

# Attachment B

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**EXHIBIT B  
DRAFT RESOLUTION**

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

In the matter of the application of:

**OCHO WEST LLC (PLN180337)**

**RESOLUTION NO. ---**

Resolution by the Monterey County Zoning  
Administrator:

- 1) Adopt a Mitigated Negative Declaration;
- 2) Approve a Combined Development Permit consisting of:
  - a. A Coastal Administrative Permit and Design Approval to allow the construction of a 6,800 square foot two-story single family dwelling with attached garage;
  - b. A Coastal Administrative Permit and Design Approval to allow the construction to 800 square foot detached Accessory Dwelling Unit; and;
  - c. Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat; and
- 3) Adopt a Mitigation Monitoring and Reporting Program.

[The property is located at 12 Rancho San Carlos Road, Carmel (Assessor's Parcel Number 157-131-002-000), Carmel Land Use Plan, Coastal Zone;]

**The Ocho West LLC application (PLN180337) came on for public hearing before the Monterey County Zoning Administrator on January 30, 2020. 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 proposed project and/or use, as conditioned and mitigated, is consistent with the 1982 Monterey County General Plan, the Carmel Land Use Plan, the Monterey County Coastal Implementation Plan, Part 3 (Regulations for Development in the Carmel Land Use Plan Area), the requirements of the applicable zoning ordinance (Title 20), and other County ordinances related to land use development.

- EVIDENCE:**
- a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
    - the 1982 Monterey County General Plan;
    - Carmel Land Use Plan (LUP);

- Monterey County Coastal Implementation Plan, Part 3 (CIP); and
- Monterey County Zoning Ordinance (Title 20).

Conflicts with the Carmel LUP and CIP regarding development within environmentally sensitive habitat were found to exist and have been resolved (See Finding 7 with supporting evidence). No communications were received during the course of review of the project indicating any other inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at 12 San Rancho Carlos Road, Carmel (Assessor's Parcel Number 157-131-002-000) within the Rancho San Carlos subdivision. It is zoned WSC/40-D (CZ) Watershed and Scenic Conservation, 40 acres per unit, Design Control District zoning overlay in the Coastal Zone. The WSC zoning district allows single family dwellings (20.17.040.A) and accessory dwelling units (20.17.050.NN) as permitted uses subject to a Coastal Development Permit in each case. The project includes construction of a single family dwelling and Accessory Dwelling Unit (ADU) within a homeland boundary created as part of the Rancho San Carlos subdivision. Therefore, the project includes allowed uses for the site.
- c) Design Control District: Design Control or "D" zoning requires design review of structures to assure the protection of the public viewshed, neighborhood character, and the visually integrity of certain developments without imposing undue restrictions on private property. The residence and an accessory dwelling unit are sited in the center portion of the property and although you can see the valley and ocean from the site, the development would not be visible from a "public viewshed" as defined in Section 2.2.1 of the Carmel Area LUP or as shown on Map A in the Carmel Area LUP. The Planner conducted site visits on April 2, 2010 and May 2, 2010 to evaluate visibility of the proposed development from Highway 1, Point Lobos, 17-Mile Drive, Scenic Road, and Carmel Valley Road, and determined that the project would not be visible from any of those locations. However, the development would be visible from a trail on the adjacent Palo Corona Regional Park property to the southwest. The dwelling would occupy a relatively small and isolated portion of a hill, avoiding slopes greater than 30%. Other potential locations for the development were evaluated and found to either have greater impacts to the viewshed or to be more likely to have adverse impacts on special status species such as California Tiger Salamander and California Red-Legged Frog. Carmel Area LUP Policy 2.2.3.3 requires that structures be subordinate to and blended into the environment, using appropriate materials to that effect. One of the stated design goals for the project is that the structures should blend into the hillside, reducing their visibility to the maximum extent feasible via low profile design and a living roof. The structures are nestled into its site, with the main floor being below existing grade. This allows for natural mounding around the home and a lower profile. Additional portions of the structures would also be buried into the uphill slope to further reduce the profile and visual impacts and to make the structures easier to screen. A living



roof would provide additional screening. Muted earth tones and stone equal to the composition and color of the native rock outcrops found on the site will be utilized to further blend the structures into the environment.

- d) An existing ranch road will be improved for access to the building site. The driveway access is over 4,000 feet in length, extends from Rancho San Carlos Road to the building envelope and proposed house location and follows an easement across a neighboring property. The driveway will be widened and improved with fire pull outs and turnarounds.
- e) Development Standards: The development standards for the WSC zoning district are identified in Monterey County Code Section 20.17.060. Required setbacks in the WSC district for main dwelling units are 30 feet (front), 20 feet (rear), and 20 feet (sides). Required setbacks for habitable accessory structures are 50 feet (front), 6 feet (rear), and 6 feet (sides). The maximum allowable heights are 24 feet for the main dwelling and 15 feet for the accessory dwelling unit (ADU). Both the main dwelling and the proposed ADU are setback approximately 2,800 feet (front), 470 feet and 1,150 feet (sides), and 2,600 feet (rear). As proposed, the structures meet and exceed all required minimum setbacks. The maximum structure heights are also met. The proposed height for main dwelling is 18 feet 2 inches and the ADU is 8 feet 2 inches. Additionally, the distance from the ADU to the single-family dwelling is approximately 100 feet. The allowed site coverage maximum in the WSC zoning district is 10 percent. The property is 172 acres or 7,495,211 square feet, which would allow site structural coverage of 749,521 square feet. As proposed, the project would result in structural coverage of 10,231 square feet or 0.001 percent. Therefore, as proposed, the project meets all required development standards.
- f) Cultural Resources: The project site is in an area identified in County records as having a “moderate” archaeological sensitivity. An archaeological report (LIB180307) was prepared for the project by Holman & Associates, July 2018. The archaeological report found no background or surface evidence of archeological resources on the parcel and concluded that there is a very low chance that resources will be encountered during construction of the project. However, there is still a possibility that unidentified or buried cultural resources may exist on the site given that there are known resources within 600 meters of the project area. A standard condition requiring that if archaeological resources or human remains are discovered during construction has been applied as a condition of approval for the project. Therefore, the potential for inadvertent impacts to cultural resources is limited and will be controlled by the use of the County’s standard project condition (Condition No. 15).
- g) Environmentally Sensitive Habitat Area (ESHA) – The project is located in an area with sensitive plant communities and is within an area known to support rare or threatened amphibian species. As such, a biological report was required for the development. The biological report prepared by Josh Harwayne, dated August of 2018, identified potential impacts to approximately 2.4 acres of native grassland, 0.2 acre of non-native grassland, 3.5 acres of coyote brush scrub, 0.2 of coast live oak woodland, and 1.2 acres of ruderal areas. From this list, only native grassland is

considered a California Department of Fish and Wildlife sensitive habitat. Additionally, improvements will occur within upland habitat for California Tiger Salamander, Red-legged Frog, and California Newt. A Coastal Development Permit for development within environmentally sensitive habitat is included in this permit. Policies in Chapter 2.3 of the Carmel Area LUP require maintenance, protection, and where possible enhancement of sensitive habitats. It is not feasible to build a home within the building envelope on the site without impacting ESHA. As designed, and with conditions and mitigations incorporated, the project minimizes impacts to ESHA in accordance with the applicable goals and policies of the Land Use Plan and Coastal Implementation Plan (See Finding No. 7).

- h) Utilities/Service Systems: Adequate water is available to serve the proposed development. Water will be provided by the Santa Lucia Preserve Community Services District and electricity by Pacific Gas & Electric with demand for energy partially offset by a photovoltaic system mounted on the roof of the main dwelling. A 500-gallon propane tank will be installed underground to provide gas service to the residence. The Monterey County RMA-Environmental Services has recommended conditions of approval that will require on-site retention of storm water which will avoid any potential impacts on storm water drainage facilities. Sewage disposal will be handled through the proposed onsite wastewater treatment systems (septic). The proposed construction will not cause a substantial increase nor exceed the capacity of these utilities and services. Solid waste from the project will be collected by Waste Management.
- i) The project was referred to Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) for review on October 21, 2019. The committee did not hear the project due to location outside the LUAC boundary.
- j) The project planner conducted a site inspections on April 2, 2010, May 2, 2010 and August 16, 2019 to verify that the project on the subject parcel conforms to the plans listed above.

**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, Monterey County Regional Fire Protection District, Public Works, Environmental Health Division, and RMA – Environmental Services. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
  - b) Staff identified potential impacts to Cultural (Archaeological) Resources, Biological Resources, and Soil Stability. The following reports have been prepared:
    - Preliminary Archaeological Reconnaissance (LIB180307) prepared by Holman & Associates, San Francisco, California, September 2018.
    - Biological Resources Report (LIB180308) prepared by Denise Duffy & Associates Inc, Monterey, California, August 2018.

- Geotechnical Investigation prepared by Soil Surveys Group INC., Salinas, California, on August, 2018.

The above-mentioned technical reports by outside consultants indicated that the site is located in a high seismic hazard area, contains soils that are prone to erosion, and that environmentally sensitive habitat will be impacted by construction. Mitigations have been suggested to address these resources and, with mitigations incorporated, the site is suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions. Mitigations recommended in the reports have been incorporated.

- c) Staff conducted a site inspection on August 16, 2019, to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN180337.

### 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 RMA - Planning Department, RMA - Public Works Department, Environmental Services, Environmental Health Bureau, and RMA – Environmental Services. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- b) Necessary public facilities either are or will be provided. Adequate water is available to serve the proposed development. Water will be provided by the Santa Lucia Preserve Community Services District and electricity by Pacific Gas & Electric with demand for energy partially offset by a photovoltaic system mounted on the roof of the main dwelling. A 500-gallon propane tank will be installed underground to provide gas service to the residence. The Monterey County RMA-Environmental Services has recommended conditions of approval that will require on-site retention of storm water which will avoid any potential impacts on storm water drainage facilities. Sewage disposal will be handled through the proposed onsite wastewater treatment systems (septic). The proposed construction will not cause a substantial increase nor exceed the capacity of these utilities and services. Solid waste from the project will be collected by Waste Management.
- c) The project site is surrounded by open space, including the adjacent Monterey Peninsula Regional Park Palo Corona land. A lot-specific Fuel Management Plan has been provided as part of the application materials for this project. Pursuant to the fuel management plan, the landowner is responsible for creating defensible space for their homes including implementation of fuel management efforts such as moving grass or reducing shrub height to reduce fire intensity and slow the spread of fire.

In accordance with County and Santa Lucia Preserve Fuel Management standards, defensible space would be provided in a manner that avoids erosion and destabilization of slopes and natural drainages, and that preserves trees to provide slope stability. The project application and plans were reviewed by the Monterey County Regional Fire District (MCRFD). MCRFD has recommended conditions of approval such as, sprinklers and turnarounds for fire engines to provide for structure defenses in the event of a fire and to ensure adequate access for emergency vehicles. Turnaround areas are reflected in the attached plans sprinklers will be provided as part of the standard building permit review process, and fuel management at the site will be ongoing pursuant to the approved Fuel Management Plan.

- d) Staff conducted a site inspections on April 2, 2010, May 2, 2010, and August 16, 2019, to verify that the site is suitable for the proposed use.
- e) 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 PLN180337.

4. **FINDING:** **PUBLIC ACCESS** - The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Costal Implementation Plan, can be demonstrated.

- EVIDENCE:**
- a) The subject property is located approximately 2.5 miles east of Carmel River Beach and is not described as area where the Local Coastal Program requires access. The development would be visible looking east from a trail on the adjacent Palo Corona Regional Park property to the southwest and will not adversely impact visual access to the coast or to the hills and mountains to the east.
  - b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 3, the Public Access Map, of the Carmel Area Land Use Plan.
  - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
  - d) Staff site visit on August 16, 2019.

5. **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 the subject property.
  - b) Staff conducted a site inspection on August 16, 2019, 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 PLN180337.

6. **FINDING:** **CEQA (Mitigated Negative Declaration)** - On the basis of the whole record before the Monterey County Zoning Administrator, there is no substantial evidence that the proposed project as designed and conditioned, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.
- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
  - b) Due to potential impacts of the project on special status plant and animal species, Monterey County RMA-Planning prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of RMA-Planning and is hereby incorporated by reference (PLN180337).
  - c) The Initial Study identified several potentially significant effects, but the applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where no significant effects would occur. Potential impacts to Biological Resources, Geology/Soils, and Tribal Cultural Resources, caused by proposed development have been identified and mitigation measures have been recommend to reduce impacts to a less than significant level.
  - d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations, is designed to ensure compliance during project implementation, and is hereby incorporated herein by reference. The applicant must enter into an “Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval (Condition #3). There is no substantial evidence in light of the whole record that the project, as conditioned and with mitigations incorporated, would have significant effect on the environment.
  - e) The Draft Mitigated Negative Declaration (“MND”) for PLN180337 was prepared in accordance with CEQA and circulated for public review from August 8, 2019 through September 7, 2019 (SCH# 2019089111).
  - f) Issues that were analyzed in the Mitigated Negative Declaration include: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology/Soils, Greenhouse Gas Emissions, Tribal Cultural Resources, and Wildfire. There were no impacts identified to other resource categories required to be addressed by CEQA.
  - g) *Biological Resources* –The project has the potential to impact sensitive habitat including native grasslands and sensitive species including the California Tiger Salamander (CTS), California Red-Legged Frog (CRLF), California Newt, and the Obsure Bumble Bee. Mitigations are proposed and have been agreed upon the applicant to avoid or minimize impacts to sensitive species to the extent feasible. Biological Mitigations are summarized as follows:

- MM1 – Submittal of a Construction Management Plan prior to construction and implementation of the plan during construction that includes the following:
  - Limit ground disturbing construction activities to the period from June 1 through October 31.
  - Because dusk and dawn are often the times when CTS and CRLF are most actively foraging and dispersing, the project site and driveway will be closed to all construction activities and traffic one half hour before sunset and will not begin prior to one half hour after sunrise.
  - To prevent inadvertent entrapment of CTS and CRLF during the proposed project, all excavated, steep-walled holes or trenches more than two feet deep will be covered at the close of each working day with plywood or similar materials. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals by a qualified biologist or the construction monitor.
  - Only tightly woven fiber netting or similar material may be used for erosion control at the project site. Coconut coir matting is an acceptable erosion control material. No plastic mono-filament matting will be used for erosion control, as this material may ensnare wildlife, including CTS and CRLF.
- MM2 – Prior to start of construction, a qualified biologist shall train all project staff regarding habitat sensitivity, identification of special-status species, and required practices.
- MM3 - A qualified biologist shall monitor ground disturbing construction activity such as grading and/or excavation for foundations. After ground disturbing activities are complete, the qualified biologist will train an individual to act as the on-site construction monitor.
- MM4 – Restrictions on the use of poisons or rodenticides on the property and restrictions on mowing and vegetation management.
- MM5 – Consult with and obtain necessary permits from US Fish and Wildlife and the California Department of Fish and Wildlife prior to construction.
- MM6 - Protective fencing shall be placed prior to and during construction to keep construction equipment and personnel from impacting wetlands outside of work limits.

With these mitigations incorporated, the project will have a less than significant impact on Biological Resources.

- h) *Geology and Soils* - The project site is located in an area identified on the Seismic Hazard map for the Carmel Area Land Use Plan as Seismic Hazard Zone IV, on a scale where roman numeral one (I) is the least hazardous and roman numeral six (VI) the most hazardous. An un-named,

potentially active fault extends into the most northern portion of the residential parcel, but the fault trace is greater than 660 feet from the proposed development location. According to Soil Survey Geographic data from the National Cooperative Soil Survey as shown on the County's GIS system, the primary soil type on the property is Santa Lucia-Reliz Association, which is one of the types identified in **LUP Policy 2.7.4.11 of the Carmel Area Land Use Plan** as being prone to rapid run-off and unstable soils. The reports analyze soils and geologic conditions at the site and make recommendations for design parameters based on the analysis. The reports find that the site is suitable for the proposed development, provided the recommendations made therein are followed. To mitigate the effects of seismic hazards and erosion, the applicant has agreed to mitigation measures which are summarized as follows:

- MM7: To mitigate the effects of construction activities on erosion, the applicant/owner/contractor shall prepare and implement an erosion control plan which includes all of the recommendations found in the Geotechnical Reports prepared for the project.

MM8: To mitigate the effects of construction activities on the expansive soil conditions in the foundation excavations and at the subgrade below concrete floor slabs, the applicant/owner/contractor shall comply with all of the recommendations found in the Geotechnical Reports prepared for the project. A note stating this requirement shall be printed on the grading and building permit plans.

As supported by the geotechnical engineers' recommendations and as mitigated, the project was found to have a less than significant impact on geology and soils.

i) *Tribal Cultural Resources* - The subject parcel is located in the aboriginal territory of the Ohlone/Costanoan-Esselen Nation (OCEN) and the Esselen Tribe of Monterey County (ETMC). Pursuant to Section 21080.3.1 of the Public Resources Code (often referred to as Assembly Bill 52 or “AB 52”), the County provided notice of a decision to prepare and Initial Study to the tribe or tribes who have requested notice. OCEN requested consultation and, on May 15, 2019, RMA-Planning staff consulted with OCEN to discuss the proposed project. Consultation with the tribal representative for the Ohlone/Costanoan-Esselen Nation was held on May 15, 2019. OCEN is aware of several significant resources within 1 mile of the project site and requested that a tribal representative be present during grading to ensure that resources are not inadvertently damaged and to ensure that if recovered, that resources are treated with appropriate dignity. To mitigate effects of the project on Tribal Cultural Resources, the applicant has agreed to the mitigation measures which are summarized as follows:

- MM9: If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165) of the find until the find is evaluated. In the event resources are discovered, the owner/applicant/contractor shall immediately notify the RMA – Planning Department, a qualified archaeologist, and appointed representatives of the Ohlone Costanoan Esselen Nation (OCEN) and the Esselen Tribe of Monterey County (ETMC).
- MM10: In order to ensure that Tribal Cultural Resources incur less than significant impacts, a Native American tribal monitor appointed by a recognized by the Native American Heritage Commission tribe with cultural affiliations to the project area shall be onsite during grading and excavation.

With the incorporation of the recommended mitigation measures, impact to tribal cultural resources would be less than significant.

- j) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding No. 2 / Site Suitability), staff reports that reflect the County’s independent judgment, and information and testimony presented during public meetings and hearings. These documents are on file in the RMA-Planning Department (PLN180337) and are hereby incorporated herein by reference.
- k) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Game (CDFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.



For purposes of the Fish and Game Code, the project may have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. The Initial Study was sent to the California Department of Fish and Game for review, comment, and to recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).

- l) The County received one comment from the California Coastal Commission during the public review period on the Initial Study. The comment suggested that the applicant prepare a ranch management plan that address long-range open space values of the 175 acre property, that habitat be placed in a conservation and scenic easement, and that structures be constructed of fire resistant materials. Staff contacted the Coastal Commission and informed them that areas outside of the homeland boundary are already restricted with a scenic easement and fire resistant materials will be used in the building design. With that explanation, no issues on the adequacy of the Initial Study remain.
- m) Revised mitigation measures have been included in the attached mitigation monitoring and reporting program. The revised mitigation measures are equivalent or more effective in mitigating or avoiding potential significant effects because the revised measures clarify monitoring and reporting actions. The revised mitigation measures will not cause any potentially significant effect on the environment. A public hearing was held on the project on January 30, 2020 in which the addition/substitution of the mitigation measures were addressed. The new mitigation measures are incorporated into the conditions of approval.
- n) The Monterey County Resource Management Agency, Planning Department, located at 1441 Schilling Place, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

**7. FINDING: DEVELOPMENT WITHIN 100 FEET OF ENVIRONMENTALLY SENSITIVE HABITAT AREAS (ESHA)** – The subject project minimize 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 a coastal development permit to allow development within 100 feet of ESHA. Pursuant to the policies of the Carmel Area Land Use Plan and applicable MCC, a coastal development permit is required and the criteria to grant said permit has been met.
  - b) Pursuant to Policy 2.3.3.5, a biological report has been prepared for the project by Josh Harwayne, dated August of 2018 (LIB180308). The report identified potential impacts to approximately 2.4 acres of native grassland, 0.2 acre of non-native grassland, 3.5 acres of coyote brush scrub, 0.2 of coast live oak woodland, and 1.2 acres of ruderal areas. From this list, only native grassland is considered a California Department of Fish and Wildlife sensitive habitat. Additionally, improvements will

occur within upland habitat for California Tiger Salamander, Red-legged Frog, and California Newt. Mitigations recommended in the biological report have been included in the Mitigated Negative Declaration prepared for the project and have been incorporated in the attached mitigation monitoring and reporting plan.

- c) The Carmel Area Land Use Plan requires avoidance of environmentally sensitive habitat to the extent feasible and restricts excavation and grading activities in or adjacent to environmentally sensitive habitats to only that necessary for the proposed development (Policy 2.3.3.7 of the Carmel Area LUP). In this case, development of an access road to the homeland boundary and a house within the homeland boundary cannot be sited to avoid impacts to sensitive habitat. Alternative project locations and designs were considered during review of the project but were dismissed because they were found to have greater impacts to the viewshed and vegetative communities and would not avoid impacts to special status species. The proposed driveway follows an existing ranch road and easement. If a new easement could be obtained, the driveway could be located away from known upland habitat for special status amphibians in the area but would require more substantial grading and vegetation removal. The homeland boundary, where residential development has been directed through the approval of the Rancho San Carlos subdivision, contains mostly native grassland and is within 2 kilometers of CTS breeding habitat. The home has been designed such that it follows the natural terrain by incorporating below ground and above ground components. Vegetated pavers and a green roof are also incorporated in the design and will incorporate native plant species.
- d) Areas outside of the building envelope on the property (over 150 acres) are already included in a conservation and scenic easement through the Rancho San Carlos subdivision which created the subject lot and homeland building boundary. The easement protect large continuous areas for habitat and no additional easements are proposed.
- e) As designed, conditioned, and mitigated, the project minimizes impacts to sensitive habitat at the site by using existing disturbed areas for the driveway access and by incorporating best management practices during construction (See Finding 6).

**8. FINDING: ACCESSORY DWELLING UNIT** – The project meets the established regulations and standards as identified in Title 20, Section 20.64.030.

- EVIDENCE:**
- a) Title 20, Section 20.64.030 establishes regulations and standards for which an accessory dwelling unit, accessory to the main residence on a lot may be permitted. The project includes the construction of a 800 square foot Accessory Dwelling Unit (ADU) that includes independent living facilities as shown in the attached plans.
  - b) The ADU is below the maximum 1,200 square foot floor area and will be the first ADU on the subject property. The ADU is to be sited within the homeland boundary centrally located within the parcel satisfying all required setbacks within the WSC/40-D (CZ) zoning district (see attached plans and Finding 1, Evidence “f”).
  - c) The ADU meets the required site development standards and design criteria as defined in Title 20 Section 20.12.060 and Chapter 20.44 (See Finding 1, Evidence h).

- d) The application was reviewed by the Environmental Health Bureau (EHB) to ensure adequate septic system and private well facilities are readily available to serve the ADU (See Finding 3).
- e) The application, plans, and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in project file PLN180337.

**9. 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 19.01.050.A of the Monterey County Subdivision Ordinance (Title 19 – Coastal Zone) and Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20) allow an appeal to 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.

### **DECISION**

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

1. Adopt the Mitigated Negative Declaration;
2. Approve a Combined Development Permit consisting of:
  - a. Coastal Administrative Permit and Design Approval to allow the construction of a 6,800 square foot two-story single family dwelling with attached garage; and
  - b. Coastal Administrative Permit and Design Approval to enable the construction to 800 square foot detached Accessory Dwelling Unit;
  - c. Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat; and;
3. Adopt a Mitigation Monitoring and Reporting Program.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval subject to 17 conditions of approval including 10 mitigation measures.

**PASSED AND ADOPTED** this 30<sup>th</sup> day of January, 2020.

\_\_\_\_\_  
Mike Novo, Zoning Administrator

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 OF 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 may 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 2 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

PLN180337

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** This Combined Development Permit (PLN180337) consists of: 1) A 6,800 square foot two-story single family dwelling with attached garage; 2) A Coastal Administrative Permit and Design Approval to allow the construction to 800 square foot detached Accessory Dwelling Unit; and 3) A Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat. The property is located at 12 Rancho San Carlos Road, Carmel (Assessor's Parcel Number 157-131-002-000), 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 Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state:  
"A Coastal Development Permit and Design Approval (Resolution Number \_\_\_\_\_) was approved by Zoning Administrator for Assessor's Parcel 157-131-002-000 on January 30, 2020. This permit was granted subject to sixteen (17) conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA- Planning."

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

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

## 3. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed Agreement. The agreement shall be recorded. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.
- 2) Fees shall be submitted at the time the property owner submits the signed Agreement.
- 3) Proof of recordation of the Agreement shall be submitted to RMA-Planning.

#### 4. 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

#### 5. AS-BUILT CERTIFICATION

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** Prior to final inspection, the applicant shall provide a letter from a licensed engineer certifying that all development has been constructed in accordance with the recommendations in the Geotechnical Investigation and Update Report and the approved grading plan. (RMA- Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant shall provide RMA-Environmental Services a letter from a licensed practitioner.

## 6. GRADING PLAN

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a grading plan, prepared by a registered Professional Engineer, incorporating the recommendations in the Geotechnical Investigation prepared by Soil Surveys Group Inc., dated October 23, 2007 and the Update Report prepared by Soil Surveys Group, Inc., dated August 15, 2018. The grading plan shall include contour lines and cross-sections that identify the existing grade, proposed grade, and the extent of any proposed excavation and/or fill. The grading plan shall include the geotechnical inspection schedule that identifies when the inspections will be completed, who will conduct the inspection (i.e., PG, PE, and/or Special Inspector), a description of the required inspection, inspector name, and the completion date. (RMA-Environmental Services)

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

## 7. MM01 - BIOLOGICAL RESOURCES

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** In order to minimize potential impacts from construction and construction traffic to amphibian resources, California Tiger Salamander (CTS) and California Reg-Legged Frog (CRLF) on the site, the following measures shall be incorporated into the construction management plan and implemented until construction is completed:

- a. Ground disturbing construction activities will be limited to the period from June 1 through October 31.
- b. Because dusk and dawn are often the times when CTS and CRLF are most actively foraging and dispersing, the project site and driveway will be closed to all construction activities and traffic one half hour before sunset and will not begin prior to one half hour after sunrise.
- c. To prevent inadvertent entrapment of CTS and CRLF during the proposed project, all excavated, steep-walled holes or trenches more than two feet deep will be covered at the close of each working day with plywood or similar materials. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals by a qualified biologist or the construction monitor.
- d. Only tightly woven fiber netting or similar material may be used for erosion control at the project site. Coconut coir matting is an acceptable erosion control material. No plastic mono-filament matting will be used for erosion control, as this material may ensnare wildlife, including CTS and CRLF.

**Compliance or Monitoring Action to be Performed:** Monitoring Action No. 1-a: Prior to the issuance of grading or building permits, the applicant/owner shall submit a construction management plan which incorporates this measure to the RMA-Planning Department and the Department of Public Works for review and approval.

Monitoring Action No 1-b: Prior to final inspection of grading or building permits the applicant shall submit photographs taken during construction illustrating that the measures have been implemented during construction.



## 8. MM02 - BIOLOGICAL RESOURCES

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** In order to minimize potential biological impacts to animal resources and habitat, the project shall implement the following mitigation measure prior to and during grading and construction activities: Prior to start of construction, a qualified biologist shall train all project staff regarding habitat sensitivity, identification of special-status species, and required practices. The training shall include a brief review of the biology of potential affected species, the general measures that are being implemented to conserve these species as they relate to the project, guidelines to avoid impacts to these species during the construction period, the penalties for non-compliance, and the boundaries of the project area. A fact sheet or other supporting materials containing this information shall be prepared and distributed to all of the workers onsite. Upon completion of training, employees shall sign a form stating that they attended the training and understand all the conservation and protection measures and provide a copy to the RMA-Planning Department. The training shall be conducted for new personnel before they join construction activities. The crew foreman shall be responsible for ensuring that all crew members comply with the guidelines.

**Compliance or Monitoring Action to be Performed:** Monitoring Action No. 2-a: Prior to the issuance of grading or building permits, the applicant/owner shall submit a copy of a contract with a qualified biologist to provide the required training to the RMA-Planning Department for review and approval.

Monitoring Action No. 2-b: Prior to project initiation, the project Biologist shall conduct a worker training session for all project staff including all construction personnel regarding habitat sensitivity, identification of special-status species, and required practices prior to start of construction. The biologist shall submit a copy of the education materials to the RMA-Planning Department for review and approval. The crew foreman will be responsible for ensuring that all crew members comply with the guidelines. Upon completion of training, employees shall sign a form stating that they attended the training and understand all the conservation and protection measures and the applicant/owner shall provide a copy to the RMA-Planning Department.

Monitoring Action No. 2-c: Prior to new construction employees beginning work, the project Biologist will conduct the required training for the new employees and all documentation as described in Monitoring Action No. 3-a above shall be provided to the RMA-Planning Department no later than the end of the month when the new employee began work.

## 9. MM03 - BIOLOGICAL RESOURCES

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** In order to minimize potential impacts to animal resources, a qualified biologist shall monitor ground disturbing construction activity such as grading and/or excavation for foundations. After ground disturbing activities are complete, the qualified biologist will train an individual to act as the on-site construction monitor. If at any time, the on-site construction monitor leaves the job, the qualified biologist shall train a new on-site construction monitor. The on-site construction monitor will have attended the training described in Mitigation Measure No. 2. Both the qualified biologist and construction monitor will have the authority to stop and/or redirect project activities to ensure protection of resources and compliance with all environmental permits and conditions of the project. The qualified biologist and/or construction monitor will complete a daily log summarizing construction activities and environmental compliance. Copies of the daily log will be submitted on a monthly basis to the RMA-Planning Department until construction activities are completed.

**Compliance or Monitoring Action to be Performed:** Monitoring Action No. 3-a: Prior to the issuance of grading or building permits, the applicant/owner shall submit a copy of a contract with a qualified biologist to perform the required monitoring activities to the RMA-Planning Department for review and approval (see also Monitoring Action No. 2-b).

Monitoring Action No. 3-b: Prior to the issuance of a building permit, the qualified biologist shall notify the RMA-Planning Department of the name and telephone number (contact information) of the on-site construction monitor and shall provide evidence that the monitor has received the required training.

Monitoring Action No. 3-c: On a monthly basis until all construction activities are completed, the applicant/owner shall submit copies of the daily log to the RMA-Planning Department.

## 10. MM04 - BIOLOGICAL RESOURCES

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** In order to reduce the likelihood of accidental death of amphibians due to poisoning or mowing, the following measures will be made conditions of the Habitat Conservation Plan (HCP) for the project or, if no HCP is required, shall be recorded as a deed restriction.

1. In order to reduce the likelihood of accidental death of amphibians due to poisoning, no rodenticide will be used on the property.

2. In order to reduce the likelihood of accidental death of amphibians due to mowing, all mowing outside of the landscaped areas immediately surrounding the structures will be restricted to a window of June 1 to October 15. Within 50-feet of the residence, where mowing year-round is desired to maintain landscaping, mowing shall not occur within 24 hours of measurable rain (0.25 of an inch) or if rain is anticipated within the next 24 hours (50% chance or greater).

**Compliance or Monitoring Action to be Performed:** Monitoring Action No. 4: Prior to the issuance of a grading or building permit the applicant shall provide the RMA- Planning Department with proof of a USFWS- and CDFW-approved HCP and associated Incidental Take Permits, or, if no HCP is required, the applicant shall submit a copy of a recorded deed restriction with the language described above.

## 11. MM05 - BIOLOGICAL RESOURCES

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Prior to the issuance of building and grading permits, the applicant/owner shall comply with both the Endangered Species Act (ESA) and California Endangered Species Act (CESA) in regard to potential impacts to the California red-legged frog (CRLF; listed as Threatened under the ESA) and California tiger salamander (CTS; listed as Threatened under the ESA and CESA). The applicant/owner shall provide to the RMA-Planning Department: 1) evidence that the California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) have been consulted regarding potential impacts from the project; and 2) either a letter of concurrence that the project is not likely to result in take of CTS and/or CRLF from the USFWS or an incidental take permit for CTS and/or CRLF from the USFWS; and 3) either a letter of concurrence that the project is not likely to result in take of CTS from CDFW or an incidental take permit for CTS from the CDFW.

**Compliance or Monitoring Action to be Performed:** Monitoring Action No. 5-a: The applicant shall provide a copy of the approved CTS and/or CRLF incidental take permit from the USFWS prior to the initiation of any ground disturbance. If USFWS deems appropriate, a letter of concurrence stating the project is not likely to result in take of CTS or CRLF shall be obtained from USFWS prior to the initiation of any ground disturbance. Copies of the CTS incidental take permit, CRLF incidental take permit and/or a letter of concurrence must be submitted to the RMA-Planning Department prior to the initiation of ground disturbance.

Monitoring Action No. 5-b: The applicant shall provide a copy of the approved CTS incidental take from the CDFW prior to the initiation of any ground disturbance. If CDFW deems appropriate, a letter of concurrence stating the project is not likely to result in take of CTS shall be obtained from CDFW prior to the initiation of any ground disturbance. A copy of the CTS incidental take permit, or a letter of concurrence must be submitted to the RMA-Planning Department prior to the initiation of ground disturbance.

## 12. MM06 - BIOLOGICAL RESOURCES

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Protective fencing shall be placed prior to and during construction to keep construction equipment and personnel from impacting wetlands outside of work limits.

**Compliance or Monitoring Action to be Performed:** Monitoring Action No. 6-a: A biological monitor shall supervise the installation of protective fencing and monitor at least once per week until construction is complete to ensure that the protective fencing remains intact. Prior to issuance of grading or building permits, the applicant/biologist shall submit photographs of the installed fencing at the site.

### 13. MM07 - GEOLOGY AND SOILS

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** To mitigate the effects of construction activities on erosion, the applicant/owner/contractor shall prepare and implement an erosion control plan which includes all of the recommendations found in the Geotechnical Reports prepared for the project, including but not limited to the following:

The building site shall be graded so that rainfall runoff from any upslope area does not become trapped or flow against any building foundations;

All retaining walls shall be drained by subsurface drains as described in Section VI of the Geotechnical Report. Subsurface drains may also be recommended if water seepage is observed within any of the foundation, building pad, or patio excavations;

Splash blocks shall be installed at rain gutter discharge points and rock or rubble rip rap shall be installed at discharge points of storm drainage collection pipes;

Disturbed soil areas on slopes above the retaining walls must be seeded with native grass for erosion control and to prevent sloughing soil from blocking drainage patterns behind the proposed buildings;

All cut and fill slopes and ground disturbed by grading or building construction shall be seeded with native grass at completion of grading or construction operations; and

Concentrated water from the buildings shall not be allowed to discharge uncontrolled on sloping ground; suitable energy dissipation system shall be designed where rainfall runoff water shall be collected and piped to flat ground or to an adjacent drainage swale and discharged onto an energy dissipater.

**Compliance or Monitoring Action to be Performed:** Monitoring Action No. 7-a. Prior to the issuance of grading or building permits for the structure, the applicant/owner/contractor shall submit a copy of the grading or building plans to the RMA--Planning Department and RMA-Environmental Services, with the erosion control plan incorporated into the plans. Standard inspection notes are available on the RMA-Environmental Services website. The final approved plans issued with the construction permit(s) shall include the notes listed within Mitigation Measure No. 8.

Monitoring Action No. 7-b. Prior to occupancy of the structure, the applicant/owner/contractor shall provide a letter signed a Geotechnical Engineer stating that the structure was constructed in accordance with the recommendations found in the Geotechnical Investigation to the RMA-Planning Department.

## 14. MM08 - GEOLOGY AND SOILS

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** To mitigate the effects of construction activities on the expansive soil conditions in the foundation excavations and at the subgrade below concrete floor slabs, the applicant/owner/contractor shall comply with all of the recommendations found in the Geotechnical Reports prepared for the project. A note shall be printed on the grading and building permit plans which reads: "To mitigate the effects of construction activities on the expansive soil conditions in the foundation excavations and at the subgrade below concrete floor slabs, the applicant/owner/contractor shall comply with all of the recommendations found in the Geotechnical Reports prepared for the project, including but not limited to the following:

Foundation footing excavations shall be flooded with three to four inches of water at least 48 hours prior to pouring concrete, and the subgrade for the concrete floor slabs--on-grade should be moisture conditioned to the low plastic limit range of moisture for a depth of eight inches prior to pouring concrete: this may be achieved by spraying the excavations with water each evening for several days up to the concrete pour;

No new tree or high-water using shrub should be planted within fifteen feet of any building foundation;

All lawn and landscaped area near the new buildings should be well watered and maintained after completion of the buildings;

Roof and yard water should be directed away from all buildings; rainfall runoff must not be allowed to collect or flow in a down-slope direction against any building foundation;

The Geotechnical Engineer's recommendations for grading and compaction of building pad areas and for concrete slabs-on-grade should be followed;

Foundation footings shall have a depth of 18 inches below building pad soil subgrade for both one story and two-story portions of the main residential building;

The Geotechnical engineer should check and approve soil density and moisture conditions in the foundation footing excavations as well as in the subgrade beneath concrete slabs-on-grade for all the proposed buildings prior to pouring concrete.

**Compliance or Monitoring Action to be Performed:** Monitoring Action No. 8-a. Prior to the issuance of grading or building permits for each structure, the applicant/owner/contractor shall submit a copy of the grading or building plans to the RMA--Planning Department with the note incorporated into the plans. The final approved plans issued with the construction permit(s) shall include the notes listed within Mitigation Measure No. 8.

Monitoring Action No. 8-b. Prior to occupancy of the structure, the applicant/owner/contractor shall provide a letter signed by the Geotechnical Engineer stating that the structure was constructed in accordance with the recommendations found in the Geotechnical Reports to the RMA-Planning Department.

## 15. MM09 - TRIBAL CULTURAL RESOURCES

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** In order to prevent impacts to Tribal Cultural Resources, Owner/Applicant shall include requirements of this condition as a note on all grading and construction plans. The note shall state "If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165) 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 the recovery. RMA - Planning, the archaeologist, and land owner shall consult with the appropriate Tribal Representative regarding treatment of the resource.

**Compliance or  
Monitoring  
Action to be Performed:**

Mitigation Measure Monitoring Action No. 9: If resources are discovered during construction the measure described shall be implemented prior to resuming any project-related ground disturbance; Owner/Applicant shall coordinate with the project planner, the on-site tribal representative, and a qualified archaeologist to determine a strategy for either return to the Tribe or reburial. Any artifacts found that are not associated with a skeletal finding shall be returned to the aboriginal tribe.

If human remains are accidentally discovered during construction, the following steps will be taken:

There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent resources until: The Monterey County coroner 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:

The coroner shall contact the Native American Heritage Commission and RMA – Planning within 24 hours.

The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costanoan/Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent.

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

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:

1. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission.
2. The descendent identified fails to make a recommendation; or
3. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.



## 16. MM10 - TRIBAL CULTURAL RESOURCES

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** In order to ensure that Tribal Cultural Resources incur less than significant impacts, a monitor approved by the appropriate tribe traditionally and culturally affiliated with the vicinity of the subject parcel and that has consulted with the County and designated one lead contact person in accordance with AB 52 requirements, or other appropriately NAHC-recognized representative, shall be onsite during project-related grading and excavation to identify findings with tribal cultural significance. This Tribal Monitor shall have the authority to temporarily halt work in order to examine any potentially significant cultural materials or features. If resources are discovered, the owner/applicant/contractor shall refer to and comply with Mitigation Measure #9. This mitigation is not intended to alleviate responsibility of the owner or its agents from contacting the County Coroner and complying with State law if human remains are discovered.

**Compliance or Monitoring Action to be Performed:** Monitoring Action No. 10-a: Prior to issuance of a construction permit for grading and /or building, Applicant/Owner shall submit evidence to the satisfaction of the Chief of RMA -Planning that a monitor approved by the appropriate tribe traditionally and culturally affiliated with the vicinity of the subject parcel and that has consulted with the County and designated one lead contact person in accordance with AB 52 requirements, or other appropriately NAHC-recognized representative, has been retained to monitor the appropriate construction activities. This Tribal Monitor shall be retained for the duration of any project-related grading and excavation.

Monitoring Action No. 10-b: Any artifacts found that are not associated with a finding of human remains shall be catalogued by both the Tribal Monitor and the Qualified Archaeological Monitor. Once catalogued, the Qualified Archaeological Monitor will take temporary possession of the artifacts for testing and reporting purposes. Upon completion of these testing and reporting activities, all artifacts, at the discretion of the property owner, shall be returned within one (1) year to a representative of the appropriate local tribe as recognized by the Native American Heritage Commission, or the Monterey County Historical Society. A Final Technical Report shall be submitted by the qualified archaeologist to RMA-Planning within one year of the discovery. Artifacts associated with a finding of human remains shall be reburied in accordance with State law and penalty for violation pursuant to PRC section 5097.994, and a conservation easement shall be required to be recorded over the parcel.

Monitoring Action No. 10-c: Prior to final building inspection, the Tribal Monitor or other appropriately NAHC-recognized representative shall submit a letter to RMA -Planning confirming participation in the monitoring and provide a summary of archaeological and /or cultural finds or no finds, as applicable.

**17. PD005 - FISH & GAME FEE NEG DEC/EIR**

**Responsible Department:** RMA-Planning

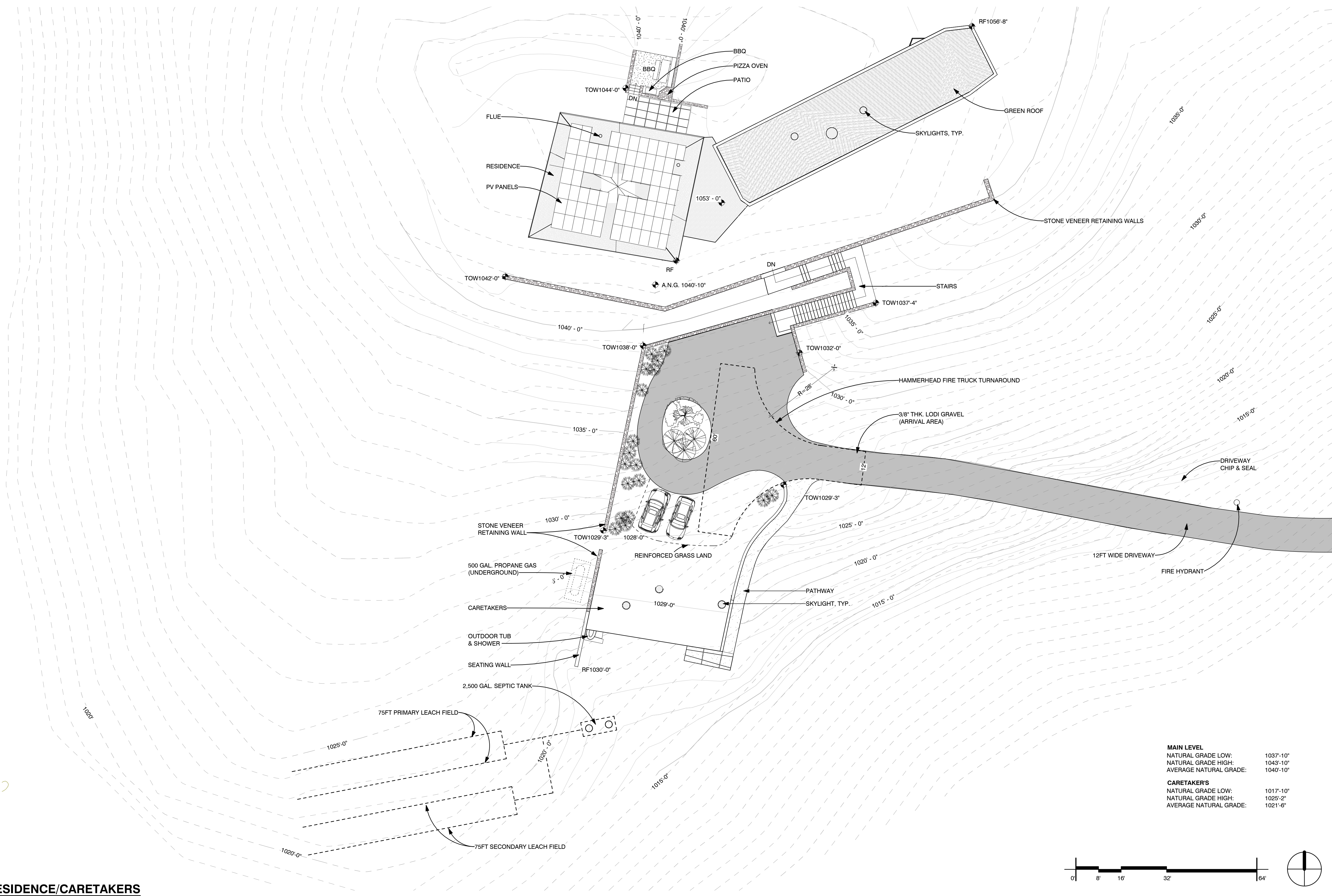
**Condition/Mitigation Monitoring Measure:** Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of RMA - Planning.

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of RMA - Planning prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.



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



**1 SITE PLAN - RESIDENCE/CARETAKERS**  
1/16" = 1'-0"



**MAIN LEVEL**  
NATURAL GRADE LOW: 1037'-10"  
NATURAL GRADE HIGH: 1043'-10"  
AVERAGE NATURAL GRADE: 1040'-10"  
**CARETAKERS**  
NATURAL GRADE LOW: 1017'-10"  
NATURAL GRADE HIGH: 1025'-2"  
AVERAGE NATURAL GRADE: 1021'-6"

TITLE  
ROOF & SITE PLAN

**UPITIS**

DRIS UPITIS 12 RANCHO SAN CARLOS RD., CARMEL, CA, 93923 APN 157-131-002

**STUDIO SCHICKETANZ**

P.O. Box 2704, Carmel, CA, 93921 831.622.9000

DATE	18/08/15
SCALE	As indicated
DRAWN BY	JCS
JOB NUMBER	1806

SHEET

**2**

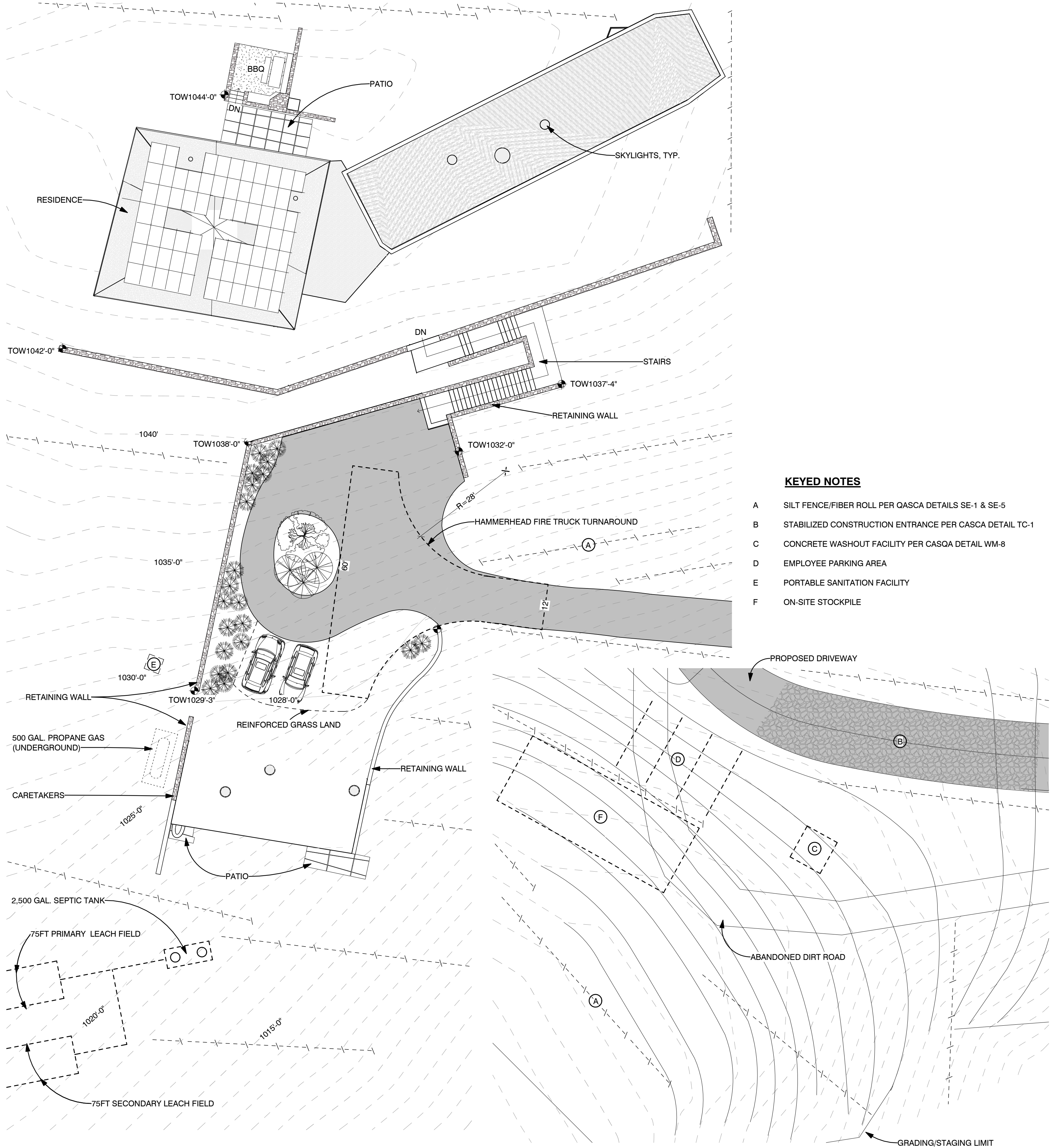
18/08/15







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



## 1 EROSION CONTROL PLAN

1/16" = 1'-0"

## 2 STAGING AREA PLAN

1/16" = 1'-0" DRAWING LOCATION - SEE SHEET 1/ CIVIL

TITLE EROSION CONTROL PLAN & BMP

UPITIS

DRIS UPITIS 12 RANCHO SAN CARLOS RD., CARMEL, CA, 93923 APN 157-131-002

STUDIO SCHICKETANZ

P.O. Box 2704, Carmel, CA, 93921 831.622.9000

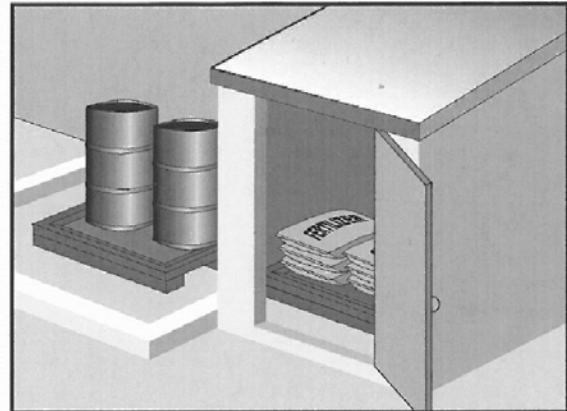
DATE	18/08/15
SCALE	As indicated
DRAWN BY	JCS
JOB NUMBER	1806

SHEET

3

18/08/15

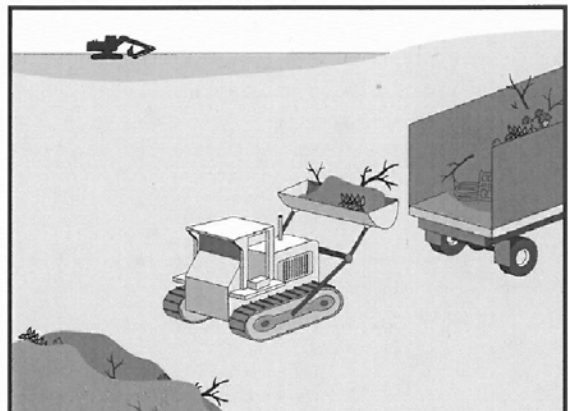
### Material Delivery and Storage WM-1



Categories	Targeted Constituents	Potential Alternatives
EC Erosion Control	Sediment	None
SE Sediment Control	Nutrients	
TC Tracking Control	Trash	
WE Wind Erosion Control	Meats	
NS Non-Stormwater Management Control	Bacteria	
WM Waste Management and Materials Pollution Control	Oil and Grease	
	Organics	
Legend:		
Primary Objective		
Secondary Objective		

**Description and Purpose**  
Prevent, reduce, or eliminate the discharge of pollutants from material delivery and storage to the stormwater system or watercourses by minimizing the storage of hazardous materials onsite, storing materials in watertight containers and/or a completely enclosed designated area, installing secondary containment, conducting regular inspections, and training employees and subcontractors.

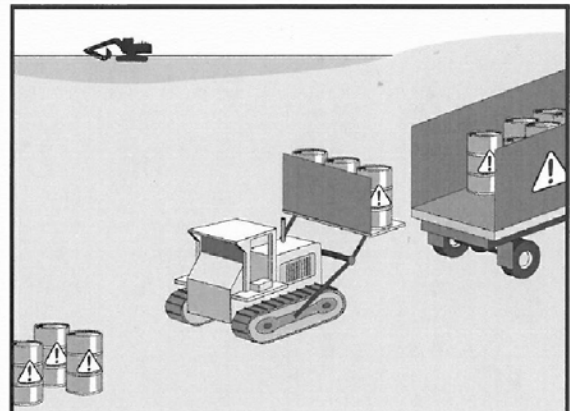
### Solid Waste Management WM-5



Categories	Targeted Constituents	Potential Alternatives
EC Erosion Control	Sediment	None
SE Sediment Control	Nutrients	
TC Tracking Control	Trash	
WE Wind Erosion Control	Meats	
NS Non-Stormwater Management Control	Bacteria	
WM Waste Management and Materials Pollution Control	Oil and Grease	
	Organics	
Legend:		
Primary Objective		
Secondary Objective		

**Description and Purpose**  
Solid waste management procedures and practices are designed to prevent or reduce the discharge of pollutants to stormwater from solid or construction waste by providing designated waste collection areas and containers, arranging for regular disposal, and training employees and subcontractors.

### Hazardous Waste Management WM-6



Categories	Targeted Constituents	Potential Alternatives
EC Erosion Control	Sediment	None
SE Sediment Control	Nutrients	
TC Tracking Control	Trash	
WE Wind Erosion Control	Meats	
NS Non-Stormwater Management Control	Bacteria	
WM Waste Management and Materials Pollution Control	Oil and Grease	
	Organics	
Legend:		
Primary Objective		
Secondary Objective		

**Description and Purpose**  
Prevent or reduce the discharge of pollutants to stormwater from hazardous waste through proper material use, waste disposal, and training of employees and subcontractors.

## STORM WATER CONTROL & DRAINAGE NOTES

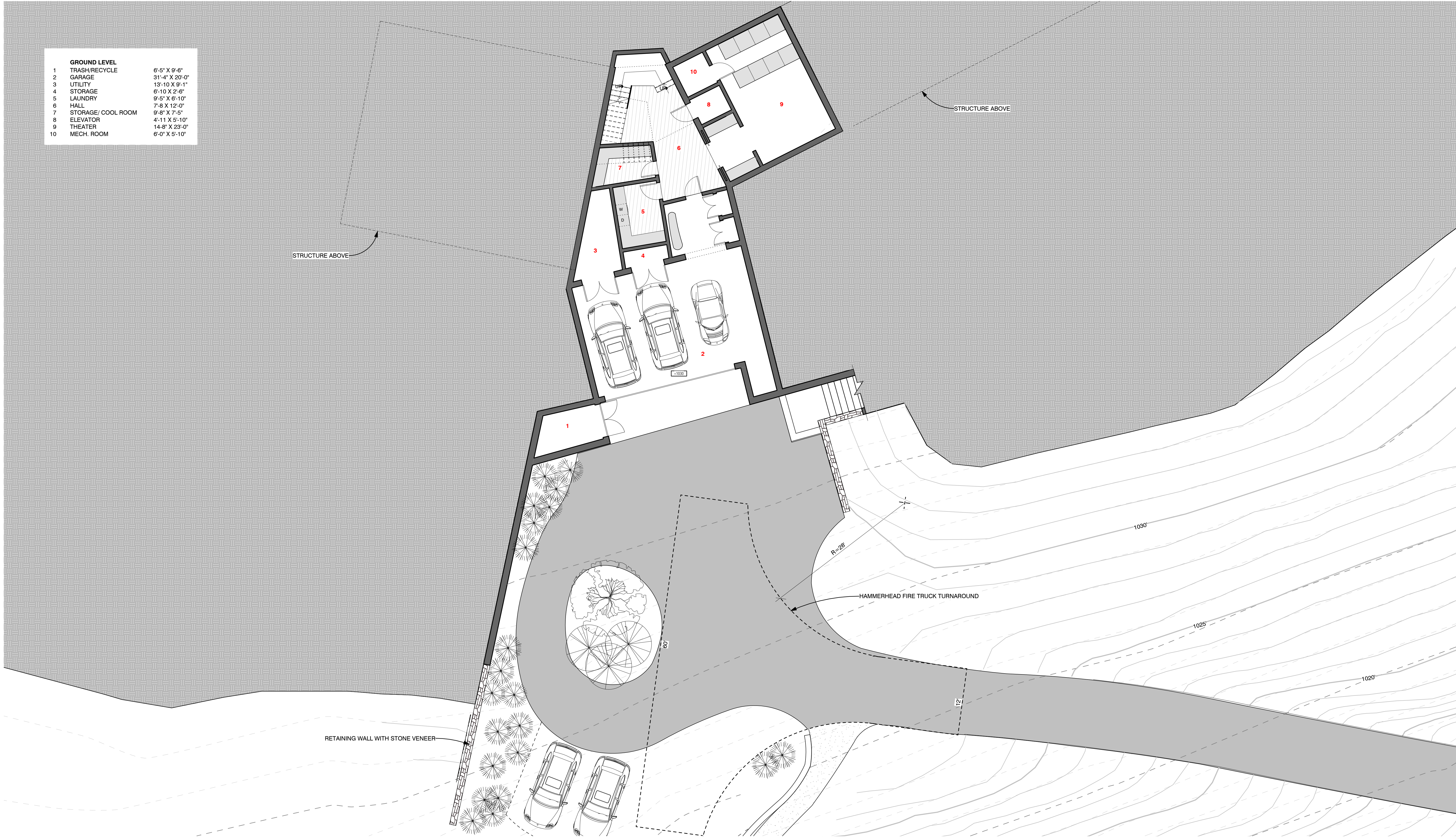
- DUST FROM GRADING OPERATIONS MUST BE CONTROLLED. CONTRACTOR SHALL PROVIDE ADEQUATE WATER TO CONTROL DUST DURING AND FOR GRADING OPERATIONS.
- THE GROUND IMMEDIATELY ADJACENT TO FOUNDATIONS SHALL BE SLOPED AWAY FROM THE BUILDING AT 5% FOR A MINIMUM DISTANCE OF 10 FEET. IF PHYSICAL OBSTRUCTIONS OR LOT LINES PROHIBIT 10 FOOT OF HORIZONTAL DISTANCE, A 5% SLOPE SHALL BE PROVIDED TO AN APPROVED ALTERNATIVE METHOD OF DIVERTING WATER AWAY FROM THE FOUNDATIONS. SWALES USED FOR THIS PURPOSE SHALL BE SLOPED AT A MINIMUM 1% WHERE LOCATED WITHIN 5 FEET OF THE BUILDING FOUNDATION. IMPERVIOUS SURFACES WITHIN 10 FEET OF THE BUILDING FOUNDATION SHALL BE SLOPED AT A MINIMUM OF 2% AWAY FROM THE BUILDING.
- ROOF DRAINAGE SHALL BE CONTROLLED BY GUTTER AND DOWNSPOUTS WITH SPLASH BLOCKS, OR APPROPRIATE ENERGY DISSIPATORS.
- STORM WATER (SURFACE RUNOFF) SHALL BE COLLECTED BY DRAINAGE SWALES OUTLETTING ONTO DISSIPATORS AS SHOWN ON THE SITE DRAINAGE PLAN.
- SUBSURFACE DRAINAGE FOR RETAINING WALLS IS REQUIRED AND WILL BE COLLECTED AND PIPED TO DAYLIGHT IN A NON-EROSIVE MANNER.
- UTILITY TRENCHES WITHIN THE BUILDING PAD OR ANY NEW PAVED AREAS SHALL BE BACKFILLED WITH CLEAN, IMPORTED SAND AND THE TRENCH BACKFILL SHALL BE COMPACTED TO 95% MIN. RE. COMPACTION. THE TOP 8" OF TRENCH SHALL BE CAPPED WITH NATIVE SOIL. IN NON-PAVED AREAS NATIVE BACKFILL SHALL BE USED AND COMPACTED TO 90% MIN. RE. COMPACTION.
- ALL WORK IS SUBJECT TO APPROVAL BY THE PUBLIC WORKS SUPERINTENDENT INSPECTION AND ACCEPTANCE.
- SPECIAL INSPECTIONS BY A SPECIAL INSPECTOR ARE REQUIRED DURING FILL PLACEMENT AND THAT PROPER MATERIALS AND PROCEDURES ARE USED IN ACCORDANCE WITH THE PROVISION OF THE APPROVED GEOTECHNICAL REPORT.
- THE LOCATION, HEIGHT AND PLATE HEIGHTS OF THE NEW STRUCTURE MUST BE CERTIFIED BY A SURVEYOR TO BE IN CONFORMANCE WITH THE APPROVED PLANS.
- REFER TO GEOTECHNICAL REPORT FOR ADDITIONAL INFO ON EROSION CONTROL PLANNING, GRADING SPECIFICATIONS, SITE PREPARATION, EXCAVATIONS, BACKFILL AND OTHER SPECIAL RECOMMENDATIONS.

## EROSION CONTROL NOTES

- ALL EROSION CONTROL MEASURES SHALL CONFORM WITH THE COUNTY OF MONTEREY EROSION CONTROL ORDINANCE.
- EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IN EFFECT FOR ANY CONSTRUCTION DURING THE RAINY SEASON, APPROX. OCTOBER 15 TO APRIL 15. EROSION CONTROL PLAN SHALL BE PREPARED AND SUBMITTED FOR APPROVAL BY SEPT 15, OF ANY OR EACH CALENDAR YEAR THAT CONSTRUCTION MAY EXTEND BEYOND OCTOBER 15.
- ALL SLOPES SHALL BE PROTECTED WITH STERILE STRAW MULCH OR SIMILAR MEASURES TO PROTECT AGAINST EROSION UNTIL SUCH SLOPES ARE PERMANENTLY STABILIZED.
- RUNOFF SHALL BE DETAINED OR FILTERED BY BERMS, VEGETATED FILTER STRIPS, AND/OR CATCH BASINS TO PREVENT THE ESCAPE OF SEDIMENT FROM THE SITE.
- EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IN PLACE AT THE END OF EACH DAY'S WORK.
- EROSION CONTROL PLANTINGS AND MULCH SHALL BE CLOSELY MONITORED THROUGHOUT THE WINTER AN ANY RUNOFF PROBLEMS CORRECTED PROMPTLY.
- DISTURBED SURFACES NOT INVOLVED IN THE IMMEDIATE GRADING OPERATIONS MUST BE PROTECTED BY MULCHING AND/OR OTHER EFFECTIVE MEANS OF SOIL PROTECTION.
- ALL ROADS AND DRIVEWAYS SHALL HAVE DRAINAGE FACILITIES SUFFICIENT TO PREVENT EROSION ON OR ADJACENT TO THE ROADWAY OR ON THE DOWNHILL PROPERTIES.
- DRAINAGE CONTROL MEASURES SHALL BE MAINTAINED AND IN PLACE AT THE END OF EACH DAY AND CONTINUOUSLY THROUGHOUT THE LIFE OF THE PROJECT DURING WINTER OPERATIONS.
- REVEGETATION SHALL CONSIST OF A MECHANICALLY APPLIED HYDROMULCH SLURRY OR HAND SEEDING WITH A NATIVE GRASS SEED AND STRAW MULCH COVER.
- CHECK DAMS, SILT FENCES, FIBER ROLLS OR OTHER DESIGNS SHALL BE INCORPORATED TO CATCH ANY SEDIMENTS UNTIL AFTER THE NEWLY EXPOSED AREAS ARE REVEGETATED SUFFICIENTLY TO CONTROL EROSION. EROSION CONTROL PLANTINGS AND MULCH SHALL BE CLOSELY MONITORED THROUGHOUT THE WINTER AND ANY RUNOFF PROBLEMS SHALL BE CORRECTED PROMPTLY. ALL EROSION AND/OR SLIPPAGE OF THE NEWLY EXPOSED AREAS SHALL BE REPAIRED BY THE PERMITTEE AT THEIR EXPENSE. THE GRASS SEED MAY NEED TO BE IRRIGATED UNTIL ADEQUATE GROWTH IS ESTABLISHED AND MAINTAINED TO PROTECT THE SITE FROM FUTURE EROSION DAMAGE. ALL NEWLY EXPOSED(DISTURBED) AREAS SHALL BE SEEDING WITH THE FOLLOWING EROSION CONTROL MIX: BROMIUS CARINATUS (CALIFORNIA BROME), VULPIA MICROSTACHYS (NUTTALL'S FESCUE), ELYMUS GLAUCUS (BLUE WILD RYE), AND A MIXTURE OF LOCALLY NATIVE WILDFLOWERS, IF AVAILABLE.
- THE DIRECTOR OF BUILDING INSPECTION (BUILDING OFFICIAL) SHALL STOP OPERATIONS DURING PERIODS OF INCLEMENT WEATHER IF HE OR SHE DETERMINES THAT EROSION PROBLEMS ARE NOT BEING CONTROLLED ADEQUATELY.
- GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR EROSION AND SEDIMENT CONTROL BMP INSTALLATION AND MAINTENANCE AND SHALL PROVIDE FULL PARTICULARS TO COUNTY RMA - ENVIRONMENTAL SERVICES PRIOR TO BEG. WORK.



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**2** GROUND FLOOR PLAN  
1/8" = 1'-0"



TITLE  
GROUND LEVEL FLOOR PLAN

**UPITIS**

DRIS UPITIS 12 RANCHO SAN CARLOS RD., CARMEL, CA, 93923 APN 157-131-002

**STUDIO SCHICKETANZ**

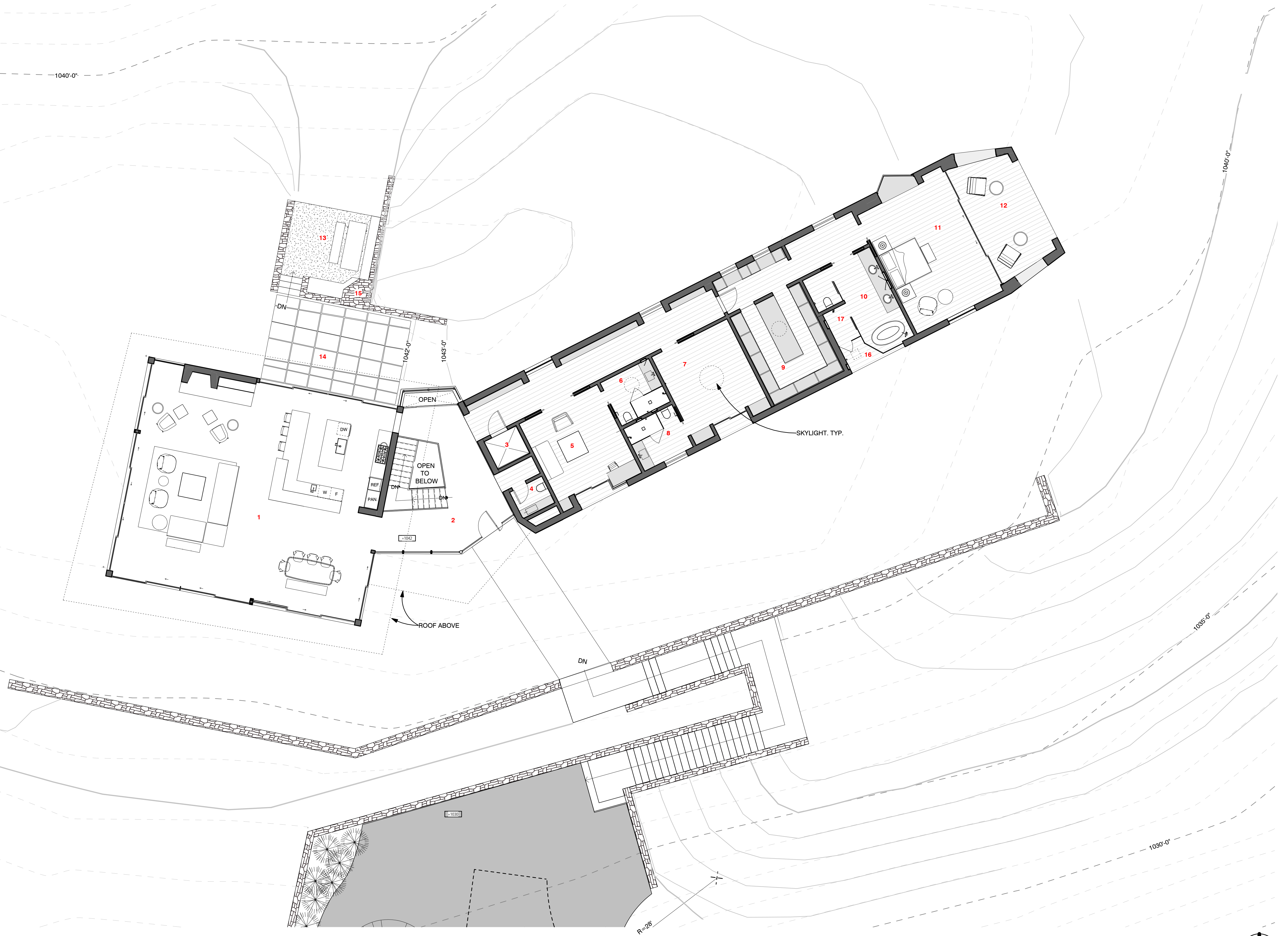
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DATE	18/08/15	SHEET  <b>4</b>  18/08/15
SCALE	As indicated	
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JOB NUMBER	1806	



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- MAIN LEVEL**
- |    |                        |                 |
|----|------------------------|-----------------|
| 1  | GREAT ROOM             | 41'-0" X 35'-0" |
| 2  | ENTRY                  | -               |
| 3  | ELEVATOR               | 5'-1" X 8'-1"   |
| 4  | POWDER ROOM            | 8'-0" X 4'-11"  |
| 5  | OFFICE                 | 14'-4" X 14'-4" |
| 6  | BATH 1                 | 9'-0" X 8'-0"   |
| 7  | GYM                    | 14'-4" X 14'-4" |
| 8  | BATH 2                 | 9'-0" X 8'-0"   |
| 9  | MASTER WALK-IN- CLOSET | 13'-0" X 16'-8" |
| 10 | MASTER BATH            | 12'-0" X 16'-6" |
| 11 | MASTER BEDROOM         | 16'-0" X 23'-0" |
| 12 | PATIO                  | 11'-0" X 21'-0" |
| 13 | BBQ                    |                 |
| 14 | PATIO                  |                 |
| 15 | PIZZA OVEN             |                 |
| 16 | OUTDOOR SHOWER         |                 |
| 17 | SALUNA                 |                 |



TITLE  
MAIN LEVEL FLOOR PLAN

UPITIS

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STUDIO SCHICKETANZ

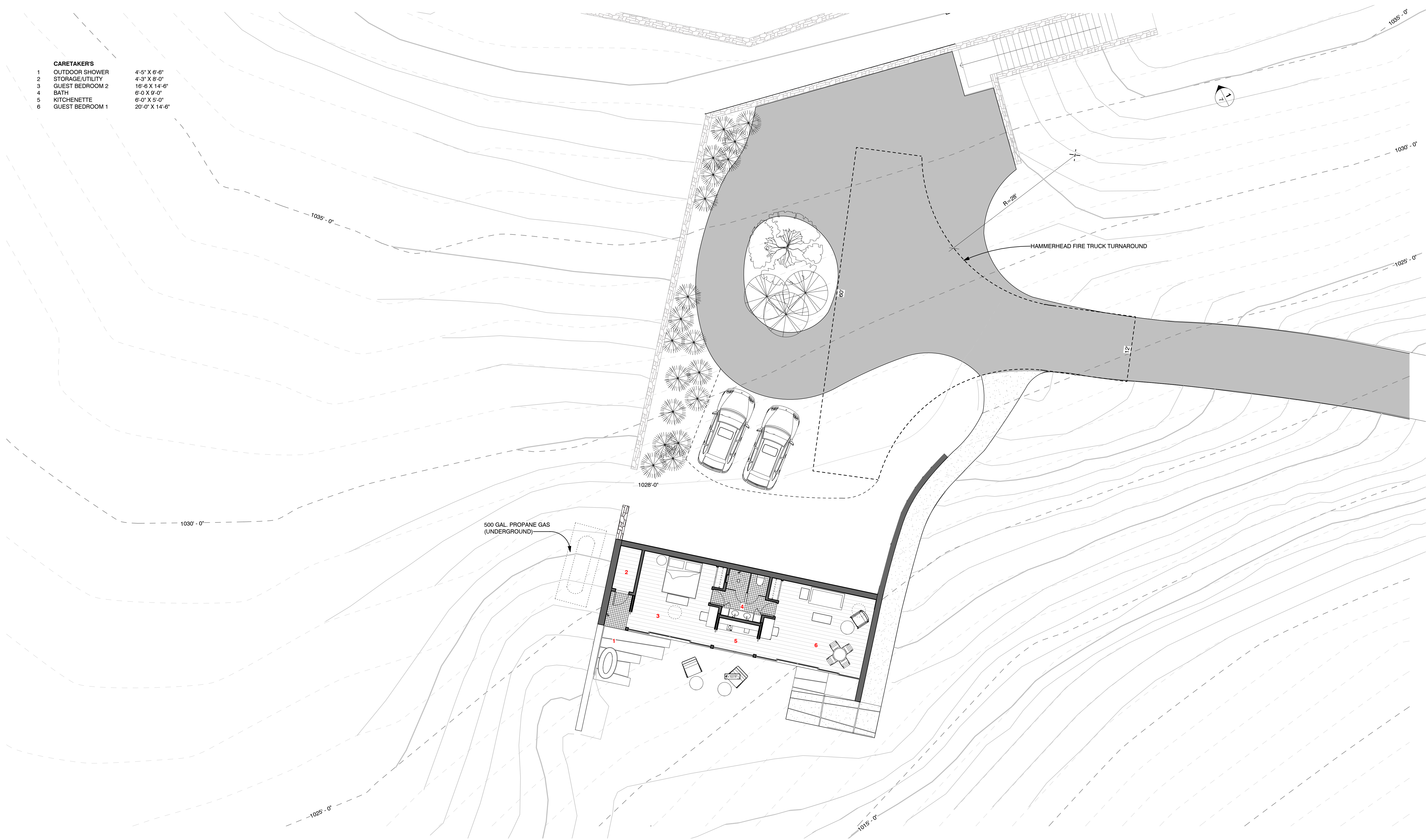
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- CARETAKER'S
- |   |                 |                 |
|---|-----------------|-----------------|
| 1 | OUTDOOR SHOWER  | 4'-5" X 6'-6"   |
| 2 | STORAGE/UTILITY | 4'-3" X 8'-0"   |
| 3 | GUEST BEDROOM 2 | 16'-6" X 14'-6" |
| 4 | BATH            | 6'-0" X 9'-0"   |
| 5 | KITCHENETTE     | 6'-0" X 5'-0"   |
| 6 | GUEST BEDROOM 1 | 20'-0" X 14'-6" |



TITLE CARETAKER FLOOR PLAN

UPITIS

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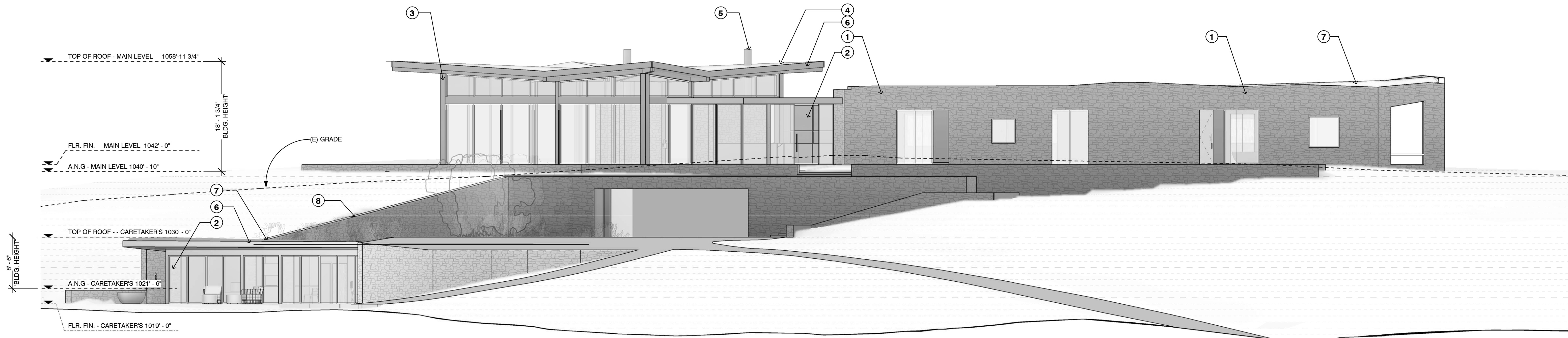
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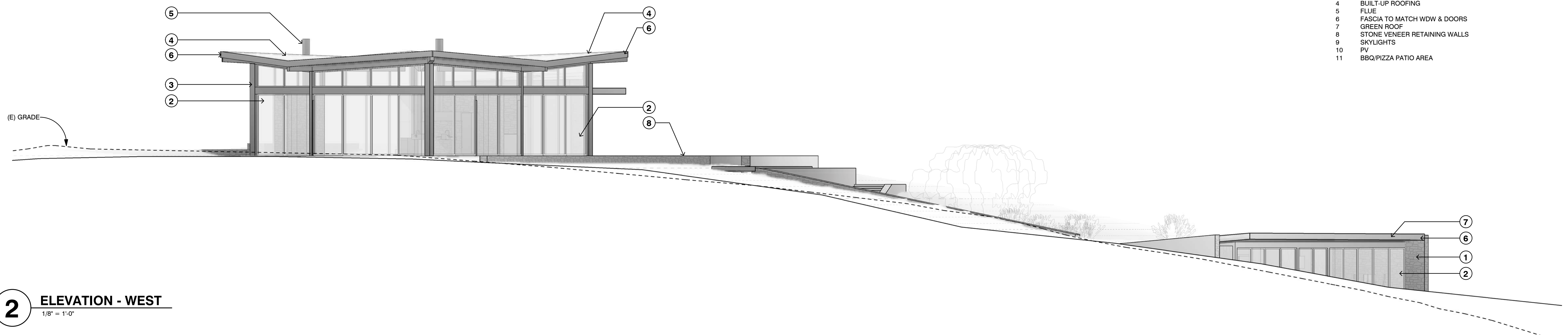


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## 1 ELEVATION - SOUTH

1/8" = 1'-0"



## 2 ELEVATION - WEST

1/8" = 1'-0"

### ELEVATION & SECTION KEYED NOTES

- 1 STONE VENEER WALL
- 2 DARK BRONZE ANODIZED ALUMINUM DOORS AND WINDOWS
- 3 STEEL FRAME
- 4 BUILT-UP ROOFING
- 5 FLUE
- 6 FASCIA TO MATCH WDW & DOORS
- 7 GREEN ROOF
- 8 STONE VENEER RETAINING WALLS
- 9 SKYLIGHTS
- 10 PV
- 11 BBQ/PIZZA PATIO AREA

TITLE ELEVATION - SOUTH & WEST

# UPITIS

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DATE	18/08/15
SCALE	1/8" = 1'-0"
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JOB NUMBER	1806

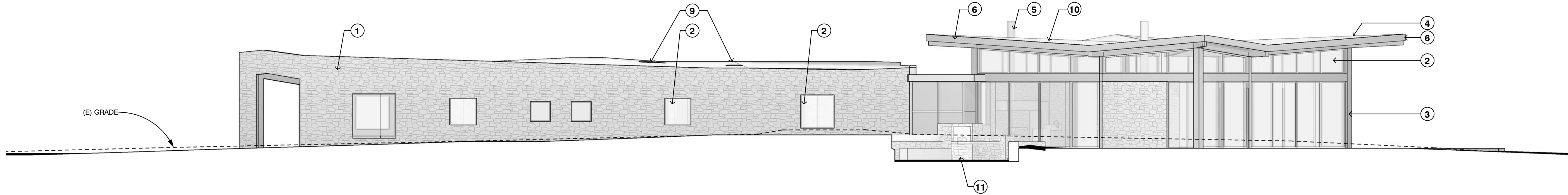
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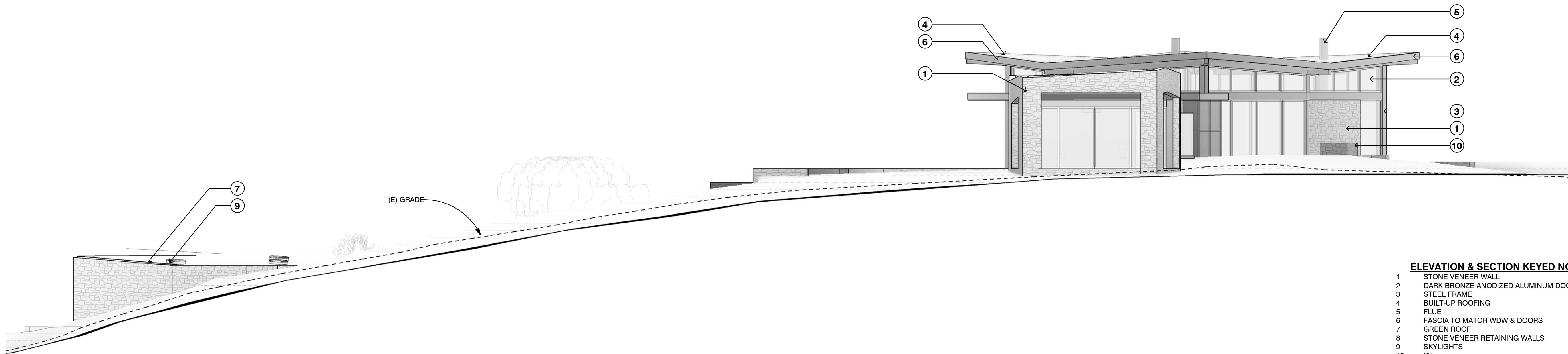
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**1** ELEVATION - NORTH  
1/8" = 1'-0"



**2** ELEVATION - EAST  
1/8" = 1'-0"

- ELEVATION & SECTION KEYED NOTES**
- 1 STONE VENEER WALL
  - 2 DARK BRONZE ANODIZED ALUMINUM DOORS AND WINDOWS
  - 3 STEEL FRAME
  - 4 BUILT-UP ROOFING
  - 5 FLUE
  - 6 FASCIA TO MATCH WDW & DOORS
  - 7 GREEN ROOF
  - 8 STONE VENEER RETAINING WALLS
  - 9 SKYLIGHTS
  - 10 PV
  - 11 BBQ/PIZZA PATIO AREA

TITLE  
ELEVATIONS - NORTH & EAST

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SCALE  
1/8" = 1'-0"  
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1806

SHEET

**8**

18/08/15