Attachment B



ATTACHMENT B DRAFT RESOLUTION

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

In the matter of the application of:

BLACK CROW LLC (PLN160348) RESOLUTION NO. 17 -

Resolution by the Monterey County Board of Supervisors:

- 1) Denying the appeal of Courtney Meyers from the decision of the April 27, 2017 Zoning Administrator decision approving an application (PLN160348) for a Coastal Administrative Permit and Design Approval to allow for the demolition of a one-story single-family dwelling and the construction of a one-story single-family dwelling with an attached two-car garage;
- 2) Finding the project categorically exempt from CEQA per Section 15302 of the CEQA Guidelines and that there are no unusual circumstances; and
- 3) Approving a Coastal Administrative Permit and Design Approval to allow the demolition of an 1,836 square foot one-story single-family dwelling with a 563 square foot attached two-car garage, and the construction of an approximately 2,464 square foot one-story single-family dwelling with an approximately 390 square foot attached two-car garage, subject to seventeen (17) conditions of approval.

2874 Pradera Road, Carmel Meadows, Carmel Area Land Use Plan (APN: 243-053-005-000)

The Appeal by Courtney Meyers from the decision by the Zoning Administrator to categorically exempt and approve a Coastal Administrative Permit and Design Approval to allow the demolition of an 1,836 square foot one-story single-family dwelling with a 563 square foot attached two-car garage, and the construction of an approximately 2,464 square foot one-story single-family dwelling with an approximately 390 square foot attached two-car garage (Black Crow LLC application - PLN160348) came on for a public hearing before the Monterey County Board of Supervisors on June 27 and August 29, 2017. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

FINDINGS

1. **FINDING: PROCESS** – The County has processed the subject Coastal Administrative Permit and Design Approval application (RMA-

Planning File No. PLN160348/Black Crow LLC) ("project") in compliance with all applicable procedural requirements.

EVIDENCE: a)

- On August 9, 2016, pursuant to Monterey County Code (MCC) Sections 20.76 and 20.44, Black Crow LLC (Applicant) filed an application for a discretionary permit to allow the demolition of an 1,836 square foot one-story single-family dwelling with a 563 square foot attached two-car garage, and the construction of an approximately 2,464 square foot one-story single-family dwelling with an approximately 390 square foot attached two-car garage on a project site located at 2874 Pradera Road, Carmel Meadows (Assessor's Parcel Number 243-053-005-000), Carmel Area Land Use Plan, Coastal Zone.
- b) Monterey County RMA-Planning noticed the project for administrative review on March 15, 2017. During the noticing period, the County received two requests for public hearing; therefore, the project was set for public hearing and consideration before the Zoning Administrator on April 27, 2017.
- c) Due to the requests for a public hearing, the project was referred to the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) for review prior to the Zoning Administrator public hearing. The LUAC, at a duly-noticed public meeting at which all persons had the opportunity to be heard, reviewed the proposed project on April 17, 2017. See also Finding No. 2 (Consistency), Evidence u; and Finding No. 5 (Appeal), Evidences b and d.
- d) The Monterey County Zoning Administrator held a duly-noticed public hearing on the Black Crow LLC application on April 27, 2017. Notices for the Zoning Administrator public hearing were published in the Monterey County Weekly on April 13, 2017; posted at and near the project site on April 17, 2017; and mailed to vicinity property owners and interested parties on April 13, 2017.
- e) On April 27, 2017, after review of the application and submitted documents, and a duly-noticed public hearing at which all persons had the opportunity to be heard, the Zoning Administrator categorically exempted and approved a Coastal Administrative Permit and Design Approval to allow the proposed development (Monterey County Zoning Administrator Resolution No. 17-026).
- f) Courtney Meyers (Appellant), pursuant to MCC Section 20.86.030.C, timely filed an appeal from the April 27, 2017, decision of the Zoning Administrator. The appeal challenged the Zoning Administrator's approval of the Coastal Administrative Permit and Design Approval, and contended that there was a lack of a fair or impartial hearing, and that the findings or decision or conditions are not supported by the evidence. See Finding No. 5 (Appeal) for the text of the Appellants' specific contentions and the County responses to the appeal.
- g) Pursuant to MCC Sections 20.86.030.C and E, an appeal shall be filed with the Clerk of the Board of Supervisors within 10 days after written notice of the decision of the Appropriate Authority (i.e., Zoning Administrator Resolution No. 17-026) has been mailed to the Applicant, and no appeal shall be accepted until the notice of decision has been given (i.e., mailed). The County mailed the written notice

of the decision on April 27, 2017, and said appeal was filed with the Clerk of the Board of Supervisors on May 8, 2017, within the 10-day timeframe prescribed by MCC Section 20.86.030.C. [Note: The 10th day of the appeal period fell on a County non-business day, and it is the County's practice to extend an appeal period to the next business day if the 10th day falls on a non-business day.] The appeal hearing is de novo. A complete copy of the appeal, including the additional contentions, is on file with the Clerk of the Board, and is attached to the August 29, 2017, staff report to the Board of Supervisors as Attachment C.

- h) Said appeal was timely brought to a duly-noticed public hearing before the Monterey County Board of Supervisors on June 27, 2017. Notice of the hearing was published on June 15, 2017, in the Monterey County Weekly; notices were mailed on June 13, 2017, to all property owners and occupants within 300 feet of the project site, and to persons who requested notice; and at least three (3) notices were posted at and near the project site on June 14, 2017.
- i) On June 27, 2017, the Board of Supervisors continued the appeal public hearing to a date certain on August 29, 2017. The Applicant requested the continuance to allow time to review and respond to additional specific contentions submitted to the County by the Appellant's attorney on June 14, 2017. The Appellant agreed to the request for continuance, and to that extent, both the Applicant and Appellant waived the MCC requirement to consider the appeal and render a decision within 60 days of receipt of the appeal.
- j) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File No. PLN160348; Clerk of the Board of Supervisors' file(s) related to the appeal.

2. **FINDING:**

CONSISTENCY / HEALTH AND SAFETY / NO VIOLATIONS / SITE SUITABILITY - The proposed project and/or use, as conditioned, is consistent with the policies of the Carmel Area Land Use Plan (LUP) and other County health, safety, and welfare ordinances related to land use development. The site is physically suitable for the development proposed, and no violations exist on the property.

EVIDENCE:

- The proposed project involves the demolition of an 1,836 square foot one-story single-family dwelling with a 563 square foot attached two-car garage, and the construction of an approximately 2,464 square foot one-story single-family dwelling with an approximately 390 square foot attached two-car garage.
- b) The property is located at 2874 Pradera Road, Carmel Meadows (Assessor's Parcel Number 243-053-005-000), Carmel Area Land Use Plan, Coastal Zone. The parcel is zoned Medium Density Residential/2 units per acre, with a Design Control overly and an 18-foot height limit (Coastal Zone) [MDR/2-D(18)(CZ)]. MDR zoning allows residential development as a principle use subject to the granting of a Coastal Administrative Permit.

- c) The 0.187-acre (8,160 square feet) lot was created with the Carmel Meadows Unit No. 4 Final Map at Volume 6, Cities and Towns, Page 116, recorded on July 17, 1957, and is thus a legal lot.
- d) No conflicts were found to exist. The County received communications from interested members of the public during the course of project review indicating inconsistencies with the text, policies, and regulations in the applicable plans and Monterey County Code (MCC); however, the County finds that the project is consistent with the text, policies, and regulations in the applicable documents.
- Pursuant to MCC, Coastal Administrative Permits and administrative Design Approvals are considered and approved by the RMA Chief of Planning, unless an interested party requests a public hearing for the proposed project. After noticing for administrative review on March 15, 2017, the County received two requests for public hearing. Therefore, the project was set for public hearing and consideration before the Zoning Administrator.
- f) The concerns expressed in the two requests for public hearing involved possible impacts to private views, neighborhood character, drainage, and light pollution. The requestors also expressed concern that the applicable land use advisory committee did not review this project, and that the staking and flagging was not clearly visible before being damaged by wind. These concerns remain relevant to the appeal and are addressed below in Evidences g, h, i, j, k, l, m, n, and o. Also, see Evidence u below regarding review by a land use advisory committee.
- Zoning Development Standards. The development standards for the g) MDR zoning district are identified in MCC Section 20.12.060. Required setbacks in this MDR district are 20 feet (front), 10 feet (rear), and 5 feet (sides). The proposed structure would have a front setback of 20 feet, a rear setback of 17 to 19 feet, and side setbacks of 6 and 8 feet. The proposed setbacks are similar to those of the existing residence. The site coverage maximum in this MDR district is 35 percent, and the floor area ratio maximum is 45 percent. The existing lot is approximately 8,160 square feet, which would allow site coverage of approximately 2,856 square feet and floor area of approximately 3,672 square feet. The proposed single-family dwelling and attached garage would result in both site coverage and floor area of approximately 2,854 square feet (34.9 percent), an increase of 455 square feet over the existing 2,399 square feet (29.3 percent) of site coverage and floor area. The proposed design layout would be similar to the adjacent properties and other residences in the immediate vicinity. The proposed design does not significantly increase the bulk and mass of the existing dwelling, and is consistent with the surrounding neighborhood character (see Evidences i and o below regarding Neighborhood Character and Design). The maximum allowed height in this MDR district is 18 feet. The height of the proposed structure would increase from approximately 14.85 feet to 17 feet. See also Evidence m below regarding maximum height allowed and height verification.
- h) <u>Private views</u>. Regarding the proposed height and its potential impact on views from the surrounding residences, private views are

- not protected under the Carmel Area Land Use Plan or applicable MCC. See also Evidence n below.
- Neighborhood Character. The proposed dwelling would increase in size by 455 square feet over the existing, would remain a single-story structure, and would meet all applicable development standards. Also, the proposed design layout would be similar to the 2 adjacent properties on either side, as well as 8 other residences in the immediate vicinity. The County also granted a Variance (RMA-Planning File No. PLN040205/Holland; ZA Resolution No. 040205; 2884 Pradera Road) in 2004 to an adjacent residence to allow 45 percent coverage (a reduction from a non-conforming 51 percent). In addition, there are at least three other legal nonconforming residences on Pradera Road that exceed the 35 percent lot coverage maximum (2724, 2754, and 2804 Pradera Road). Therefore, the County finds that the proposed single-family dwelling does not significantly increase the bulk and mass of the existing dwelling, is consistent with the size and scale of surrounding residences, and that the proposed bulk and mass are consistent with the surrounding neighborhood character. See also Evidences m and o below, and Finding No. 5, Evidence g.
- j) <u>Drainage</u>. Based on the Drainage and Erosion Control Plan (Plan Sheet A1.4 of Exhibit 2 to Attachment B of the Board of Supervisors August 29, 2017, staff report) submitted by the Applicant, stormwater runoff from the proposed structure would be directed into curtain drains, gravel and dispersion trenches, and vegetated areas of the property. RMA-Environmental Services reviewed the submitted application materials, and applied conditions as necessary to ensure drainage or runoff design measures are implemented (Erosion Control Plan, Grading Plan, Stormwater Control Plan, inspections, and geotechnical certification Condition Nos. 8, 9, 10, 11, 12, 13, 14, and 15).
- k) Interior Lighting. A proposed clerestory would add height to the proposed residence, and would face residences to the southeast; however, the County does not regulate interior lighting and does not protect private views (see Evidence h above). No evidence has been submitted that demonstrates how a clerestory would cause more light pollution than skylights, which were suggested as an alternative. Even with the clerestory, the proposed structure would remain one foot under the allowed maximum height (see Evidence g above and Evidence m below). Also, many residences in Carmel Meadows have either skylights, second-stories, or second-story architectural features such as clerestories and roof decks.
- Staking and Flagging. The Applicant submitted photographs of the initial staking and flagging installed in August 2016. Allegedly, thick smoke from the Soberanes fire prevented neighbors from making an adequate assessment of visual impacts based on the initial staking and flagging, and that by the time the smoke cleared, wind had damaged large portions of the flagging. Therefore, the Applicant re-installed staking and flagging on or about March 29, 2017. As directed by the County, the Applicant installed orange netting to delineate the corners and ridge peaks of the proposed structure. The County did not

require more extensive staking and flagging for the following reasons: the project site is not within the General Viewshed, as shown on Map A of the Carmel Area Land Use Plan; and the project does not involve ridgeline development. The County's adopted staking and flagging criteria allow flexibility and discretion in determining the scope of staking and flagging required for a project. Based on a County staff site inspection on March 30, 2017, the reinstalled staking and flagging was intact and the weather clear enough for an adequate assessment of potential visual impacts. The reinstalled staking and flagging provided sufficient visual reference for the County to determine potential visual impacts to the public viewshed and satisfied the County's requirement for review. See also Evidence n below.

- m) <u>Height Verification</u>. The zoning district has a height limit of 18 feet above average natural grade. The proposed dwelling and garage would have a height of 17 feet above average natural grade. Condition No. 6, Height Verification, is applied to ensure the height of the finished structure conforms to the plans and the maximum allowed height limit.
- Visual Resources/Public Viewshed. The project, as proposed, is n) consistent with the Carmel Area Land Use Plan (LUP) policies regarding Visual Resources (Chapter 2.2), and will have no impact on the public viewshed. The project planner conducted a site inspection on March 30, 2017, to verify that the project minimizes development within the public viewshed. The project site is not within the public viewshed and is not visible from Highway 1 due to screening by/from topography and existing structures. The proposed single-family dwelling would also not detract from the natural beauty of the surrounding undeveloped ridgelines and slopes in the public viewshed (LUP Policy 2.2.3.1). The project site is also located in a residential neighborhood, the Carmel Meadows, and the adjacent parcels have been developed with single-family dwellings. Per LUP Policy 2.2.3.6, the proposed structure would be subordinate to and blend into the environment, using appropriate exterior materials and earth tone colors that give the general appearance of natural materials.
- o) <u>Design</u>. Pursuant to MCC Chapter 20.44, the proposed project site and surrounding area are designated as a Design Control Zoning District ("D" zoning overlay), which regulates the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character. The proposed exterior colors and materials include earth-tone (light beige) stucco walls and natural wood roofing. The proposed exterior finishes blend with the surrounding environment, are consistent with the surrounding residential neighborhood character, and are consistent with other dwellings in the neighborhood. As proposed, the project assures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity.
- p) <u>Cultural Resources</u>. The project site is within an area of high sensitivity for prehistoric cultural resources; however, the entire parcel has been disturbed by previous structural and hardscape

- development, as well as landscaping. There is no evidence that any cultural resources would be disturbed (Carmel Area Land Use Plan Policy 2.8.2), and the potential for inadvertent impacts to cultural resources is limited and will be controlled by application of the County's standard project condition (Condition No. 3) which requires the contractor to stop work if previously unidentified resources are discovered during construction. In addition, a Phase I Historic Report (LIB160273) prepared for the project determined the existing single-family dwelling lacks any historic significance and cannot be considered a historic resource.
- q) 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, and the respective departments/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. Conditions recommended by RMA-Planning, RMA- Public Works, and RMA-Environmental Service have been incorporated.
- r) The following technical reports have been prepared:
 - Phase I Historic Report (LIB160273) prepared by Kent L. Seavey, Pacific Grove, California, July 30, 2016.
 - Geotechnical Report (LIB160272) prepared by Grice Engineering, Inc., Salinas, California, July 10, 2016.
 - County staff has independently reviewed these reports and concurs with their conclusions.
- s) Necessary public facilities are available. The existing single-family dwelling has public water and sewer connections provided by the California American Water Company and the Carmel Area Wastewater District, respectively, and will continue to use these same connections. The Environmental Health Bureau reviewed the project application and did not apply any conditions of approval.
- t) Monterey County RMA-Planning and RMA-Building Services records were reviewed, and the County is not aware of any violations existing on the subject property.
- u) Pursuant to the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, administrative (i.e., projects not requiring a public hearing) permits and design approvals are not normally sent to the LUACs for review. However, due to the requests for a public hearing, the project was referred to the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) for review. The LUAC reviewed the proposed project at a dulynoticed public meeting on April 17, 2017, and voted 3 0 to recommend approval with the following comments: 1) correct the eave overhang on the southeast corner; 2) thoroughly investigate the drainage; and 3) consider use of railing and/or transparent material instead of a solid wall for the roof deck and stairs leading to the deck. In response to the LUAC's recommendations and comments, the

Applicant submitted revised plans to reduce the eave overhang on the southeast corner to comply with setback requirements. Regarding site drainage, Condition No. 10 requires the Applicant to submit a detailed stormwater control plan, which the County will review and approve prior to issuance of grading or building permits. Regarding the use of transparent material, the Applicant has chosen to retain the proposed design for the deck and stairs, which includes a solid wall around the deck area and metal stairs with steel stringer and treads.

The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File No. PLN160348; Clerk of the Board of Supervisors' file(s) related to the appeal.

3. **FINDING:**

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

EVIDENCE:

a)

- California Environmental Quality Act (CEQA) Guidelines Section 15302 categorically exempts the replacement or reconstruction of existing structures where the new structure(s) will be located on the same site as the structure(s) replaced and will have substantially the same purpose and capacity as the structure(s) replaced.
- b) The proposed project involves the demolition of a single-family dwelling and construction of a single-family dwelling on a residentially-zoned parcel within a developed neighborhood (i.e., replacement of an existing structure with the same purpose and on the same site). The proposed design does not significantly increase the bulk and mass of the existing dwelling, and the proposed setbacks are similar to those of the existing residence (i.e., approximately the same capacity as the structure replaced). Therefore, the proposed development is consistent with CEQA Guidelines Section 15302.
- c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. There is no substantial evidence of an unusual circumstance because there is no feature or condition of the project that distinguishes the project from the exempt class. The project does not involve a designated historical resource, a hazardous waste site, or development located near or within view of a scenic highway. There is no substantial evidence that would support a fair argument that the project has a reasonable possibility of having a significant effect on the environment or that it would result in a cumulative significant impact.
- d) No adverse environmental effects were identified during staff review of the development application, nor during a site visit on March 30, 2017.
- e) The County finds the proposed project, including the proposed roof deck, consistent with established noise standards as defined in MCC 10.60, Noise Control, and that the project would not result in a significant or potentially significant impact.
- f) The County also finds that decks, including second-story and/or rooftop decks, are typical of single-family dwellings and that it is not

unusual to access a deck via an exterior stairwell, and the size and location of the proposed roof deck is not unusual.

g) See also Finding No. 5, Appeal, and supporting evidence.

4. **FINDING:**

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

EVIDENCE: a)

- No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.146.130 of the Monterey County Coastal Implementation Plan can be demonstrated.
- b) The subject property is not described as an area where the applicable Local Coastal Program requires public access (Figure 3, Public Access, 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.
- d) Staff conducted a site inspection on March 30, 2017, to verify that the proposed project would not impact public access.
- d) The Carmel Area Land Use Plan Policy 5.3.3.4.c protects public visual access and requires that structures and landscaping placed upon land west of Highway 1 shall be sited and designed to retain public views of the shoreline. The subject property is located west of Highway 1; however, the subject property does not obstruct public views of the shoreline from the Highway 1, therefore construction of the proposed single-family dwelling will not obstruct public visual access.

5. **FINDING:**

APPEAL – Upon consideration of the documentary evidence, the staff report, the oral and written testimony, and all other evidence in the record as a whole, the Board responds as follows to the Appellant's contentions:

EVIDENCE: a)

The Appellant (Courtney Meyers), pursuant to MCC Section 20.86.030.C, timely filed an appeal from the April 27, 2017, decision of the Zoning Administrator (see also Finding No. 1, Process, Evidences f and g). The appeal challenged the Zoning Administrator's approval of the Coastal Administrative Permit and Design Approval, and contended that there was a lack of a fair or impartial hearing, and that the findings or decision or conditions are not supported by the evidence.

In summary, the Notice of Appeal submitted on May 8, 2017, raised three specific contentions:

- 1) the LUAC was improperly noticed, and the LUAC was not listed as a reviewing agency in the staff report prepared for the ZA public hearing on April 27, 2017;
- 2) the development was improperly staked and flagged to show that a proposed exterior stairway encroaches into the side setback, and the front south corner of the proposed building extends to the property boundary; and

3) LUAC comments and recommendations were not included in the staff report prepared for the ZA public hearing on April 27, 2017, so the ZA heard them for the first time on the day of the public hearing.

On June 14, 2017, the attorney for the Appellant submitted five additional specific contentions regarding noise, light and privacy, neighborhood character, CEQA, and alternative designs. The primary issue identified in these additional contentions involve the location of the roof deck.

The County finds that the Appellant's contentions are without merit for the following reasons: 1) The contentions are not supported by the evidence; and/or 2) The contentions are not protected under Monterey County Code; and/or 3) The contentions are speculative.

See the text of the Appellant's contentions (with duplicative statements removed) and the County's responses to those contentions in Evidences b, c, d, e, f, g h, and i below.

b) Appellant's Specific Contention A: The Appellant stated: "The LUAC was improperly noticed (Noticed on Friday for a Monday hearing). We were notices (sic.) on Friday for a Monday hearing."

The Appellant also stated: "LUAC not listed in reviewing agencies, and should have been included."

Pursuant to the Monterey County LUAC Procedure guidelines adopted by the Board of Supervisors on April 28, 2015 (Exhibit 1 to Board Resolution 15-103), LUAC meetings shall be noticed, and the LUAC agenda shall be publicly posted, in accordance with the Brown Act. The Brown Act states: At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one.

The agenda of the Carmel Unincorporated/Highlands LUAC meeting for April 17, 2017, was publicly posted at the meeting location (Carmel Highlands Fire Protection District at 73 Fern Canyon Road, Carmel Highlands) at least 72 hours in advance of the meeting. The specific matter was listed on the agenda as Scheduled Item 1, Black Crow LLC. The County also posted the agenda on the RMA-Planning public website, and on a bulletin board outside the County's Government Center Building in downtown Salinas. The notice posting locations are freely accessible to members of the public, and the RMA-Planning public website also includes a map to the meeting location. Although not required by the Brown Act, the County also

mailed notices to owners and occupants of properties within 300 feet of the project site. The County mailed the LUAC meeting notices on April 3, a full two weeks before the LUAC meeting date on April 17, 2017. Notices were mailed to both the Appellant's local and out-of-state addresses. The Appellant's statement also confirms that she received adequate notice of the LUAC meeting. The County reviewed the Carmel Unincorporated/Highlands LUAC notice for April 17, 2017, and determined it provided accurate information regarding the project's general scope and location.

The LUAC held the public meeting in its regular location, the Carmel Highlands Fire Protection District Conference Room, 73 Fern Canyon Road, Carmel Highlands. The meeting was held at its regularly-scheduled time, 4:00 p.m., on Monday, April 17, 2017. At the LUAC meeting, the LUAC members did not limit comment and all attendees, including the Appellant, were provided an opportunity to speak, and the public comments and LUAC review for this project lasted over one hour.

Regarding the listing of the LUAC as a reviewing agency under Other Agency Involvement, it is not the County's practice to list the LUAC as a reviewing agency in the staff report prepared for a project. If a project is reviewed by a LUAC, it is the County's practice to present separate information regarding the date the LUAC reviewed the project and, if available, comments and recommendations of the LUAC. The April 27, 2017, staff report to the Zoning Administrator identified that the project had been referred to the Carmel Unincorporated/Highlands LUAC, but that the LUAC's recommendation would not be available in time to include in the staff report and that County staff would inform the Zoning Administrator of the LUAC's recommendation at the public hearing on April 27, 2017, which County staff did at that hearing. See also Evidence d below.

c) Appellant's Specific Contention B: The Appellant stated: "Development was improperly staked. Proposed attached stairwell to deck is not staked or flagged and is potentially in the 5 foot side setback. Field staking and flagging is inaccurate. Front south corner of building goes all the way to edge of property and is incorrect (see attached photo). Also, exterior attached stairway to access roof top deck not staked."

As directed by the County, the Applicant installed orange netting to delineate the corners and ridge peaks of the proposed structure. The County did not require more extensive staking and flagging for the following reasons: the project site is not within the General Viewshed, as shown on Map A of the Carmel Area Land Use Plan; and the project does not involve ridgeline development. The County's adopted staking and flagging criteria allow flexibility and discretion in determining the scope of staking and flagging required for a project. Based on a County staff site inspection on March 30, 2017, the re-installed staking and flagging was intact and the weather

clear enough for an adequate assessment of potential visual impacts. The re-installed staking and flagging provided sufficient visual reference for the County to determine potential visual impacts to the public viewshed and satisfied the County's requirement for review. See also Finding No. 2, Evidence 1.

The proposed stairwell to the roof deck meets the required setback, as shown on page A1.3 of the proposed plans (see attached Exhibit 2). The proposed stairwell is also shown on pages A1.4, A2.2, A2.4, A3.1, and R-1 of the proposed plans.

Following the LUAC's recommendation, the Applicant submitted revised plans to reduce the eave overhang on the southeast corner to comply with setback requirements. The decision of the Zoning Administrator on April 27, 2017, included the revised plans.

d) Appellant's Specific Contention C: The Appellant stated: "LUAC suggestions and concerns were not included prior to the ZA hearing. They were heard for the first time at the hearing. See attached for specific conditions. LUAC's suggestions were not given to the ZA prior to the hearing, and were heard for the first time that day. LUAC had three recommendations, and the third recommendation was completely ignored. LUAC concerns recommended with a 3-0 vote to approve with the following recommendation - 1) length of the eave (addressed); 2) drainage (addressed) and 3) railing (should be transparent). LUAC's lte LUACm 3 recommendation wa not addressed at all and completely ignored as stated in lu (sic.)."

As noted in the staff report prepared for the Zoning Administrator public hearing on April 27, 2017, the LUAC reviewed the proposed project on April 17, 2017; therefore, the comments and recommendation of the LUAC were not available for inclusion in the staff report and were added to the record at the Zoning Administrator public hearing. This is a common County practice for administrative projects that are referred to public hearing, does not violate process requirements, and does not minimize the concerns raised at the LUAC meeting. If a significant issue had been raised at or by the LUAC, then County staff could have modified its recommendation to the Zoning Administrator.

Based on the LUAC's comments and recommendation (see Finding No. 2, Evidence u), the Applicant submitted revised plans to reduce the eave overhang on the southeast corner to comply with setback requirements. The County has applied Condition No. 10 to require the Applicant to submit a stormwater control plan, which the County will review and approve prior to issuance of grading or building permits. Regarding consideration of transparent material for the roof deck, the Applicant has chosen to retain the proposed design for the deck and stairs, which includes a solid wall around the deck area and metal stairs with steel stringer and treads. This is consistent with the LUAC's recommendation to consider the use of transparent material.

e) Appellant's Specific Contention D: The Appellant stated: "Noise: Neither staff nor the Zoning Administrator gave any consideration to the potential noise impacts to the Meyer residence resulting from the proposed rooftop deck, which is proximate to the Meyer's master bedroom wing. Noise associated with unfettered use of the rooftop deck will have a significant impact on the Meyer property (see Attachment 1: report from architect Brian Congleton; and Attachment 2: report from WJV Acoustics). According to the consultant, a 5 dB increase in noise levels is perceived as a "definitely noticeable change" and a 10 dB increase is perceived as a "doubling" in noise level. The rooftop deck in this case will result in a 15 dB increase, which will be dramatic and significant."

The Appellant contends that the proposed rooftop deck would result in a significant noise impact. However, the noise analysis submitted by the Appellant does not identify a significant impact, nor does the author conclude that the increased decibel levels would result in a significant impact. Nor does the noise analysis statement that "...the deck would have significant potential to result in noise-related impacts..." identify a significant impact. The noise analysis also states: "The determination of what may be considered a significant increase in noise levels may be subjective." Furthermore, a "definitely noticeable change" (a subjective statement itself) or increase in noise level does not equate to a significant impact.

The County's noise ordinance, MCC 10.60 (Noise Control), allows a maximum nighttime (i.e., from 10:00 pm to 7:00 am) noise level of 65 dBA. The sound measurements from the Appellant's noise analysis identify an average level of 41.3 dB, and state that the "...deck activities ... have the potential to result in a 15 dB increase over existing ambient noise levels...." This would result in a maximum noise level of approximately 56.3 dB, which is 8.7 dB below the maximum allowed under MCC at nighttime.

Therefore, the County finds that the noise analysis submitted by the Appellant is speculative, and does not constitute substantial evidence of a significant or potentially significant impact. See also Finding No. 3 above; and Finding No. 5, Evidences f, g, h, and i below.

f) Appellant's Specific Contention E: The Appellant stated: "Light and Privacy: Proximity of the proposed rooftop deck to the Meyer's master bedroom wing will also have a significant impact on the Meyer's reasonable enjoyable (sic.) of light and privacy (ref. Attachment 1)."

The Appellant contends that the proximity of the proposed rooftop deck would significantly diminish the Appellant's enjoyment of light and privacy within the master bedroom wing of the Appellant's residence. However, none of the purported impacts identified in the letter from Congleton Architect, provided by the Appellant, are

identified as "significant." In addition, solar access and privacy are not protected under the Carmel Area Land Use Plan or applicable MCC (see also Finding No. 2, Evidence h above regarding private views). As currently designed, the proposed single-family dwelling also conforms to all required setbacks, which provide for a minimum separation distance between structures on adjacent lots.

In addition, pursuant to MCC Section 20.62.040.D (Height and Setback Exceptions), uncovered decks may extend into any required front or rear setback not exceeding 6 feet, and into any required side setback not exceeding 3 feet. Based on this exception, the Applicant could have designed a deck that would be approximately 6 feet closer to the Appellant's residence than the proposed design (see also Finding No. 5, Evidence g below).

Appellant's Specific Contention F: The Appellant stated: g) "Neighborhood Character: Although a few other residences in Carmel Meadows have rooftop or second story decks (not "many" as suggested in Finding 1.k), the character of the neighborhood is such that when rooftop decks are permitted in the past they were located and designed sensitively so as to minimize neighbor impacts related to noise, light, and privacy, and to reasonably share views of Point Lobos and/or the Pacific Ocean, which views are profoundly valuable and unique in the Carmel Meadows neighborhood. Unlike other permitted rooftop decks, the proposed project deck conflicts with this neighborhood character theme of sensitive location and design, which creates significant impacts. The proposed deck also includes (unique from all others in the area and thus precedent setting) an outdoor stairwell immediately adjacent to the side yard setback, which will exacerbate the noise impacts (see Attachment 3: report prepared by Ms. Meyer on rooftop/second story decks in Carmel Meadows evidencing the neighborhood character theme of sensitive location and design)."

The Appellant contends that the proposed rooftop deck is not designed or located in a manner that would minimize impacts to neighbors, and that the design is not consistent with the neighborhood character.

The proposed one-story single-family dwelling is designed in a southeasterly-facing U-shape, with a central patio open to Pradera Road. The Appellant's parcel is located adjacent to, and northeast of the Applicant's parcel. The Appellant's residence is also designed in a southeasterly-facing U-shape, with a central area open to Pradera Road. The Appellant's second-story is located on the southwest side of the parcel, next to the property boundary shared with the Applicant's parcel. The proposed roof deck is located at the north corner of the proposed single-family dwelling, and accessed by exterior stairs located on the north/northeast side of the parcel, facing the property boundary shared with the Appellant's parcel. The exterior stairs are 6 feet from the property line, which exceeds the

required setback of 5 feet. The proposed roof deck design includes a 3.66-foot high parapet wall around all sides of the deck.

There are possible alternatives the Applicant could consider, such as locating the deck in the center of the residence or in the southwest (opposite) corner, and designing an interior stair for access. However, while increasing the distance of the proposed deck from the Appellant's residence, the alternatives would decrease the distance of the deck to other adjacent residences. Re-designing the proposed residence, which meets all required development standards as currently designed, would also incur additional cost for the Applicant.

The proposed residence is consistent with the size and scale of surrounding residences, would remain a single-story structure, and the bulk and mass would not contrast with the neighborhood character. The proposed roof deck and the exterior stairwell leading to the roof deck meet the required setbacks. Decks, including second-story and/or rooftop decks, are typical of single-family dwellings, and the size and location of the proposed rooftop deck is not unusual. The Applicant's proposed design includes a 3.66-foot high solid wall surrounding the rooftop deck, which would increase privacy for and reduce noise to the surrounding residences, as well as demonstrating sensitivity to design given the location.

Therefore, the County finds that the project, as proposed and conditioned, conforms to the policies and development standards of the applicable Carmel Area Land Use Plan and ordinances related to land use development, is consistent with the size and scale of surrounding residences, and the bulk and mass would not contrast with the neighborhood character. See also Finding No. 2; Evidences g, i, m, and o above.

h) Appellant's Specific Contention G: The Appellant stated: "CEQA: The above referenced potentially significant impacts, each of which is supported by substantial evidence, combined with the unique circumstances of this case (including the close proximity to the Meyer's master bedroom wing and the unique characteristics of the Carmel Meadows neighborhood) as well as the potentially significant cumulative impacts associated with allowing unfettered and insensitive rooftop deck location and design in the future based on the precedence this project would establish, represents exceptions to categorical exemption status under CEQA and require an Initial Study be prepared and mitigations be defined to address the impacts."

The County finds that the project, as proposed and conditioned, is consistent with CEQA Guidelines Section 15302, and that the proposed project does not involve a feature or condition that distinguishes the project from the exempt class. The proposed structure will be located on the same site as the structure replaced, and will have substantially the same purpose and capacity as the structure replaced. See also Finding Nos. 2 and 3 above.

The County also finds that no further environmental review is required, there is no substantial evidence of an unusual circumstance, and there is no substantial evidence that would support a fair argument that the project has a reasonable possibility of having a significant effect on the environment or that it would result in a cumulative significant impact.

Categorical exemptions identified in the CEQA Guidelines are intended to apply statewide, and are not intended to be applied differently in different areas of the state. The County also finds that decks, including second-story and/or rooftop decks, are typical of single-family dwellings, including access via an exterior stairwell, and the size and location of the proposed roof deck is not unusual.

i) Appellant's Specific Contention H: The Appellant stated:
"Alternative Designs: Numerous alternative designs/locations for the rooftop deck exist that would, in fact, reduce the above described significant impacts (ref. Attachments 1 & 2).

Implementation of any of these alternatives would not compromise the programmatic objectives of the applicant in terms of achieving an outdoor space with a panoramic view of Point Lobos."

MCC does not require the County to consider alternatives to the proposed design, provided the proposed design conforms to required policies and development standards. Also, CEQA does not require a lead agency to consider alternatives for a categorical exemption.

The County finds that the project, as proposed and conditioned, conforms to the policies and development standards of the applicable Carmel Area Land Use Plan and ordinances related to land use development. The County also finds that the project, as proposed and conditioned, does not involve a feature or condition that distinguishes the project from the exempt class of environmental review. See also Finding Nos. 2 and 3 above.

6. **FINDING:**

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

Coastal Commission. Pursuant to Section 20.86.080.A of the Monterey County Zoning Ordinance (Title 20), the project is subject to appeal by/to the California Coastal Commission because it is located between the sea and the first through public road paralleling the sea (Highway 1). The project site is not located within 300 feet of the inland extent of any beach or of the mean high tide line of the sea, or located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream or within 300 feet of the top of the seaward face of any coastal bluff.

DECISION

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

- A. Certify that the foregoing recitals and findings are true and correct;
- B. Deny the appeal of Courtney Meyers from the decision of the April 27, 2017 Zoning Administrator decision approving an application (PLN160348) for a Coastal Administrative Permit and Design Approval to allow for the demolition of a one-story single-family dwelling and the construction of a one-story single-family dwelling with an attached two-car garage;
- C. Find the project categorically exempt from CEQA per Section 15302 of the CEQA Guidelines and that there are no unusual circumstances; and
- D. Approve the Coastal Administrative Permit and Design Approval (RMA-Planning File No. PLN160348) to allow the demolition of an 1,836 square foot one-story single-family dwelling with a 563 square foot attached two-car garage, and the construction of an approximately 2,464 square foot one-story single-family dwelling with an approximately 390 square foot attached two-car garage, in general conformance with the attached plans and seventeen (17) conditions of approval, both being attached hereto and incorporated herein by reference.

	n motion of Supervisor, seconded by Supervisor
and carried this 29 th day of Augus	st, 2017, by the following vote to wit:
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
	d of Supervisors of the County of Monterey, State of California, hereby of an original order of said Board of Supervisors duly made and entered in for the meeting on August 29, 2017.
Date:	
File Number:	Gail T. Borkowski, Clerk of the Board of Supervisors
	County of Monterey, State of California
	By
	Deputy

Monterey County RMA Planning

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

PLN160348

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Coastal Administrative Permit and Design Approval (PLN160348) allows the demolition of a single-family dwelling and construction of an approximately 2,464 square foot one-story single-family dwelling with an approximately 390 square foot attached two-car garage, and use of railing and/or transparent material or a solid wall for the roof deck and stairs leading to the deck. The property is located at 2874 Road. Carmel Meadows (Assessor's Parcel Number 243-053-005-000), Pradera Carmel Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA-Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this by the appropriate permit is allowed unless additional permits are approved To the extent that the County has delegated any condition compliance or authorities. mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA-Planning)

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

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2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

The applicant shall record a Permit Approval Notice. This notice shall state: "A Coastal Administrative Permit and Design Approval (Resolution Number 17 -) were approved by the Board of Supervisors for Assessor's Parcel Number 243-053-005-000 on August 29, 2017. The permit was granted subject to seventeen (17) conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA-Planning."

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

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

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

Responsible Department:

RMA-Planning

Condition/Mitigation Monitoring Measure:

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

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

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

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

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4. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: RMA-Planning

Condition/Mitigation
Monitoring Measure:

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

Compliance or Monitoring Action to be Performed:

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

5. PD032(A) - PERMIT EXPIRATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

The permit shall be granted for a time period of three (3) years, to expire on August 29, 2020, unless use of the property or actual construction has begun within this period. (RMA-Planning)

Compliance or Monitoring Action to be Performed:

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

6. PD041 - HEIGHT VERIFICATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

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

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

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

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

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7. PW0044 - CONSTRUCTION MANAGEMENT PLAN

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure:

The applicant shall submit a Construction Management Plan (CMP) to RMA-Planning and RMA-Public Works for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project 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. (RMA-Public Works)

Compliance or Monitoring Action to be Performed:

- 1. Prior to issuance of the Grading Permit or Building Permit Owner/Applicant/ Contractor shall prepare a CMP and shall submit the CMP to RMA-Planning and RMA-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.

8. 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.

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9. GRADING PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure:

The applicant shall submit a grading plan incorporating the recommendations from the project Geotechnical Report prepared by Grice Engineering Inc. The grading plan shall include contour intervals and cross-sections that identify the existing grade, proposed grade, and the extent of any proposed excavation and/or fill. The grading plan shall include the geotechnical inspection schedule that identifies when the inspections will be completed, who will conduct the inspection (i.e., PG, PE, and/or Special Inspector), a description of the required inspection, inspector name, and the completion date. The applicant shall also 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.

10. STORMWATER CONTROL PLAN (PR1)

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a Stormwater Control Plan addressing the Post-Construction Requirements (PCRs) for Development Projects in the Central Coast Region. (RMA-Environmental Services)

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

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

Responsible Department: Environmental Services

Condition/Mitigation
Monitoring Measure:

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

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

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12. INSPECTION-PRIOR TO LAND DISTURBANCE

Responsible Department: Environmental Services

Condition/Mitigation 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.

13. INSPECTION-DURING ACTIVE CONSTRUCTION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure:

The applicant shall schedule an inspection with RMA-Environmental Services inspect drainage device installation, review the maintenance and effectiveness BMPs installed, and to verify that pollutants of concern are not discharged from the At the time of the inspection, the applicant shall provide certification that all geotechnical inspections have been completed to that This inspection requirement shall noted the Erosion Control be on Plan. (RMA-Environmental Services)

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

14. INSPECTION-FOLLOWING ACTIVE CONSTRUCTION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure:

The applicant shall schedule an inspection with RMA-Environmental ensure all disturbed areas have been stabilized and all temporary and sediment control measures that are no This longer needed have been removed. Erosion inspection requirement shall be noted the Control Plan. on (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.

15. 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 Report. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed:

Prior to final inspection, the owner/applicant shall provide RMA-Environmental Services a letter from a licensed practitioner.

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16. PD005(A) - NOTICE OF EXEMPTION

Responsible Department: RMA-Planning

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

(RMA-Planning)

Compliance or After project approval, the Owner/Applicant shall submit a check, payable to the Monitoring County of Monterey, to RMA-Planning.

17. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel

Condition/Mitigation
Monitoring Measure:

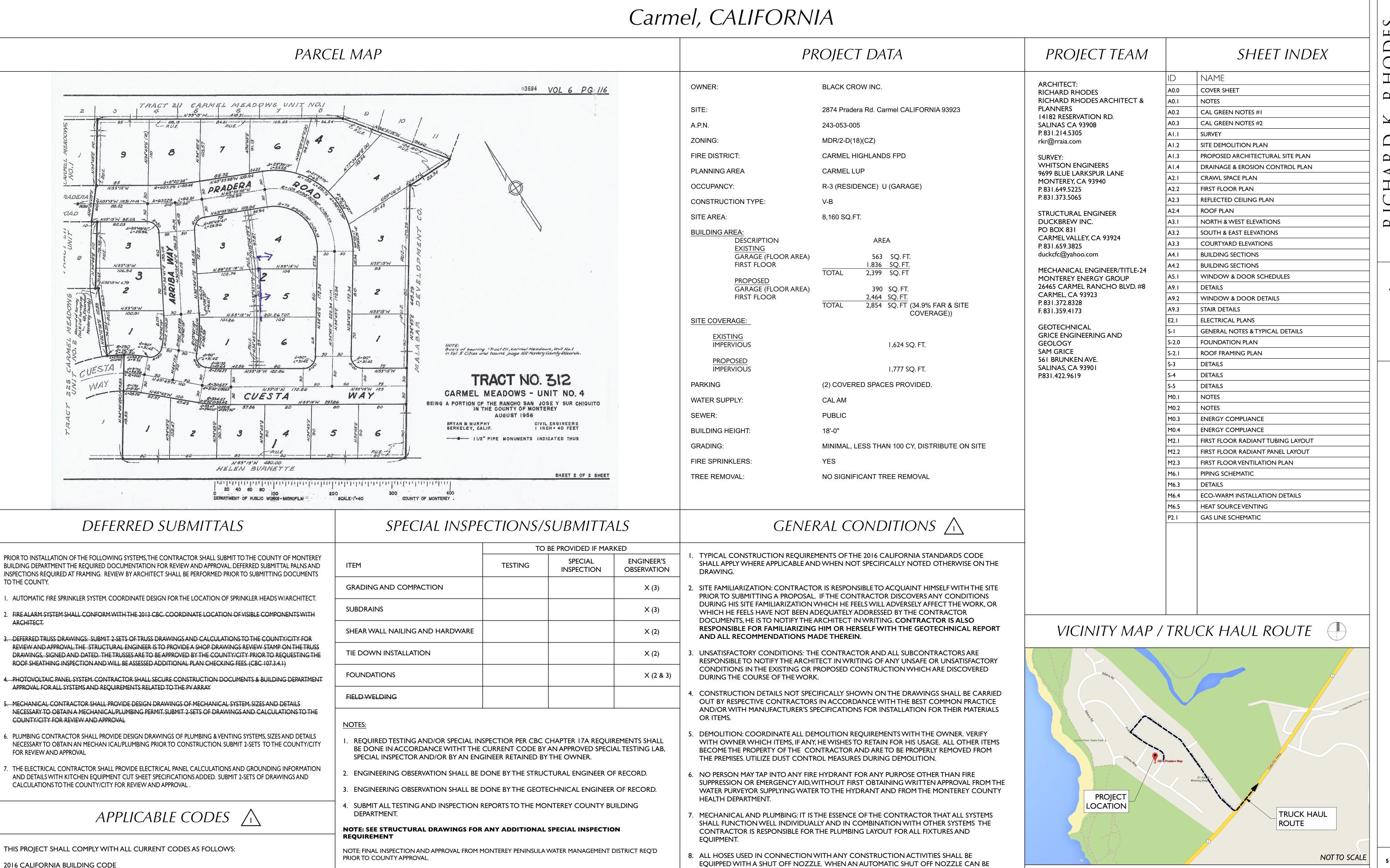
The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (County Counsel)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the County Counsel for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel.

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BLACK CROW



2016 CALIFORNIA PLUMBING CODE

2016 CALIFORNIA FIRE CODE

2016 CALIFORNIA MECHANICAL CODE 2016 CALIFORNIA ENERGY CODE 2016 CALIFORNIA ELECTRICAL CODE

2016 CALIFORNIA GREEN BUILDING CODE

PURCHASED OR OTHERWISE OBTAINED FOR THE SIZE OR TYPE OF HOSE IN USE, THE NOZZLE

SHALL BE AN AUTOMATIC SHUT OFF NOZZLE.

issued: 4/19/17 revised: 1/4/19/17

drawn by:

ANNERS

ANNERS

SALINAS, CA 93908

831.214.5305

RICHARD K. RHOJAROJAROJA

>

CK CRC

SLACE

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COVER SHEET

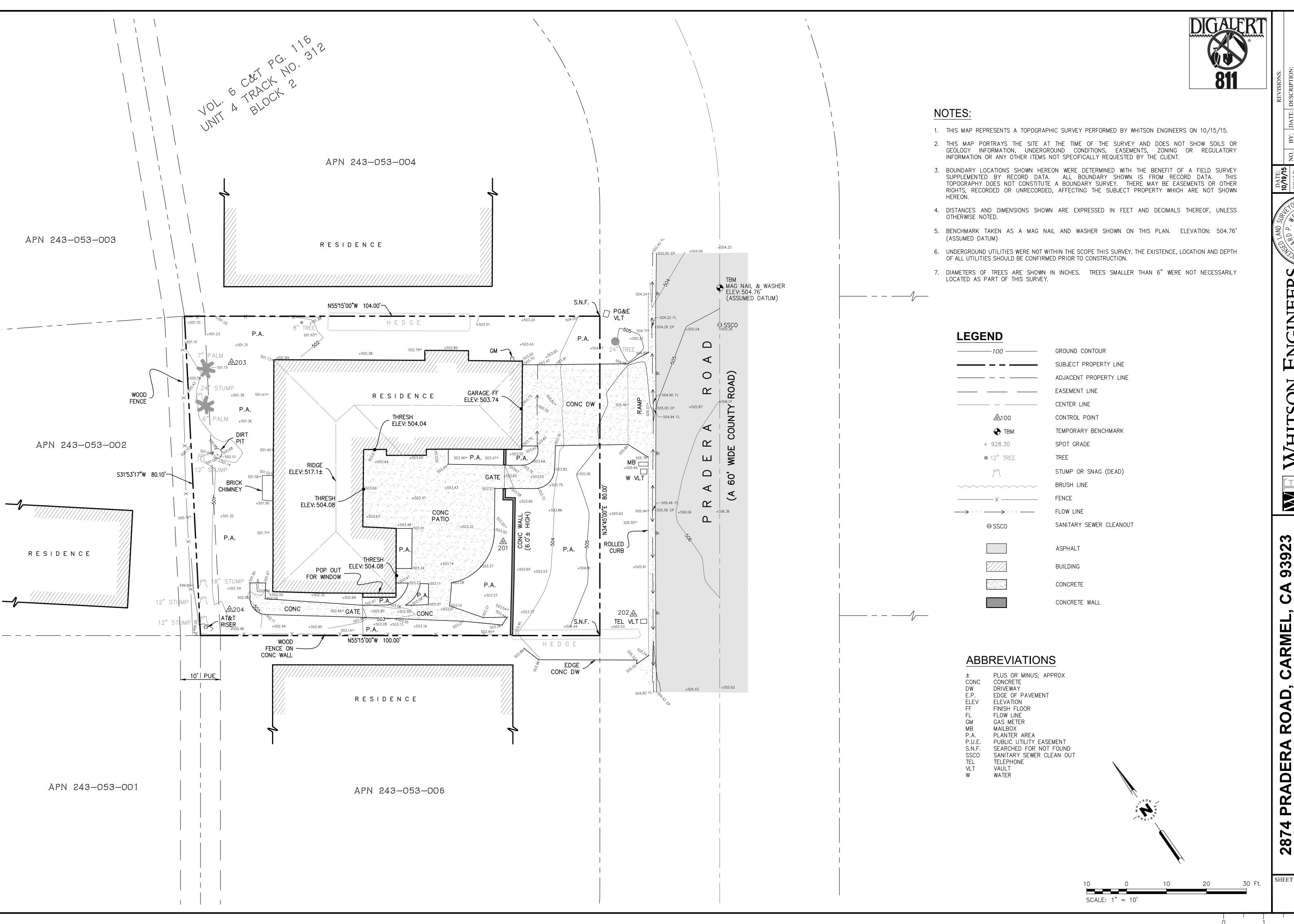
sheet 1

SCOPE OF WORK

DEMOLITION OF (E) RESIDENCE. CONSTRUCTION OF NEW 2,854 SQ. FT. RESIDENCE, (N) DRIVEWAY

WITH ASPHALT APRON IN R.O.W. SITE WALLS AND FENCES.

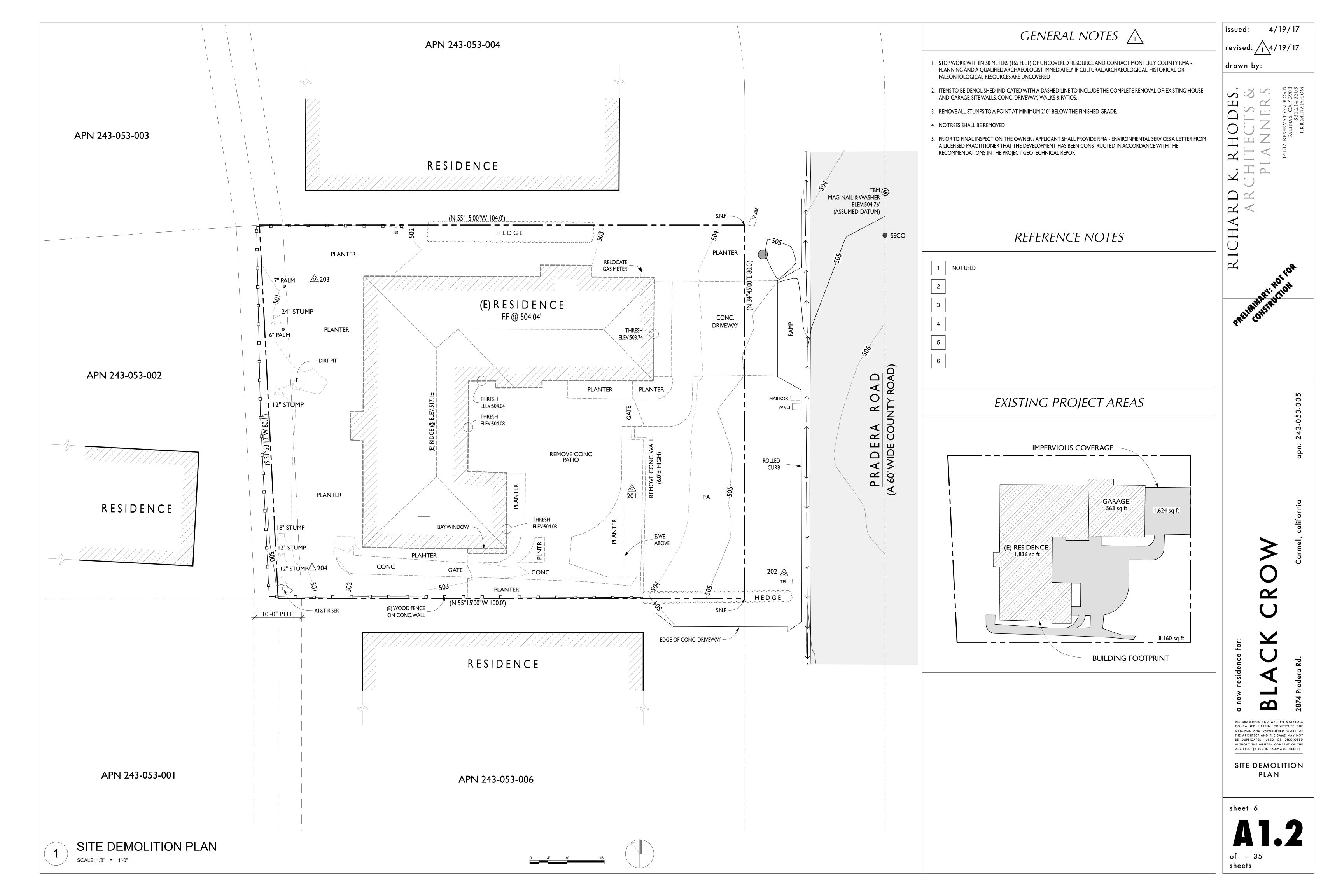
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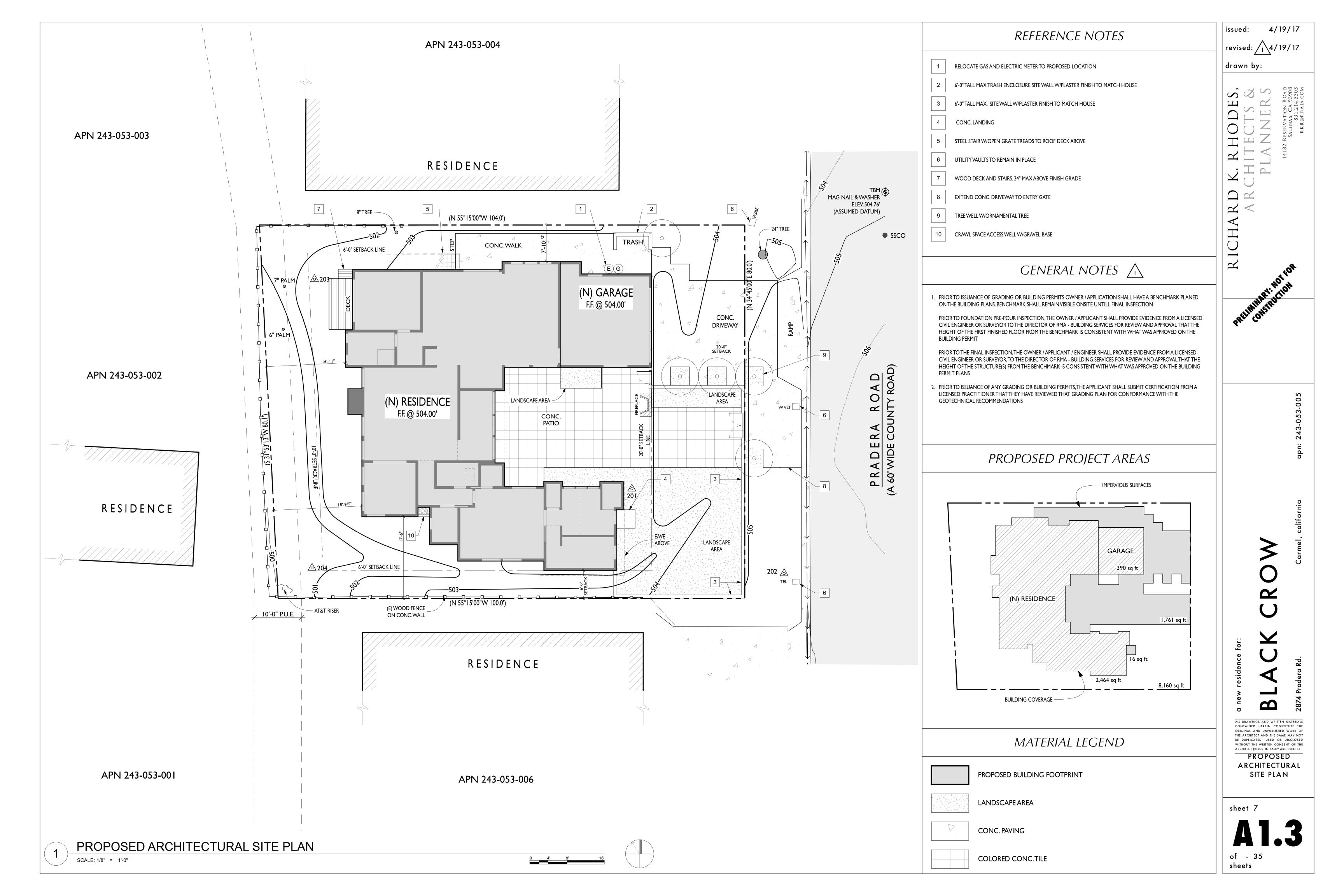


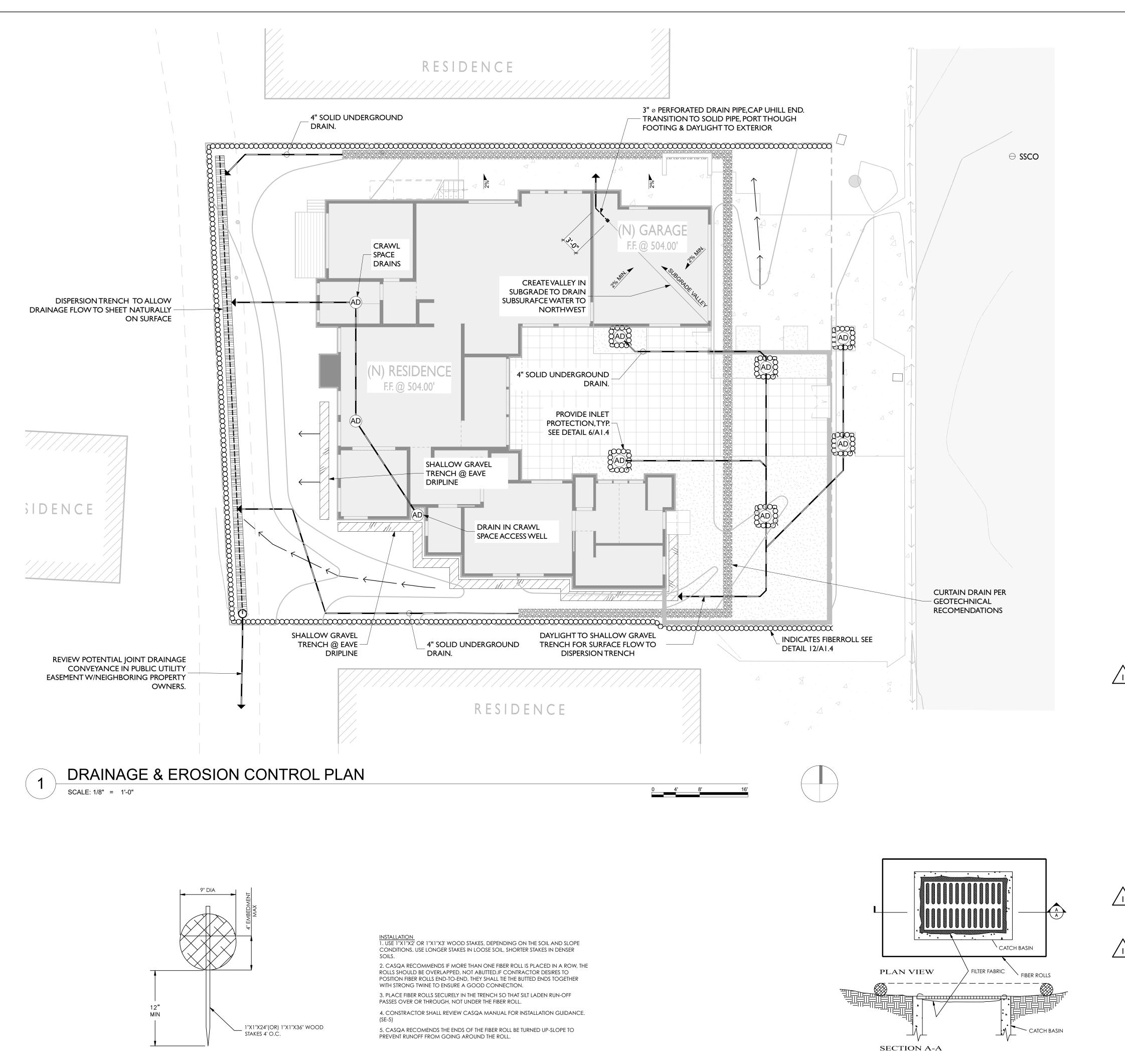
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TOPOGRAPHIC SURVEY SHOWN ON VOL. 6 C&T

OF 1







FIBER ROLL

GENERAL NOTES

- I. CONTRACTOR SHALL READ AND FAMILIARIZE THEMSELVES WITH THE GEOTECHNICAL REPORT PREPARED BY GRICE ENGINEERING DATED JULY 10, 2016. CONTRACTOR SHALL CONFORM TO GEOTECHNICAL RECOMMENDATIONS.
- 2. DRAINAGE PLAN SHOWN IS CONCEPTUAL, ACTUAL FIELD CONDITIONS MAY REQUIRE MODIFICATION TO PROVIDE EFFECTIVE DRAINAGE. MOST LIKELY SOME POST CONSTRUCTION MONITORING AND IMPROVEMENTS WILL BE REQUIRED.

GRADING & DRAINAGE NOTES \wedge

- I. CONTRACTOR SHALL NOTIFY THE COUNTY 48 HOURS BEFORE STARTING ANY GRADING OPERATIONS.
- 2. ALL GRADING SHALL CONFORM TO THE COUNTY GRADING ORDINANCE AND THE EROSION CONTROL ORDINANCE.
- 3. THE SOILS ENGINEER SHALL BE NOTIFIED AT LEAST TWO (2) DAYS IN ADVANCE OF COMMENCING WORK, INCLUDING SITE STRIPPING AND GRADING OPERATIONS. THIS WORK SHALL BE OBSERVED AND TESTED BY THE SOILS ENGINEER.
- 4. IT IS THE CONTRACTOR'S RESPONSIBILITY TO SECURE THE REQUIRED PERMITS PRIOR TO THE COMMENCEMENT OF GRADING. RIGHT-OF-ENTRY, PERMISSION TO GRADE, AND ENCROACHMENT PERMIT(S) MAY BE REQUIRED PRIOR TO GRADING.
- 5. IT IS THE CONTRACTORS RESPONSIBILITY TO PREPARE THE GROUND SURFACE TO RECEIVE THE FILLS AND TO PLACE, SPREAD, MIX, WATER, AND COMPACT THE FILL. THE CONTRACTOR SHALL ALSO REMOVE ALL MATERIAL CONSIDERED UNSATISFACTORY.
- 6. WHERE UNSTABLE OR UNSUITABLE MATERIALS ARE ENCOUNTERED DURING SUBGRADE PREPARATION, THE AREA IN QUESTION SHALL BE OVER EXCAVATED AND BACKFILLED WITH SELECT MATERIAL.
- 7. MAXIMUM CUT AND FILL SLOPE SHALL BE 2 HORIZONTAL TO 1 VERTICAL.
- 8. ALL CUT SLOPES SHALL BE ROUNDED TO MEET EXISTING GRADES AND BLEND WITH SURROUNDING TOPOGRAPHY.ALL GRADED SLOPES SHALL BE PLANTED WITH SUITABLE GROUND COVER.
- 9. ALL FILL SLOPES SHALL BE COMPACTED IN ACCORDANCE WITH THE SOILS REPORT. THE TOE OF ALL SLOPES SHOULD BE SUPPORTED BY A KEY CUT A MINIMUM OF 3 FEET INTO UNDISTURBED SOILS TO THE INSIDE OF THE FILL TOE. THIS KEY SHOULD BE A MINIMUM OF 8 FEET IN WIDTH AND SLOPE AT NO LESS THAN 10% INTO THE SLOPE. IN ADDITION AS THE FILL ADVANCES UP THE SLOPE BENCHES 3 FEET ACROSS SHOULD BE SCARIFIED INTO THE FILL/UNDISTURBED SOIL INTERFACE. (SEE SOILS REPORT)
- 10. TREE REMOVAL SHALL INCLUDE REMOVAL OF TRUNKS, STUMPS, AND ROOT BALLS. THE REMAINING CAVITY SHALL BE CLEARED OF ALL ROOTS LARGER THAN 1/2" TO A DEPTH OFNOT LESS THAN 18" AND BACKFILLED WITH SUITABLE MATERIAL THEN COMPACTED TO CONFORM WITH THE EXISTING GROUND.
- II. CONTRACTOR SHALL USE CAUTION WHEN GRADING AROUND AND/OR OVER EXISTING UNDERGROUND UTILITIES.
- 12. ALL SURFACE DRAINAGE SHALL MAINTAIN 2% SLOPE MINIMUM UNLESS NOTED OTHERWISE.
- 13. PERVIOUS SURFACES IMMEDIATELY ADJACENT TO THE FOUNDATION SHALL BE SLOPED AWAY FROM THE BUILDING AT A SLOPE OF NOT LESS THAN 5% FOR A MINIMUM DISTANCE OF 10 FEET MEASURED PERPENDICULAR TO THE FACE OF THE WALL. IF PHYSICAL OBSTRUCTIONS OR LOT LINES PROHIBIT 10 FEET OF HORIZONTAL DISTANCE, A 5% SLOPE SHALL BE PROVIDED TO AN APPROVED ALTERNATIVE METHOD OF DIVERTING WATER AWAY FROM THE FOUNDATION. SWALES USED FOR THIS PURPOSE SHALL BE SLOPED A MINIMUM OF 2% WHERE LOCATED WITHIN 10 FEET OF THE BUILDING FOUNDATION. IMPERVIOUS SURFACES WITHIN 10 FEET OF THE BUILDING FOUNDATION SHALL BE SLOPED A MINIMUM OF 2% AWAY FROM THE BUILDING.
- 14. DURING WINTER OPERATIONS (BETWEEN OCTOBER 15 AND APRIL 15) THE FOLLOWING MEASURES MUST BETAKEN:
- A. DISTURBED SURFACES NOT INVOLVED IN IMMEDIATE OPERATIONS MUST BE PROTECTED BY MULCHING AND OR OTHER EFFECTIVE MEANS OF SOIL PROTECTION.
- B. ALL ROADS AND DRIVEWAYS SHALL HAVE DRAINAGE FACILITIES SUFFICIENT TO PREVENT EROSION ON OR ADJACENT TO THE ROADWAY OR ON DOWNHILL PROPERTIES.
- C. RUN-OFF FROM THE SITE SHALL BE DETAINED OR FILTERED BY BERMS, VEGETATED FILTER STRIPS, AND OR CATCH BASINS TO PREVENT THE ESCAPE OF SEDIMENT FROM THE SITE. D. DRAINAGE CONTROL MEASURES SHALL BE MAINTAINED AND IN PLACE AT THE END OF EACH DAY AND CONTINUOUSLY THROUGH THE LIFE OF THE PROJECT DURING WINTER
- D. DURING CONSTRUCTION, THE OWNER / APPLICANT SHALL SCHEDULE WEEKLY INSPECTIONS WITH RMA - ENVIRONMENTAL SERVICES IN THE RAINEY SEASON (OCTOBER 15TH TO APRIL
- 15. VEGETATION REMOVAL.ACTUAL GRADING SHALL BEGIN WITHIN 30 DAYS OF VEGETATION REMOVAL OR THAT AREA SHALL BE PLANTED.
- 16. NO VEGETATION REMOVAL OR GRADING WILL BE ALLOWED WHICH WILL RESULT IN SILTATION OF WATER COURSES OR UNCONTROLLABLE EROSION.
- 17. THE APPLICANT SHALL SCHEDULE AN INSPECTION WITH RMA ENVIRONMENTAL SERVICES TO INSPECT EROSION CONTROL MEASURES TO REVIEW INSTALLATION AND EFFECTIVENESS OF BMPS INSTALLED AND VERIFY POLLUTANTS OF CONCERN ARE NOT DISCHARGED FROM THE SITE. AT THE TIME OF THE INSPECTION, APPLICANT SHALL PROVIDE CERTIFICATION THAT ALL NECESSARY GEOLOGICAL INSPECTIONS HAVE BEEN COMPLETED TO THAT POINT.
- 18. PRIOR TO FINAL INSPECTION, APPLICANT SHALL SCHEDULE AND 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

LEGEND

- INDICATES DOWNSPOUT LOCATION. SEE ROOF PLAN AND ELEVATIONS.
- INDICATES AREA DRAIN LOCATION.

INDICATES FIBERROLL, SEE DETAIL 12 ON THIS SHEET

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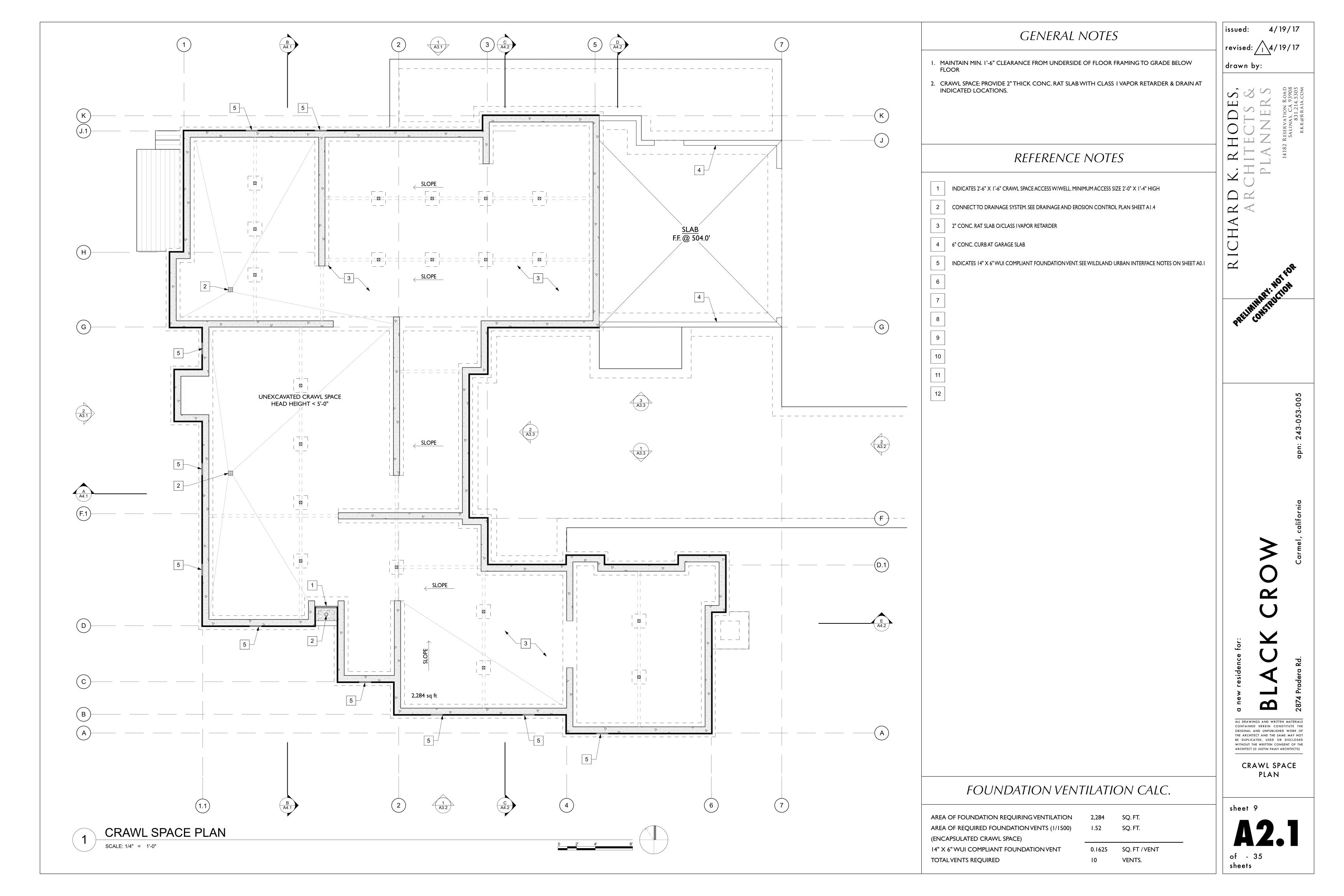
DRAINAGE & EROSION

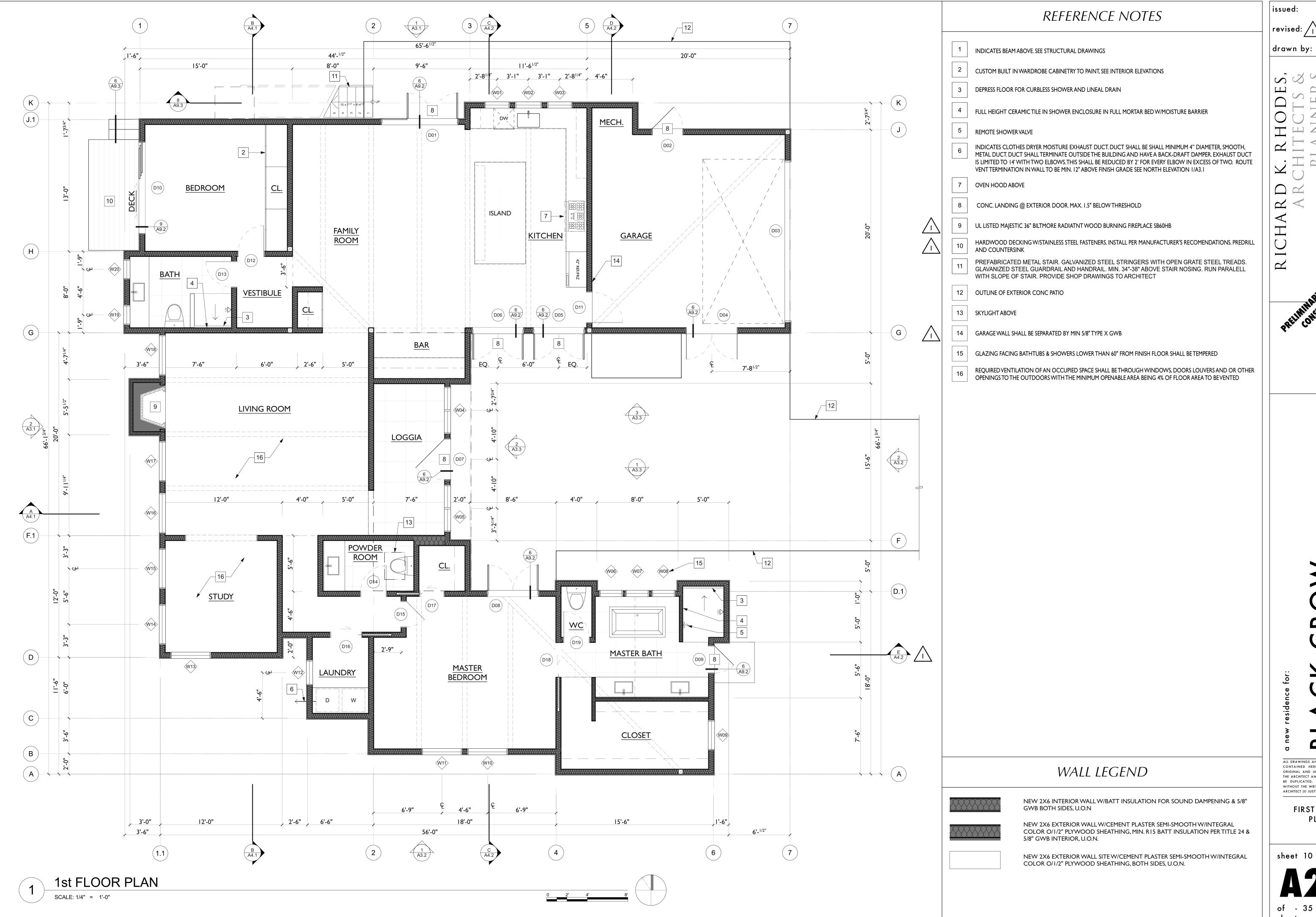
CONTROL PLAN

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INLET PROTECTION





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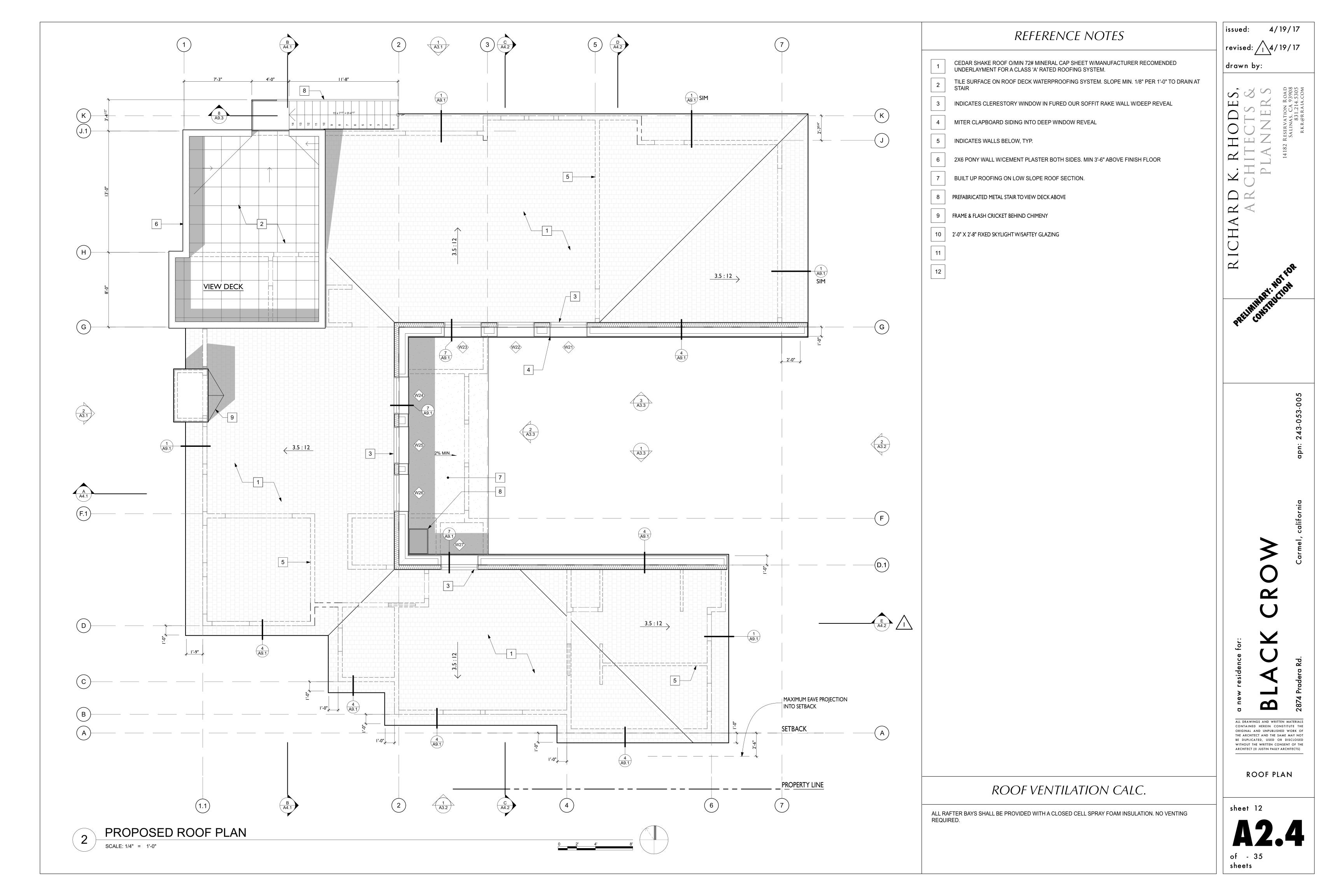
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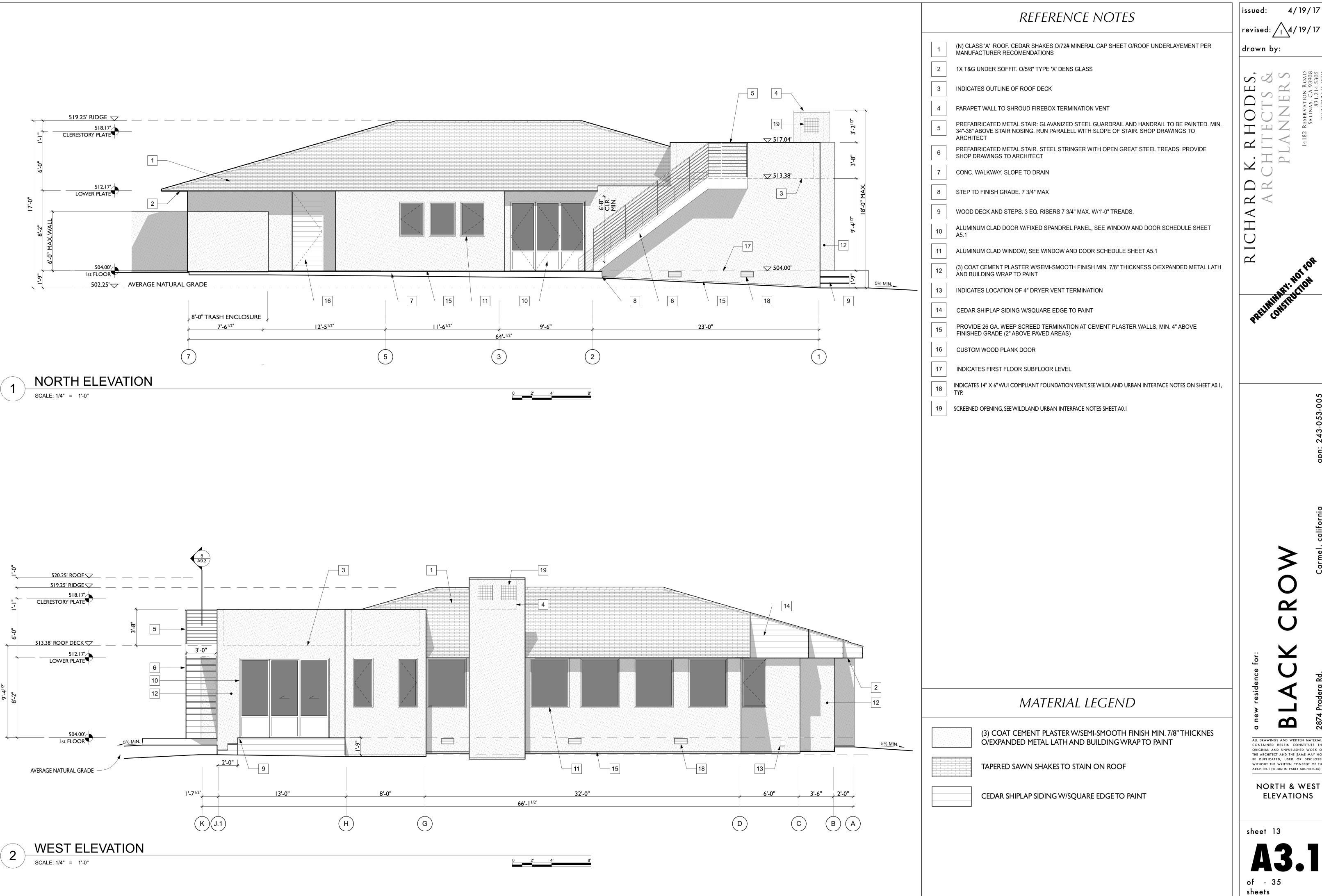
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> FIRST FLOOR PLAN

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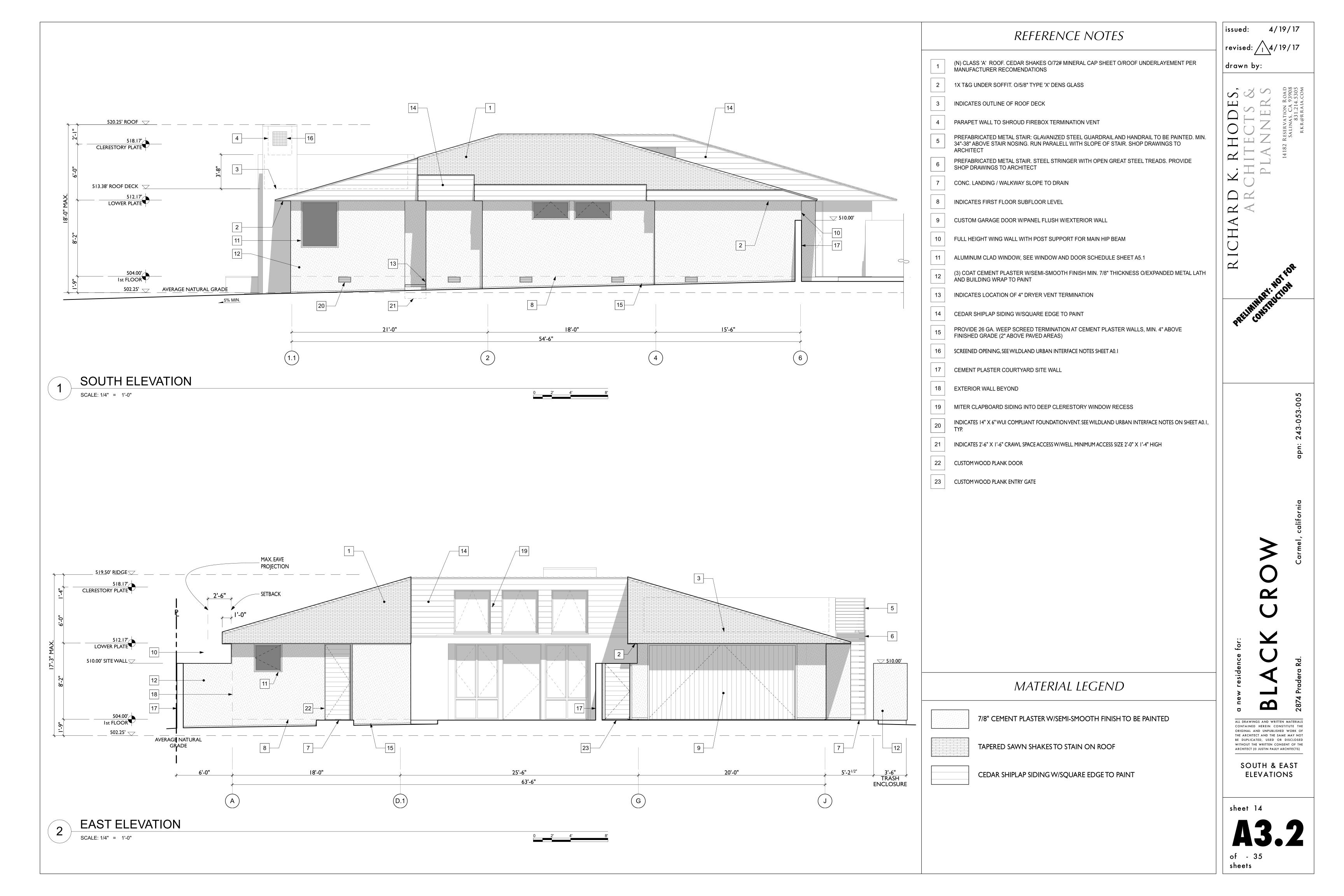


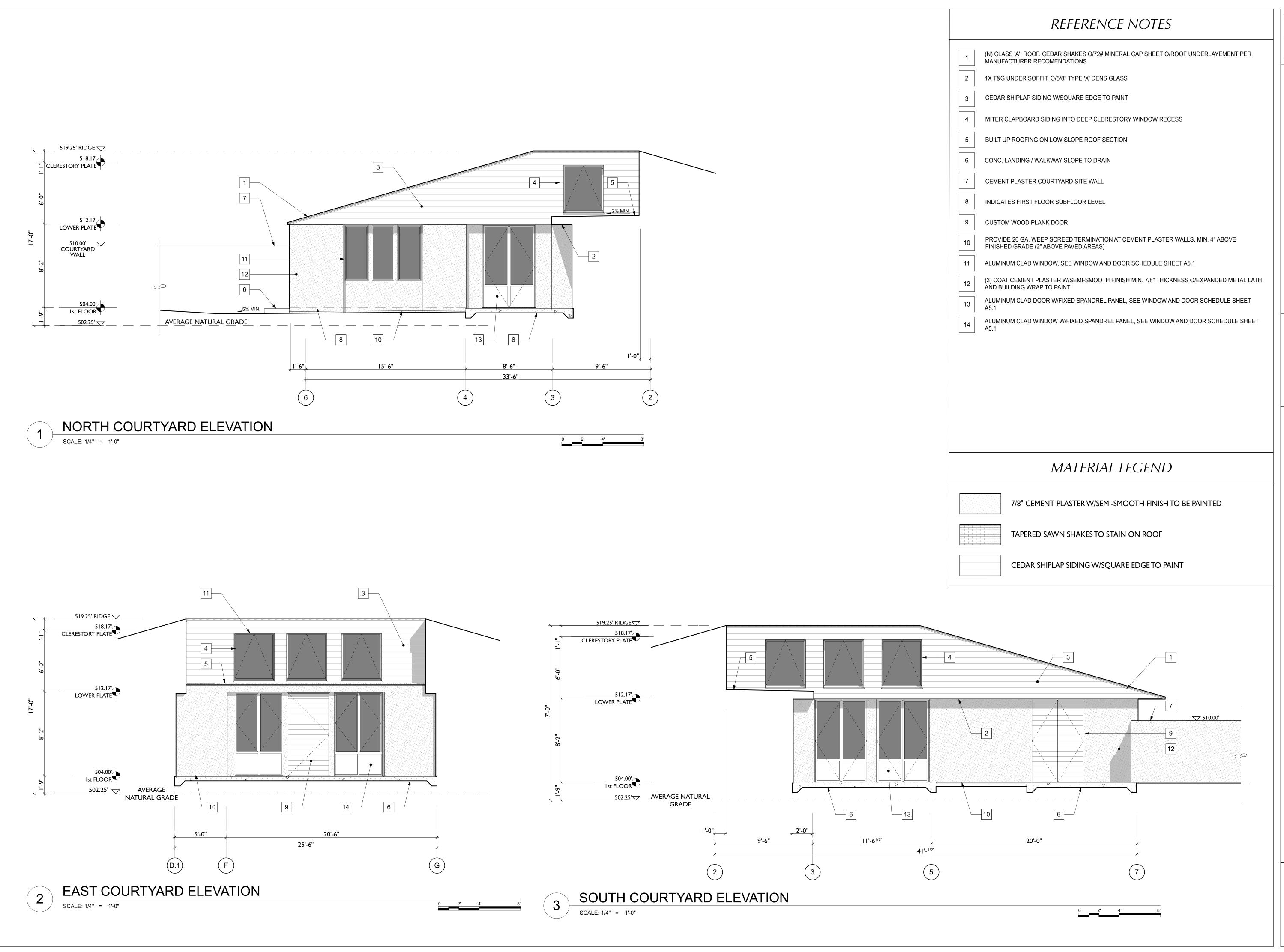


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NORTH & WEST **ELEVATIONS**





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NNERS

2 RESERVATION ROAD

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831.214.5305

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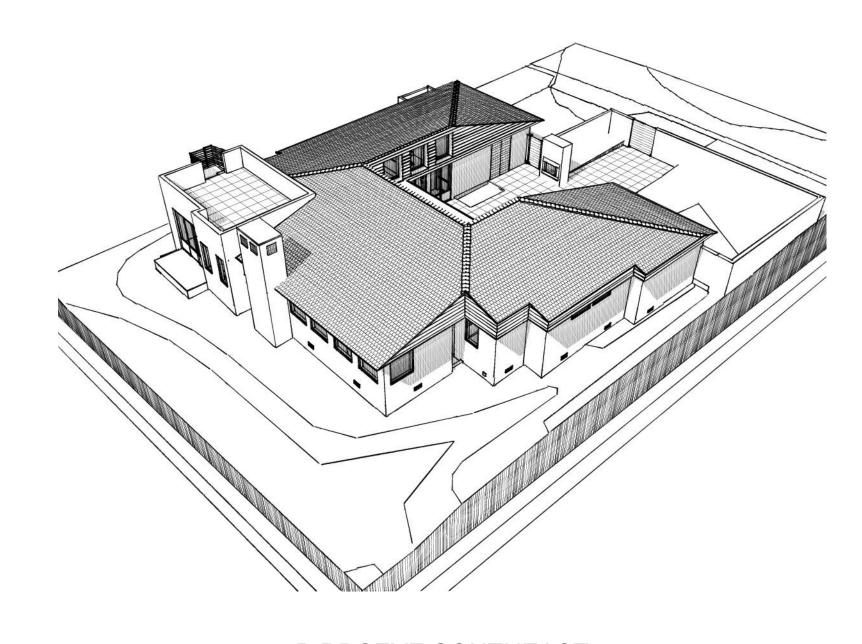
COURTY ARD ELEVATIONS

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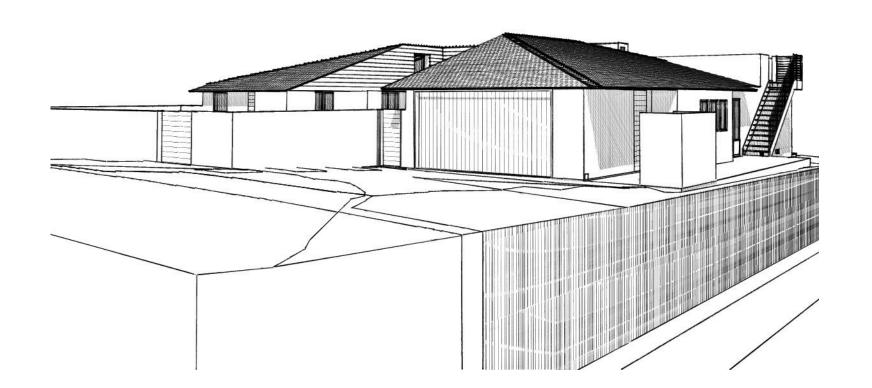




BIRDSEYE SOUTHEAST



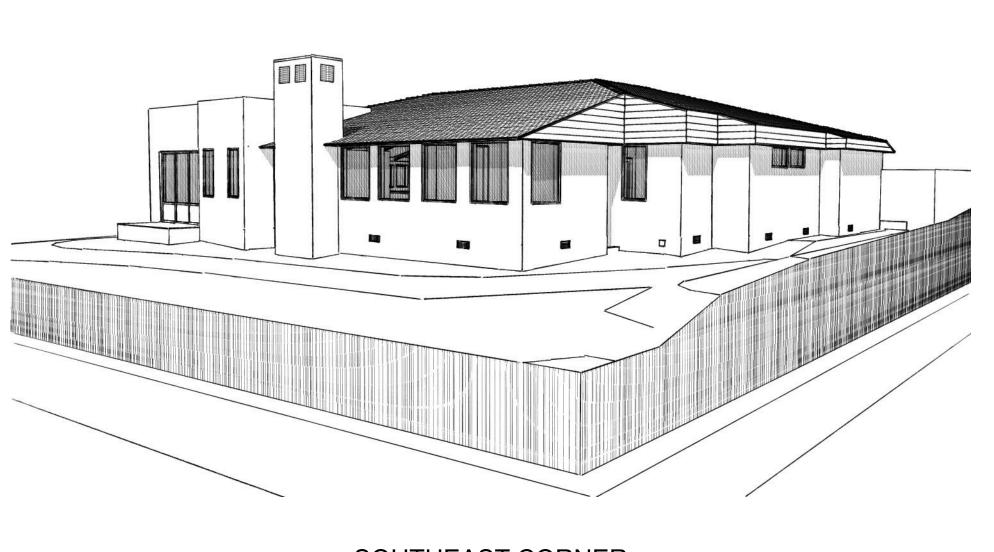
NORTHEAST CORNER



NORTHWEST CORNER Perspective



STREET ELEVATION



SOUTHEAST CORNER

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SKETCHES

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