

# Exhibit D

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

In the matter of the application of:

**EMMETT O'BOYLE ET AL (PLN050708 & PLN050591)**

**RESOLUTION NO. 10-045**

Resolution by the Monterey County Zoning  
Administrator:

- 1) Considers an Addendum to the Mitigated Negative Declaration adopted by the Planning Commission on October 27, 2010;
- 2) Approves Combined Development Permit consisting of: 1) Coastal Development Permit for development on slopes in excess of 30% to replace three retaining walls (approximately 200 linear feet) within the bluff to protect existing house from coastal bluff erosion, replace storm drain, and fill eroded drainage channel; 2) Coastal Development Permit and Design Approval for the extensive remodel of an existing residence within 50 feet of a coastal bluff, including an increase in height, and changes to exterior wall materials, doors, and windows; removal of 550 square feet of concrete driveway and patios; and new pergola; natural wood and earth tone colors will be used; 3) Coastal Development Permit for development with a positive archaeological report; 4) Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (coastal habitat); and grading of approximately 650 cubic yards of fill, based on the findings and evidence and subject to the conditions of approval (**Exhibit 1**): and
- 3) Adopts the Mitigation Monitoring and Reporting Program for this project (**Exhibit 1**) (PLN050708 & PLN050591, Emmett O'Boyle et al, 29300 Highway 1, Carmel, Carmel Area Land Use Plan (APN: 241-071-002-000))

**REVISED**

November 21, 2011

**(This resolution supersedes the previous resolution mailed on December 15, 2010)**

**The Combined Development Permit application (PLN050708 & PLN050591) came on for public hearing before the Monterey County Zoning Administrator on November 18, 2010. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:**

**FINDINGS**

1. **FINDING: CONSISTENCY** – The Project, as conditioned, is consistent with the

**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 Monterey County General Plan,
- Carmel Area Land Use Plan,
- Monterey County Coastal Implementation Plan, Part 4,
- Monterey County Zoning Ordinance (Title 20)

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at 104 Highway 1, Carmel (Assessor's Parcel Number 241-071-002-000, Carmel Area Land Use Plan. The parcel is zoned "LDR/1-D (CZ)" [Low Density Residential, 1 unit per acre-Design Control District (Coastal Zone)], which allows for residential development. Therefore, the project is an allowed land use for this site.
- c) Pursuant to Chapter 20.44, Design Control Zoning Districts, the project requires design review of structures to make sure they are appropriate to assure protection of the public viewshed, neighborhood character, and assure visual integrity. Exterior changes consist of medium brown stucco siding, clad wood windows and doors, redwood ceramic tile porches and decks and dark grey quarry slate roofing materials, giving the general appearance of natural materials (Policy 2.2.4.10.c Carmel Area Land Use Plan). The retaining walls will be sprayed with sculpted and colored shotcrete to match the existing rock on the bluff. The roof will be raised an additional 2-3 feet to a maximum height of 25 feet, which is lower than the 30 foot maximum allowed. Therefore, the project is consistent with the Design Control regulations.
- d) The project planner conducted site inspections on April 27, 2007 and January 10, 2010 to verify that the project on the subject parcel conforms to the plans listed above.
- e) Viewshed: The project will be located within a sensitive scenic area of the Carmel Area and has the potential to degrade the area's visual quality through grading and increased visual prominence due to new retaining walls and proposed exterior renovations including heightened roof. Further, the project's location is highly visible from Point Lobos State Park, and as such, the scale and massing of the new retaining walls and height of roof may detract from the visual quality of the shoreline. The project proposes to remove one 8-inch Cypress tree. It is currently growing directly in the path of the proposed retaining wall on a bluff overlooking the small cove. It is one of eight Cypress trees (ranging from 8 inches to 36 inches in diameter) that appear to have been planted on the property sometime in the past. Although, this tree does not require replacement, the biological report recommends replacement for further visibility. The project as designed and conditioned is consistent with the scenic resource policies in the Carmel Area Land Use Plan, Local Coastal Program (Chapter 2.2) and the Monterey County Coastal Implementation Plan, Part 4 (Chapter 20.146.030). (*See Finding 9*)
- f) Archaeological Resources: The project site is identified in an area of high archaeological sensitivity zone with archaeological resources located on the project site. County staff requested that an archaeological report be prepared for the project to evaluate the

potential for significant archaeological resources on-site and the potential for impacts to existing resources as a result of the project. A Preliminary Archaeological Reconnaissance of Assessor's Parcel 241-071-002-000 was prepared by Archaeological Consulting (March 15, 2005) for the project. A subsequent archaeological report (January 13, 2006) was prepared to analyze potential impacts to cultural resources as a result of the proposed residential remodel, specifically to the 550 square foot area proposed for concrete removal and placement of pergola structure. The archaeologist stated that unless prior grading removed all of the archaeological midden from the project impact area, demolition of existing hardscape may expose cultural resources which will be subject to project impacts. They also stated that because the new retaining walls will help to preserve the cultural resources remaining on the parcel and because there is limited potential for impacts to significant cultural resources from the construction, they recommended an archaeological monitor be present for all demolition and removal of existing hardscape and retaining walls; excavations for the pergola, foundations and excavation of soil from the slope above wall #1 and for the grading of temporary road for wall #2. Staff is requiring an archaeological monitor be present during construction. (Condition #19 /Mitigation Measure #4) Also, a standard mitigation measure will also be implemented if any archaeological resources or human remains are accidentally discovered during construction (Condition #20/Mitigation Measure #5)

- g) Development on Slope: The project includes application for development on slopes exceeding 30%. The subject property has steep, natural slopes, and there are no alternative which would avoid 30% slope. The Carmel Area Land Use Plan Policy 2.7.4.1 and Section 20.146.080.D.1.a of the Coastal Implementation Plan (Part 4) direct that all development shall be sited and designed to conform to site topography and to minimize grading and other site preparation activities. The topography of the parcels, and the scope of the project, does not allow development to avoid slope over 30%. (*See Finding 5*)
- h) ESHA: The project includes application for development within 100 feet of environmentally sensitive habitat areas (ESHA). LUP Policy 2.3.2.2 directs that land uses adjacent to environmentally sensitive habitats shall be compatible with the long-term maintenance of the resource, and LUP Policy 2.3.2.7 directs that development within environmentally sensitive areas shall restrict the removal of indigenous vegetation and land disturbance. The project as designed, conditioned, and mitigated is consistent with ESHA policies of the Carmel Area Land Use Plan. (*See Finding 6*)
- i) On January 3, 2006, The Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) recommended approval (5-0 vote) to approve the plans as submitted. They recognized the need for the retaining walls and the removal of the one 8" Cypress tree.
- j) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN050708 & PLN050591.

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 Department, Carmel Highlands Fire Protection District, Parks, Public Works, 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 by RMA Planning, Water Resources Agency and Carmel Highlands Fire have been incorporated.
  - b) In 1997-1998, abnormally heavy rainfall caused severe erosion and slope movement downslope and adjacent to the existing residence. An undrained wooden retaining wall had failed and several areas showed signs of soil creep or slippage. A large Caltrans culvert on the neighboring properties plugged and failed causing serious erosion and landsliding on the subject property due to the resulting overland flow downslope from where the culvert was plugged. The current project consists of construction of three retaining walls two of which are immediately adjacent to the home and the other is near the outlet of the failed culvert, which will be repaired. Grading will be completed to develop construction access routes and restore the areas affected by landsliding. Revegetation and erosion control measures will be included in the project.
  - c) A Geotechnical Investigation and Focused Geologic Study was prepared by Haro, Kasunich and Associates, dated August, 2005, for the proposed project. This report presents the results of a previous Limited Geotechnical Investigation and Focused Study (August 1999) and Limited Geotechnical Investigation Slope Stabilization Recommendations prepared by Reynolds and Associates dated September 4, 1998, and provides substantial recommendations to address impacts to less-than-significant with mitigation.
  - d) The slope stability evaluation presented in the August 2005 Haro Kasunich report focuses on the slopes immediately below the proposed retaining walls at the existing residence. As requested by the California Coastal Commission Engineering Geologist, a Supplemental Slope Stability Evaluation, dated July 20, 2009, was also prepared by Haro, Kasunich and Associates. The supplemental letter presents a slope stability evaluation of the existing slopes and proposed slopes (pre-retaining wall condition versus post-retaining wall conditions) for the areas up-coast of the existing residence at the eroded gully below the garage turn around area.
  - e) Staff identified potential impacts to slope stability, archaeological resources and biological resources. Technical reports by outside consultants indicated that there may be physical or environmental constraints that would limit suitability for the use proposed; however proposed mitigation will make impacts less than significant. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:
    - "Limited Geotechnical Investigation Slope Stabilization

Recommendations for 104 Coast Highway 1" (LIB060084) prepared by Reynolds and Associates, Inc., dated September 04, 1998.

- "Limited Geotechnical Investigation for Seaward Slippage and Incipient Bank Failure" prepared by Haro, Kasunich and Associates, Inc, dated August 1999.
- "Limited Geotechnical Investigation and Focused Geologic Study for Coastal Bluff Retaining Walls for 104 Highway 1" (LIB050809) prepared by Haro, Kasunich & Associates, Inc., dated August 2005.
- "Supplemental Slope Stability Evaluation to Limited Geotechnical Investigation and Focused Geologic Study", prepared by Haro, Kasunich & Associates, Inc., dated July 20, 2009.
- "Letter Report Geotechnical Foundation Criteria for the Proposed Covered Pedestrian Walkway from Garage to Residence" prepared by Haro, Kasunich and Associates, Inc., dated May 15, 2006.
- "Archaeological Letter for APN 241-071-002, for retaining walls" (LIB050807) prepared by Archaeological Consulting, dated March 15, 2005.
- "Archaeological Report for APN 241-071-002, the Currivan Parcel", prepared by Archeological Consulting, dated January 13, 2006.
- "Biological Assessment prepared by Rana Creek Habitat Restoration" (LIB050808) dated September 2005.

This is a request to remodel an existing structure and construction of three retaining walls in order to secure the structure. Therefore, as proposed, the project better meets the policies and goals of the Carmel Area Land Use Plan.

- f) Staff conducted a site inspection on April 27, 2007 and January 10, 2010 to verify that the site is suitable for this use.
- g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project Files PLN050708 & PLN050591.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:** a) The project was reviewed by the respective departments/agencies which 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 are available and will be provided. This parcel is currently served by the Cal Am public water system, and will continue to use the same service connection. Currently, this parcel is one of four parcels using its own septic system and/or holding tank for

wastewater. PLN090342 was approved on October 27, 2010. This approval allows the parcel to connect to the Carmel Area Wastewater District (CAWD).

- c) Preceding Findings #1 and #2 and supporting evidence for PLN050708 & PLN050591.

4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
  - b) Staff conducted site inspections on April 27, 2007 and January 10, 2010 and researched County records to assess if any violation exists on the subject property.
  - c) There are no known violations on the subject parcel.
  - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN050708 & PLN050591.

5. **FINDING:** **DEVELOPMENT ON SLOPE** – There is no feasible alternative which would allow development to occur on slopes of less than 30%.

- EVIDENCE:**
- a) In accordance with the applicable policies of the Carmel Area Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.
  - b) The project includes application for development on slopes exceeding 30%. The subject property has steep, natural slopes, and there are no alternatives which would avoid 30% slope. Much of the sloped areas proposed for development have been previously disturbed by structural development, retaining walls, landscaping, driveways, and Highway 1. The proposed retaining walls are already on 30 percent sloped areas. In order to remodel and secure the existing house, they must be replaced. They cannot be pushed back because the existing house is located right on the bluff. There is no other alternative.
  - c) The project application includes development (trenching) on slopes exceeding 30%. The Carmel Area Land Use Plan Policy 2.7.4.1 and Section 20.146.080.D.1.a of the Coastal Implementation Plan (Part 4) direct that all development shall be sited and designed to conform to site topography and to minimize grading and other site preparation activities. The topography of the parcels, and the scope of the project, does not allow development to avoid slope over 30%. Staff has reviewed the project plans and visited the sites to analyze possible development alternatives. Based on the site topography and scope of work, there is no feasible alternative which would allow development to occur on slopes of less than 30%. The proposed replacement of the retaining walls avoids slopes in excess of 30% as much as possible, adheres to the site development standards required of the slope analysis



reports, and using sprayed shotcrete blends with the surrounding topography and environment.

- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PLN050510 and PLN050708.
- e) The project planner conducted site inspections on April 27, 2007 and January 10, 2010.
- f) The subject project minimizes development on slopes exceeding 30% in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

6. **FINDING:** **ESHA** – The subject project minimizes impact on environmentally sensitive habitat areas in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

- EVIDENCE:**
- a) The project includes application for development within 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the Carmel Area Land Use Plan (LUP) and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.
  - b) LUP Policy 2.3.2.2 directs that land uses adjacent to environmentally sensitive habitats shall be compatible with the long-term maintenance of the resource, and LUP Policy 2.3.2.7 directs that development within environmentally sensitive areas shall restrict the removal of indigenous vegetation and land disturbance. A biological assessment report was prepared to document and assess existing biological resources within the proposed site for proposed grading and construction of retaining walls and restoration of a coastal terrace directly over the ocean's edge. The vegetation consists of coastal bluff herbs and shrubs, planted cypress trees, and a multitude of horticultural landscape plants. There were no rare plants species found on or within the areas proposed for development. The project as designed, conditioned, and mitigated is consistent with ESHA policies of the Carmel Area Local Coastal Program.
  - c) The project site contains habitat for Smith's blue butterfly, a federally endangered species, as such, its habitat, coast buckwheat and dune buckwheat, are afforded protection. A Biological Assessment was prepared by Rana Creek Habitat Restoration (September 2005) for the retaining wall portion of the project. The report in 2005 found that although the project site contains five buckwheat plants they are located outside of the project impact areas. The areas planned for retaining wall installation, and erosion control, totals approximately 16,000 sq. ft. on the project site. The report concluded there was no rare plant and/or animal species afforded protection within the areas to be developed. Smith's blue butterflies have not been identified onsite, however due to both the amount of available habitat on and adjacent to the site, the report concludes presence. Additionally, sightings of Smith's blue butterfly have been confirmed on adjacent parcels. Adverse impacts to Smith's blue butterfly will be reduced to a less than significant level with the implementation of the Mitigation Measure No. 3 in the Initial

Study. Also, since the last biological assessment was prepared five years ago, as part of the required restoration plan, reassessment of the location of the buckwheat plants will be required along with the enhancement, establishment, management, and monitoring of habitat for Smith's blue butterfly.

- d) The project planner conducted site inspections on April 27, 2007 and January 10, 2010 to verify ESHA locations and potential project impacts to ESHA.
- e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PLN050591 and PLN050708.

7. **FINDING:** **CEQA (Addendum):** - An Addendum to a previously certified Mitigated Negative Declaration ("MND") was prepared pursuant to Code of Regulations, Title 14, Section 15164 to reflect changes or additions in the project that do not cause substantial changes or new information that would require major revisions to the adopted MND.

- EVIDENCE:**
- a) A Mitigated Negative Declaration ("MND") for PLN050708, PLN050591, and PLN090342 was prepared in accordance with CEQA and circulated for public review from September 2, 2010, through October 1, 2010 (SCH#: 2010091005). Issues that were analyzed in the MND include aesthetic resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hydrology and water quality, and utilities and service systems.
  - b) An amendment to connect PLN090342 and three other parcels to the original Highlands Inn Sewer project was approved and the MND for Currivan/O'Boyle PLN050708, PLN050591 and PLN090342 was adopted by the Planning Commission on October 27, 2010.
  - c) An Addendum to MND for this Currivan/O'Boyle project was prepared pursuant to Code of Regulations, Title 14, Section 15164 (CEQA Guidelines).
  - d) The Addendum attached as Exhibit G to the November 18, 2010 staff report to the Zoning Administrator reflects the County's independent judgment and analysis.
  - e) Pursuant to Section 15162 of the CEQA Guidelines, there are no substantial changes proposed in the project that would require major revisions to the prior MND. The projects evaluated were for cohesive purposes. The project involves the construction of three retaining walls that would provide support for the existing residence from the failing bluffs, and to allow repairs to erosion caused by past flooding. The remodel portion of the proposed project will not be possible until the imminent needs of structure stabilization is completed by the proposed retaining walls are built. During the construction of the retaining walls, the sewer line will be installed.
  - f) Pursuant to Section 15162 of the CEQA Guidelines, there is no new information of substantial importance that was not known at the time the MND was adopted. Since the last biological assessment was prepared five years ago, the restoration plan must reassess the location of the buckwheat plants. If it is determined that the buckwheat plants

are located within the area of construction, the plants need to be protected. Condition #18/Mitigation #3 addresses this additional requirement. Pursuant to CEQA Section 15088.5 (b), recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

- g) The Monterey County Planning Department, located at 168 W. Alisal, Second 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.

8. **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 of the Monterey County Coastal Implementation Plan (Part 4) can be demonstrated.
  - b) The subject properties are not described as areas where the 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) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PLN050708 & PLN050591
  - e) The project planner conducted site inspections on April 27, 2007 and January 10, 2010.

9. **FINDING:** **VIEWSHED** – The subject project minimizes development within the viewshed in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

- EVIDENCE:**
- a) The visual resource policies set forth in the Carmel Area Land Use Plan are intended to safeguard the coast's scenic beauty and natural appearance. These policies were used as thresholds in order to determine visual impacts resulting from the proposed project. (Key Policy 2.2.2. Carmel Area Land Use Plan (CLUP))
  - b) Applicable policies require that the design and siting of structures not detract from the natural beauty of the scenic shoreline in the public viewshed, that development be designed to minimize visibility and blend into the natural surroundings and that siting and design control measures be applied to new development to ensure protection of the Carmel areas scenic resources. (General Policies 2.2.3.CLUP)
  - c) The project will be located within a sensitive scenic area of the Carmel Area and has the potential to degrade the area's visual quality through grading and increased visual prominence due to new retaining walls and proposed exterior renovations including heightened roof. Further, the

project's location is highly visible from Point Lobos State Park, and as such, the scale and massing of the new retaining walls and height of roof may detract from the visual quality of the shoreline. In order to blend the retaining walls into the surrounding landscape, appropriate shotcrete earth tone materials and colors will be used. In addition, the remodeled residence will use natural colors and materials to reduce the appearance. New roofing materials will further blend the residence into the natural landscape.

- d) The project as proposed, conditioned, and mitigated is consistent with policies of the Carmel Area Land Use Plan dealing with visual resources and will have no significant impact on the public viewshed. As stated in the Initial Study, impacts can be reduced to a less than significant level with the implementation of mitigation measures to maintain existing vegetation, and require the use of natural materials and colors that will blend into the surrounding area, along with unobtrusive roof materials which will be harmonious with the area. (Condition #16/MM #1 & Condition #17/MM #2)
- e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN050708 & PLN050591.
- f) The project planner conducted site inspections on April 27, 2007 and January 10, 2010 to verify that the project minimizes development within the viewshed or to identify methods to minimize the development.

10. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.

- EVIDENCE:**
- a) Board of Supervisors: Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20). An appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
  - b) California Coastal Commission: 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 involves development between the sea and the first through public road paralleling the sea, is proposing development within 300 feet of the top of the seaward face of any coastal bluff and is development involving a conditional use.

### **DECISION**

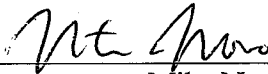
**NOW, THEREFORE**, based on the above findings and evidence, the Zoning Administrator does hereby:

- A. Consider an Addendum to the Mitigated Negative Declaration adopted by the Planning Commission on October 27, 2010;
- B. Approve Combined Development Permit consisting of: 1) Coastal Development Permit for development on slopes in excess of 30% to replace three retaining walls (approximately 200 linear feet) within the bluff to protect existing house from coastal bluff erosion, replace storm drain, and fill eroded drainage channel; 2) Coastal

Development Permit and Design Approval for the extensive remodel of an existing residence within 50 feet of a coastal bluff; including an increase in height, and changes to exterior wall materials, doors, and windows; removal of 550 square feet of concrete driveway and patios; and new pergola; natural wood and earth tone colors will be used; 3) Coastal Development Permit for development with a positive archaeological report; 4) Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (coastal habitat); and grading of approximately 650 cubic yards of fill, based on the findings and evidence and subject to the conditions of approval (**Exhibit 1**), in general conformance with the attached sketch and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference; and

C. Adopt the Mitigation Monitoring and Reporting Program for this project (**Exhibit 1**)

**PASSED AND ADOPTED** this 18<sup>th</sup> day of November, 2010 by the following:



Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON **DEC 15 2010**

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 **DEC 25 2010**

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 the Monterey County Planning Department and 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.

**RESOLUTION 10-045 - EXHIBIT 1**  
**Monterey County Resource Management Agency**  
**Planning Department**  
**Condition Compliance and/or Mitigation Monitoring**  
**Reporting Plan**

Project Name: Curri van/O'Boyle  
File No: PLN050708 & PLN050591 APNs: 241-071-002-000  
Approved by: Zoning Administrator Date: November 18, 2010

*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
<b>RMA - Planning Department</b>						
1.		<b>PD001 - SPECIFIC USES ONLY</b> This Combined Permit (PLN050708 & PLN050591) allows Combined Development Permit consisting of: 1) Coastal Development Permit for development on slopes in excess of 30% to replace three retaining walls (approximately 200 linear feet) within the bluff to protect existing house from coastal bluff erosion, replace storm drain, and fill eroded drainage channel; 2) Coastal Development Permit and Design Approval for the extensive remodel of an existing residence within 50 feet of a coastal bluff, including an increase in height, and changes to exterior wall materials, doors, and windows; removal of 550 square feet of concrete driveway and patios; and new pergola; natural wood and earth tone colors will be used; 3) Coastal Development Permit for development with a positive archaeological report; 4) Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (coastal habitat); and grading of approximately 650 cubic yards of fill. The property is located at 29300 Highway 1, between Highway 1 and the ocean, south of the intersection of Corona Road and Highway 1, Carmel (Assessor's Parcel Number 241-071-002-000), Coastal	Adhere to conditions and uses specified in the permit.  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.  To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the County 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.	Owner/ Applicant  RMA - Planning  WRA RMA - Planning	Ongoing unless otherwise stated	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		Zone. Highway 1, Carmel (Assessor's Parcel Number 241-071-002-000), Carmel Area Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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. (RMA-Planning Department)				
2.		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution 10-045) was approved by the <b>Zoning Administrator</b> for Assessor's Parcel Number 241-071-002-000 on November 18, 2010. The permit was granted subject to <b>22</b> conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)	Obtain appropriate form from the RMA-Planning Department.  The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner/ Applicant  RMA-Planning	Prior to the issuance of grading and building permits or commencement of use.	
3.		<b>PD032(A) - PERMIT EXPIRATION</b> The permit shall be granted for a time period of 3 years, to expire on November 18, 2013 unless use of the property or actual construction has begun within this period. (RMA - Planning Department)	The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.	Owner/ Applicant	As stated in the conditions of approval	
4.		<b>PD004 - INDEMNIFICATION AGREEMENT</b> The property owner agrees as a condition and in consideration of the 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,	Submit signed and notarized Indemnification Agreement to the Director of RMA - Planning Department for review and signature by the County.	Owner/ Applicant	Upon demand of County Counsel or concurrent with the	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<p>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. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. <b>(RMA - Planning Department)</b></p>	<p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>		<p>issuance of building permits, use of the property, whichever occurs first and as applicable</p>	
5.		<p><b>PD007 - GRADING-WINTER RESTRICTION</b> No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department. <b>(RMA – Planning Department and Building Services Department)</b></p>	<p>Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.</p>	Owner/ Applicant	Ongoing	



<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
6.		<b>PD009 - GEOTECHNICAL CERTIFICATION</b> Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA – Planning Department and Building Services Department)	Submit certification by the geotechnical consultant to the RMA – Building Services Department showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotechnical Consultant	Prior to final inspection	
7.		<b>PD010 - EROSION CONTROL PLAN AND SCHEDULE</b> The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA – Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)	An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.  Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.	Owner/ Applicant	Prior to the issuance of grading and building permits  Ongoing	
8.		<b>PD014(B) – LIGHTING – EXTERIOR LIGHTING PLAN</b> 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. Exterior lights shall have recessed lighting elements. Exterior light sources that would be directly visible when viewed from a common public viewing area, as defined in general policies 2.2.4 of the Carmel Area Land Use Plan are prohibited. The applicant shall submit 3 copies of an exterior lighting plan	Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.  The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to the issuance of building permits.  Prior to Occupancy /Ongoing	

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		which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. 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 the RMA - Planning Department, prior to the issuance of building permits. <b>(RMA – Planning Department)</b>				
<b>Monterey County Water Resources Agency</b>						
9.		<b>WR40 - WATER CONSERVATION MEASURES</b> The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to: <ol style="list-style-type: none"> <li>All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.</li> <li>Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. <b>(Water Resources Agency)</b></li> </ol>	Compliance to be verified by building inspector at final inspection.	Owner/Applicant	Prior to final building inspection/occupancy	
10.		<b>WR43 - WATER AVAILABILITY CERTIFICATION</b> The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. <b>(Water Resources Agency)</b>	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/Applicant	Prior to issuance of any building permits	

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11.		<b>WRSP001 - DRAINAGE PLAN (NON-STANDARD)</b> A drainage plan incorporating the recommendations of the Limited Geotechnical Investigation and Focused Geologic Study prepared by Haro, Kasunich & Associates, Inc., dated August 2005, shall be prepared by a registered civil engineer that includes routing to stormwater runoff to areas identified as resistant to erosion. Prior to drainage improvements being constructed in accordance with plans approved by the Water Resources Agency; the applicant shall include the reassessment of the location of the buckwheat plants. <b>(Water Resources Agency)</b>	Submit 3 copies of the drainage plan to include the reassessment of the location of the buckwheat plants to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits	
<b>Environmental Health Bureau</b>						
12.		<b>EHSP001 EXISTING SEPTIC SYSTEM (NON-STANDARD)</b> Submit a plot plan to the Division of Environmental Health showing the locations of all existing septic systems on the property. Any sewage disposal system or part thereof which does not meet the setback requirements specified in Monterey County Code, Chapter 15.20 will require proper abandonment and replacement with an approved system. Prior to receiving a permit for the system replacement from the Monterey County Health Department, the applicant shall include the reassessment of the location of the buckwheat plants. <b>(Environmental Health Bureau)</b>	Submit a plot plan to include the reassessment of the location of the buckwheat plants. to the Division of Environmental Health showing the locations of all existing septic systems on the property.	CA Licensed Engineer /Owner/ Applicant	Prior to issuance of a building permit	
13.		<b>EHSP002 - DESTROY EXISTING SEPTIC SYSTEM (NON-STANDARD)</b> Once the sewer system has been hooked up for the project, the applicant must destroy the existing abandoned well(s) according to the standards found in State of California Bulletin 74 and all its supplements, and Chapter 15.08 of the Monterey County Code. The well shall not be considered abandoned if satisfactory evidence is provided that the well is functional, is used on a regular basis, and does not act as a conduit for contamination of groundwater. <b>(Environmental Health Bureau)</b>	Once the public sewer system has been hooked up for the project, the applicant shall submit evidence that the existing abandoned well(s) has been destroyed according to the standards found in State of California Bulletin 74 and all its supplements, and Chapter 15.08 of the Monterey County Code.	CA Licensed Engineer /Owner/ Applicant	Prior to issuance of a building permit	

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<b>Fire Agency - Carmel Highlands Fire Protection District</b>						
14.		<p><b>FIRE008 - GATES</b> All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. <b>(Carmel Highlands Fire Protection District)</b></p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
15.		<p><b>FIRE021 - FIRE PROTECTION EQUIPMENT &amp; SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)</b> The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. <b>(Carmel Highlands Fire Protection District)</b></p>	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.	
			Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection	
			Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	
16.		<p><b>FIRE011 - ADDRESSES FOR BUILDINGS</b> All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its</p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

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		own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. ( <b>Carmel Highlands Fire Protection District</b> )	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
<b>Mitigation Measures</b>						
17.	1	<b>Mitigation Measure #1:</b> In order to ensure that the residence will blend into the surrounding natural landscape, the applicant shall utilize appropriate design techniques and materials and colors which will achieve this effect. Specifically, the applicant shall adhere to the design techniques and materials and colors approved by the Zoning Administrator. ( <b>RMA – Planning Department</b> )	Prior to issuance of a building permit, evidence regarding appropriate design techniques, materials and colors shall be submitted to the Director of Planning for review and approval.  Prior to final building permit, the applicants shall submit evidence of implementation of appropriate design techniques to the Director of Planning for review and approval.	Owner/ Applicant	Prior to the issuance of building permits.	
				Owner/ Applicant	Prior to Final of building permits.	

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18.	2	<p><b>Mitigation Measure #2:</b> In order to minimize impacts to visual resources, the applicant shall arrange for all mature cypress trees located within the proposed development to be adequately protected from grading and construction activities. Eight Monterey Cypress trees (ranging from 8" to 36" in diameter) have been identified; one 8" Cypress is requested for removal. Therefore, any excavation or fill, grading, digging, or any other soil removal located within the tree's critical root zone (CRZ) shall be monitored by a qualified arborist or forester and best management practices for tree protection measures shall be implemented. Protective fencing and grading limits shall be reviewed and established by the contractor in consultation with a qualified forester/arborist immediately prior to commencement of excavation operations. In addition, grading and construction vehicle and equipment staging shall be sited in order to minimize their visibility from the public viewshed. <b>(RMA – Planning Department)</b></p>	<p>Prior to issuance of grading and/or building permits, the owner/applicant shall include a note on the site plan encompassing all language within Mitigation Measure No. 2. The owner/applicant shall submit plans to the RMA-Planning Department for review and approval.</p>	Owner/ Applicant	Prior to issuance of building permits.	
			<p>Submit documentation to the RMA-Planning Department for review and approval that excavation or fill (including grading, digging, or any soil removal) for the proposed retaining walls, located approximately 1-foot of any mature Cypress tree and within the trees' critical root zone (CRZ), shall be monitored by a qualified arborist or forester. Any roots greater than 3-inches that are encountered shall require hand digging within the immediate area and must be cut with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root pruning equipment. Any roots damaged during excavation shall be exposed to sound tissue and cut cleanly with a saw.</p>	Owner/ Applicant	Prior to scheduling of the foundation inspection.	
			<p>Submit documentation to the RMA-Planning Department for review and approval that excavation (including grading, digging, or any soil removal) for the proposed retaining walls within the critical root zone (CRZ) shall be monitored by a qualified arborist or forester. Any roots greater than 3-</p>	Owner/ Applicant	Prior to scheduling of the foundation inspection	



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			inches that are encountered shall require hand digging within the immediate area and must be cut with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root pruning equipment.			
19.	3	<b>Mitigation Measure #3:</b> In order to ensure that the habitat of Smith's blue butterfly buckwheat plants will be protected during project construction and project development, the applicant shall prepare a restoration plan which will address the eradication and control of non-native species including landscape plants currently impacting the natural habitat. The plan shall be specific to the enhancement, establishment, management, and monitoring of habitat for Smith's blue butterfly. Since the last biological assessment was prepared five years ago, a biologist must reassess the location of the buckwheat plants. The reassessment must be done during the blooming season; and as determined by the biologist, recommendations shall include protection of the buckwheat plants. The applicant shall apply for an Amendment to this permit if additional mitigations are required for protection. <b>(RMA – Planning Department)</b>	Prior to the issuance of a grading or building permit, a restoration plan shall be submitted to the Director of Planning for review and approval. The restoration plan shall avoid buckwheat plants (Eupilotes enoptes Smithi) when implementing landscaping on the project site. Along with a new assessment of the site for the location of the buckwheat plants.	Owner/ Applicant	Prior to the issuance of grading or building permits.	
20.	4	<b>Mitigation Measure #4:</b> The archaeological reports state the possibility of archaeological midden may be extracted from the project impact area during construction. They also stated that because the new retaining walls will help to preserve the cultural resources remaining on the parcel and because there is limited potential for impacts to significant cultural resources from the construction, they recommended an archaeological monitor be present for all demolition and removal of existing hardscape and retaining walls; excavations for the pergola, foundations and excavation of soil from the slope above wall #1 and for the grading of temporary road for wall #2. <b>(RMA – Planning Department)</b>	Prior to the issuance of grading or building permits, a copy of a signed agreement between the applicant and a Registered Professional Archeologist or a Registered Professional Anthropologist stating that the archaeologist shall be on site to monitor all construction activities. The signed agreement shall be submitted to the Director of the RMA – Planning Department for approval.	Owner/ Applicant	Prior to the issuance of grading or building permits.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
21.	5	<p><b>Mitigation Measure #5:</b> If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken:</p> <p>There shall be no further excavation or disturbance to the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of the County in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and if the coroner determines the remains to be Native American:</p> <ul style="list-style-type: none"> <li>- The coroner shall contact the Native American Heritage Commission and the RMA – Planning Department within 24 hours;</li> <li>- The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costonoans/ Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent;</li> <li>- The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, or</li> <li>- Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. (RMA – Planning Department)</li> </ul>	<p>Prior to the issuance of grading or building permits, a copy of a signed agreement between the applicant and a Registered Professional Archeologist or a Registered Professional Anthropologist stating that they will adhere to Mitigation Measure #4 shall be submitted to the Director of the RMA – Planning Department for approval.</p>	Owner/ Applicant	Prior to the issuance of grading or building permits.	



<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
22.	6	<p><b>Mitigation Measure #6:</b> To ensure that all geotechnical recommendations be adhered to during construction, an agreement between the Contractor and the applicant shall be signed stating that the contractor fully read and understands the Geotechnical Investigation and Supplemental Slope Stability Evaluation, to include the following but not be limited to:</p> <ul style="list-style-type: none"> <li>a) The geotechnical engineer shall be notified at least <b>four working days</b> prior to any clearing or grading.</li> <li>b) The retaining wall footprint area to be graded shall be cleared of obstructions including old fill and gravel, debris, or other unsuitable material.</li> <li>c) After excavation, clearing and grubbing, the exposed ground surface in areas to receive engineered fill shall be scarified to a depth of 6 inches, moisture conditioned, and compacted to at least 90 percent relative compaction.</li> <li>d) Engineered fill should be placed in thin lifts not exceeding 8 inches in loose thickness, moisture conditioned, and compacted to at least 90 percent relative compaction.</li> <li>e) If grading is performed during, or shortly after the rainy season, the grading contractor may encounter compaction difficulty from high moisture contents in the near surface clayey and silty sands. If compaction cannot be achieved by reducing the soil moisture content, it may be necessary to over excavate the wet subgrade soil and replace it with angular crushed rock to stabilize the subgrade.</li> <li>f) Landscape fills that are located on the temporary bench seaward of the proposed retaining wall shall not be sloped steeper than 3:1 (horizontal to vertical).</li> <li>g) Fills shall be keyed and benched into firm soil or bedrock in areas where slope gradients exceed 5:1.</li> <li>h) Permanent engineered fill slopes shall be inclined</li> </ul>	<p>Prior to the issuance of grading or building permits, a copy of the signed agreement between the contractor and applicant shall be submitted to the RMA-Planning Department for review and approval</p> <p>The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.</p>	<p>Owner/ Applicant</p> <p>Owner/ Applicant</p>	<p>Prior to the issuance of grading or building permits.</p> <p>Ongoing</p>	

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		<p>no steeper than 2:1 (horizontal to vertical).</p> <p>i) Temporary cut banks, exposing firm terrace deposits materials, excavated during the summer, may be included at a 1.5 to 1 slope (horizontal to vertical) for heights up to 15 feet.</p> <p>j) Materials used for engineered fill shall be free of organic materials, large debris and contain no rocks or clods greater than 6 inches in diameter, with no more than 15 percent larger than 4 inches and a Plasticity index of less than 18.</p> <p>k) Following grading, exposed slopes should be re-planted as soon as possible with erosion resistant vegetation.</p> <p>After earthwork operations are completed and geotechnical engineer completes observation work, no further earth work operations shall be performed except with the approval of and under the observation of the geotechnical engineer. <b>(RMA – Planning Department)</b></p>				

**END OF CONDITIONS**

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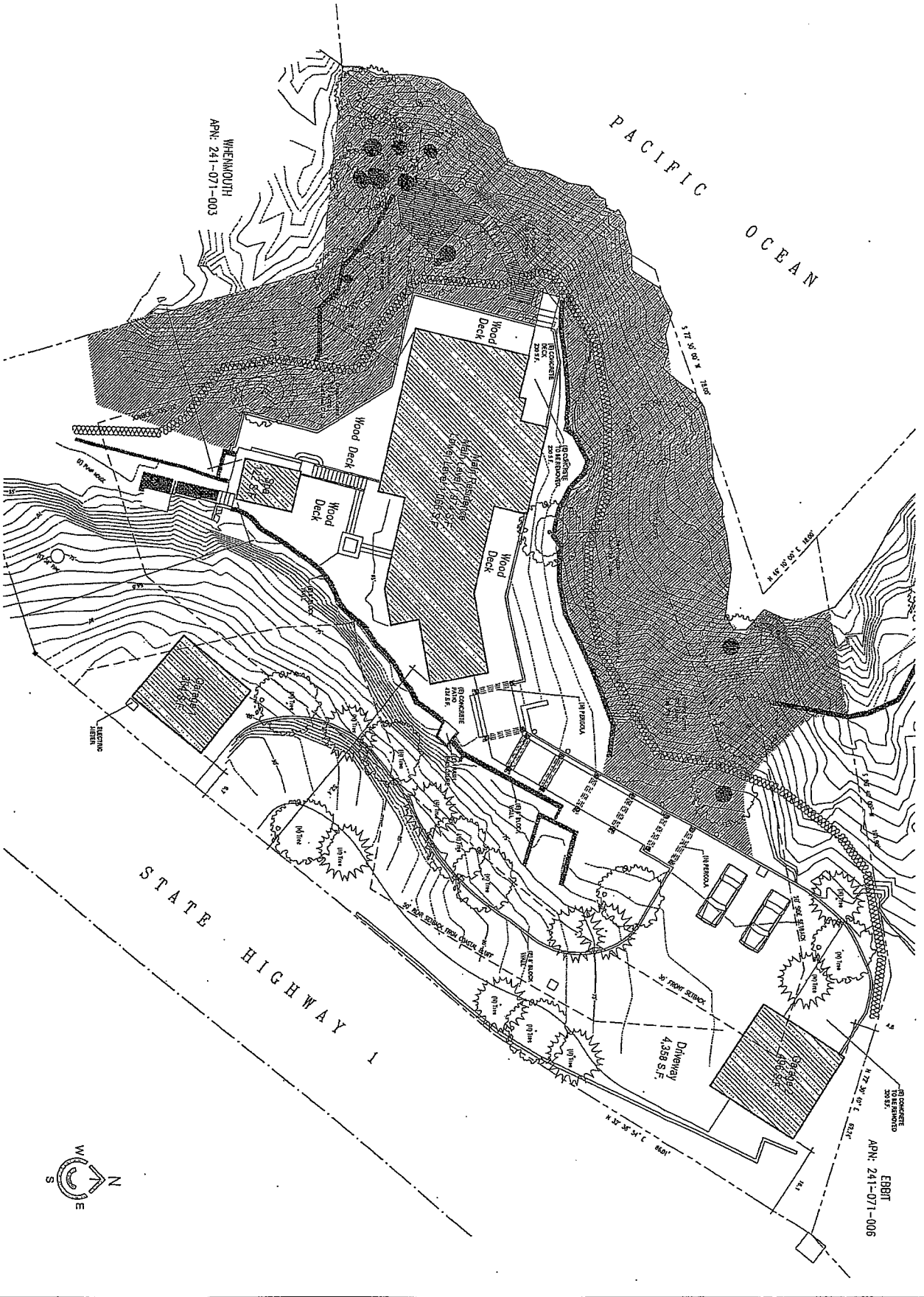
OWNER:		APN:		Proposed	
Curison Family Trust		241-077-002-000			
104 State Hwy 1		241-077-002-000			
Highlands, California		241-077-002-000			
Lot Area: 29,938.4 S.F.		29,938.4 S.F.			
FLOOR AREA		Existing	Proposed		
Lower Level Area	1,066 S.F.	(No Change)			
Upper Level Area	1,974 S.F.	(No Change)			
Garage-1	384 S.F.	(No Change)			
Garage-2	422 S.F.	(No Change)			
SPA	1,922 S.F.	(No Change)			
Total	4,022 S.F.	(No Change)			
Site Coverage: 2,956 S.F. / 29,938 S.F. = 9.9%		3,521 S.F. = 11.7%			
Floor Area Ratio: 4,022 S.F. / 29,938 S.F. = 13.5%		(No Change)			
SUPERFICIOUS SURFACE					
Driveway and Walks	4,578 S.F.	4,358 S.F.			
Lower Paths	220 S.F.	- S.F.			
Upper Paths	424 S.F.	- 424 S.F.			
Total	5,222 S.F.	4,782 S.F.			
Tree Removal	None				
Grading:	None				

Job Number 2004-14	Dagen Bjr AA
Date 02-14-05	Retårns

Subject Number

**G-1.1**

[illegible]

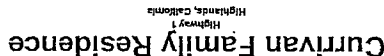


Jon Sather Erlandson  
Architect - c1925

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The HEYTS' North East Corner of DeLores and Felt, Called By The Sea

Jon Sather Erlandson, Architect  
Post Office Box 22429  
Carmel, California 93922  
Phone: (415) 625-6183  
Facsimile: (415) 625-1578  
Email: jon-sather@comcast.net



Sheet Number  
**C-1.3**

Erosion Control Det.[illegible]

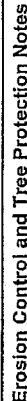
FRIES BLANKET IS AVAILABLE FROM:  
NORTH AMERICAN GREED, INC. 817-867-8632  
PRODUCTS SECT. OR APPROVED LOCAL.

FOR SALE: 1000' x 1000' FRIES BLANKET, 100% WOOL, 100% NEW ZEALAND, 100% SEEDS WITH THE FOLLOWING SEED MIX AS AVAILABLE FROM:  
CRAIG C. WATSON, 35350 E. CAMDEN, SUITE 100, P.O. BOX 100, CAMDEN, ARIZONA 85705  
CAROL VALLEY, CA. 93224 PH. (203) 249-3811 REF. PAUL KEMPHART

SEED MIX APPLIED AT RATE OF 605 LBS/ACRE (60% GERMINATION):

1 1/2 lbs. BROWN GRASSES - BLUEGRASS
1 1/2 lbs. BROWN GRASSES - TULSA BLUEGRASS
2 lbs. BROWN GRASSES - CALIFORNIA POPPY
2 lbs. ESPERCHOGON CALIFORNICA - CALIFORNIA POPPY
12 lbs. BROWN GRASSES - PURPLE MEADOW GRASS
12 lbs. HASTELLA PULGURA - PURPLE MEADOW GRASS

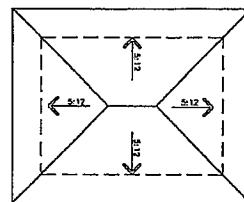
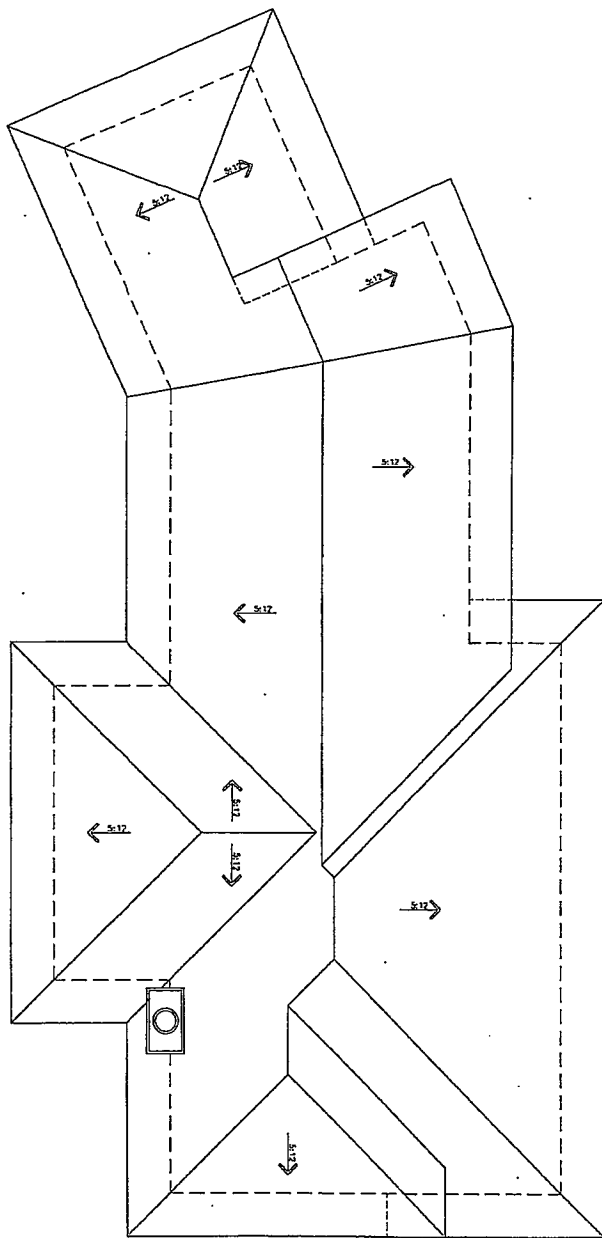
REFER TO SEED 0920X GRASSES FOR HYDROSEED APPLICATION.

[illegible]



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

1



### Roof Plan

### A-2.3

of Sheets

Sheet Number

02-14-05

1

Job Number	Drawn
2004-14	AA

AA

## Currvan Family Residence

Highway 1  
Highlands, California



Jon Sather Erlandson Architect - C11925

**The MEYSS' North East Corner of Dolores and Fifth, Carmel By The Sea**

Mail: Jon Salter Erlandson, Architect Post Office Box 223420 Carmel, California 93922  
Phone: (831) 625-6163 Fax: (831) 625-1578 Email: jse-architect@prodigy.net


Job Number 2004-14	Date 02-14-05	Drawn By: AA	Revisions
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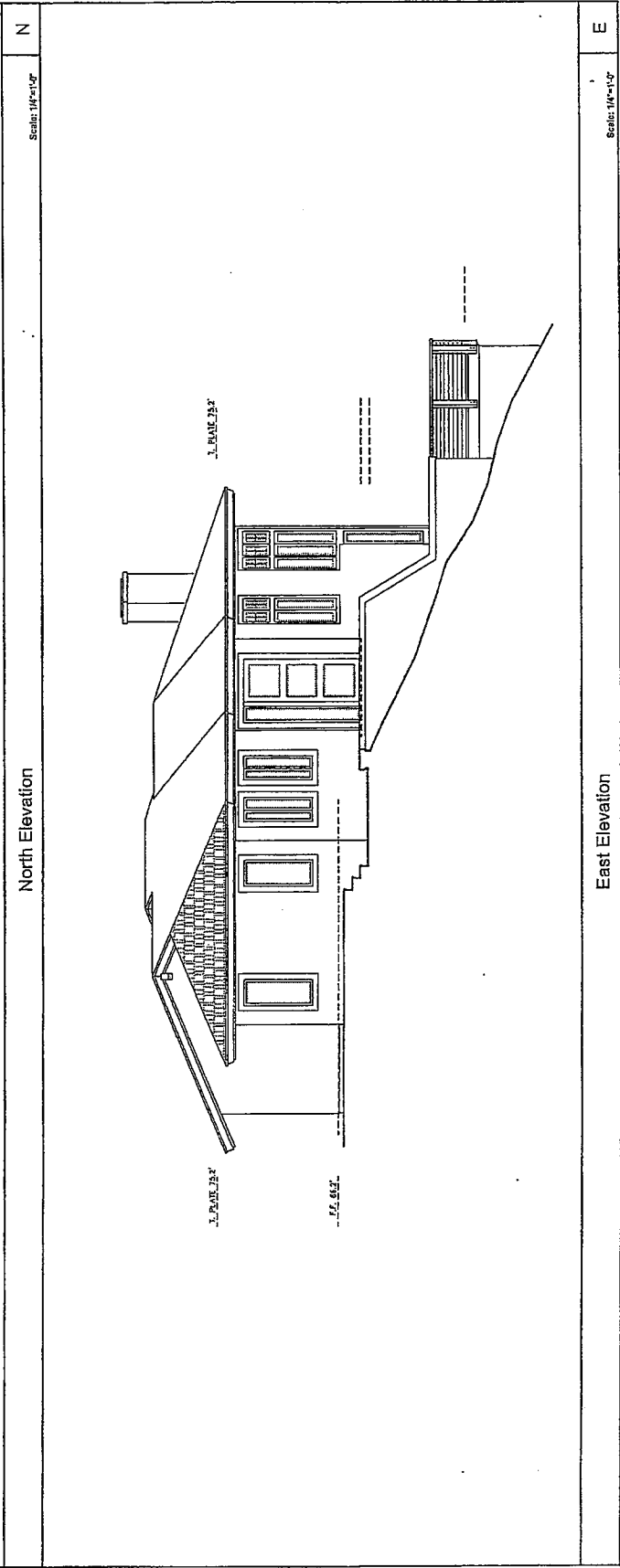
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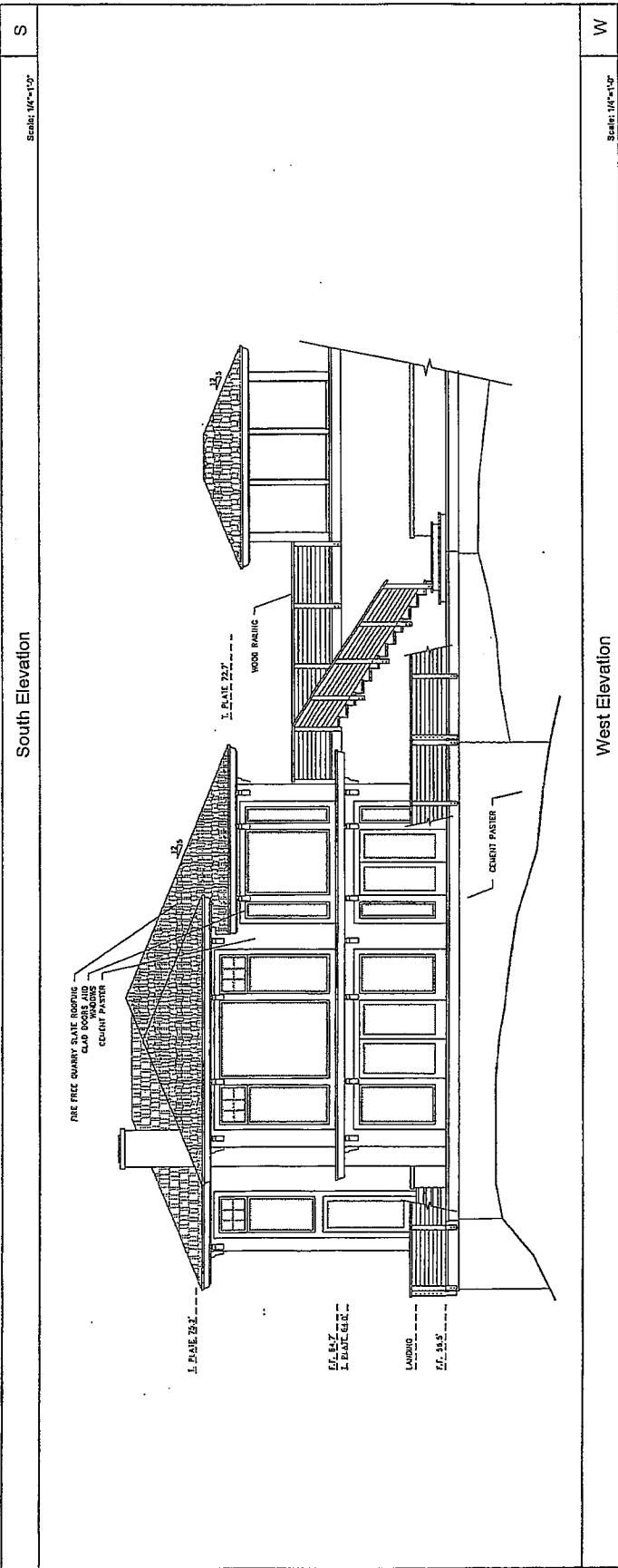
Sections

## Exterior Elevations





Job Number 2004-14	Drawn By A.A.	Revisions	Sheet Number <b>A-3.1</b>	et Sheets	Exterior Elevations
Date 02-14-05					



DATE	REVISION

**Jon Sather Erlandson Architects - C11925**

The NEW! Main East Corner of Delmar and Fifth, Corner By The Sea

Phone: (619) 435-6183    Fax: (619) 435-1578    Email: jon.sather@jse-architects.com

# Curriaran Family Residence

Highlands, California

Drawn By:	AA
Job Number:	2006-14
Date:	02-14-05
Revisions:	

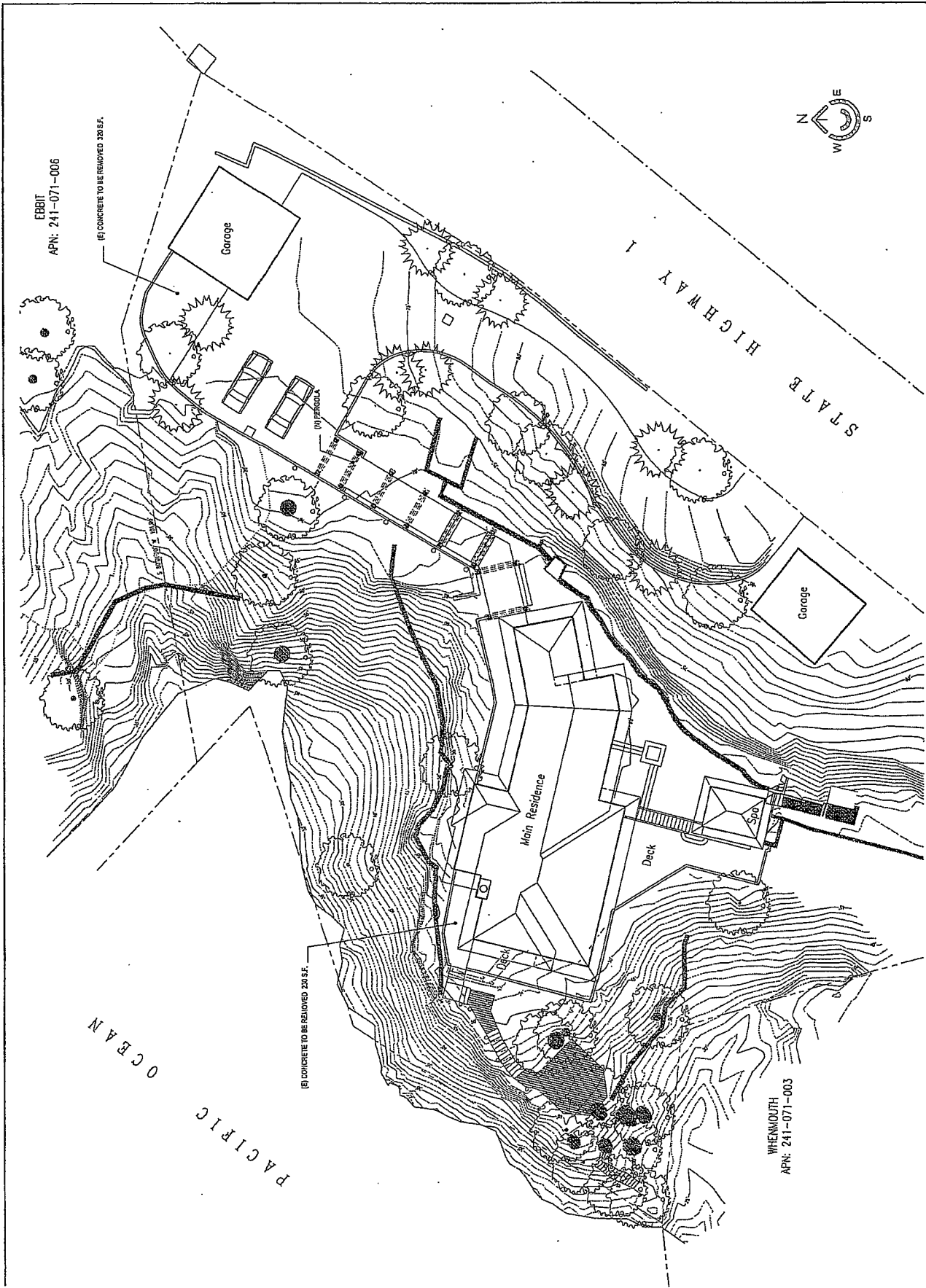
Sheet Number

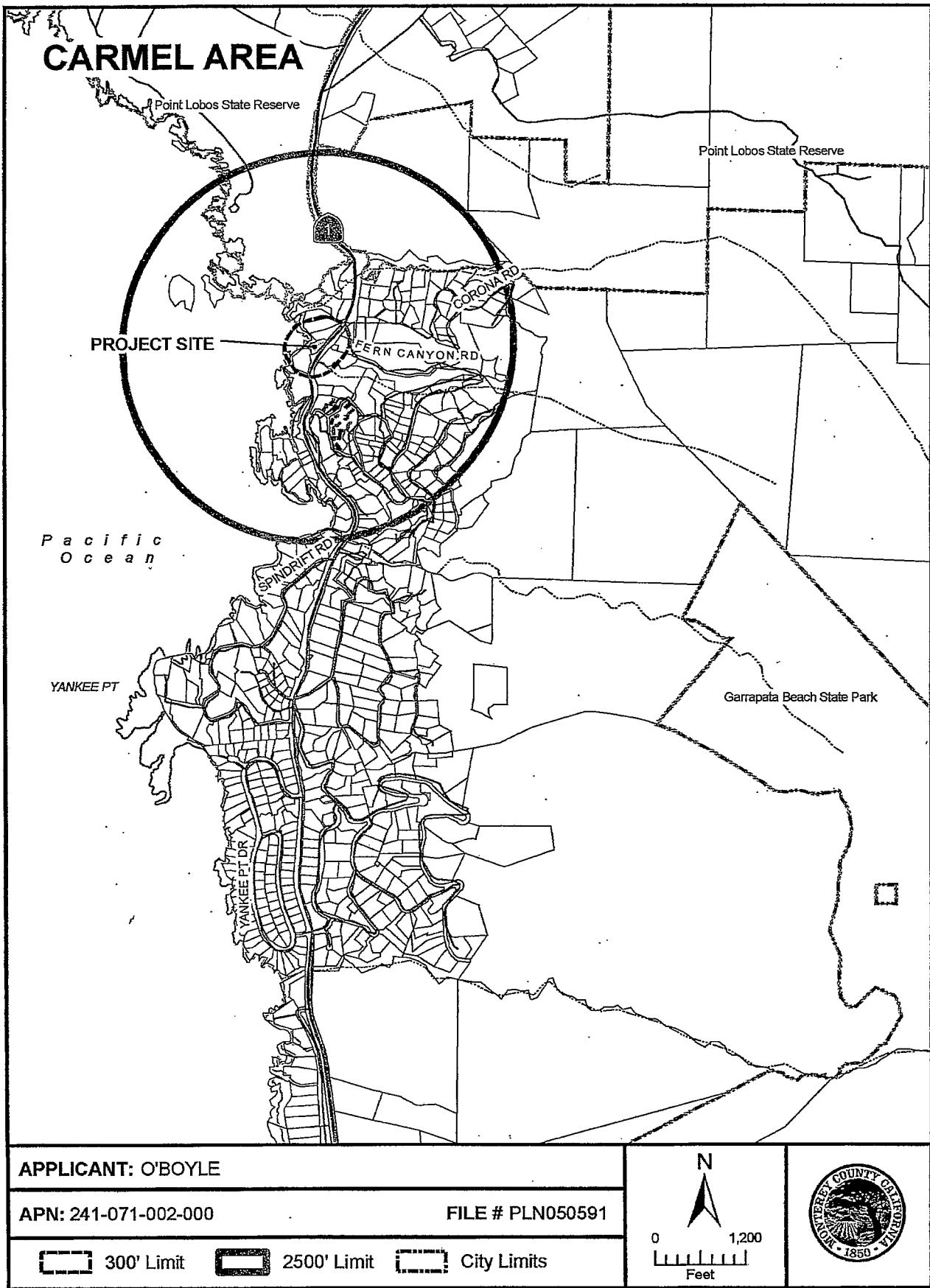
C-1.1

of

Sheets

Proposed Site Plan





PLANNER: McCUE

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