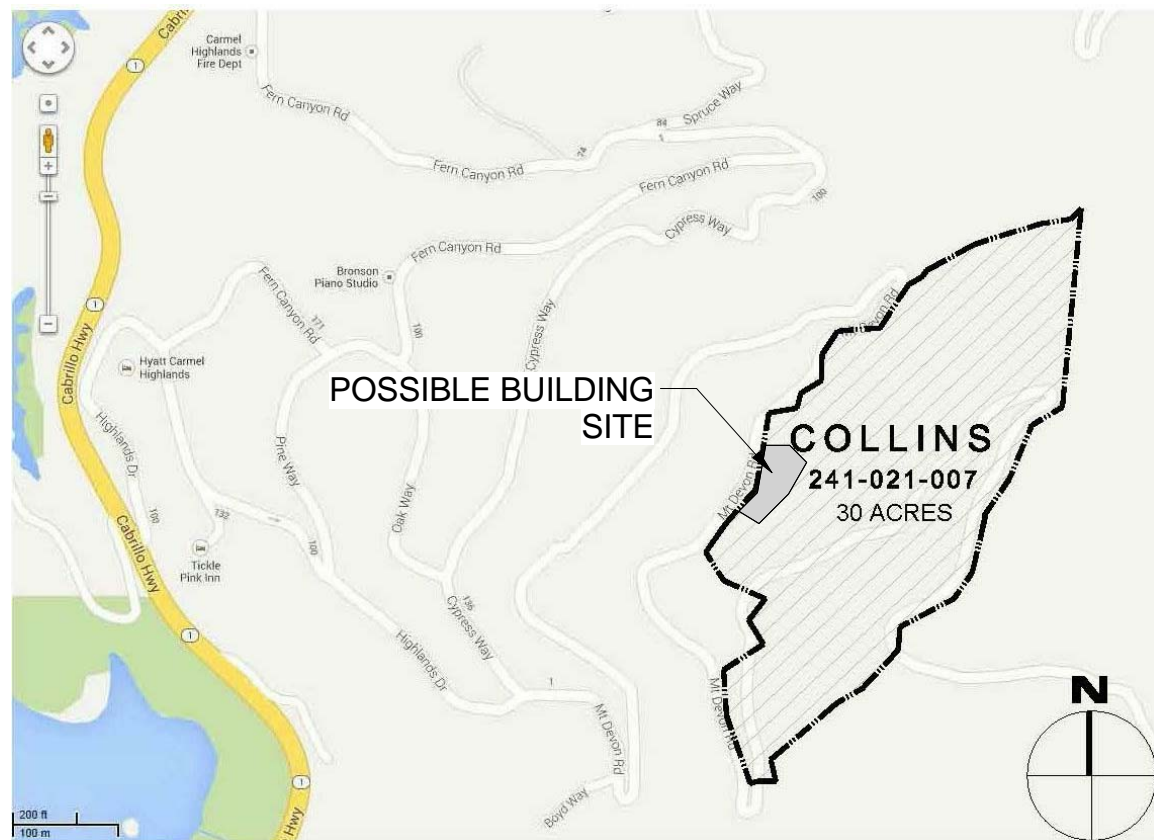
Compliance or Monitoring Action to be Performed: Prior to final inspection of construction permit, submit an executed operations and maintenance contract with an authorized service provider to EHB for review and acceptance.

Use of these plans and specifications shall be restricted to the original site for which they were prepared and publication thereof is expressly limited to such use. Reproduction or publication by any method, in whole or in part, is prohibited. Title to the plans and specifications remains with the architect without prejudice. Visual contact with these plans and specifications shall constitute prima facie evidence of the acceptance of these restrictions.

ARCHITECTURAL SYMBOLS



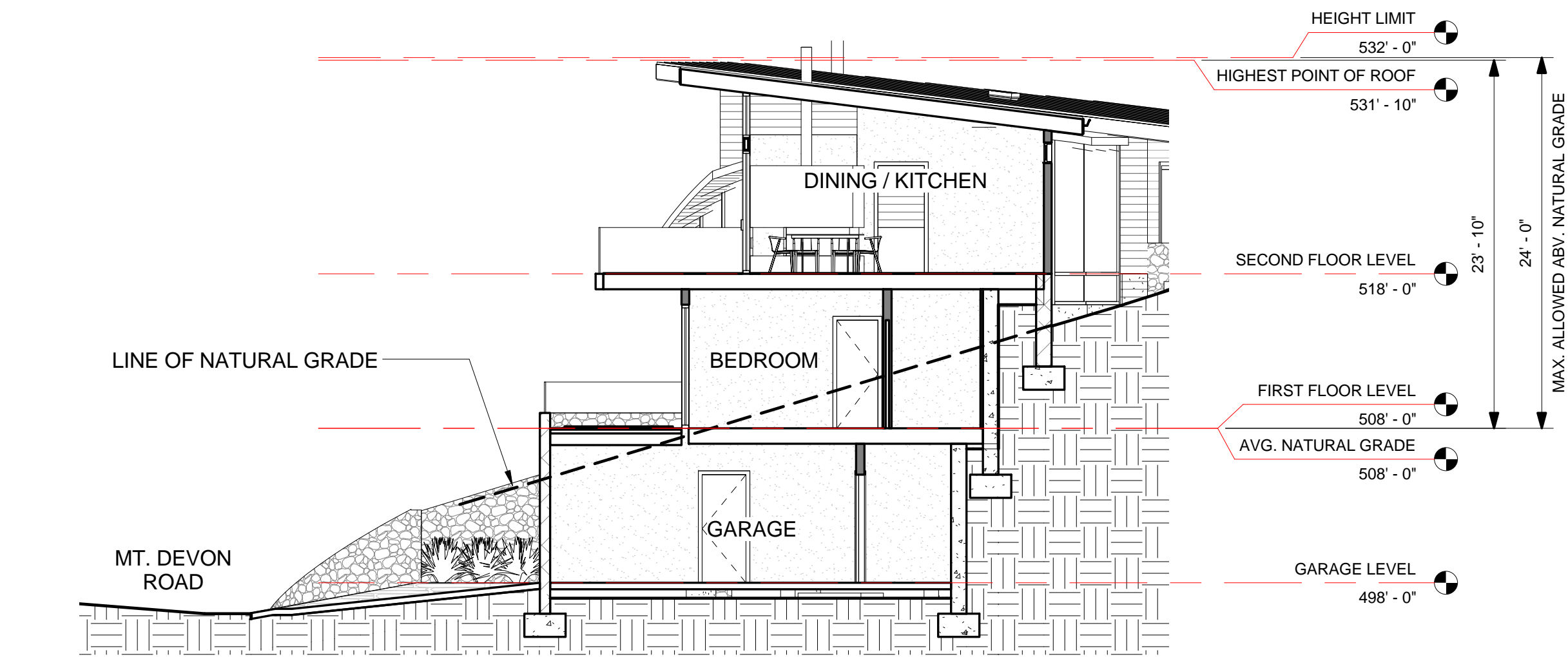
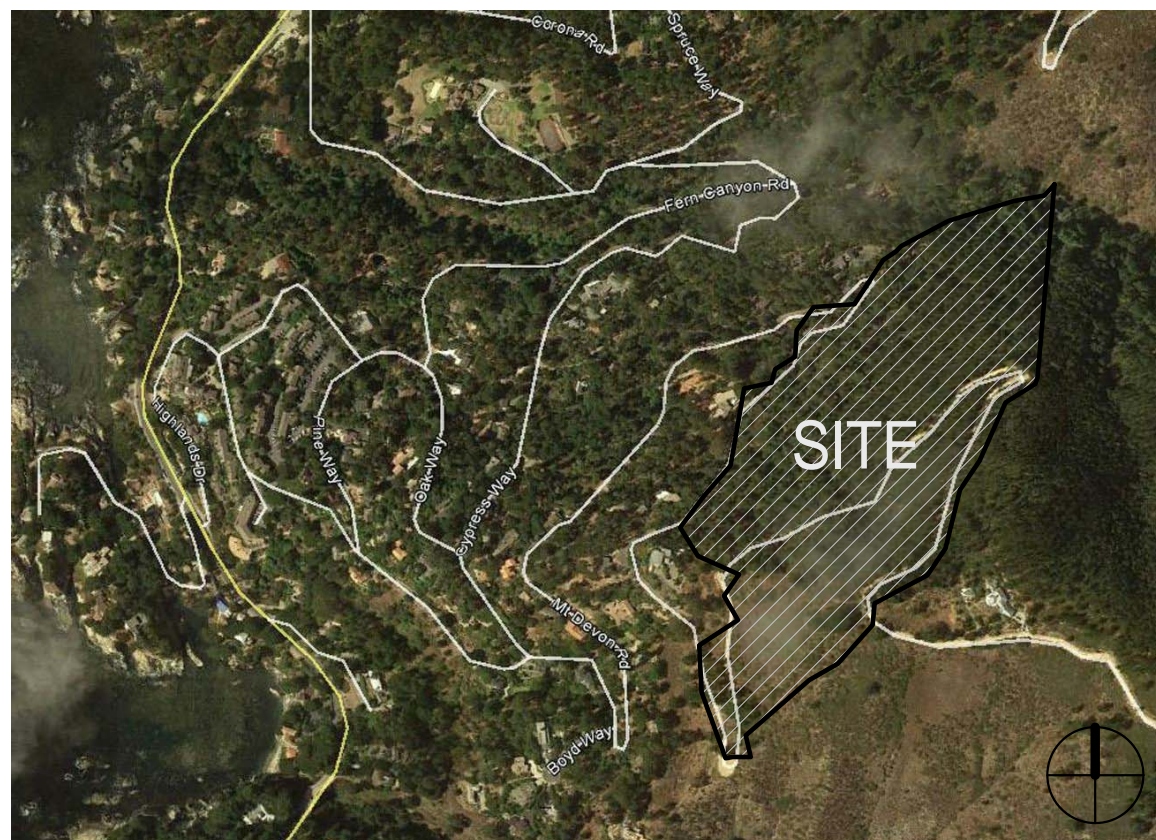
VICINITY MAP



ARCHITECTURAL ABBREVIATIONS

&	AND	E	EAST	IB	IMPERIAL BOARD	R	RADIUS / RISER
<	ANGLE	(E)	EXISTING	I.D.	INSIDE DIAMETER	R.A.	RETURN AIR
@	AT	EA	EACH	IN	INCHES	R.D.	ROOF DRAIN
-	DIAMETER	E.J.	EXPANSION JOINT	INSL	INSULATION	REF	REFRIGERATOR
2CP	2 COAT PLASTER	EL	ELEVATION	INV.	INVERT	REIN	REINFORCED
3CP	3 COAT PLASTER	ELEC	ELECTRICAL	JAN.	JANITOR	RES	RESIN
AB	AGGREGATE BASE	ELEV	ELEVATOR	JT.	JOINT	REV.	REVISED(ION)
A.B.T	ANCHOR BOLT	EMER	EMERGENCY	RM	ROOM	RECO	REQUIRED
AC	AIRCONDITIONER	F.M.R	ELEVATOR MACHINE RM	R.O.	ROUGH OPENING	SC	SEALED CONCRETE SOLID CORE
ACD	ACCESS DOOR	ENCL	ENCLOSURE, ENCLOSED	L	ANGLE	SCH	SCHEDULE
ACT	ACOUSTIC TILE	ENGR	ENGINEER	LB	POUND	SCP	SKIM COAT PLASTER
AD	AREA DRAIN	ENTR	ENTRANCE	LG	LONG, LENGTH	SEC	SECTION
A.D.A	AMERICANS WITH DISABILITIES ACT	EQ	EQUAL	LAM	LAMINATE(ION)	S.F.	SQUARE FEET
ADJ.	ADJUSTABLE	EOP	EQUIPMENT	LAV	LAVATORY	SHT	SHEET
A.F.F.	ABOVE FINISH FLOOR	EST	ESTIMATE	LLH	LONG LEG HORIZ.	SIG	SOUND INSULATING GLASS
AL	ALUMINUM	EX	EXISTING	LLV	LONG LEG VERT.	SIM	SIMILAR
ANOD	ANODIZED	EXH	EXHAUST	LT(G)	LIGHT(ING)	SIP	Structural Insulated Panel
A.P	ACCESS PANEL	EXP	EXPANSION	LVR	LOUVER	SJ	SCORED JOINT
ARCH	ARCHITECTURAL	EXT.	EXTERIOR	MACH	MACHINE	SPKLR	SPRINKLER
AVG	AVERAGE	F.A.I	FRESH AIR INTAKE	MAX	MAXIMUM	SQ	SQUARE
BO	BOARD	F.D	FLOOR DRAIN	MECH	MECHANICAL	S.S	STAINLESS STEEL
BITUM	BITUMINOUS	FDN	FOUNDATION	MEMB	MEMBRANE	S.S.	SEE MANUFACTURERS INSTRUCTIONS
BLDG	BUILDING	FE	FIRE EXTINGUISHER	MEZZ	MEZZANINE	SED	SEE ENGINEERING DRAWINGS
BLK	BLOCKING	FF	FINISH FLOOR OR FINISHED FACE	MFR	MANUFACTURER	SSD	SEE STRUCTURAL DRAWINGS
BLM	BEAM	F.G	FINISH GRADE	MH	MAN HOLE	ST	STONE TILE / STONE
B.M	BENCH MARK	FGL	FIBERGLASS	MIN	MINIMUM	STL	STEEL
B.O	BOTTOM OF	F.H	FIRE HYDRANT, FLAT HEAD	MISC	MISCELLANEOUS	STD	STANDARD
BR	BRASS	F.H.C	FIRE HOSE CABINET	M.O	MASONRY OPENING	STOR	STORAGE
BRK	BRICK	FIN	FINISH	MTD	MOUNTED	STRUCT	STRUCTURAL
B.S	BOTH SIDES	FLR	FLOOR	MTG	MEETING	SUSP	SUSPENDED
B.SMT	BASMENT	FL	FLUORESCENT	MTL	METAL	SW	STAINED WOOD
B.U.R	BUILT UP ROOF	F.O	FACE OF CONC.	N	NORTH	T	TREAD
CAB	CABINET	F.O.C	FACE OF CONCRETE	NAT	NATURAL	TB	TILE BACKER BOARD
CAP	CAPACITY	F.O.M	FACE OF MASONRY	N.I.C	NOT IN CONTRACT	T.C	TERRA COTTA
CAT	CATALOG	F.O.S	FACE OF STUD	NO	NUMBER	TEL	TELEPHONE
C.C.F.I	CLOSED CELL FOAM INSULATION	F.P	FIRE PROOFING	NOM	NOMINAL	TEMP	TEMPORARY
C.B	CATCH BASIN	FR	FRAME / FIRE RATED	NRC	NOISE REDUCTION COEFFICIENT	TERR	TERRACE
CE	CEMENTITIOUS	F.S	FULL SIZE/SCALE	N.T.S	NOT TO SCALE	T&G	TONGUE AND GROOVE
CER	CERAMIC	FT.	FOOT/FEET	O	OVER	THK	THICK
CFM	CUBIC FEET/MIN.	FTG	FOOTING	O.C	ON CENTER	THRU	THROUGH
CFM	CUBIC FEET/MIN.	FXTR	FIXTURE	O.D	OUTSIDE DIAMETER	TMPD	TEMPERED
C.I	CAST IRON	GA	GAUGE	OFF	OFFICE	(T)	TEMPERED
C.L	CENTERLINE	GALV	GALVANIZED	O.H	OPPOSITE HAND	T.O.P	TOP OF PLATE
CLG	CEILING	GEN	GENERAL CONTRACTOR	OPG	OPENING	T.O.S	TOP OF SLAB
CLOS	CLOSET	GFCL	GROUND FAULT CIRCUIT INTERRUPTER	OPP	OPPOSITE	T.O.W	TOP OF WALL
CLR	CLEAR	G.I	GALVANIZED IRON	OVHD	OVERHEAD	T.S.S	TOP OF STRUCTURAL STEEL
CLW	CLEAR FINISH WOOD	GL	GLASS	PERF	PERFORATED	TYP	TYPICAL
C.J	CONTROL JOINT	GUM	GLUELAM	PL	PLATE	TZ	TERRAZZO
C.J	CONTROL JOINT	GLZ	GLAZING	PLAS	PLASTER	UNF	UNFINISHED
CMU	CONC. MASONRY UNIT	GMT	GLASS MOSAIC TILE	PLBG	PLUMBING	U.N.O	UNLESS NOTED OTHERWISE
CNTR	COUNTER	GR	GRADE	PLY	PANELLING	UPD	UPHOLSTERED
CONF	CONFERENCE	GT	GLASS TILE	PM	PERF. MTL.	VENT	VENTILATION
COL	COLUMN	GWB	GYPSSUM WALL BOARD	POL	POLISHED(ED)	VERT	VERTICAL
COMM	COMMUNICATION	GYP	GYPSSUM	PR	PAIR	VEST	VESTIBULE
CONC	CONCRETE	HC	HOLLOW CORE	POL	POLISH(ED)	VIF	VERIFY IN FIELD
CONST	CONSTRUCTION	HD(R)	HEAD(ER)	PR	PAIR	V.R	VENER PLASTER
CONT	CONTINUOUS	HDWD	HARDWOOD	PT	PAINTED	V.P	VENETIAN PLASTER
CORR	CORRIDOR	HDWR	HARDWARE	PTN	PARTITION	W	WIDE, WIDTH
CPT	CARPET	HLM	HOLLOW MTL	PW	PAINTED WOOD	W(O)	WITH (OR WITHOUT)
CRS	COURSE	HORZ	HORIZONTAL	QT	QUARRY TILE	WA	WALNUT
CT	CERAMIC TILE	HR	HOUR	QTY	QUANTITY	WC	WATER CLOSET
CT	CENTER	H.S	HEADED STUD			WD	WOOD
CTR	CENTER	HT	HEIGHT			WDW	WINDOW
CW	COLD WATER	HTG	HEATING			WLP	WALL PAPER
		HTR	HEATER			W.P	WATERPROOFING
		HVAC	HEATING VENTILATION & AIR CONDITIONING			WT	WEIGHT
		HW	HOT WATER			W.R.B	WATER RESISTIVE BARRIER
						YD	YARD
DBL	DOUBLE						
DEM	DEMOLITION						
DET	DETAIL						
DF	DOUGLAS FIR						
DIA	DIAMETER						
DIAG	DIAGONAL						
DM	DIMENSION						
DKG	DECKING						
DN	DOWN						
D.O	DOOR OPENING						
DR	DOOR						
D.S	DOWNSPOUT						
DTL	DETAIL						
DWG	DRAWING						

AERIAL PHOTOGRAPH



NOT FOR CONSTRUCTION

PROJECT DATA

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SEPTIC	BioSphere Consulting 1315 King Street Santa Cruz, CA 95060 Phone: 831-430-9116 Email: andrew@biosphere-consulting.com Contact: Andrew Brownstone
SURVEYOR	Rasmussen Land Surveying, Inc. P.O. Box 3135 Monterey, CA 93942 Phone: (831) 375-7240 E-mail: info@rasmussenland.com Contact: Roger Peterson
PROPERTY ADDRESS	83 Mount Devon Road Carmel Highlands, CA 93924
APN	241-021-007-000

MISCELLANEOUS

NATURAL GAS	PROPANE
WATER SOURCE	PRIVATE WELL w/ ONSITE TREATMENT
SEWER SYSTEM	SEPTIC
TREES TO BE REMOVED	(1) 14" MONTEREY PINE
GRADING ESTIMATES	943 CUBIC YARDS - CUT 79 CUBIC YARDS - FILL 864 CUBIC YARDS - NET CUT

SCOPE OF WORK

Request to rezone a portion of the property zoned Resource Conservation [RC(CZ)] to Watershed and Scenic Conservation [WSC (CZ)] to allow residential development within the specific portion of the property.

SHEET INDEX

G1.0	GENERAL / COVER SHEET
G1.1	PROPOSED SITE PLAN
A1.0	GARAGE LEVEL
A1.1	FIRST FLOOR LEVEL
A1.2	SECOND FLOOR LEVEL
A2.0	BUILDING ELEVATIONS
A2.1	BUILDING ELEVATIONS
A3.1	BUILDING SECTIONS
A4.0	PERSPECTIVES
-	TOPOGRAPHIC SURVEY

ZONING INFORMATION

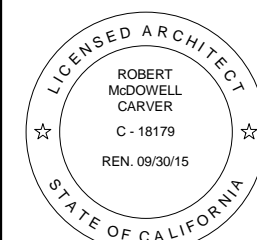
EXISTING ZONING	RC-D (CZ)
PROPOSED ZONING	WSC (CZ)
FRONT SETBACK	30'-0"
SIDE SETBACK	20'-0"
REAR SETBACK	20'-0"
MAXIMUM HEIGHT	24'-0"

BLDG. CODE INFORMATION

APPLICABLE CODES	2013 CALIFORNIA RESIDENTIAL CODE 2010 CALIFORNIA ENERGY CODE 2013 CALIFORNIA FIRE CODE 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE 2013 CALIFORNIA PLUMBING CODE 2013 CALIFORNIA MECHANICAL CODE 2013 CALIFORNIA ELECTRICAL CODE
OCCUPANCY TYPE	R3 - SINGLE FAMILY RESIDENTIAL

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ARCHITECTURAL GENERAL / COVER SHEET

Scale: As indicated
@ 24x36
Drawn By: SBP
Job: 1218

G1.0

8/12/14

8/14/2014 2:10:05 PM

PROJECT DATA

AREA

APN: 241.021.007.000
(E) ZONING: RC-D (CZ)
PROPOSED ZONING: WSC (CZ)
DESCRIPTION: MAP 3 CARMEL HIGHLANDS,
PARCEL 7.

SINGLE FAMILY DWELLING AND
STAIR ACCESS TO GARAGE = 2,397 SF

UNDERGROUND GARAGE
AND MECH./STORAGE = 552 SF

PROPOSED GRADING CUT = 943 CU.YDS.
PROPOSED GRADING FILL = 79 CU.YDS.
PROPOSED GRADING NET CUT= 864 CU.YDS.

TREES TO BE REMOVED = (1) 14" MONTEREY PINE

LOT COVERAGE

PARCEL SIZE = 1,306,800 SF (30 ACRES)
PROPOSED PARCEL SIZE ZONED WSC(CZ) = 87,120 SF (2 ACRES)

PROPOSED BUILDING COVERAGE:
HOUSE = 1,361 SF
GARAGE = 263 SF
TOTAL = 1,624 SF

MAXIMUM LOT COVERAGE ALLOWED = 10% (8,712 SF)

TOTAL LOT COVERAGE: 1,624/87,120 = 0.018 OR 1.8%

IMPERVIOUS COVERAGE:
STRUCTURE = 1,624 SF
IMPERVIOUS SURFACES = 1,375 SF
TOTAL = 2,999 SF

REQUIRED PARKING SPACE = 2 SPACES/UNIT
PROPOSED PARKING SPACES = 1 SPACE (COVERED)
3 SPACES (UNCOVERED)
4 SPACES TOTAL

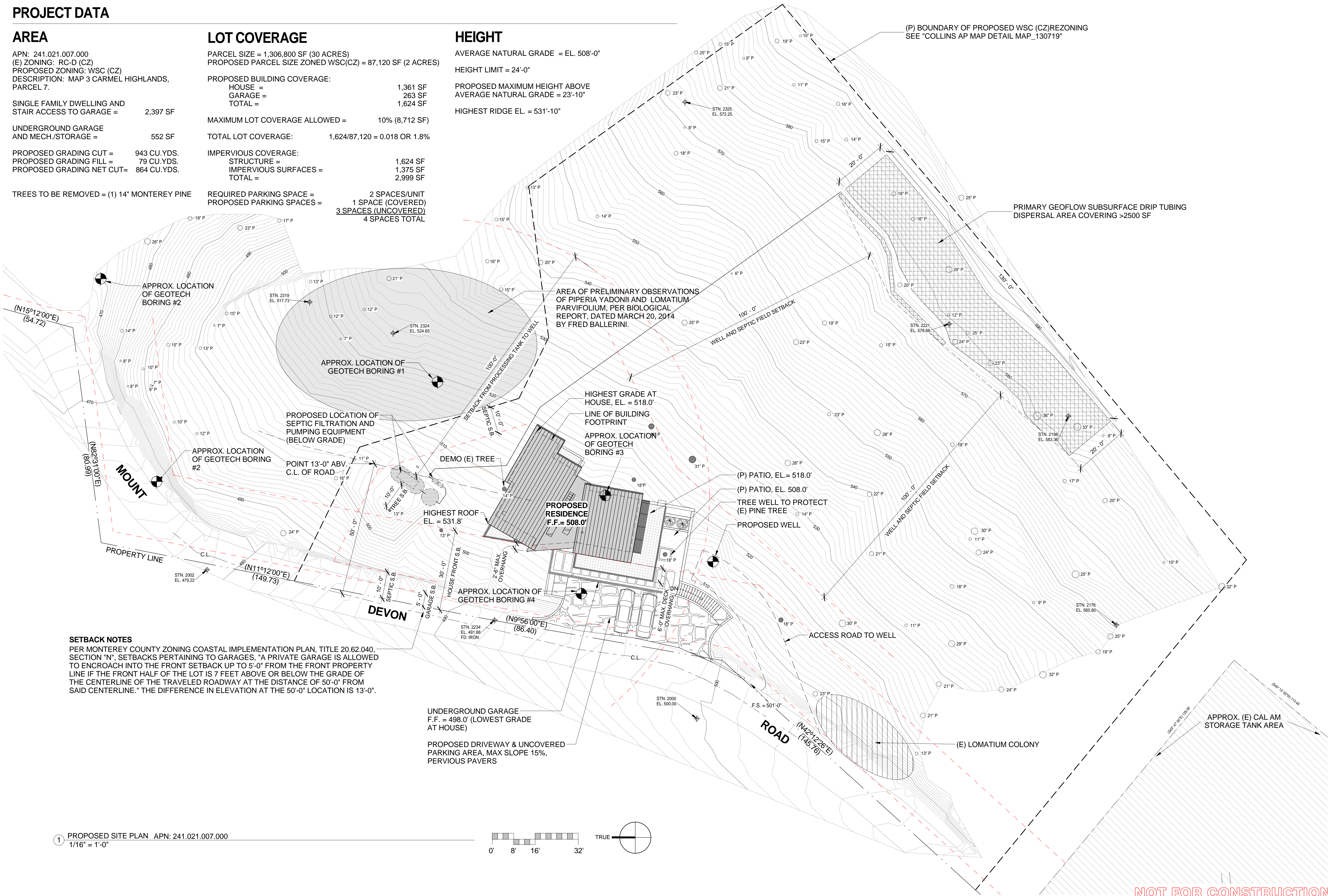
HEIGHT

AVERAGE NATURAL GRADE = EL. 508'-0"

HEIGHT LIMIT = 24'-0"

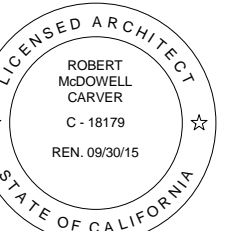
PROPOSED MAXIMUM HEIGHT ABOVE
AVERAGE NATURAL GRADE = 23'-10"

HIGHEST RIDGE EL. = 531'-10"



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ARCHITECTURAL PROPOSED SITE PLAN

Scale: 1/16" = 1'-0"
@ 24x36
Drawn By: SBP
Job: 1218

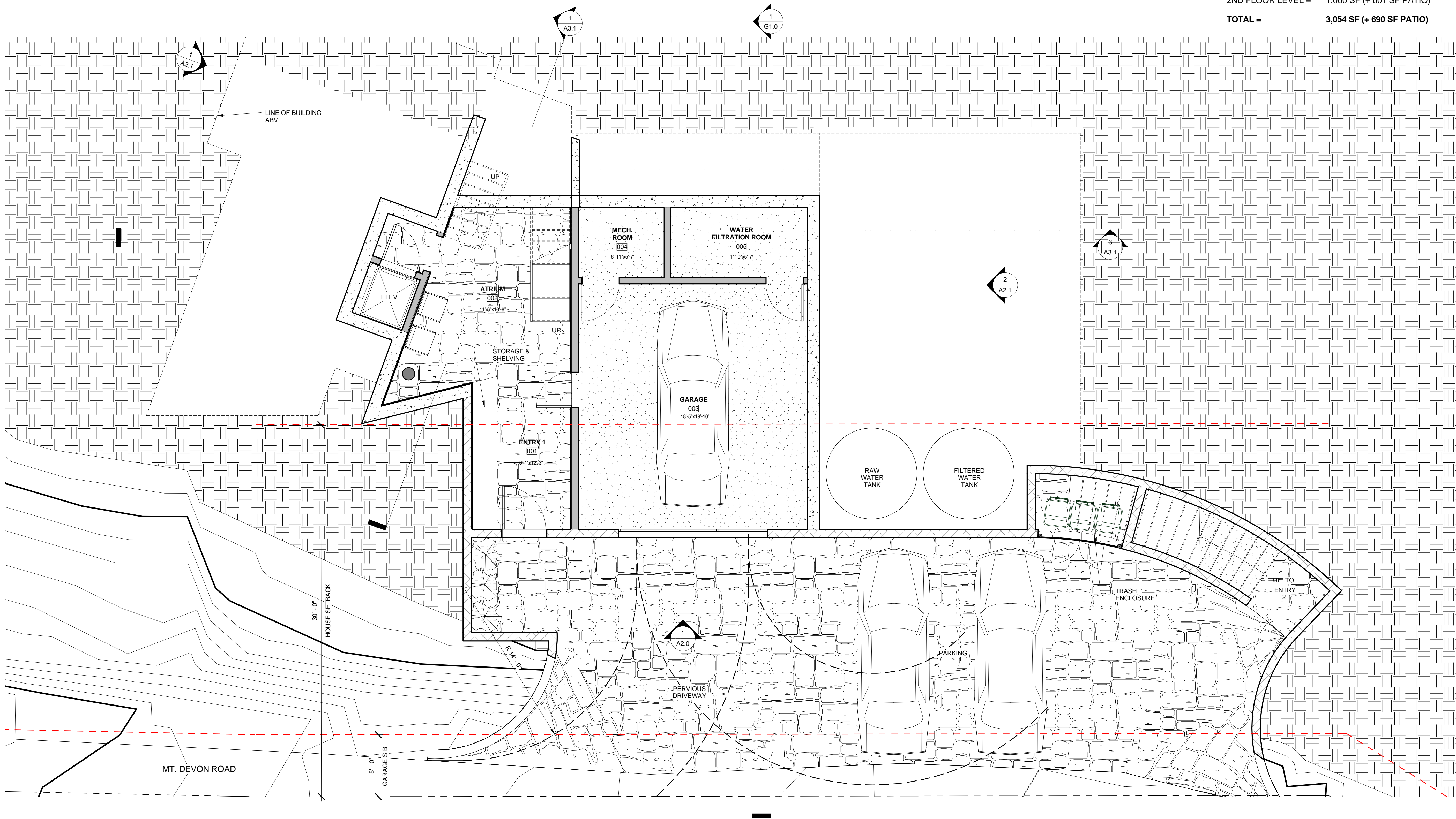
G1.1

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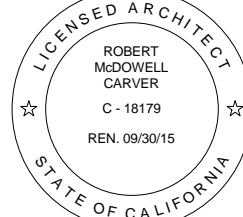
1 GARAGE LEVEL F.F. = 498.0'
1/4" = 1'-0"



PROPOSED AREA (GROSS):
GARAGE LEVEL = 936 SF
1ST FLOOR LEVEL = 1,058 SF (+ 89 SF PATIO)
2ND FLOOR LEVEL = 1,060 SF (+ 601 SF PATIO)
TOTAL = 3,054 SF (+ 690 SF PATIO)

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ARCHITECTURAL GARAGE LEVEL

Scale: 1/4" = 1'-0"
@ 24x36
Drawn By: SBP
Job: 1218

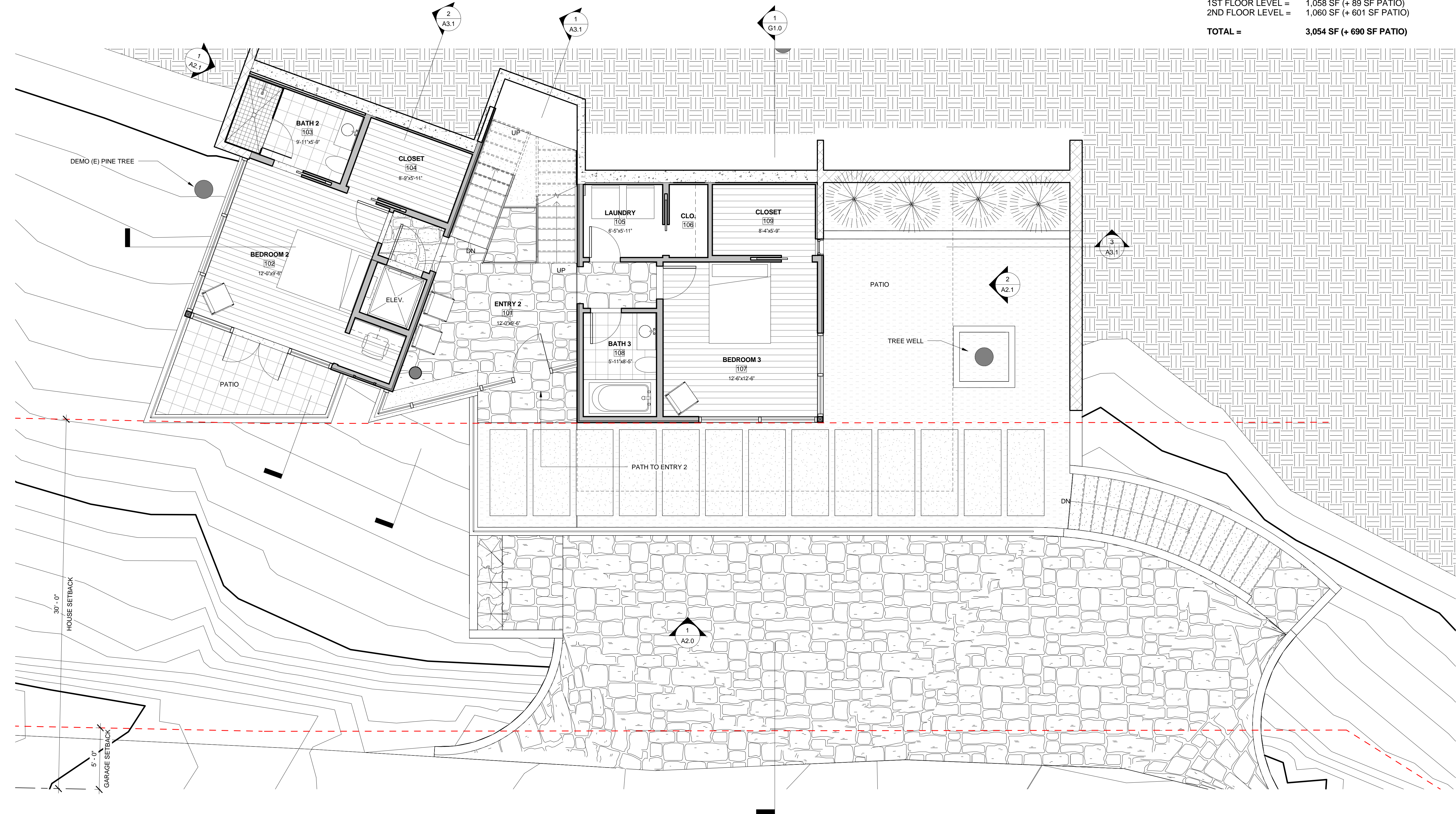
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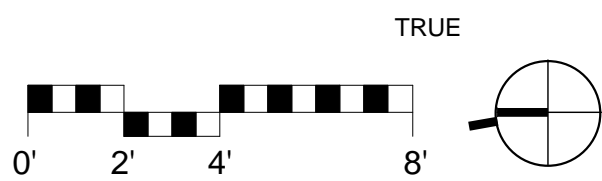


1 FIRST FLOOR LEVEL F.F. = 508.0'
1/4" = 1'-0"

PROPOSED AREA (GROSS):

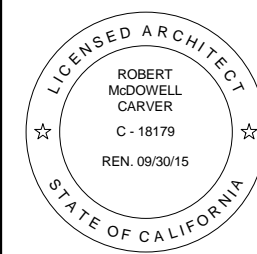
GARAGE LEVEL = 936 SF
1ST FLOOR LEVEL = 1,058 SF (+ 89 SF PATIO)
2ND FLOOR LEVEL = 1,060 SF (+ 601 SF PATIO)

TOTAL = 3,054 SF (+ 690 SF PATIO)



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ARCHITECTURAL
FIRST FLOOR
LEVEL

Scale: 1/4" = 1'-0"
@ 24x36
Drawn By: Author
Job: 1218

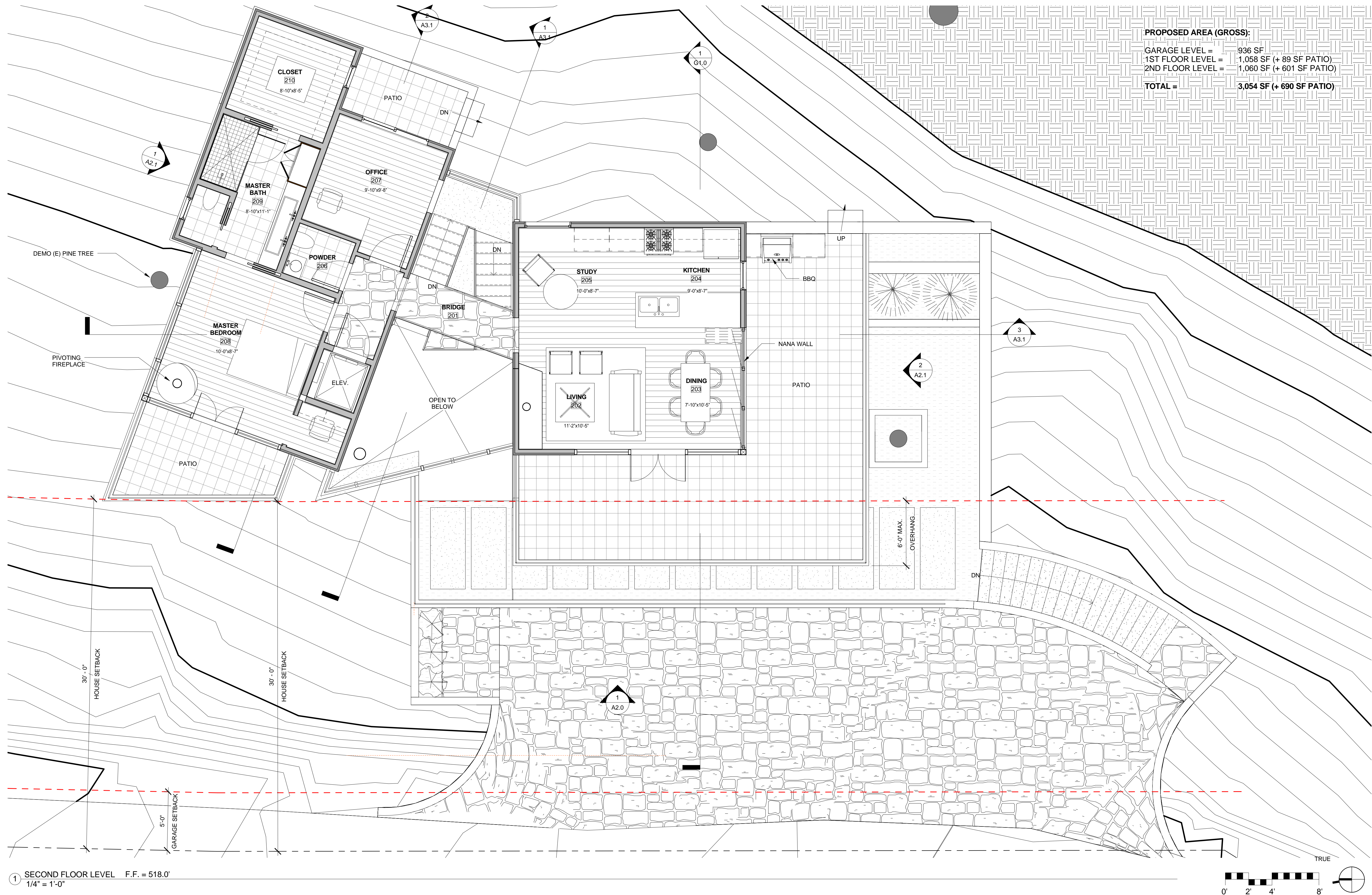
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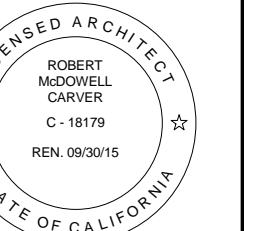
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PROPOSED AREA (GROSS):
GARAGE LEVEL = 936 SF
1ST FLOOR LEVEL = 1,058 SF (+ 89 SF PATIO)
2ND FLOOR LEVEL = 1,060 SF (+ 601 SF PATIO)
TOTAL = 3,054 SF (+ 690 SF PATIO)

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ARCHITECTURAL SECOND FLOOR LEVEL

Scale: 1/4" = 1'-0"
@ 24x36
Drawn By: Author
Job: 1218

A1.2

8/12/14

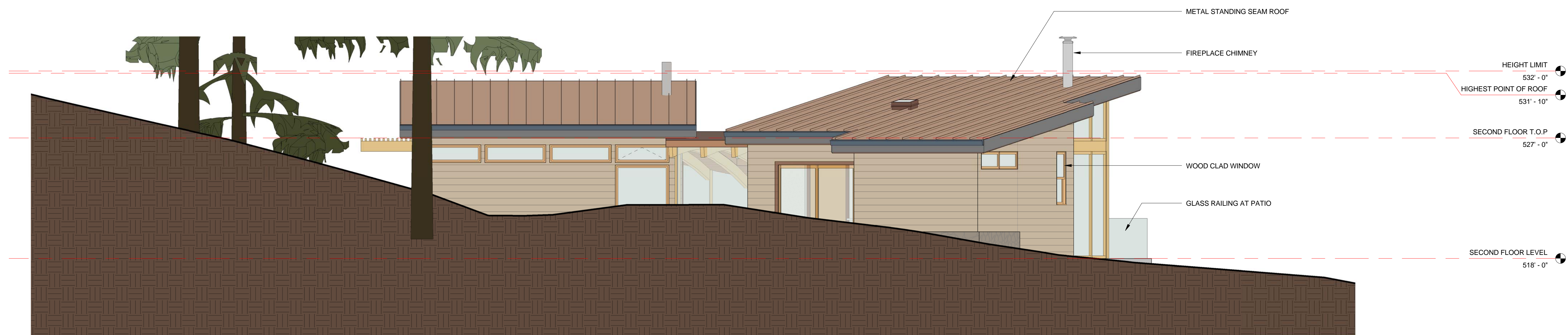
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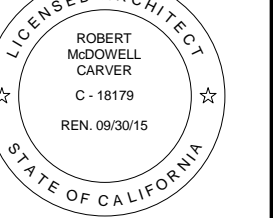
1 WEST ELEVATION
1/4" = 1'-0"



2 EAST ELEVATION
1/4" = 1'-0"

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ARCHITECTURAL BUILDING ELEVATIONS

Scale: 1/4" = 1'-0"
@ 24x36
Drawn By: JR
Job: 1218

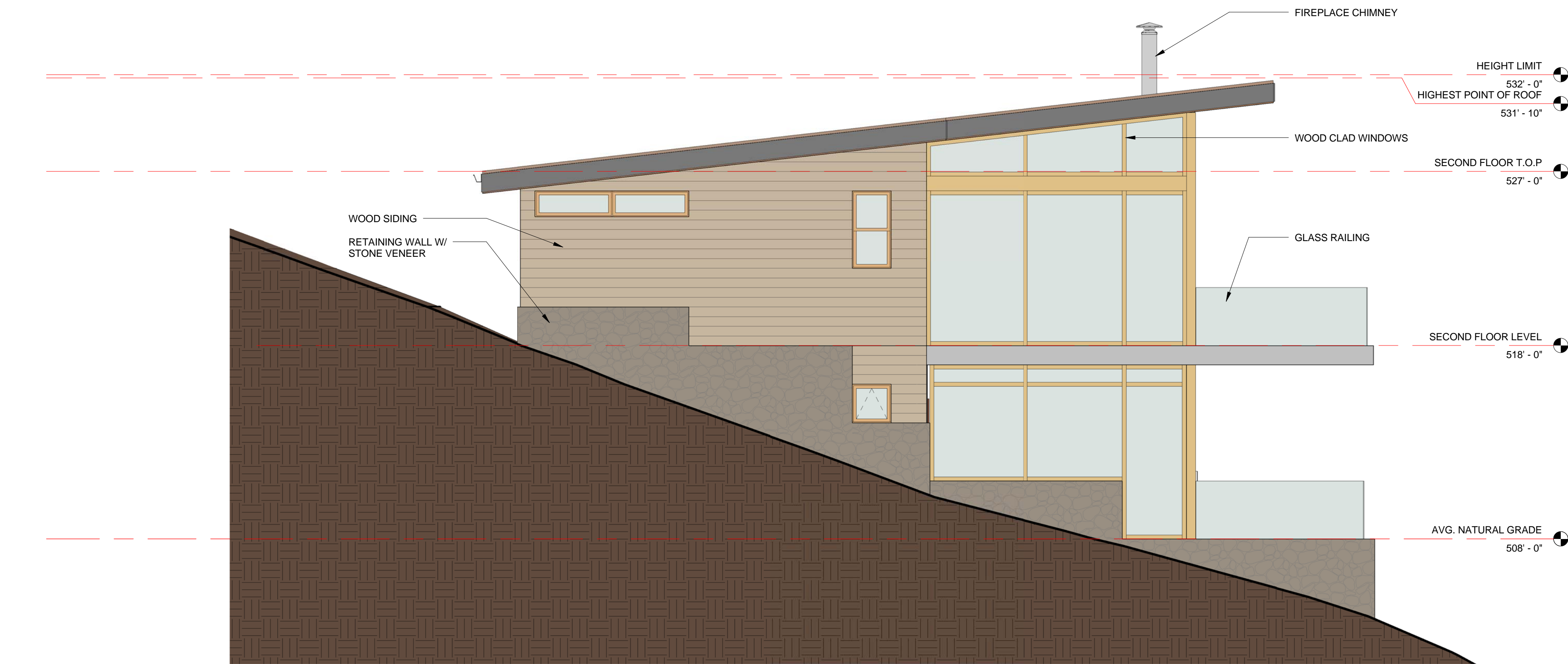
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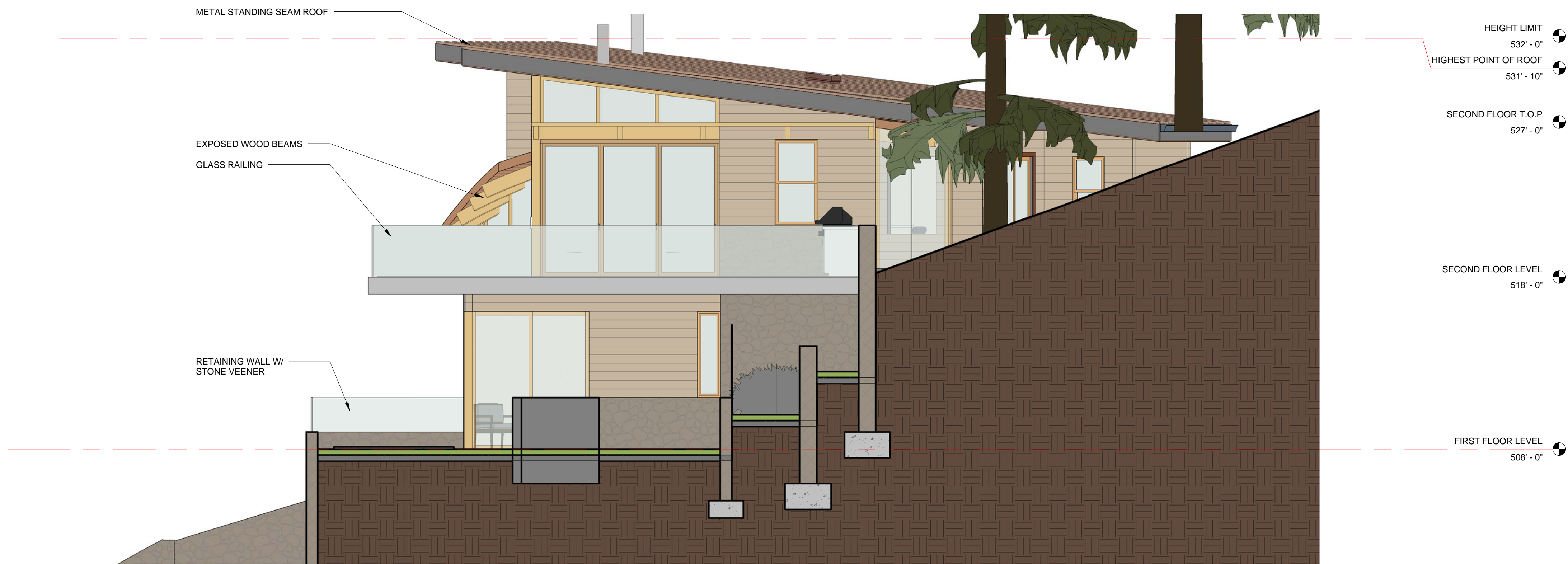
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① NORTH ELEVATION
1/4" = 1'-0"

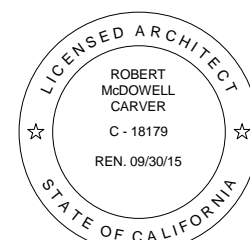


② SOUTH ELEVATION
1/4" = 1'-0"

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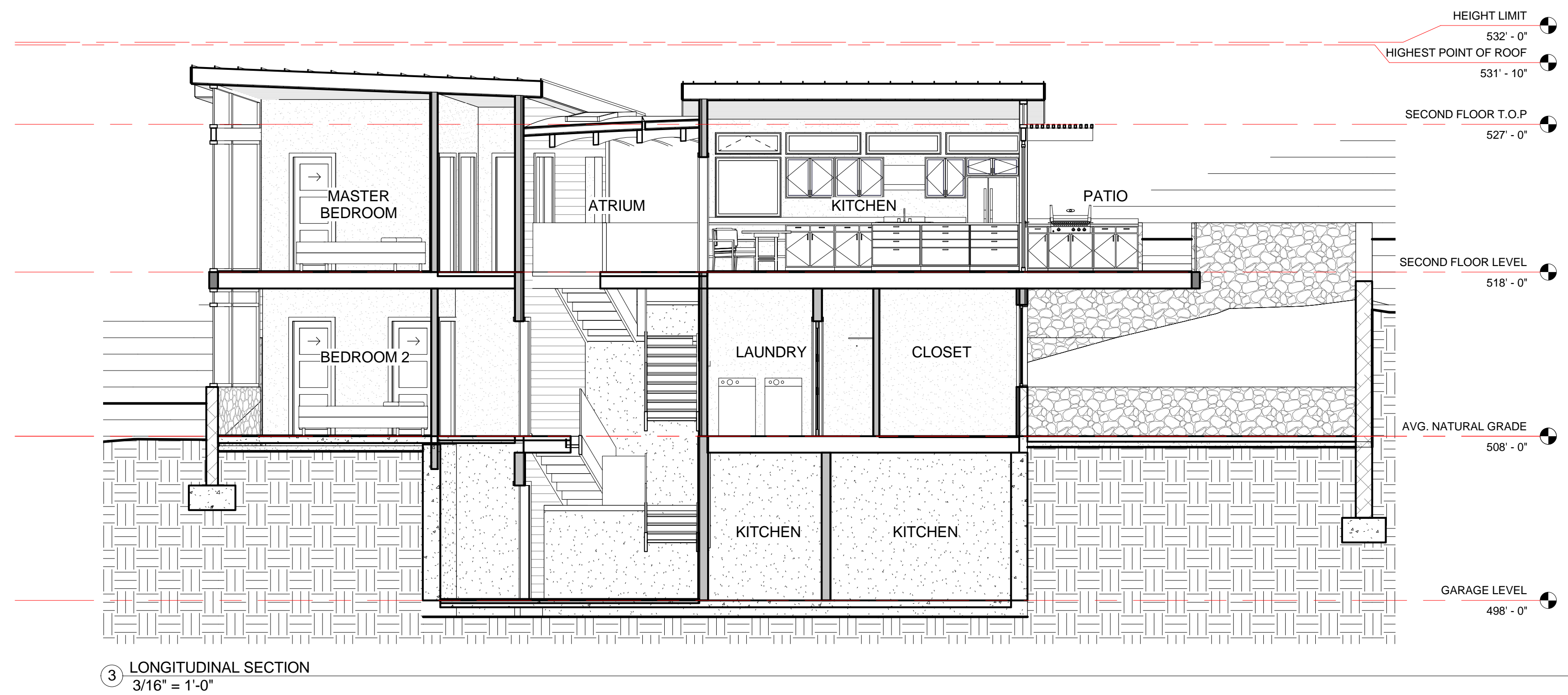
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Drawn By: Author
Job: 1218

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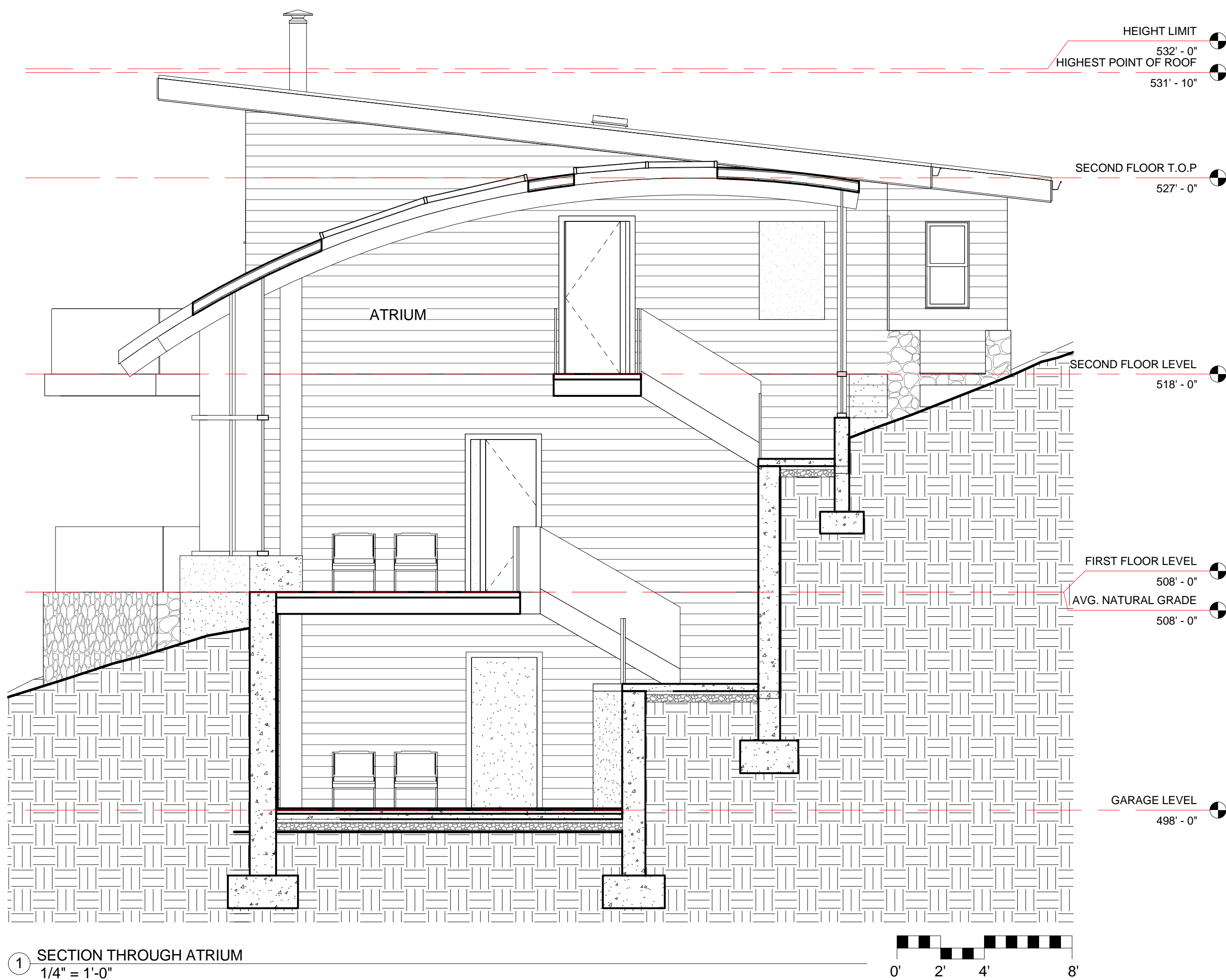
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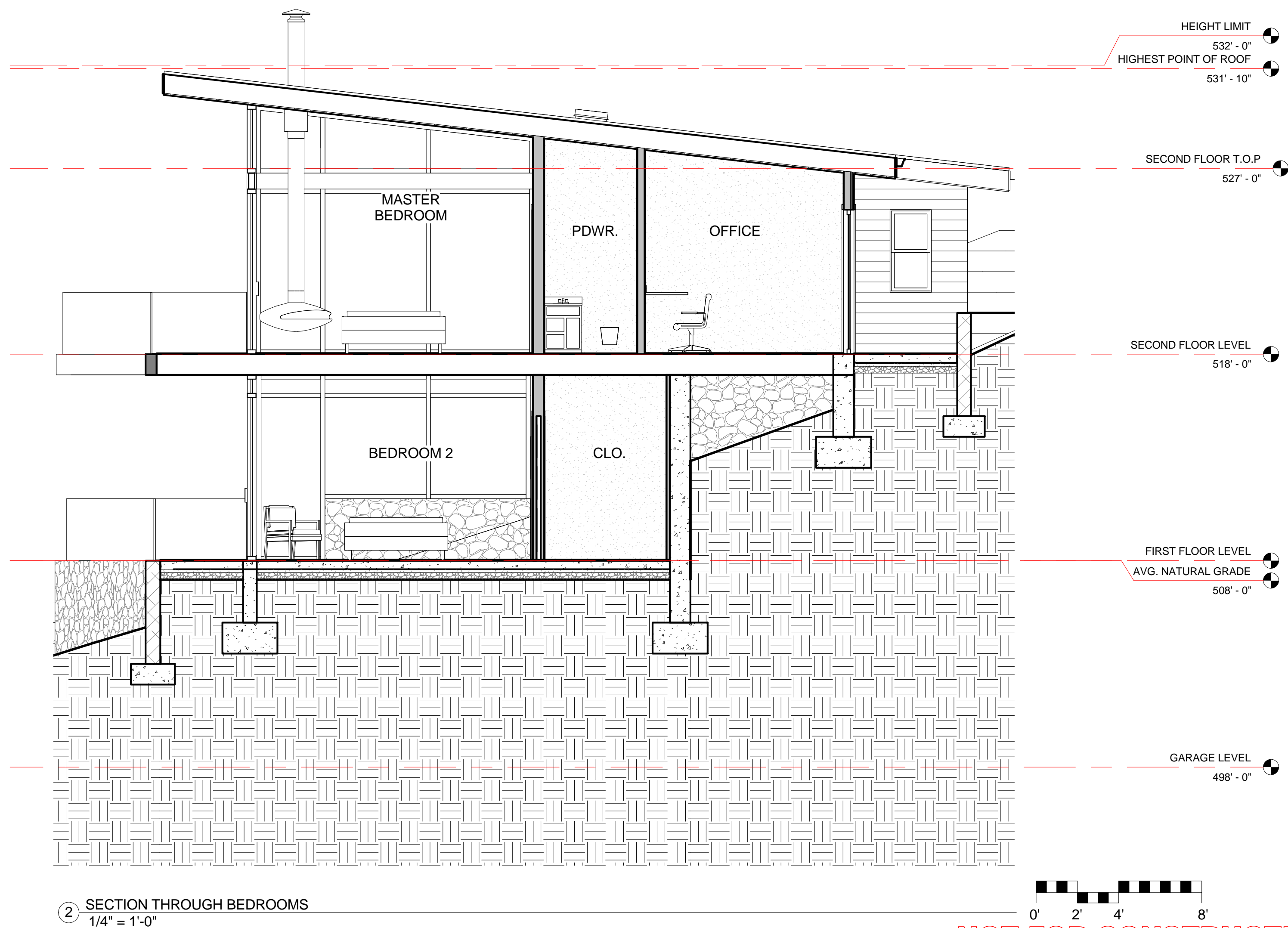
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③ LONGITUDINAL SECTION
3/16" = 1'-0"



① SECTION THROUGH ATRIUM
1/4" = 1'-0"

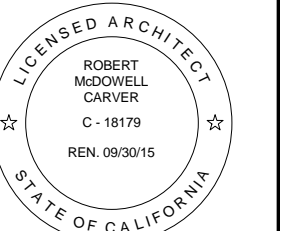


② SECTION THROUGH BEDROOMS
1/4" = 1'-0"

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ARCHITECTURAL BUILDING SECTIONS

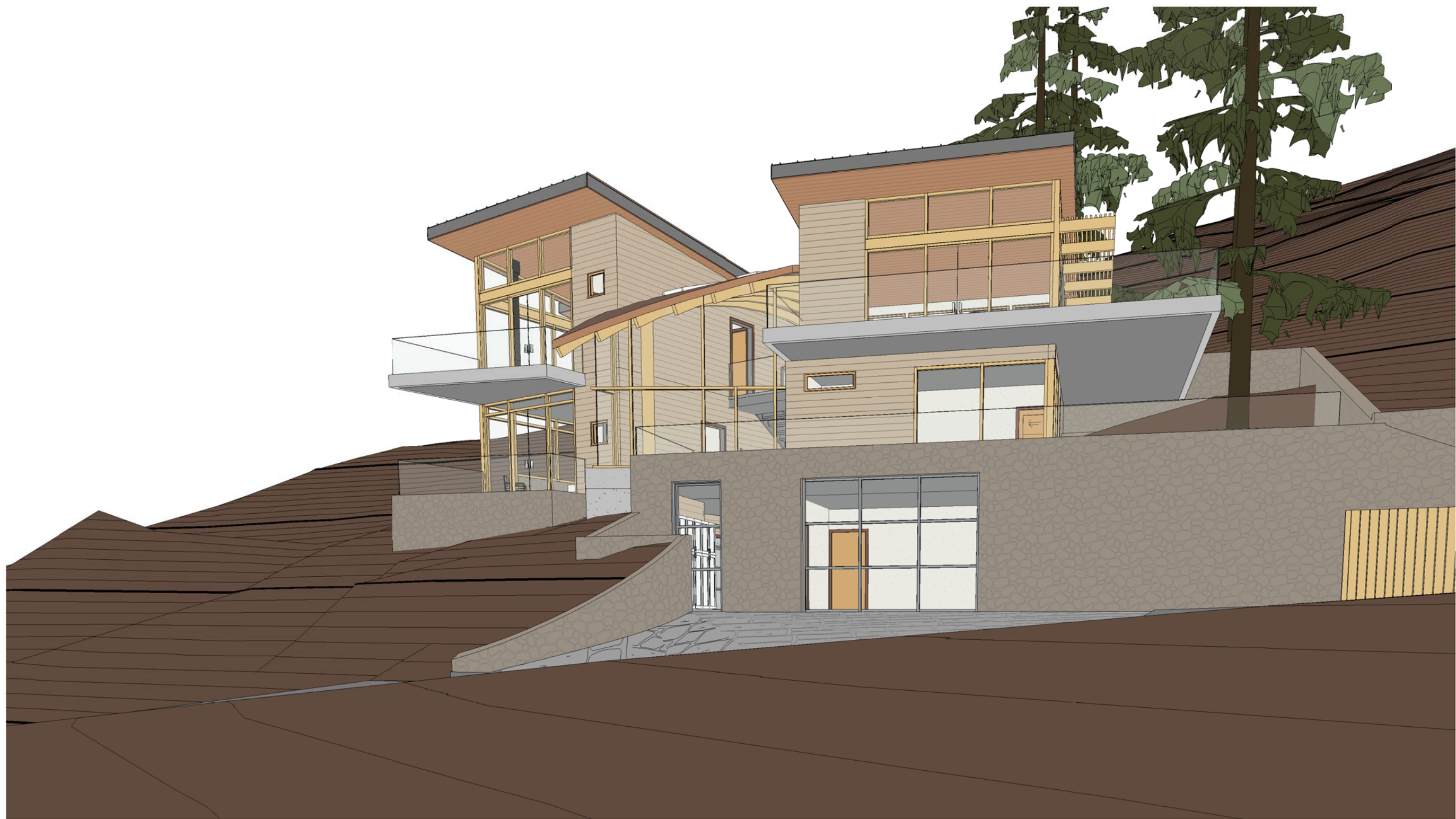
Scale: As indicated
@ 24x36
Drawn By: Author
Job: 1218

A3.1

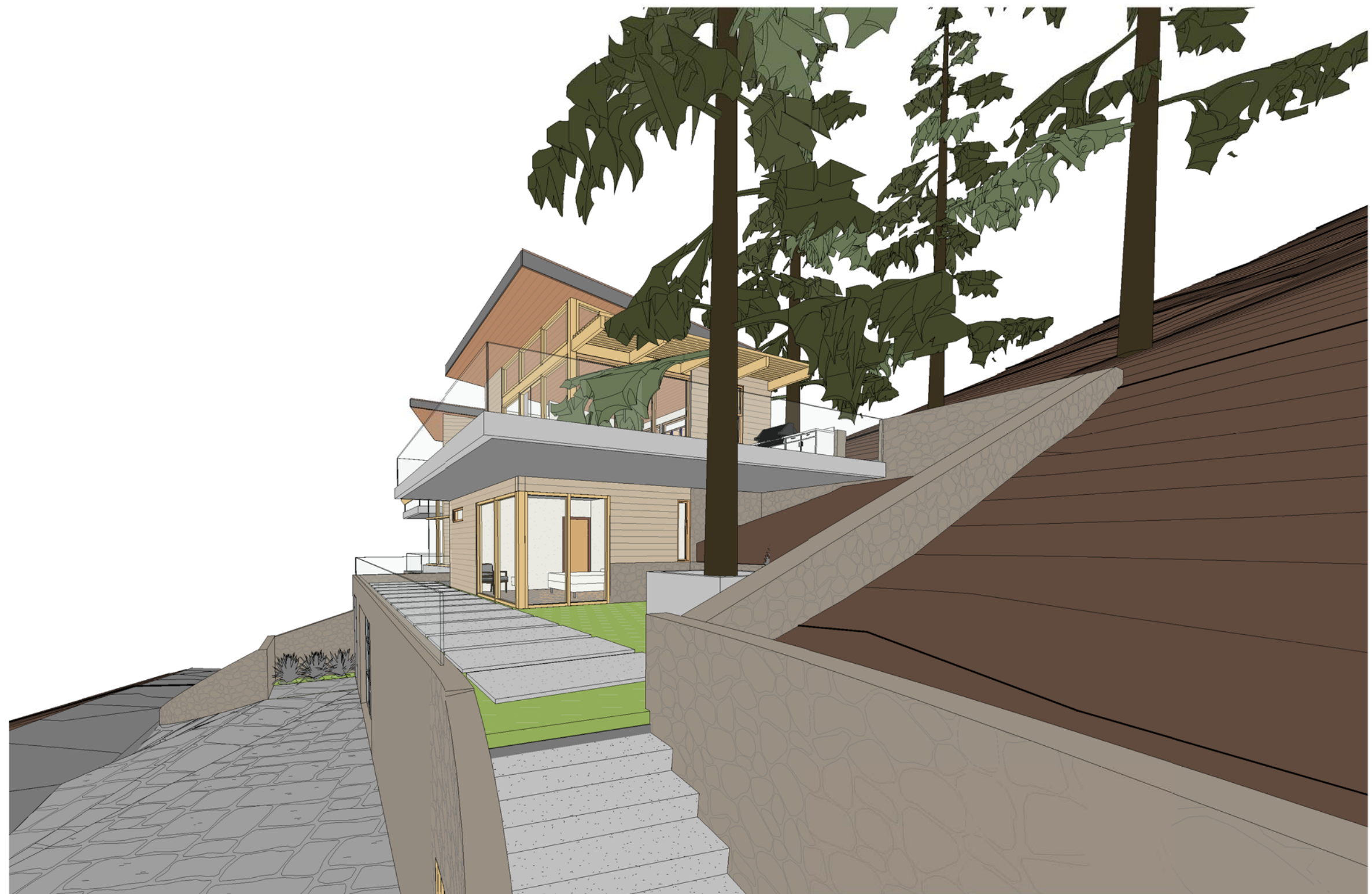
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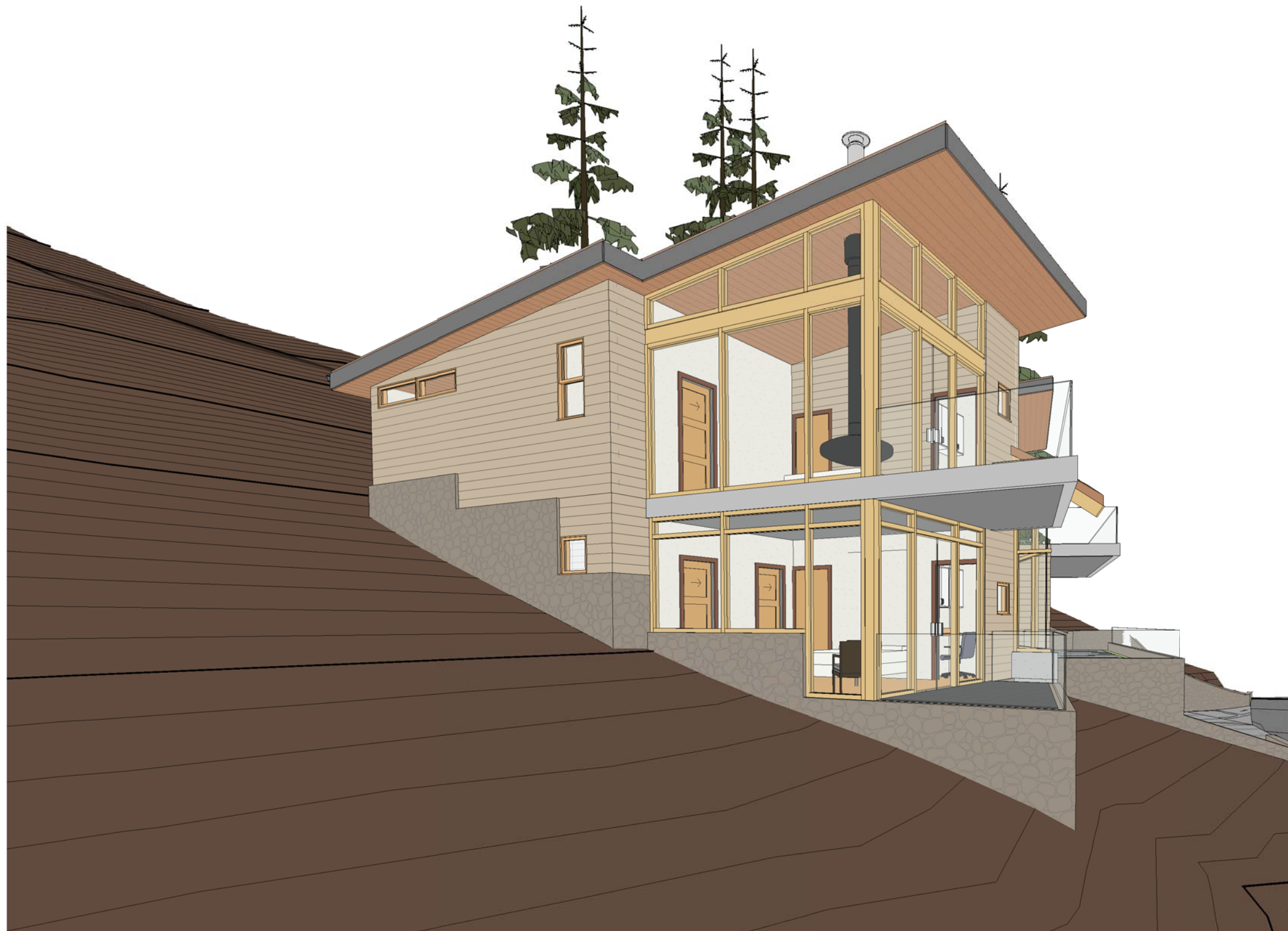
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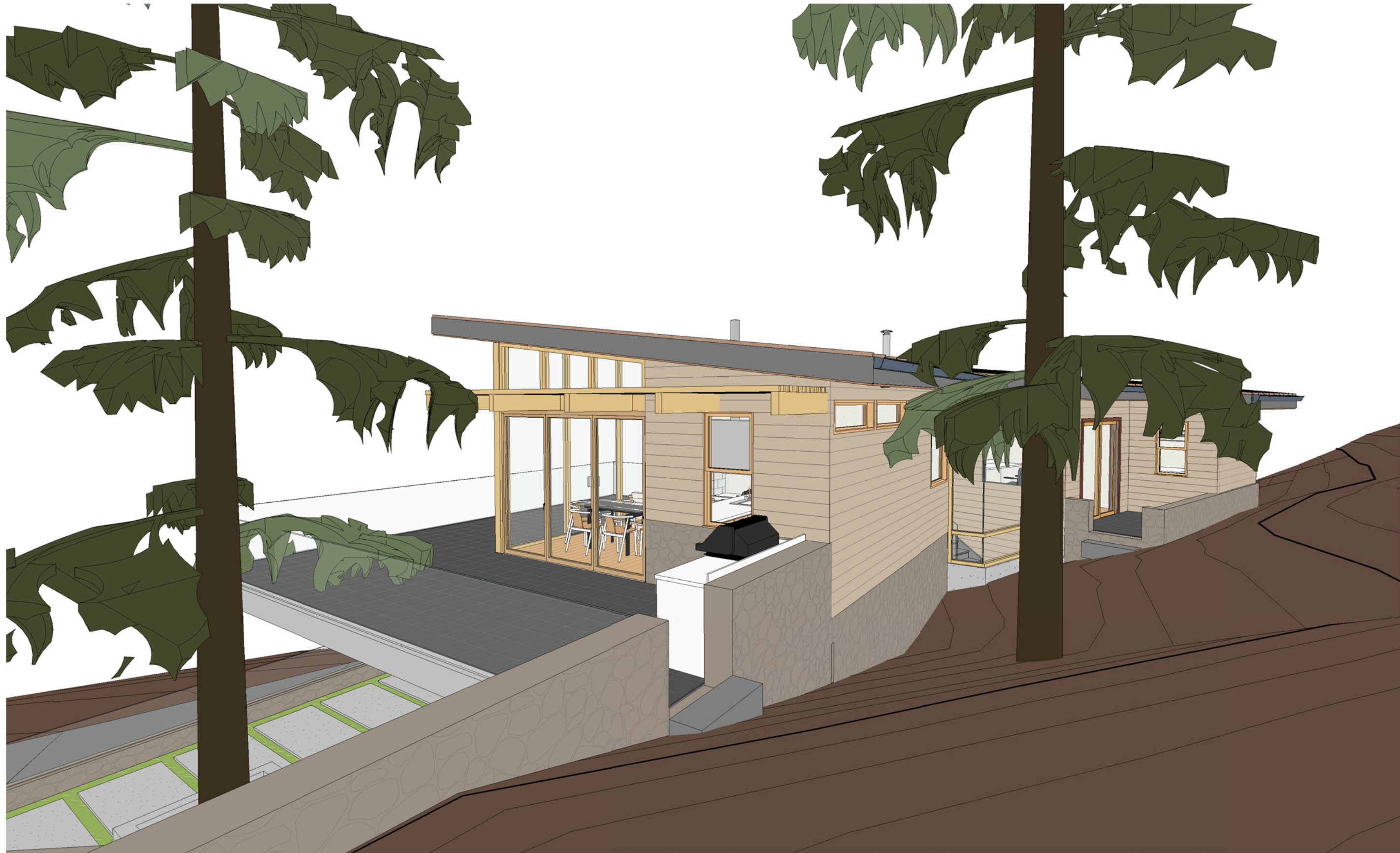
① VIEW LOOKING EAST



② VIEW NORTHEAST



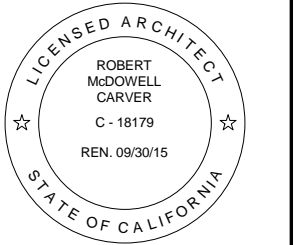
③ VIEW LOOK SOUTH



④ VIEW LOOKING NORTHWEST

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ARCHITECTURAL
PERSPECTIVES

Scale: @ 24x36
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Job: 1218

A4.0

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