

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

In the matter of the application of:

**RICHARD D MACDONALD FAMILY PARTNERSHIP (PLN190351)**

**RESOLUTION NO. 20-023**

Resolution by the Monterey County Zoning  
Administrator:

1. Finding that the project involves the demolition of a single family dwelling, which qualifies as a Class 1 Categorical Exemption pursuant to Section 15301(l)(1) of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2; and
2. Approving an after-the-fact Combined Development Permit consisting of:
  - a. A Coastal Development Permit for the demolition of a single family dwelling (approximately 4,500 square feet). The building foundation and flatwork will remain; and
  - b. A Coastal Development Permit to allow development within 100-feet of environmentally sensitive habitat areas.

[PLN190351 – Richard D MacDonald Family Partnership, 30560 Aurora del Mar, Carmel, Bis Sur Coast Land Use Plan, Coastal Zone (Assessor's Parcel Number: 243-331-003-000)]

**The MACDONALD application (PLN190351) came on for a public hearing before the Monterey County Zoning Administrator on June 11, 2020. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Zoning Administrator 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);
  - Big Sur Coast Land Use Plan (BSC LUP);
  - Monterey County Coastal Implementation Plan, Part 3 (CIP);
  - Monterey County Zoning Ordinance (Title 20);No conflicts were found to exist. The subject property is located within the Coastal Zone; therefore, the 2010 Monterey County General Plan does not apply.  
b) Allowed Use – The single family, demolished without benefit of a coastal permit, was an allowed land use pursuant to Title 20 Section

20.16.040.A. As demonstrated in subsequent Evidence “d”, permits were obtained to legally establish the residence. Title 20 Section 20.70.120 states that the alteration of an existing single family dwelling located within 50 feet of a coastal bluff and development on properties between the sea and the first public road are not exempt from a Coastal Development Permit. As such, to abate the zoning violation on the property, this after-the-fact permit allows the demolition of the single family dwelling.

- c) Lot Legality. The subject parcel (1.10 acres), APN 243-331-003-000, is identified as Lot 3, located on a residential subdivision created through the Carmel Sur, Map of Tract No. 588. The recorded map can be found in Volume 10, Page 6 of Cities and Towns. Therefore, the County recognizes the subject parcel as a legal lot of record.
- d) Legal Nonconforming – Data from the Monterey County Assessor indicates the single family residence was established on the subject property in 1977. In 1984, the California Coastal Commission approved a Coastal Development Permit (Permit No. 3-84-140) for after-the-fact development consisting of conversion of the existing garage into living space, construction of a new garage and minimal vegetation removal and grading (approximately 200 cubic yards). In compliance with condition No. 7 of the permit, the property owners (Edward and Elizabeth Messick) made an Irrevocable Offer to Dedicate Open-Space Easement and Declarations of Restrictions on September 21, 1984 (Instrument No. G 47897, Reel 1779, Pages 50-71 of the Official Records in the Office of Recorder, County of Monterey). On September 6, 2005, the County of Monterey accepted the offer of the easement (Monterey County Recorder Document No. 2005092766). The single family dwelling, demolished without benefit of a coastal permit, was an allowed land use pursuant to Title 20 Section 20.16.040.A. However, flatwork and a concrete retaining wall to the north extends off the property and encroaches onto the adjacent property. In addition, stairways and concrete pads on the western portion of the property and a portion of the driveway turnaround and retaining walls on the eastern portion of the property are inconsistent with the easement restrictions. It is unclear when these improvements occurred, but the applicant has submitted evidence these may have pre-dated conveyance of the easement. As such, these improvements are considered legal non-conforming land uses. Since work did not occur in these areas, they may remain pursuant to Title 20 Section 20.68.020.
- e) Archaeological Resources – Monterey County Geographic Information System (GIS) data indicates the subject property has a high archaeological sensitivity. In addition, previous reports for the property indicate the potential for archaeological resources to be onsite and/or nearby. In accordance with BSC LUP Policy 3.11.1.4 and CIP Section 20.145.120.B.1.a, the application included an archaeological assessment (see Finding 2, Evidence “c”). The report assumes no impact since the development would be within an area already disturbed, and to the extent that subsequent development is restricted to that area, no further archaeological measures should be required. The project is for an after-the-fact Coastal Development

Permit for the demolition of a single family dwelling. Other than the abandonment of the septic tank, no additional work will occur. As demonstrated in Finding 3, Evidence “c”, activities to abandon the tank is limited to emptying the tank of effluent, popping holes on the bottom, and filling the tank with solid material. Existing access to the septic tank exists for maintenance. Therefore, abandonment will not require further ground disturbance.

- f) Biological Resources – Based on analysis for previous development permits and the site’s proximity to the Pacific Ocean, environmentally sensitive habitat areas (ESHA) are presumed on and near the site. In accordance with BSC LUP Policy 3.3.2.1 and CIP Section 20.145.040.B.1, a biological assessment (see Finding 2, Evidence “c”) was submitted with the application. The report identifies that the demolition occurred within the footprint of the single family dwelling only and there was no evidence of ESHA disturbance. As discussed in Finding 3, Evidence “c”, the septic tank will need to be abandoned. Existing access to the septic tank exists for maintenance; therefore, abandonment activities will not require ground disturbance. During review of the project, it was noted that a portion of the parking turnaround area and retaining walls on the eastern portion of the property and stairways and concrete pads leading to the ocean bluff were within a conservation easement area. Although this development was not part of the violation, staff requested the applicant explore it’s removal since it is inconsistent with the easement restrictions. The biologist noted that the turnaround and retaining walls appears to have been in place since the mid-eighties and their removal would serve no biological benefit as they would require grading to stabilize the slopes. The biologist also notes that the stairways and concrete pads, which were mortared to bedrock granite, predates establishment of the easement boundaries. Removal of the concrete pads would likely require a jackhammer and would offer no biological benefit. In fact, forceful breaking of the concrete would possibly degrade and destabilize the rock below it, hastening weathering and erosion. The biologist concludes that there is nothing biologically sensitive that these stairs and landing pads are impacting by remaining in place and there is no meaningful restoration of native ocean bluff scrub habitat that could be implemented that would be likely to survive on the exposed granite were the stairs to be removed. However, the report concludes that once the demolition permit is cleared and designs finalized for a new structure, the completion of a restoration and planting plan for the areas within the conservation easement could occur. To ensure property owners know of this, the project has been conditioned requiring recordation of a Notice of Report.
- g) Abatement of Violation – This after-the-fact Coastal Development Permit will abate the zoning violation on the subject property. See Finding 4 below.
- h) Public Access – As demonstrated in Finding 6, the development is consistent with public access policies of the BSC LUP.
- i) Based on the Land Use Advisory Committee procedure guidelines adopted by the Monterey County Board of Supervisors, the project

was referred to the Big Sur Coast LUAC. However, on May 30, 2017 an application for the demolition and rebuild of the single family dwelling was brought before the LUAC. No decision was made and the project was continued pending revised plans and approval by the Otter Cove HOA.

- j) Staff conducted a site inspection on April 25, 2017 and May 30, 2019 to verify that the project on the subject property conforms to the plans submitted.
- k) The application, plans, and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in RMA-Planning File No. PLN190351.

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

**EVIDENCE:** a) The project includes minor improvements associated with an established residential use in a residential neighborhood.

b) The project was reviewed by RMA-Planning, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau and the Carmel Highlands Fire Protection District. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- c) Potential impacts to archaeological and biological resources were identified. The following reports have been prepared and submitted with the application:

- “Archaeological Assessment”, dated January 17, 2017 (Monterey County Document No. LIB170137), prepared by Gary S. Breschini, Ph. D., Salinas, CA.
- “Biological Assessment”, dated December 15, 2019 (Monterey County Document No. LIB200074), prepared by Pat Regan, Carmel Valley, CA.

The above-mentioned technical reports prepared by outside consultants demonstrate that there are no physical or environmental constraints indicating the site is not suitable for the proposed use. County staff has independently reviewed these reports and concurs with their conclusions.

- d) Based on the age of the home and the common Spanish-style architecture did not indicate that the structure warranted the need for a historical report.
- e) The application materials, reports submitted by the applicant, staff’s site visit, permit history and the minimal disruption of the site indicate that staff would have supported demolition of the single family dwelling had the applicant applied for the proper permits prior to completing the work.
- f) Staff conducted a site inspection on April 25, 2017 and May 30, 2019 to verify that the site is suitable for this use.
- g) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN190351.

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 RMA-Planning, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau and the Carmel Highlands Fire Protection District. 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 facilities are existing on the subject property. However, the project allows the after-the-fact demolition of a single family dwelling resulting in a vacant lot. Therefore, potable water service is not necessary.

c) Wastewater service to the property is not necessary since the single family dwelling has been demolished. In accordance with Monterey County Code Chapter 15.20.090 – Abandoned Sewage Disposal Facilities, septic tanks discontinued from use shall have the sewage removed therefrom and be completely filled with earth, gravel or concrete. In accordance with this chapter, the Environmental Health Bureau requires issuance of a permit to abandon prior to any work being performed.

d) The application, plans, and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in RMA-Planning File No. PLN190351.

4. **FINDING:** **NO VIOLATIONS** – Approval of this after-the-fact Combined Development Permit will bring the subject property into compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County’s zoning ordinance.

**EVIDENCE:** a) Staff reviewed Monterey County RMA-Planning and RMA-Building Services records and is not aware of any other violations existing on subject property.

b) See Finding 2, Evidence “f”.

c) Pursuant to CIP Section 20.90.110, the Zoning Administrator is the appropriate authority to consider permits for the violation on the subject property.

d) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN190351.

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

**EVIDENCE:** a) California Environmental Quality Act (CEQA) Guidelines Section 15301(l)(1) categorically exempts the demolition of one single family dwelling in non-urbanized areas. The subject property is located

within a 17-lot subdivision within unincorporated Monterey County and the project legalizes the demolition of a single family dwelling. The building foundation and flatwork remain onsite and is not proposed for removal as part of this permit. Therefore, the project qualifies for a Class 1 categorical exemption pursuant to the section above.

- b) The project does not meet the exceptions to the exemptions listed in CEQA Guidelines Section 15300.2. The demolition activities were limited to areas already disturbed areas. Biological and archaeological assessments were submitted as part of the application (see Finding 2, Evidence “c”). These reports gave no indication that the demolition resulted in environmental impacts. In addition, abandonment of the septic tank would not require ground disturbance (see Finding 1, Evidence “e” and “f”). Therefore, it is reasonable that the activity had no significant effect on the environment due to unusual circumstances. The subject property is located adjacent to Highway 1, a State scenic highway. Due to topography and existing vegetation, the site cannot be viewed for the roadway. No vegetation removal or grading occurred with the demolition. Therefore, the project does not result in damage to scenic resources. There is no indication that the structure demolished or the subject property qualifies as an historical resource or is located on a hazardous waste site. Further, it is not reasonably foreseeable that the project would result in a cumulative significant impact.
- c) No adverse environmental effects were identified during staff review of the development application.
- 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 PLN190351.

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) Figure 2, Shoreline Access Plan, of the BSC LUP illustrates that the subject property is located in the Otter Cove Area, a Priority 1 – major access area. Permitting the after-the-fact demolition of the single family dwelling does not impact or change the existing conditions of the Otter Cove Area public access.
  - b) No additional access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in CIP Section 20.145.150 can be demonstrated.
  - c) Staff conducted a site inspection on April 25, 2017 and May 30, 2019.
  - d) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN190351.

7. **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 – Pursuant to Section 20.86.030 of Title 20, an appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
- b) Coastal Commission – Pursuant to Section 20.86.080.A.1 of Title 20, the project is subject to appeal by/to the California Coastal Commission because the site is located between the sea and the first public road.

### DECISION

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

1. Finding that the project involves the demolition of a single family dwelling, which qualifies as a Class 1 Categorical Exemption pursuant to Section 15301(l)(1) of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2; and
2. Approving an after-the-fact Combined Development Permit consisting of:
  - a. A Coastal Development Permit for the demolition of a single family dwelling (approximately 4,500 square feet). The building foundation and flatwork will remain;
  - b. A Coastal Development Permit to allow development within 100-feet of environmentally sensitive habitat areas.

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 11<sup>th</sup> day of June, 2020.



Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON **JUN 16 2020**

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 **JUN 26 2020**

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



# Monterey County RMA Planning

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

PLN190351

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** This Coastal Development Permit (PLN190351) allows demolition of a single family dwelling, the after-the-fact, and partially abates violation No. 14CE000051. The property is located at 30560 Aurora del Mar, Carmel (Assessor's Parcel Number 243-331-003-000), Big Sur Coast Land Use Plan. 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 (Resolution Number 20-023) was approved by the Zoning Administrator for Assessor's Parcel Number 243-331-003-000 on June 11, 2020. The permit was granted subject to 7 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 a building permit or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of building permits 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. PD003(B) - CULTURAL RESOURCES POSITIVE ARCHAEOLOGICAL REPORT

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** If archaeological resources or 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 human remains until the coroner of the county in which the remain are discovered must be contacted to determine that no investigation of the cause of death is required.

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, Costonoans/Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendant.
- The most likely descendant 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 descendant or the most likely descendant failed to make a recommendation within 24 hours after being notified by the commission.
2. The descendant identified fails to make a recommendation; or
3. The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

(RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading or building permits or approval of Subdivision Improvement Plans, whichever occurs first, the Owner/Applicant, per the archaeologist, shall submit the contract with a Registered Professional Archaeologist for on-call archaeological services should resources be discovered during construction activities. Submit the letter to the Director of the RMA – Planning for approval.

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, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final/parcel map.

Prior to Final, the Owner/Applicant, per the Archaeologist, shall submit a report or letter from the archaeologist summarizing their methods, findings, and recommendations if their services are needed during construction or if no resources were found.

#### 4. PD016 - NOTICE OF REPORT

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Prior to issuance of building permits, a notice shall be recorded with the Monterey County Recorder which states:  
"A Biological Assessment (Library No. LIB\*\*\*), was prepared by Pat Regan on December 15, 2019 and is on file in Monterey County RMA - Planning. All development shall be in accordance with this report."  
(RMA - Planning)

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

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.

#### 5. PDSP001 - AMENDMENT AND COMPLIANCE - CONSERVATION AND SCENIC EASEMENT DEED (NON-STANDARD)

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Prior to expiration of this Combined Development Permit, the existing conservation and scenic easement conveyed over portions of the subject property to the County of Monterey (Monterey County Recorder Document No. 2005092766) shall be amended and improvements on the property shall conform to the easement restrictions. The boundaries of the easement shall be realigned to remove portions of the existing asphalt parking/turnaround, on the eastern portion of the property, out of the easement area. The wooded stairs located within the easement area on the western portion of the property shall be removed. A Subordination Agreement shall be required, where necessary. The amendment to the easement boundaries shall be developed in consultation with certified professional. Removal of the stairs shall be done with consultation of a qualified biologist.

**Compliance or Monitoring Action to be Performed:** Submit the amended conservation and scenic easement deed and corresponding map, showing the exact location of the easement on the property along with the metes and bound description developed in consultation with a certified professional, to RMA - Planning for review and approval.

Submit a demolition plan, prepared in consultation with a qualified biologist, for removal of the wooden stairs to RMA for review and approval. This work shall occur prior to expiration of this permit.

Prior to expiration of this permit, the Owner/Applicant shall record the deed and map showing the approved amended conservation and scenic easement area. Submit a copy of the recorded deed and map to RMA – Planning.

## 6. FLOODPLAIN NOTICE

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall provide a recorded floodplain notice for the subject parcel stating: "The property is located within or partially within a Special Flood Hazard Area and may be subject to building and/or land use restrictions." (RMA-Environmental Services)

**Compliance or Monitoring Action to be Performed:** The applicant shall submit a signed and notarized floodplain notice to RMA-Environmental Services for review and approval.  
The notice shall be recorded concurrently with the final map.

## 7. 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

PROJECT APN:	243-331-003
ADDRESS:	30560 AURORA DEL MAR CARMEL, CA 93923
OWNER:	RICHARD MACDONALD 16 LOWER RAGSDALE RD MONTEREY, CA 93940
CIVIL ENGINEER:	STEVEN C. WILSON, RCE25136 MONTEREY BAY ENGINEERS, INC. 607 CHARLES AVENUE, SUITE B SEASIDE, CA 93955 (831) 899-7889

## SURVEY NOTES

1. TOPOGRAPHIC SURVEY PROVIDED BY JON D. HAGEMeyer, PLS., DATED APRIL, 2012.
2. ALL BOUNDARY DATA SHOWN ARE FROM THE RECORDS. THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY. A TITLE REPORT WAS NOT PROVIDED AND ALL EASEMENTS MAY NOT BE SHOWN.
3. ELEVATIONS SHOWN ARE BASED ON ASSUMED DATUM. TEMPORARY BENCHMARK IS ON THE BLUFF OF THE NEIGHBORING PROPERTY TO THE SOUTH.  
BENCHMARK ELEVATION = 51.24'
4. CONTOUR INTERVAL = 1 FOOT.
5. ALL TREES ARE SHOWN IN INCHES. 17c = 17" CYPRESS (TYPICAL)
6. ONLY NATIVE TREES LOCATED.
7. PRIOR TO THE START OF CONSTRUCTION, A REFERENCE DATUM SHALL BE USED TO ESTABLISH INDICATED ELEVATIONS AND IN PLACE UNDERSTAKE THROUGHOUT THE ENTIRETY OF CONSTRUCTION. ELEVATIONS ON THIS PERMIT, THE REFERENCE STAKE, SHALL BE SET BY A LICENSED SURVEYOR.

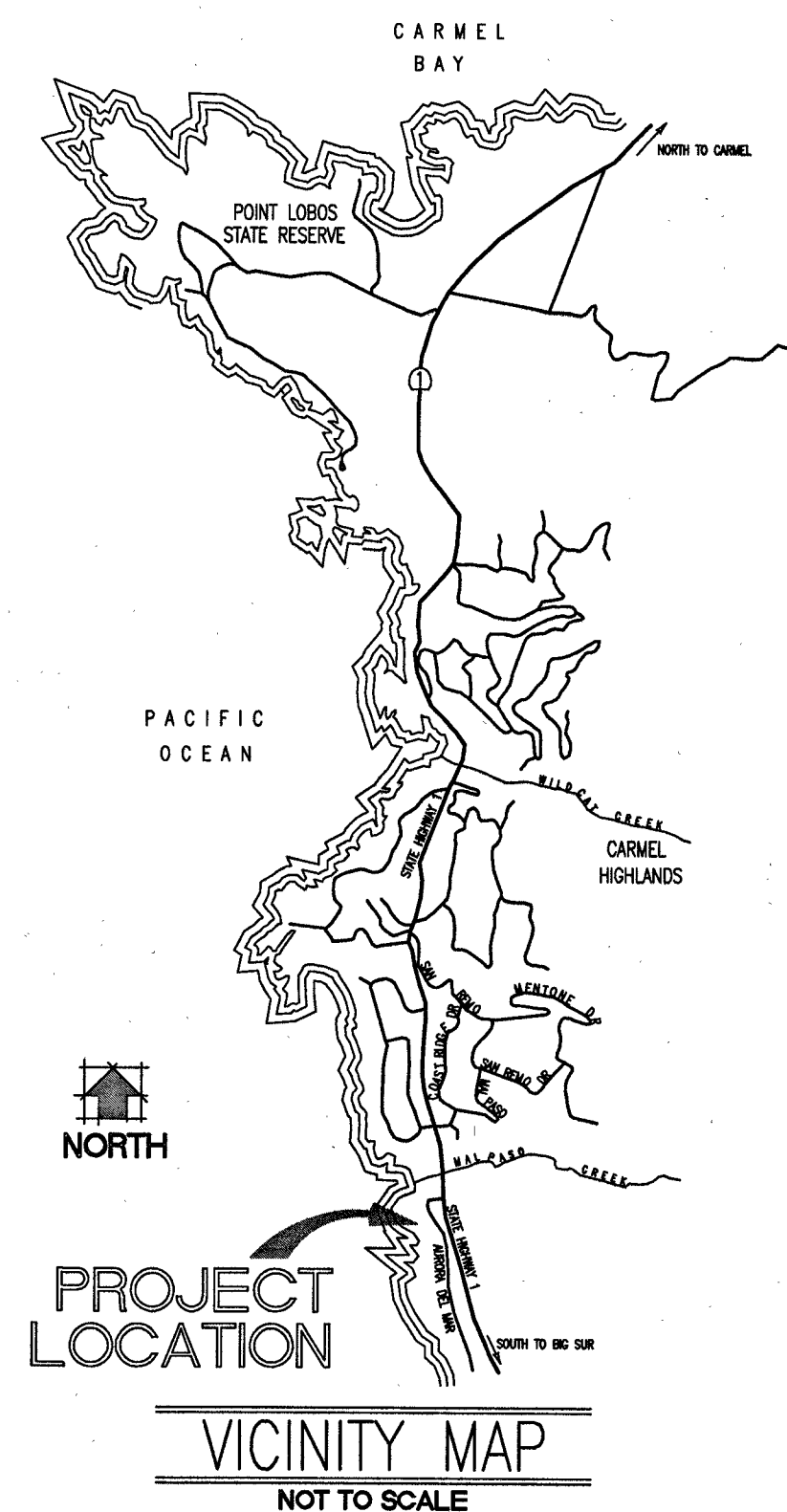
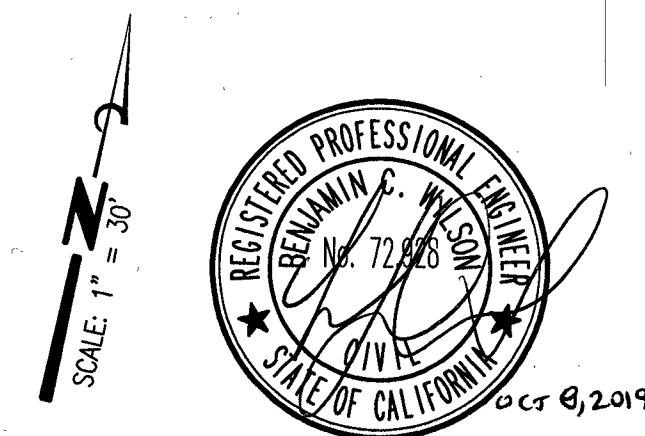
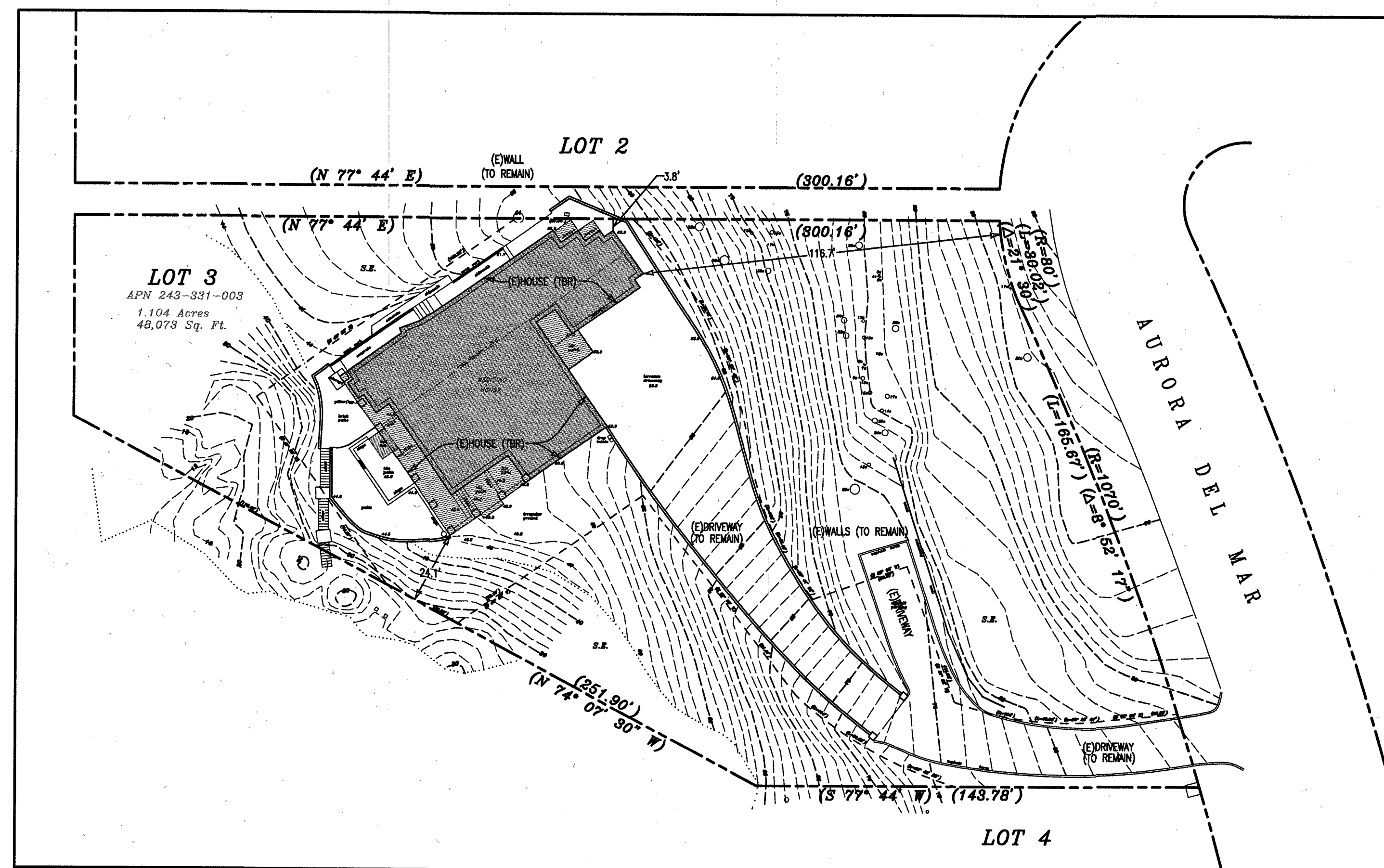
1. ALL GRADING WORK SHALL BE IN ACCORDANCE WITH THE 2016 CBC.
2. ALL WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH 2016 C.B.C. STANDARDS AND SPECIFICATIONS.
3. ALL GRADING SHALL CONFORM TO THE LATEST COUNTY OF MONTEREY STANDARDS AND SPECIFICATIONS, AND GRADING ORDINANCE #2535 AND EROSION CONTROL ORDINANCE #2806.
4. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS PRIOR TO THE START OF ANY WORK. A GRADING INSPECTION CARD WILL BE FURNISHED BY THE COUNTY OF MONTEREY THAT WILL PROVIDE DETAILS OF ALL REQUIRED INSPECTIONS.
5. ALL FILL SHALL BE COMPACTED TO 95% RELATIVE COMPACTION UNDER DRIVEWAY AND PAVED AREAS, AND 90% ELSEWHERE.
6. CORRUGATED METAL PIPE SHALL NOT BE USED IN THIS PROJECT.
7. TOPOGRAPHIC INFORMATION TAKEN FROM A MAP PROVIDED BY JON HAGMEYER, PLS, DATED APRIL, 2012.
8. ESTIMATED EARTHWORK QUANTITIES:

<u>CUT:</u>	<u>0 CU.YDS.</u>
<u>FILL:</u>	<u>0 CU.YDS.</u>
<b><u>NET EARTHWORK</u></b>	<b><u>0 CU.YDS.</u></b>
9. EXISTING TOPSOIL IN ALL AREAS TO BE GRADED SHALL BE STRIPPED AND STOCKPILED IN A LOCATION ON SITE AS DIRECTED BY OWNER. TOPSOIL FILL TO BE SPREAD A MAXIMUM OF 12" THICK (DEEP) OVER ALL AREAS NOT OCCUPIED BY PAVING OR STRUCTURES FOR FINAL LANDSCAPING.
10. ALL GRADING AROUND THE HOUSE SHOULD SLOPE AWAY FROM THE FOUNDATION AT 1" FOR 10' MIN.
11. ALL CUT AND FILL SLOPES ARE SPECIFIED NOT STEEPER THAN 2' HORIZONTAL = 1' VERTICAL.
12. A COPY OF ALL COMPACTION TESTS AND FINAL GRADING REPORT SHALL BE SUBMITTED TO THE COUNTY PRIOR TO SCHEDULING ANY INSPECTIONS.
13. PRIOR TO PLACEMENT OF EARTHEN FILL, THE FILL KEY SHALL BE INSPECTED AND APPROVED BY THE PROJECT GEOTECHNICAL ENGINEER AND MONTEREY COUNTY GRADING INSPECTOR. THE MINIMUM WIDTH OF KEY UNDER A FILL SLOPE SHALL BE 12" - 0" MINIMUM PER THE MONTEREY COUNTY ORDINANCE, SECTION 16.0830. PAD ELEVATIONS SHALL BE CERTIFIED TO 0.1 FEET, PRIOR TO DIGGING ANY FOOTINGS OR SCHEDULING ANY INSPECTIONS.
14. GRADING WORK WILL BEGIN WITHIN 180 DAYS OF THE ISSUANCE OF A GRADING PERMIT.
15. ACTUAL GRADING SHALL BEGIN WITHIN 30 DAYS OF VEGETATION REMOVAL OR THE AREA SHALL BE PLANTED TO CONTROL EROSION.
16. A WATER TRUCK SHALL BE MAINTAINED ON SITE AS NEEDED FOR DUST CONTROL DURING CONSTRUCTION.
17. THE PURPOSE OF THIS WORK IS FOR DEMOLITION OF THE EXISTING HOUSE, WITH FOUNDATION AND SITE WORK TO REMAIN, AS SHOWN.
18. DUST FROM THE GRADING OPERATION MUST BE CONTROLLED. THE OWNER OR CONTRACTOR MAY BE REQUIRED TO KEEP ADEQUATE EQUIPMENT ON THE GRADING SITE TO PREVENT DUST PROBLEMS. (ORD. 2354 SECTION 1'18, 1979).
19. THE CONTRACTOR SHALL CONTACT MONTEREY BAY ENGINEERS, INC. (831) 899-7899, AT LEAST 48 HOURS IN ADVANCE OF ANY WORK REQUIRING SURVEYING CONTROL TO ARRANGE FOR CONSTRUCTION STAKING.
20. A LETTER SHALL BE SUBMITTED FROM A LICENSED SURVEYOR CERTIFYING THAT PAD ELEVATIONS ARE WITHIN 0.1 FEET OF ELEVATIONS STATED ON APPROVED PLANS, PRIOR TO DIGGING ANY FOOTINGS OR SCHEDULING FOUNDATION INSPECTIONS.

(E) .....	EXISTING	GB .....	GRADE BREAK
(N) .....	NEW	INV .....	INVERT ELEVATION
AB .....	AGGREGATE BASE	LF .....	LINEAR FEET
AC .....	ASPHALT CONCRETE	(P) .....	PROPOSED
BW .....	BASE OF WALL	PL .....	PROPERTY LINE
CB .....	CATCH BASIN	R .....	RADIUS
CO .....	CLEAN OUT	RIM .....	RIM ELEVATION
CONC. ....	CONCRETE	S .....	SLOPE
D/W .....	DRIVEWAY	SF .....	SQUARE FEET
DI .....	DROP INLET	TBR .....	TO BE REMOVED/RELOCATED
DS .....	DOWN SPOUT	WM .....	WATER METER
EL OR ELEV. ....	ELEVATION		
FF .....	FINISHED FLOOR	XX.XX' .....	TOP OF CURB ELEVATION
FG .....	FINISHED GRADE	XX.XX' \	FLOWLINE ELEVATION
FL .....	FLOWLINE		

**EROSION CONTROL NOTES:**

1. PRIOR TO COMMENCEMENT OF ANY LAND DISTURBANCE, THE OWNER/APPLICANT SHALL SCHEDULE AN INSPECTION WITH RMA-ENVIRONMENTAL SERVICES TO ENSURE ALL NECESSARY SEDIMENT CONTROL MEASURES ARE IN PLACE AND THE PROJECT IS COMPLIANT WITH MONTEREY COUNTY REGULATIONS.
2. DURING CONSTRUCTION, THE OWNER/APPLICANT SHALL SCHEDULE AN INSPECTION WITH RMA-ENVIRONMENTAL SERVICES TO INSPECT DRAINAGE DEVICE INSTALLATION, REVIEW THE MAINTENANCE AND EFFECTIVENESS OF BMP'S INSTALLED, AND TO VERIFY THAT POLLUTANTS OF CONCERN ARE NOT DISCHARGED FROM THE SITE. AT THE TIME OF THE INSPECTION, THE APPLICANT SHALL PROVIDE CERTIFICATION THAT ALL NECESSARY GEOTECHNICAL INSPECTIONS HAVE BEEN COMPLETED TO THAT POINT.
3. PRIOR TO FINAL INSPECTION, THE OWNER/APPLICANT SHALL SCHEDULE AN INSPECTION WITH RMA-ENVIRONMENTAL SERVICES TO ENSURE THAT ALL DISTURBED AREAS HAVE BEEN STABILIZED AND THAT ALL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES THAT ARE NO LONGER NEEDED HAVE BEEN REMOVED.



<div>REVISIONS</div> <table><thead><tr><th>DATE</th><th>BY</th></tr></thead><tbody><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr></tbody></table>		DATE	BY																			<div>SITE PLAN / DEMOLITION PLAN</div>	
		DATE	BY																				
30560 AURORA DEL MAR																							
LOT 3																							
CARMEL SUR SUBDIVISION																							
VOLUME 10, CITIES & TOWNS, PAGE 6																							
COUNTY OF MONTEREY    APN: 243-331-003    STATE OF CALIFORNIA																							
PREPARED FOR																							
RICHARD MACDONALD																							
BY																							
MONTEREY BAY ENGINEERS, INC.																							
CIVIL ENGINEERING • SUBDIVISIONS • LAND SURVEYING • CONSTRUCTION STAKING																							
607 CHARLES AVE    SUITE B    (831) 899-7889    SEASIDE, CALIFORNIA 93955																							
SCALE	DATE	DRAWN BY	SHEET																				
1" = 30'	SEPT, 2019	BCW	C1 of T2																				
JOB No. 17-018																							



