

Exhibit C

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DRAFT RESOLUTION

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

In the matter of the application of:

WALNUT COVE LLC (PLN190097)

RESOLUTION NO. ---

Resolution by the Monterey County Planning
Commission:

1. Finding that the project involves the construction of a new single family dwelling on an existing legal lot of record, which qualifies as a Class 3 Categorical Exemption pursuant to Section 15303 (a) of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2;
2. Approving a Combined Development Permit consisting of a:
 - a. Coastal Administrative Permit and Design Approval to allow for the construction of a 4,355 square foot two-story single family dwelling inclusive of attached two-car garage, resulting in grading of approximately 760 cubic yards of cut and 230 cubic yards of fill;
 - b. Coastal Development Permit to allow the removal of one (1) Monterey Pine tree;
 - c. Coastal Development Permit to allow development within 25 feet of an environmentally sensitive habitat area; and
 - d. Coastal Development Permit to allow approximately 600 square feet of development on slopes in excess of 30%.

[PLN190098, Walnut Cove LLC, 24424 San Juan Road, Carmel (Assessor's Parcel Number 009-013-0012-000), Carmel Land Use Plan, Coastal Zone]

The WALNUT COVE LLC application (PLN190098) came on for a public hearing before the Monterey County Planning Commission on October 9, 2019. Having considered all the written and documentary evidence, the administrative record, the staff report, oral

testimony, and other evidence presented, the Monterey County Planning Commission finds and decides as follows:

FINDINGS

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

EVIDENCE: a) The project has been reviewed for consistency with the text, policies, and regulations in:

- 1982 Monterey County General Plan (General Plan);
- Carmel Area Land Use Plan (CAR LUP);
- Carmel Area Coastal Implementation Plan, Part 4 (CIP); and
- Monterey County Coastal Zoning Ordinance (Title 20).

The subject property is located within the coastal zone; therefore, the 2010 Monterey County General Plan does not apply.

Concerns were raised during the project review of the application regarding the following items:

- The construction of the single family dwelling impacting slopes in excess of 30%;
- The potential for the project to result in impacts to a seasonal creek easement;
- The development impacting additional trees;
- Whether the proposed design and colors of the single family dwelling and retaining walls are consistent with the neighborhood character; and
- The construction related impacts that would result from the development of the single family dwelling.

Considering the constraints of this parcel, there is no alternative feasible option for development on slopes in excess of 30% (see Finding 7) and development within 100 feet ESHA (See Evidence g) will not impact the long term maintenance of the habitat. The tree removal is the minimum in this case and the remaining trees will be protected (see Finding 8). The colors and materials are consistent with the design guidelines and neighborhood character (see Evidence e), and traffic and construction related impacts would be temporary and controlled by a construction management plan (See Finding 3).

- b) Allowed Use. The subject property (0.228 acres) is located at 24424 San Juan Road, Carmel (Assessor's Parcel Number 009-013-012-000), Carmel Area Land Use Plan. The subject parcel is zoned Medium Density Residential with a maximum gross density of 2 units per acre and Design Control overlay within the Coastal Zone or "MDR/2-D (CZ)." Title 20, Section 20.12.040.A allows for the first single family dwelling per lot. The project is to construct an approximately 4,355 two-story single family dwelling, which consists

of an attached 455 square foot two-car garage, 2,325 square foot main level and a 1,575 square foot lower level. The project also includes the construction of a 2,580 square permeable driveway, four retaining walls and the removal of one (1) Monterey Pine tree. The development is consistent with the established residential use of the property within a residential zoning district. Therefore, the project is an allowed use.

- c) Lot Legality. The subject parcels, 24424 San Juan Road (APN: 009-013-012-000, 0.228 acres) is identified as Lot 12, in Block Numbered 306, on “Licensed Surveyor’s Map of Re-Subdivision of Blocks 305 and 306, Third Addition Carmel Woods,” filed for record on June 21, 1938, in Volume 3 of Surveys, Page 164 and recognized through a Certificate of Compliance (CC180036). Therefore, the subject properties are legal lots of record.
- d) Cultural Resources. CAR LUP Key Policy 2.8.2 states that areas considered archaeologically sensitive shall be maintained and protected for their scientific and cultural heritage values. CIP Section 20.146.090.B and C requires submittal of an archaeological survey for any development project located within a moderate archaeological sensitivity zone of which requires environmental assessments or on 2.5 acres or larger. The subject property, as identified in the Monterey County Geographic Informational System (GIS), is designated as moderate archaeological sensitivity. In accordance with regulation above, an archaeological survey was not required in this case. The subject property is less than 2.5 acres (see Evidence “c” above) and is categorically exempt from CEQA (see Finding 5), and the potential for inadvertent impacts to cultural resources is limited and will be controlled by application of the County’s standard project condition of approval (see attached conditions), which requires the contractor to stop work if previously unidentified resources are discovered during construction.
- e) Design Review and Neighborhood Character. Concerns regarding the proposed design of the project and its compatibility with the neighborhood character have been raised. Commenters indicated that the home was too massive compared to the immediate vicinity. The subject property is within the Carmel Woods neighborhood. Staff conducted several site visits and found that there isn’t a consistent style of homes within this area. The project is subject to the Design Control Zoning District (“D” zoning overlay), which is intended to regulate the location, size, materials and colors of the structures to assure protection of the public viewshed and neighborhood character. The proposed single family dwelling would have a craftsman architectural style with colors and materials consisting of: tan stucco siding, dark brown window doors and trim and a dark brown mission clay tile roof. The proposed design consistent with the neighborhood character and will not detract from the surrounding environment.

Further, staff conducted an analysis of the square footages of the homes within this neighborhood. The proposed development is a 4,355 square foot two-story single family dwelling inclusive of a 455 square foot two-car garage. The actual residence is approximately 3,900 square feet. A total of 110 homes were reviewed within of the Carmel Woods neighborhood within a 900 foot radius of the proposed development. Approximately 0.4% of the 110 homes were over 3,000 square feet. When the project was initially submitted, staff had a challenge finding that this project was consistent with the neighborhood character. The development at that time was at a 30 foot height and had an appearance of a three-story single family but was only two stories, with the lower level constructing into the hillside due to the topography. The applicant has revised plans to drop the height of the structure to 24' and to blend more with the neighborhood. The side and rear elevations of the structure (**Exhibit C**) still give off the appearance of a massive structure. There aren't any public viewsheds that the structure would obscure but when compared to the neighborhood, these side elevations still appear quite larger than what is typically constructed within this neighborhood. There are a few homes with similar mass and size (0.4%) but the majority of the neighborhood has smaller homes. The subject property is a 0.228 acre narrow parcel within the MDR zoning district. There are policies within the CAR LUP that state development shall be subordinate and blend with the surrounding environment. Regulations with the CAR CIP that implement these policies through site development standards. As discussed below, the project is at the maximum site development standards for building coverage and floor area ratio, but still meets the regulations. The proposed project when viewed from San Juan Road does not appear to out of character with the neighborhood but the square footage of the project is still larger.

Further, CAR LUP Map A identifies the subject property as being located within the public viewshed. CAR LUP Policy 2.2 and CAR CIP Section 20.146.030 states that development within the public viewshed shall be sited the area that least visible to the public viewshed, shall be development with colors and materials that are subordinate to and blended to the environment. The subject property has been developed with an existing one-story single family dwelling. The proposed development is for a two-story single family dwelling inclusive of an attached garage. The development was staked and flagged to provide visual analysis on whether the development created any new visual impacts. The site was viewed from several major points such as Highway 1, Rio Shopping Center and Point Lobos, and the proposed development was not visible from the areas.

The proposed single family dwelling and garage are within an established residential neighborhood of Carmel Woods. Consistent with the policies and regulations for the area, the colors and materials, as described above. The home will not detract from the neighborhood character. Therefore, the project would not create any new substantial visual impacts.

- f) Development Standards. The subject parcel is zoned Medium Density Residential with a maximum gross density of 2 units per acre and Design Control overlay within the Coastal Zone or “MDR/2-D (CZ).” Title 20 Section 20.12.040.A allows for the development of the first single family dwelling per lot. Therefore, the project is an allowed use.

The required minimum setbacks are the MDR zoning district are: 20 foot front setback, 5 foot side setback and 10 foot rear setback. The setbacks for the single family dwelling are: 30 foot front setback, 5 foot side setback and 25 foot rear setback.

The height of the structure will be at 24 feet, below the allowed height for this zoning district, which is 30 feet. The site coverage maximum is 35%. The subject property is 0.228 acre lot, which would allow site coverage of 3,487 square feet. The project results in structural site coverage of 33% or 3,319 square feet. The allowed floor area ratio is 45% or 4,484 square feet, which the project meets at 43.6% or 4,353 square feet. The project complies with the development standards listed in the MDR zoning district, Title 20, Section 20.12.060.

- g) Environmentally Sensitive Habitat Areas (ESHA). A concern was raised regarding whether the development would have the potential to impact a seasonal creek easement. Staff has reviewed the Monterey County Geographic Information System (GIS), reviewed site plans and conducted a site visit. There is a drainage ditch that feeds into the Pescadero Canyon, which is considered ESHA. CAR LUP Policy 2.3.3 and CAR CIP Section 20.146.040 state that development shall be avoided in critical and sensitive habitat areas, and that development adjacent to sensitive habitat areas shall only be allowed at densities which are compatible with the protection and maintenance of the resources adjacent to the development. According to Title 20, Section 20.12.030, a Coastal Development Permit is required for development within 100 feet of ESHA.

Due to the location of the subject property, any development on the property would result in development within 100 feet or less of ESHA. In this case, the proposed development would be within 25 feet of the Pescadero Canyon. A biological report was provided for the subject property (see Finding 2, Evidence c) which concluded that

the site does not support any federally and/or state protected special status species and/or sensitive habitat. A majority of the property has been previously disturbed by the construction and demolition of the existing single family dwelling. The proposed development is within the most suitable location of the property, considering the topography, slopes, existing vegetation and shape of the parcel. There are no existing measures in place to reduce stormwater runoff and erosion to the drainage ditch and Pescadero Canyon. The biologist recommended best management practices to improve these conditions. Further, the project would be required to submit an erosion control plan during the construction phase as required under Monterey County Code Chapter 16.12. The erosion control plan is intended to eliminate and prevent conditions of accelerated erosion that have led to, or could lead to, degradation of water quality, loss of fish habitat, damage to property, loss of topsoil or vegetation cover, disruption of water supply, or increased danger from flooding. RMA-Environmental Services has reviewed the project and applied a standard condition of approval (see attached conditions) for the applicant to provide a stormwater control plan. The subject property is within the General Municipal Permit Boundary and is required to implement design strategies to limit disturbances to creeks and natural drainage features, minimize compaction of highly permeable soils, limit clearing and grading to the minimum area needed for the project and minimize impervious surfaces. The best management practices recommended by the biologist, and the requirement of the erosion control and stormwater control plan, would eliminate any debris, degradation of water quality and/or erosion to the seasonal drainage ditch and Pescadero Canyon.

- h) Public Access. As demonstrated in Finding 6 below, the project is consistent with the applicable regulations for public access.
- i) Slopes in Excess of 30%. As demonstrated in Finding 7 below, the project is consistent with the applicable regulations for development on slopes in excess of 25%.
- j) Tree Removal. As demonstrated in Finding 8 below, the project is consistent with the applicable regulations for tree removal.
- k) Based on the Land Use Advisory Committee (LUAC) procedure guidelines adopted by the Monterey County Board of Supervisors, the project was referred to the Carmel Unincorporated/Highlands LUAC for review on July 1, 2019 and July 15, 2019. At the July 1, 2019, the Committee continued the application until the applicant removed a fallen tree from a neighboring property, provided color samples, lowered the overall roof plate height and re-staked the proposed development. The application went before the Committee again on July 15, 2019. In between this time, the applicant submitted revised plans, to reduce the height from 30 feet to 26 feet and re-staked the proposed development. At the July 15, 2019 meeting, the Committee

reviewed the color samples and recommended another continuance to recommend the applicant reduce the plate heights even lower. The applicant reviewed the request and recommendations from staff, and reduced the height to 24 feet, which are reflected within the attached plans. Staff reviewed the proposed development carefully and considered the other two-story homes within the neighborhood. The proposed development is consistent and would blend with the overall neighborhood character.

- l) Staff conducted site inspections on July 12, 2019 to verify that the project on the subject property conforms to the plans attached.
- m) The application, plans, and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the development found in RMA-Planning File No. PLN190098.

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

- EVIDENCE:**
- a) The project includes a new single family dwelling associated with an established residential use in a residential neighborhood. Therefore, the use is suitable for the site.
 - b) The project was reviewed by RMA-Planning, Cypress Fire Protection District, RMA-Public Works, RMA-Environmental Services and Environmental Health Bureau. There has been no indication from these departments/agencies that the site is not suitable for the development. Conditions recommended have been incorporated.
 - c) The following reports have been prepared and submitted with the application:
 - Biological Assessment (LIB190216) prepared by Thompson Wildland Management, Monterey, CA on August 3, 2019
 - Geotechnical Evaluation (LIB190169) prepared by Butano Geotechnical Engineering, Marina, CA, in August, 2018
 - Tree Assessment (LIB190167) prepared by Frank Ono, Forester, Pacific Grove, CA 93950 on June 12, 2019

County staff independently reviewed these reports and concurs with their conclusions. There are no further physical or environmental constraints that would indicate that the site is not suitable for the use proposed. All development shall be in accordance with these reports.
 - d) Staff conducted site inspections on July 12, 2019 to verify that the site is suitable for this use.
 - e) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the development are found in Project File PLN190098.

3. **FINDING:** **HEALTH AND SAFETY** – The establishment, maintenance, or operation of the project will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the

neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by RMA-Planning, Cypress Fire Protection District, RMA-Public Works, RMA-Environmental Services and Environmental Health Bureau (EHB). Conditions have been recommended, 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 utilities are available to the subject property. Potable water is provided by California American Water (CAW) with water credits purchased through Malpas water supply. The subject property is within the boundaries of the Monterey Peninsula Water Management District (MPWMD), a water permit would need to be obtained through MPWMD as a part of the construction permit. Additionally, wastewater services are provided the Carmel Area Wastewater District (CAWD).
 - c) Concerns were raised about construction impacts resulting from the project. The subject property is located in Carmel Woods neighborhood where lots are relatively small and roads are narrow. Temporary construction activities would create short-term nuisances from traffic and noise generated by the project. The applicant submitted a Construction Management Plan (CMP) during the application review process that was reviewed by RMA- Public Works in which determined no further information is needed. Additionally, the applicant would still be required to submit the CMP as a part of the final construction application to include any revision that were needed as part of the planning submittal (see attached conditions). The CMP indicated a total of 60 truck trips per day over a course of nine days and hours of operation of Monday through Friday between 8:00 a.m. – 4:30 p.m. The construction of the project is estimated to be a duration of 12 months. Implementation of the CMP would minimize traffic, identify the area of proposed construction parking and proposed haul routes.
 - d) The project includes grading of approximately 760 cubic yards of cut and 230 cubic yards of fill. The soil will be obtained from the neighboring property which will be constructing a new single family dwelling during the same time as this application. The applicant will have to submit a grading plan as a part of the construction permit to identify the areas of cut and fill.
 - e) The application, plans, and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the development found in RMA-Planning File No. PLN190098.

4. **FINDING:** **NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any

- other applicable provisions of the County's zoning ordinance. No violations exist on the property.
- EVIDENCE:**
- a) Staff reviewed Monterey County RMA-Planning and RMA-Building Services records and is not aware of any violations existing on subject property.
 - b) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the development are found in Project File PLN190098.
5. **FINDING:** **CEQA (Categorically Exempt)** – The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the project.
- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15303 (a) categorically exempts the construction of a single family dwelling on an existing legal lot of record. s to construct an approximately 4,355 square foot two-story single family dwelling inclusive of an attached two-car garage; therefore, the project qualifies for a Class 3 categorical exemption pursuant to Sections 15303 (a) of the CEQA guidelines.
 - b) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact. No adverse environmental effects were identified during staff review of the development application.
 - c) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the development found in Project File PLN190098.
6. **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 CIP can be demonstrated.
 - b) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - c) The subject project site is not described as an area where the Local Coastal Program requires public access (Figure 3, Local Coastal Program Public Access, in the Carmel Area Land Use Plan.
 - d) Staff conducted site inspections on July 12, 2019 to verify that the project on the subject property conforms to the plans attached.

- e) 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 PLN190098.

7. **FINDING:** **SLOPES IN EXCESS OF 30%** – The project has no feasible alternative option which would allow for development to occur on slopes less than 30%.

- EVIDENCE:**
- a) There were concerns regarding the steep driveway and the construction of the proposed development on slopes in excess of 30%. The property slopes steeply away from San Juan Road. The Monterey County Geographic Informational System (GIS), site plans provided by the applicant indicate the subject property constrained with slopes in excess of 30% (see attached plans). CAR LUP Policy 2.2.4.10 and CAR CIP Section 20.126.030.C.1.a, state that buildings located on slopes requires a Coastal Development Permit in each case. In order to approve a Coastal Development Permit, the Appropriate Authority must find that there are no alternative feasible options or that the project better achieves the goals and policies of the CAR LUP. A Coastal Development Permit has been applied for and the findings to grant the permit can be made in this case because there is no feasible alternative design or location that would allow for the construction of a two-story single family dwelling and attached garage entirely on slopes less than 30%.
 - b) The site is narrow and contains steep slopes. The areas of slopes in excess of 30% are at the front and rear of the property. The existing grade at the front of the parcel are slopes 30% or less. The area in which consists of slopes in excess of 30% are within the motorcourt area. The applicant was able to avoid causing a steep driveway but was still not able to completely avoid not constructing a small portion of the motorcourt on slopes in excess of 30%. a As the topography of the slope flattens in the center of the parcel, the siting and location of the proposed development is in the most feasible area to construct a single family dwelling. Given these circumstances, shape and topography of the lot, there is no feasible alternative that would avoid development on slopes in excess of 30%.
 - c) Staff conducted site inspections on July 12, 2019 to verify that the project on the subject property conforms to the plans attached.
 - d) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN190098.

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

- EVIDENCE:**
- a) There were concerns raised regarding impacting to existing trees on the property. CAR LUP Policy 2.5 states that the Carmel Coast contains unique plant life and supports the diversity of forest resources, such as Oak and Monterey Pine trees. CAR CIP Section 20.146.060 provides regulations for the protection and maintenance of such resources and development standards for removal of trees or other major vegetation. According to these regulations, a Coastal Development Permit must be obtained for the removal of native trees. In order to approve the Coastal Development Permit, a finding must be made that the tree removal is the minimum required and would not result in the exposure of the structure to the critical viewshed, removal within the riparian corridor or impact the overall health and long-term maintenance of the forest.
 - b) The project includes the removal of one (1) Monterey Pine tree that is located at the front of the parcel, within the proposed motorcourt area. A Tree Assessment/Forest Management Plan (**Exhibit E**) was prepared for the property by Frank Ono, Urban Forester. The tree assessment identified the site forested with Coast Live Oak and Monterey Pine trees, generally in fair condition. The arborist stated that the removal of the one (1) Monterey Pine tree would not significantly affect the availability of wildlife habitat and the existing Monterey Pine forest environment would continue to exist and regenerate over time. Additionally, the tree removal would not occur within any environmentally sensitive habitat as the biologist stated there were no special status species on the subject property (see Finding 1, Evidence g and Finding 2, Evidence c). The proposed motorcourt is constructed in manner to allow for adequate egress and ingress into the proposed garage. Due to the location of the tree, and considering the topography of the property, the proposed tree removal is the minimum required.
 - c) Additionally, there were further concerns raised about impacts to a landmark tree on a neighboring property to the south. The arborist recommended to hand dig in this area prior to construction to ensure no roots were to be impacted. This recommendation in addition to a condition requiring tree and root protection measures on-site as recommended by the arborist has been incorporated. Tree protection would be required prior to the issuance of construction permit and any construction related activities. A replacement ratio of 1:1 with 5 (five) gallon or larger Monterey Pine tree in locations with the greatest opening for minimum competition and maximum sunlight has also been applied as a condition of approval to the project. These conditions are within attached to this resolution.
 - d) Staff conducted site inspections on July 12, 2019 to verify that the project on the subject property conforms to the plans attached.
 - e) 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 PLN190098.

9. **FINDING:** **APPEALABILITY** – The decision on this project may be appealed to the Board of Supervisors and California Coastal Commission.
- EVIDENCE:** a) Board of Supervisors. Pursuant to Title 20, Section 20.86.030, an appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
- b) California Coastal Commission. Pursuant to Title 20, Section 20.86.080, the project is subject to appeal by/to the California Coastal Commission because it involves development that is permitted in the underlying zone as a conditional use.

DECISION

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

1. Find that the project involves the construction of a new single family dwelling on an existing legal lot of record, which qualifies as a Class 3 Categorical Exemption pursuant to Section 15303 (a) of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2;
2. Approve a Combined Development Permit consisting of a:
 - a. Coastal Administrative Permit and Design Approval to allow for the construction of a 4,355 square foot two-story single family dwelling inclusive of attached two-car garage, resulting in grading of approximately 760 cubic yards of cut and 230 cubic yards of fill;
 - b. Coastal Development Permit to allow the removal of one (1) Monterey Pine tree;
 - c. Coastal Development Permit to allow development within 25 feet of an environmentally sensitive habitat area; and
 - d. Coastal Development Permit to allow approximately 600 square feet of development on slopes in excess of 30%.

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

PASSED AND ADOPTED this 9th day of October 2019 upon motion of Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Brandon Swanson, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

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

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

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

NOTES

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

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

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

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

Monterey County RMA Planning

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

PLN190098

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Combined Development Permit (PLN190098) consists of a: 1.) Coastal Administrative Permit and Design Approval to allow for the construction of an approximately 4,355 square foot two-story single family dwelling inclusive of attached two-car garage; 2.) Coastal Development Permit to allow the removal of one (1) Monterey Pine tree; 3.) Coastal Development Permit to allow development within 25 feet of an environmentally sensitive habitat area; and 4.) Coastal Development Permit to allow approximately 600 square feet of development on slopes in excess of 30%. The property is located at 24424 San Juan Road, Carmel (Assessor's Parcel Number 009-013-012-000), 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 permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation The applicant shall record a Permit Approval Notice. This notice shall state:

Monitoring Measure: "A Combined Development Permit (Resolution Number _____) was approved by Monterey County Planning Commission for Assessor's Parcel Number 009-013-012-000 on October 9, 2019. The permit was granted subject to 14 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

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

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

Responsible Department: RMA-Planning

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

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

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

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

4. CONSTRUCTION MANAGEMENT PLAN

Responsible Department: RMA-Planning

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.

CMP shall include, at a minimum, the 12 month duration of the construction, hours of operation of Monday thru Friday from 8:00 a.m. to 4:30 p.m., truck routes, 60 estimated number of truck trips that will be generated, number of construction workers, and location of on-site/off-site parking areas for equipment and workers and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project.

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of a Building Permit, Owner/Applicant/Contractor shall prepare a CMP and shall submit the CMP to the RMA-Planning Department and the Department of Public Works for review and approval.
2. On-going through construction phases Owner/Applicant/Contractor shall implement the approved measures during the construction/grading phase of the project.

5. PD012(F) - LANDSCAPE PLAN & MAINTENANCE (SFD ONLY)

Responsible Department: RMA-Planning

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

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

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

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

6. PD005(A) - NOTICE OF EXEMPTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: 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 Monitoring Action to be Performed: After project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the RMA Chief of Planning.

7. PD016 - NOTICE OF REPORT

Responsible Department: RMA-Planning

Condition/Mitigation A notice shall be recorded with the Monterey County Recorder which states:

Monitoring Measure: "An Arborist Report (Library No. LIB190168), was prepared by Frank Ono, Urban Forester on June 12, 2019 and is on file in Monterey County RMA - Planning. All development shall be in accordance with this report."

"A Biological Assessment (Library No. LIB190216), was prepared by Rob Thompson on August 3, 2019 and is on file in Monterey County RMA - Planning. All development shall be in accordance with this report."

(RMA - Planning)

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

Prior to occupancy, the Owner/Applicant shall submit proof, for review and approval, that all development has been implemented in accordance with the report to the RMA - Planning.

8. PD052 - PRE-CONSTRUCTION MEETING

Responsible Department: RMA-Planning

Condition/Mitigation Prior to the commencement of any grading or construction activities, a
Monitoring Measure: pre-construction meeting shall be held on the site. The meeting shall include representatives of each of the selected contractors, any consultant who will conduct required monitoring, the Owner/Applicant, the RMA-Planning Department and any other appropriate County Departments. The purpose of the meeting is to review the conditions of approval that are applicable to the grading and construction of the approved development. (RMA - Planning)

Compliance or Prior to commencement of any grading or construction activities, the Owner/Applicant
Monitoring shall contact RMA-Planning to schedule a pre-construction meeting prior to
Action to be Performed: commencement of any grading or construction activities. The Owner/Applicant shall be responsible for ensuring that all appropriate contractors and technical consultants are in attendance. RMA-Planning staff shall be responsible for identifying and notifying other County Departments that should attend the meeting (if applicable).

9. PD049 - TREE AND ROOT PROTECTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Trees which are located close to any construction or approved tree removal shall be protected from inadvertent damage from equipment or tree removal activity by fencing off the canopy drip-lines and/or critical root zones (whichever is greater) with protective materials. Any tree protection measures recommended by a County-approved tree consultant, in addition to the standard condition, shall be implemented. Additionally, the landmark tree on the southern neighboring property shall include measures for tree and root protection as identified by the arborist, which includes hand digging within the area prior to any construction to identify if any roots are within the construction zone. If so, measures identified by the arborist shall be incorporated to ensure the protection and overall health of the tree. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to construction or tree removal, the Owner/Applicant/Tree Removal Contractor submit evidence of tree protection for on-site and the neighboring property to the south (if applicable) to RMA-Planning for review and approval.

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

10. PD048 - TREE REPLACEMENT/RELOCATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall replace each tree approved for removal as follows:
- Replacement ratio of 1:1: Replanting with a total of one (1) five gallon (if available) Monterey pine tree in a location with the greatest opening in the stand to allow for a minimum of competition and maximum sunlight. Occasional deep watering (more than two weeks apart) during the late spring, summer and fall is recommended during the first two years after establishment. The location of the tree replacement shall be identified on the landscape plan.
(RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of any construction permits, the Owner/Applicant shall submit evidence of the location of the tree replacement to RMA-Planning for review and approval. Evidence shall be on the landscape plan.

Prior to a final on any construction permits, the Owner/Applicant shall submit evidence of the tree replacement to RMA-Planning for review and approval. Evidence shall be a receipt for the purchase of the replacement tree(s) and photos of the replacement tree(s) being planted.

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

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

11. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel-Risk Management

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-Risk Management)

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 Office of County Counsel-Risk Management 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-Risk Management

12. 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. The Stormwater Control Plan shall incorporate the measures identified on the completed the Site Design and Runoff Reduction Checklist. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed:

13. 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).

14. PW0045 – COUNTYWIDE TRAFFIC FEE

Responsible Department: RMA-Public Works

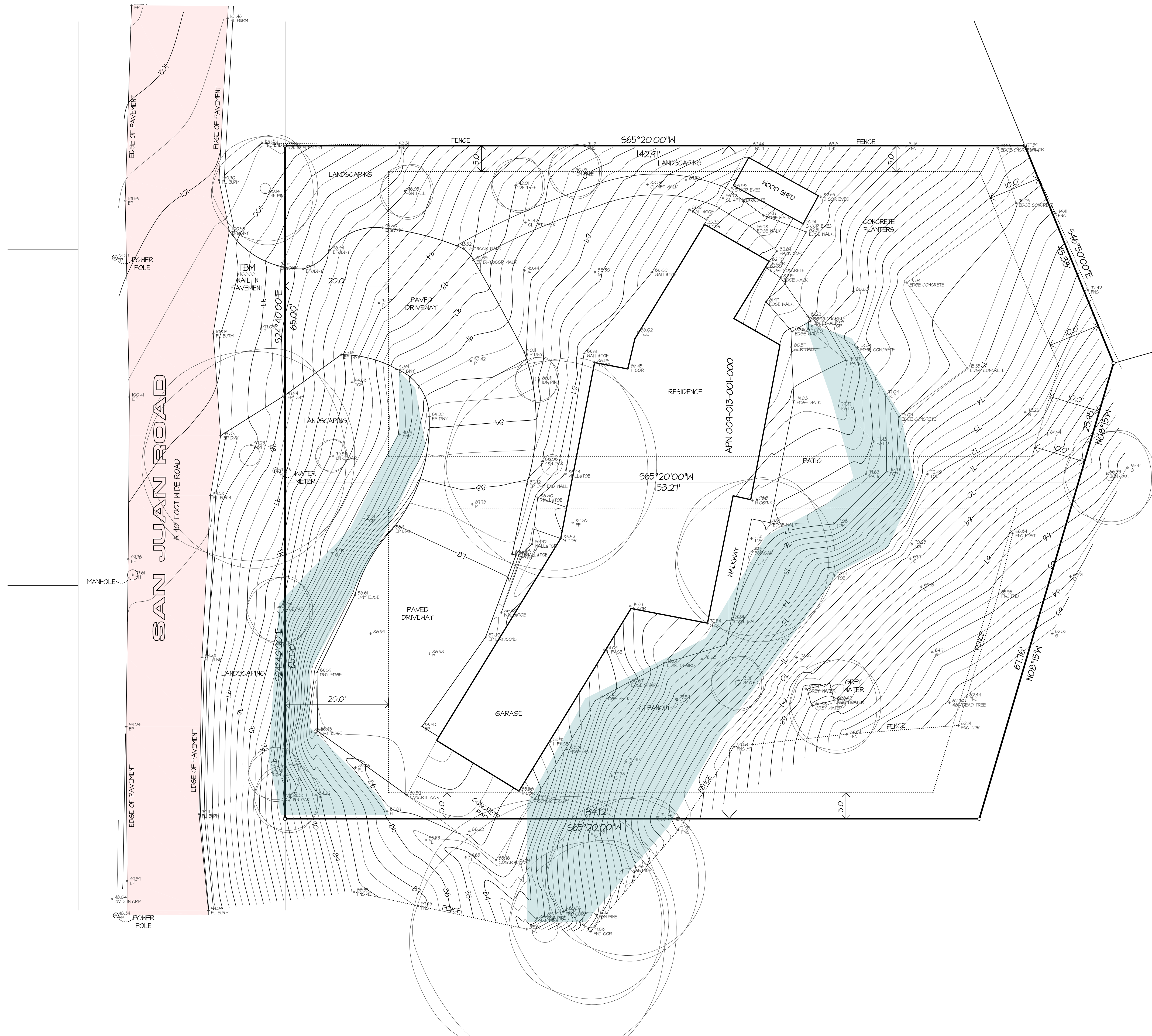
Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, the Owner/Applicant shall pay the Countywide Traffic Fee or the ad hoc fee pursuant to General Plan Policy C-1.8. The fee amount shall be determined based on the parameters in the current fee schedule.

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

009-013-012

SHEET INDEX

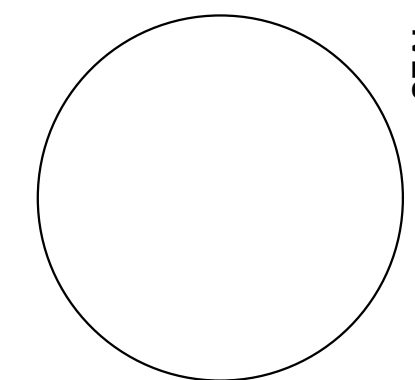
- ## TITLE SHEET / GENERAL INFO



NOTE:
A TEMPORARY BENCHMARK (TBM) OF
100.00 WAS ESTABLISHED AT THE TOP OF
THE EXISTING PAVED DRIVEWAY - PK-
NAIL AS SHOWN ON THIS PLAN

SHADED AREA
30% SLOPE

Silcon Constructors Inc.
Chad Brown
VP / Design+Build
3160 Ocean Terrace
Marina CA, 93933
831.274.2550



FRED & SILVIA MIRANDA
24424 SanJuan Rd
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009-013-012
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BY	REVISIONS	DATE
Date:	8/29/19	
Scale:	AS NOTED	
Drawn:		
Job:		
Sheet		

A.02

Plotted On: 8/29/19

TOPOGRAPHIC SURVEY



H. D. PETERS CO.
ENGINEERING - SURVEYING - LAND PLANNING
119 CENTRAL AVENUE - POST OFFICE BOX 512 SALINAS, CALIFORNIA 93902 PH (831) 424-3061 FAX (831) 424-2746

24424 SAN JUAN ROAD
CARMEL, CA 93923
APN 009-013-001-000

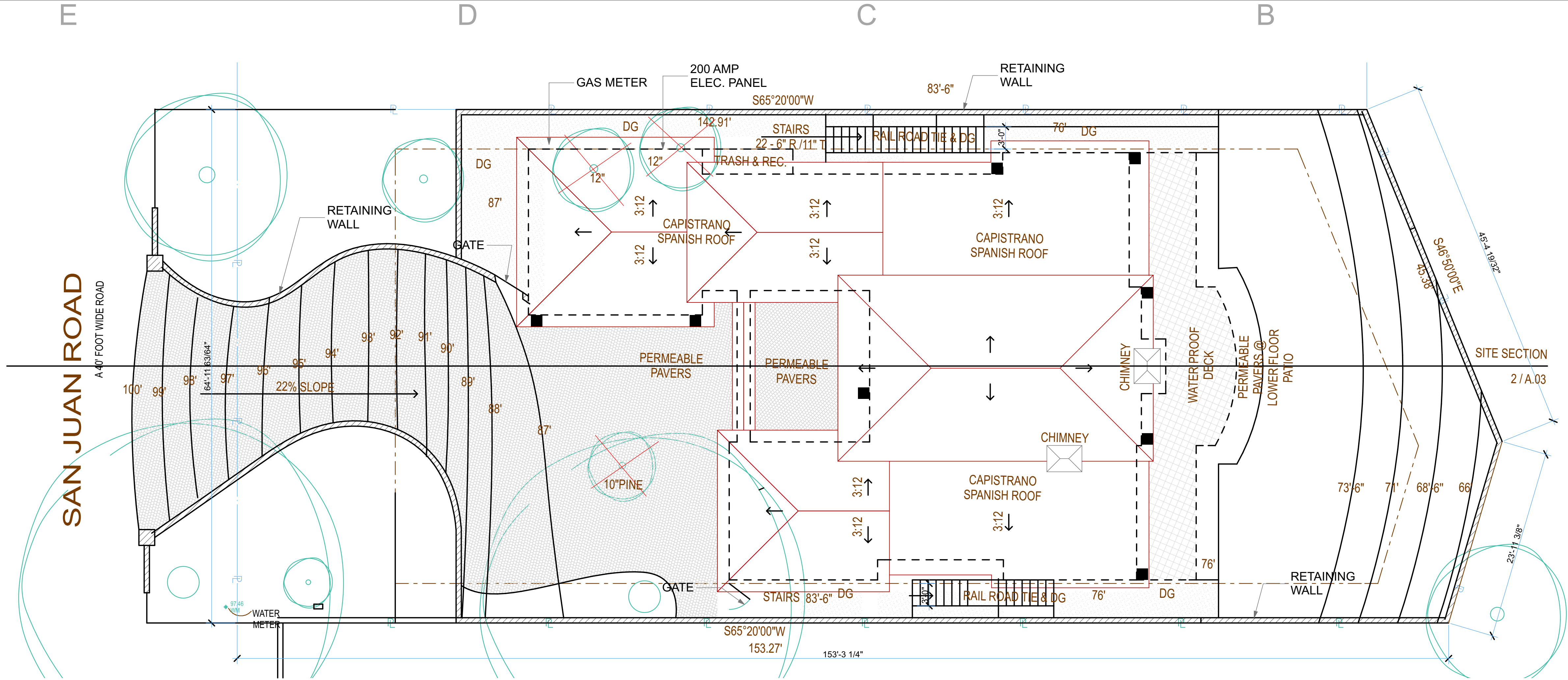
TOPOGRAPHIC
SURVEY
PREPARED FOR
MR. FRED MIRANDA

SCALE 1"=10' DRAWN J.J. JOB NO. 4196

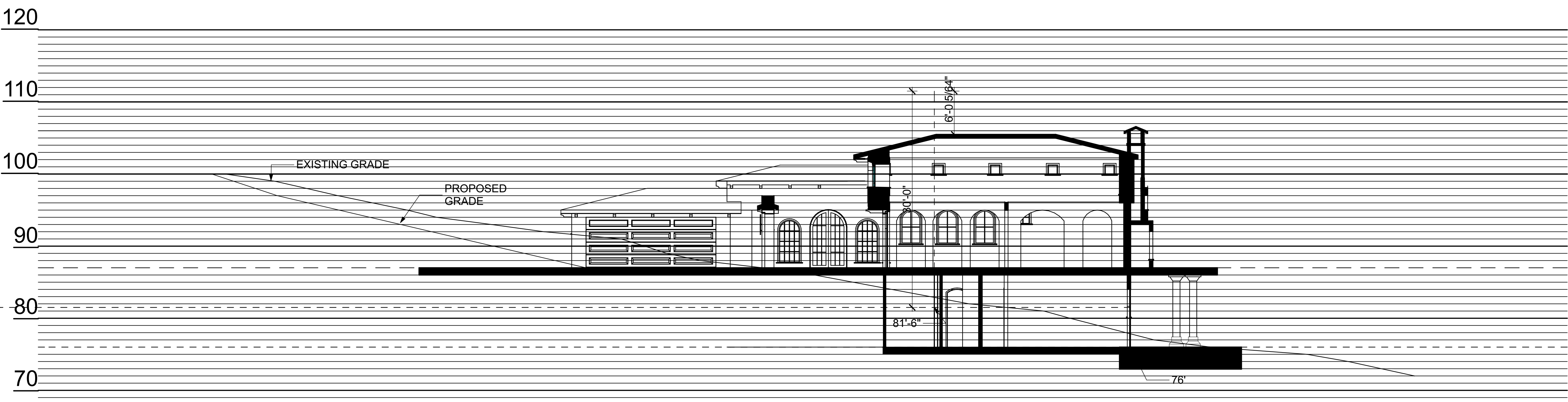
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1 SITE PLAN | DWG
SCALE: 1/8" = 1'-0"



2 SITE SECTION
SCALE: 1/8" = 1'-0"

LEGEND

(E) TOPO
(P) TOPO

DRAINAGE LINE

PROPERTY LINE

SET BACK

EDGE OF ASPHALT

ROOF OVERHANG

CENTER OF RD

SITE SECTION

CLEAN OUT

CATCH BASIN

SPLASH BLK. W/ CB

TREE PROTECTION

EXTERIOR LIGHT

CUT 760
FILL 230
NET 530

265 BALANCED ON SITE
265 HAUL OFF

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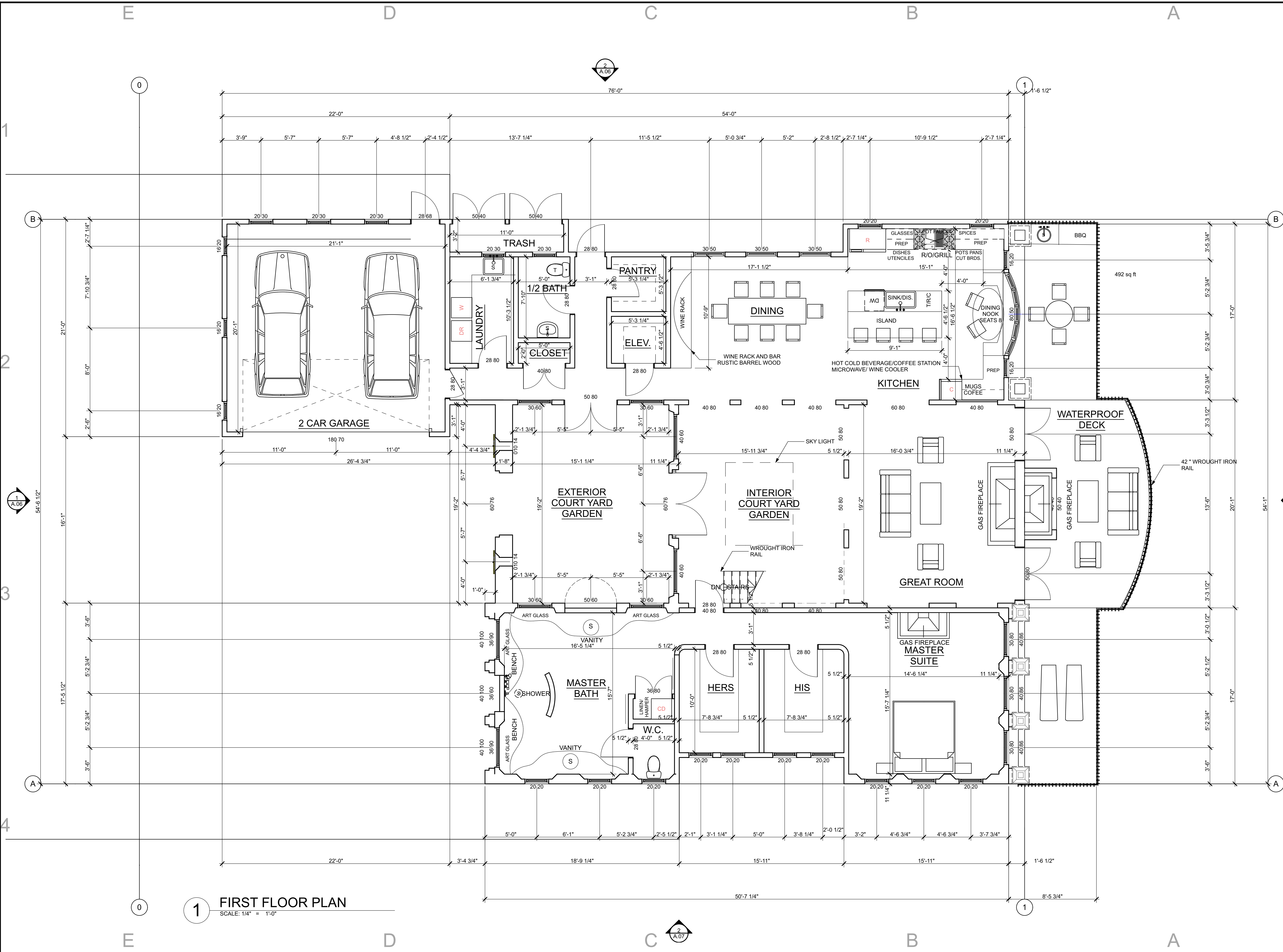
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A.03

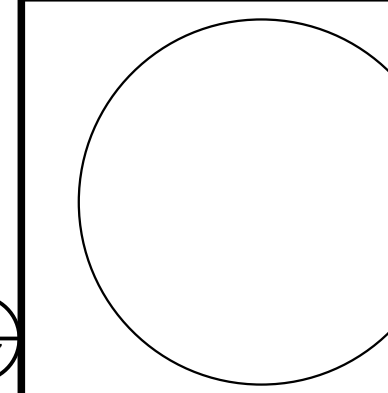
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SITE / LIGHTING / LANDSCAPE PLAN/SITE SECTION



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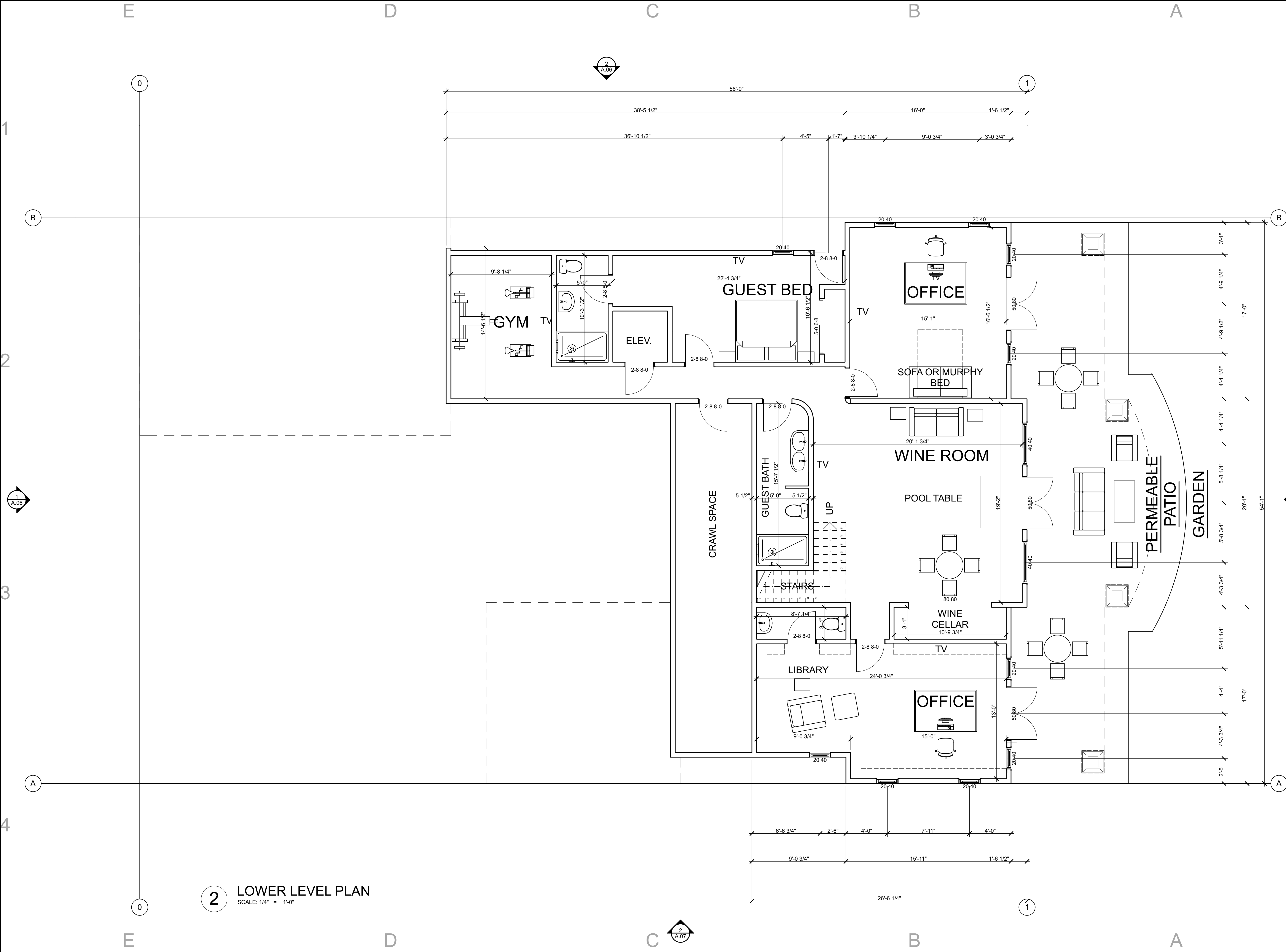
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A.04

Plotted On: 8/29/19

MAIN FLOOR PLAN

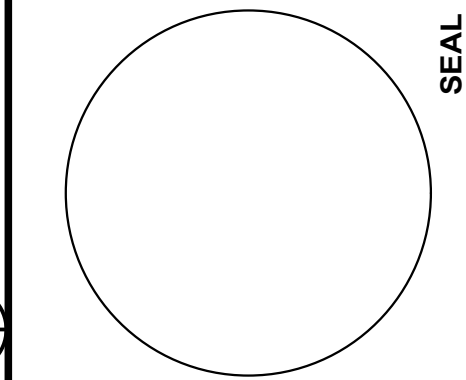


2 LOWER LEVEL PLAN

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

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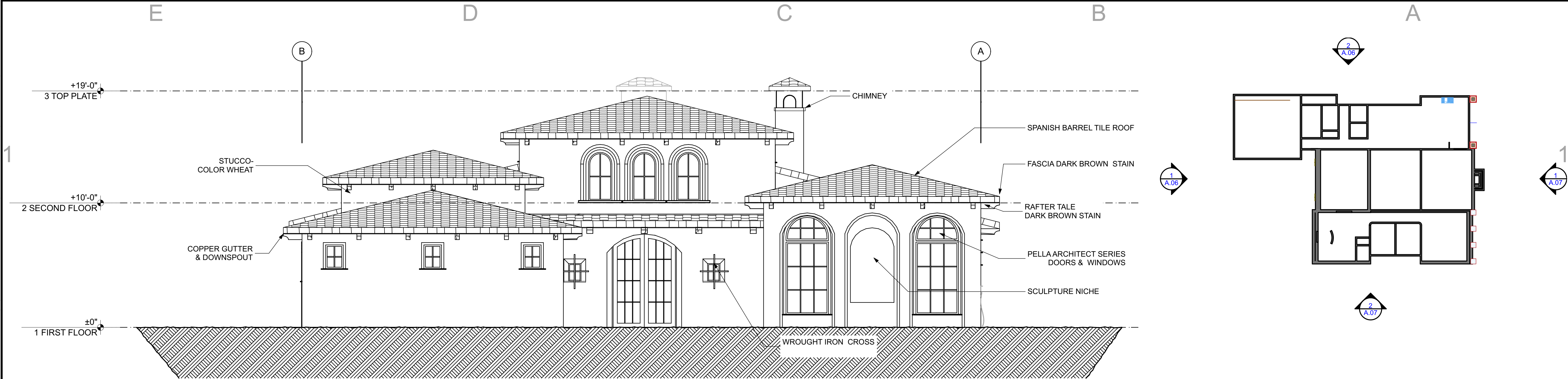
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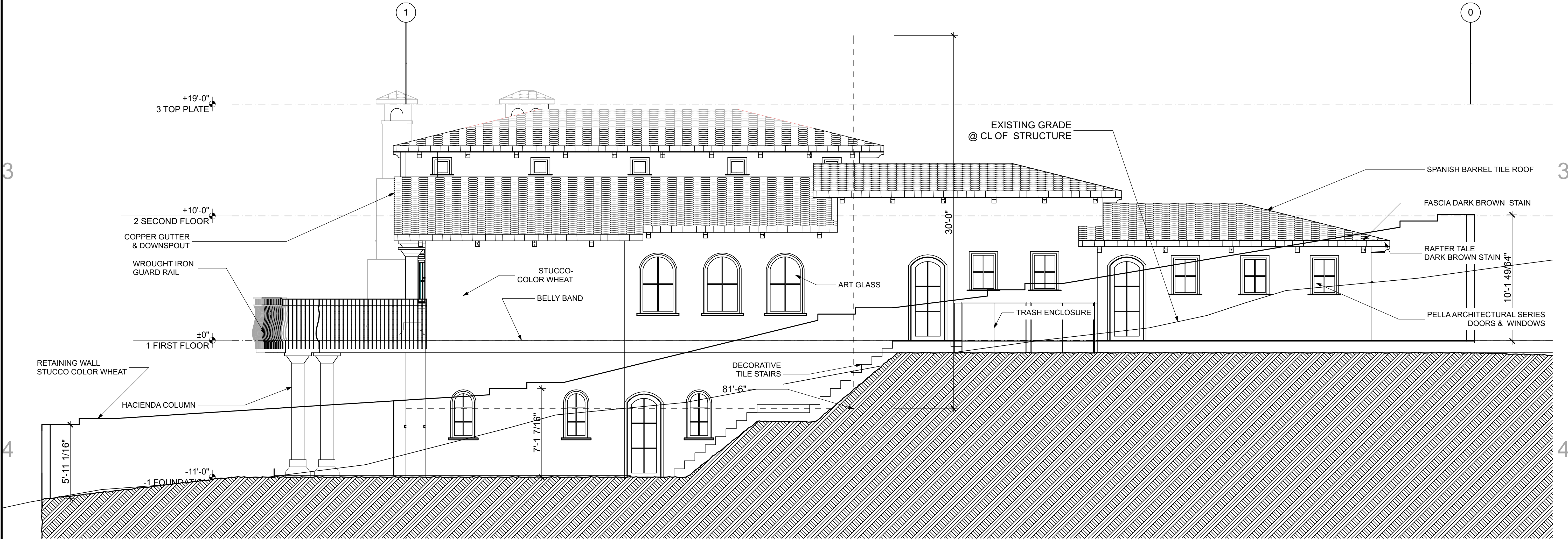
LOWER FLOOR PLAN

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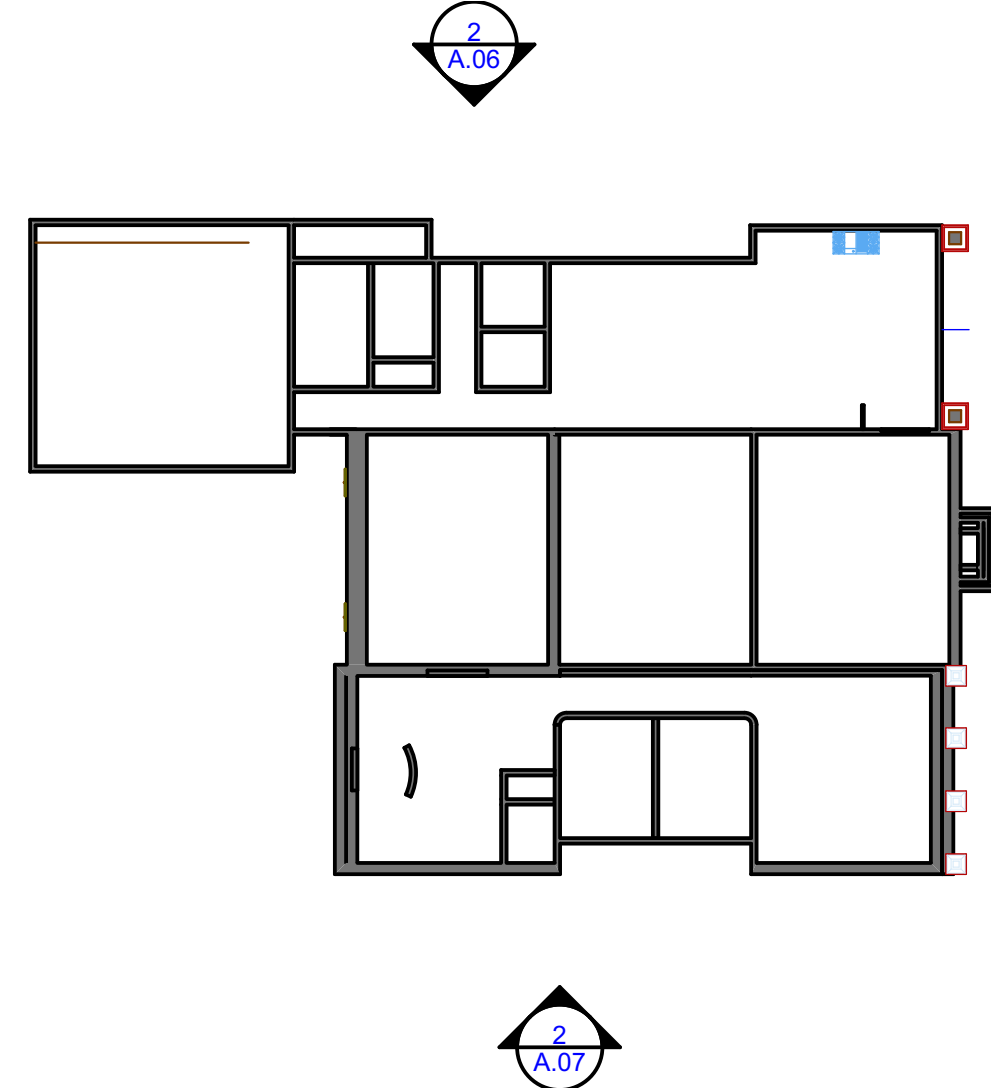
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1 FRONT ELEVATION
SCALE: 1/4" = 1'-0"



2 SIDE ELEVATION
SCALE: 1/4" = 1'-0"



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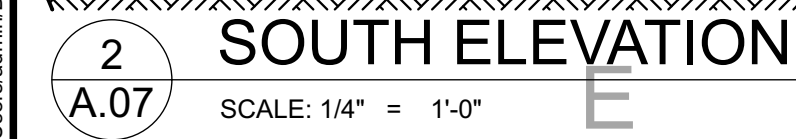
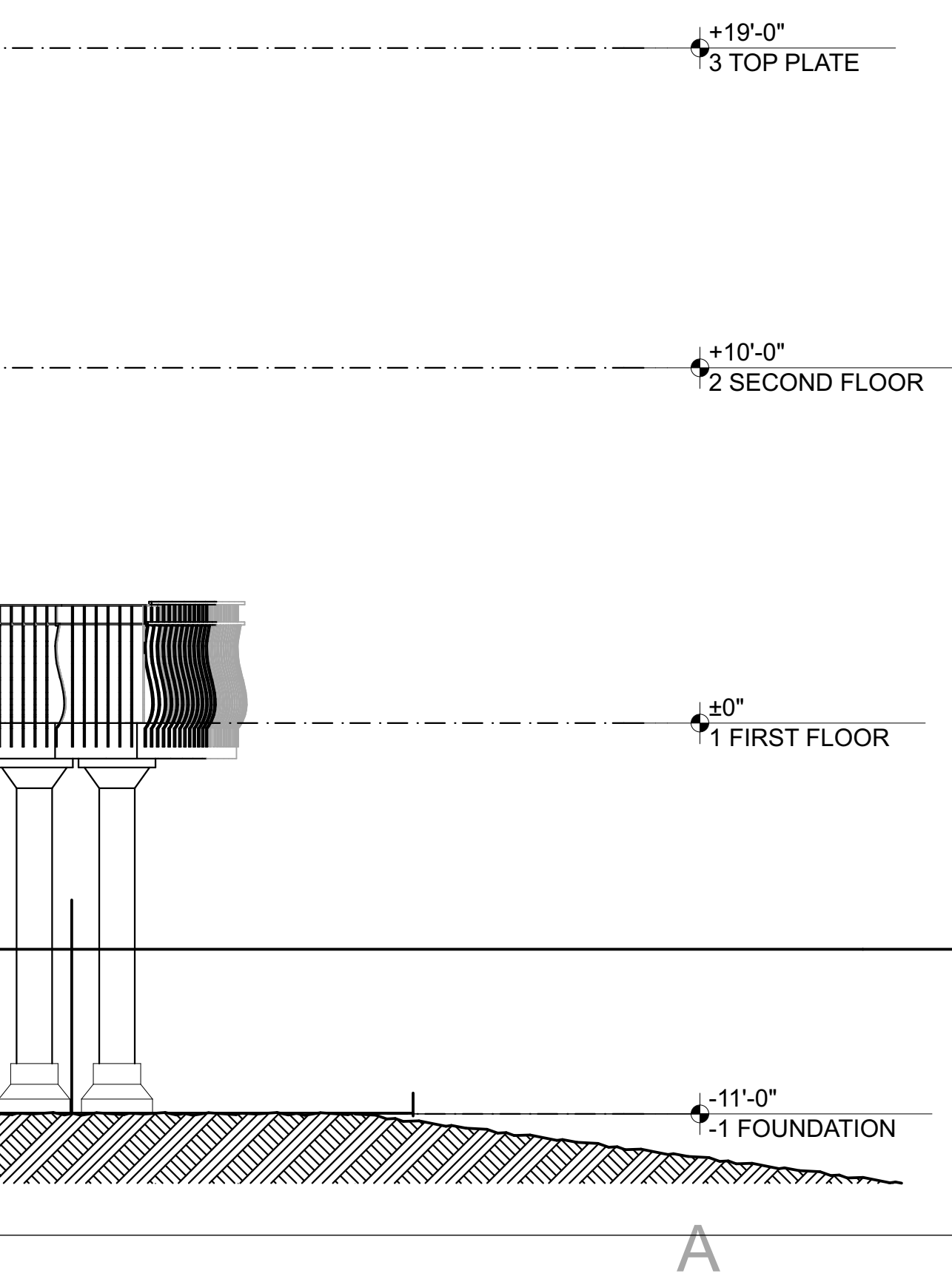
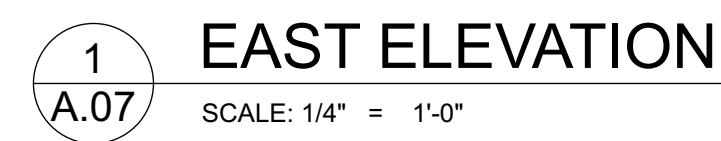
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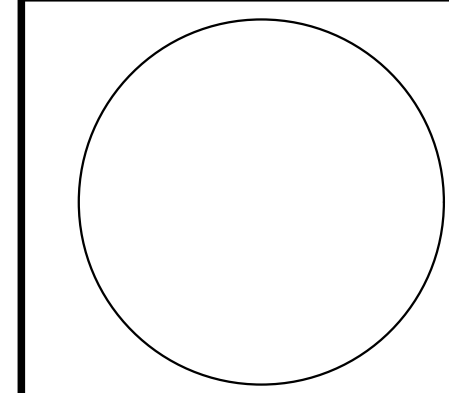
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BUILDING ELEVATIONS



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A.07

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BUILDING ELEVATIONS (CONT)

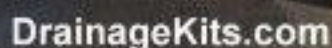


2



4





HINKLEY & R.

HINKLEY LIGHTING, INC.
33000 PIN OAK PARKWAY | AVON LAKE, OHIO 44012
[PH] 330.653.5500 [F] 440.653.5555
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C



B

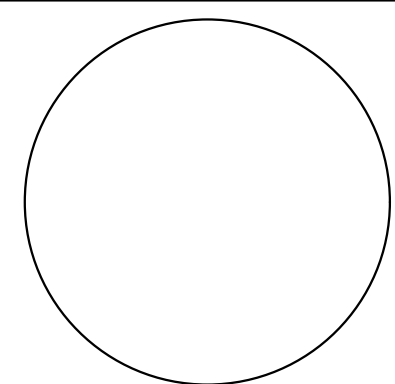


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2

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SEAL

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MATERIALS & COLORS

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