

Exhibit B

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**EXHIBIT B
DRAFT RESOLUTION**

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

In the matter of the application of:

MILLER (PLN180289)

RESOLUTION NO. ----

Resolution by the Monterey County Planning
Commission:

- 1) Finding the project is limited development consisting of new construction of a single-family dwelling which qualifies as a Class 3 Categorical Exemption per Section 15303 (a) of the CEQA Guidelines and none of the exceptions under Section 15300.2 apply; and
- 2) Approving a Combined Development Permit consisting of:
 - a) Administrative Permit and Design Approval to allow the construction of a single family dwelling with an attached garage (6,462 square feet);
 - b) Use Permit to allow the removal of four oak trees including one landmark tree 26 inches in diameter; and
 - c) Use Permit to allow 800 square feet of development on slopes greater than 25%.

24275 Via Malpaso, Monterey, Greater Monterey
Peninsula Area Plan (APN: 259-101-066-000)

The Miller application (PLN180289) came on for a public hearing before the Monterey County Planning Commission on July 29, 2020. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies.
EVIDENCE:
 - a) Staff has reviewed the project for consistency with the following applicable text, policies, and regulations:
 - Greater Monterey Peninsula Area Plan
 - 2010 Monterey County General Plan; and
 - Monterey County Zoning Ordinance (Title 21)
 - b) The property is located at 24275 Via Malpaso, Monterey (Assessor's Parcel Number 259-101-066-000), Greater Monterey Peninsula Area Plan. The parcel is zoned Rural Density Residential with a Building-6 and Design Control overlay within an urban reserve subject to site plan

review [RDR/B-6-UR-D-S]. Within the RDR zoning district, single family dwellings are an allowed use. An Administrative Permit is required for development in the “S” district and a Design Approval is required for development in the “D” district. Due to vegetation and topography of the site, Use Permits are also required for development on slopes and for removal of four trees.

- c) Lot Legality. The 1.79-acre lot was created with Monterra Ranch Phase I subdivision recorded September 29, 1992 in Tract No. 1177, recorded in Volume 18 at Page 1. Then, in 1998, Monterra Ranch Properties LLC obtained a permit for a lot line adjustment (PLN980080), which was reflected in a record of survey showing the new boundaries at 21 Surveys 128. A second Lot Line Adjustment was approved on May 9, 2001, adjusting boundaries between three undeveloped lots (Lots 17, 18 and 19) to accommodate driveway and building envelopes and reduce the size of two parcels in a B-6 zoning district (PLN000547). However, the 2001 lot line adjustment was never perfected through a recorded deed. Then in May 2004 and April 2006, the Monterra Ranch Properties executed a deed of trust on Lot 18 identifying Lot 18 by reference to the 1998 lot line adjustment under Volume 21, Page 126, Surveys recorded July 24, 1998 (the first lot line adjustment). In 2018, the Millers purchased Lot 18, in which the deed identifies Lot 18 by reference to the 1998 lot line adjustment (not the 2001 approved configuration that was never executed through a deed). Therefore, Lot 18 as recorded in the 1998 lot line adjustment is the legal lot of record.
- d) Setbacks. This parcel is zoned RDR/B-6-UR-D-S; therefore, the Building Site Area 6 standards apply. Furthermore, in B-6 designations, lots as shown on the recorded final map may not be further subdivided and setbacks cannot be less than B-4 regulations unless otherwise noted on the final map. The site development standards for a main structure include a 30-foot front setback, a 20-foot side setback, and a 20-foot rear setback with a maximum allowed height of 30 feet. Proposed setbacks of the main structure are 30 feet from the front and side setbacks are 49 feet on the north side of the property and 85.5 feet on its south side. The proposed height is 30 feet. Therefore, the project as proposed meets all development standards outlined in the RDR/B-6-UR-D-S district.
- e) Visual Resources. The project as proposed is consistent with the Greater Monterey Peninsula Area Plan policies regarding Visual Sensitivity. The project site is on the south side of Highway 68. The impact to viewshed would be minimized due to its distance from the highway and the site’s topography. Moreover, the area surrounding the proposed development is forested and well screened from Highway 68. Therefore, development on this parcel would not adversely impact Visual Sensitivity along a scenic highway.
- f) Tree Removal. An arborist assessment conducted on May 24, 2018 determined the site is composed primarily of Coast Live Oak trees along with some Monterey Pines. The project proposes the removal of four (4) Coast Live Oak trees. The proposed tree removal is the minimum required under the circumstances (See Finding 6 with supporting evidence).

- g) Design. Pursuant to Chapter 21.44 of the Monterey County Zoning Ordinance, Title 20, a Design Control Zoning District (“D” zoning overlay), regulates the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character. The proposed exterior colors, materials and finishes consisting predominantly of cream stucco walls, stone tile, red clay tile roof, and copper gutter and downspout are appropriate for the neighborhood and will blend in with the surrounding environment. The Spanish revival design and color palette of materials are consistent with other dwellings in the neighborhood and will not disrupt the overall character of the area. Additionally, the elevation of the home is broken up by varied roof pitches; the bulk and mass of the design are proportionate to the site and do not conflict with the surrounding neighborhood. Therefore, the project as proposed assures protection of the public viewshed and is consistent with the neighborhood character.
- h) Land Use Advisory Committee (LUAC). The project was referred to the Greater Monterey Peninsula Land Use Advisory Committee (LUAC) for review. On February 25, 2019, the LUAC reviewed and approved the project with four (4) in favor and none (0) against and one (1) absence.
- i) Biology. The applicant submitted a biological review of the Miller property dated December 4, 2018, which found no species of biological significance on the parcel besides the presence of Coast Live Oak and Monterey Pine trees. The review concluded that development of this lot would not adversely affect sensitive species in the area. The subdivision created a drainage easement slightly below the applicant’s property line to drain water runoff after heavy periods of rain. The biology review submitted with the application indicates the unnamed drainage presents neither riparian stream-side nor aquatic in-stream habitat. The biologist also noted the drainage easement is a deeply incised reach across a heavy clay bedding and contains no vegetation between the channel banks across the easement area of Lot 18.
- j) Slopes. Title 21.64.230 of the Monterey County Code and the Monterey County General Development Plan regulate development on slopes in excess of 25%. Development on slopes greater than 25% is prohibited unless findings are made that there is no feasible alternative which would allow development on slopes of less than 25% or the proposed development better achieves the resource protection objectives. The applicant proposes about 800 square feet of development on slopes greater than 25%, which staff has found to be the minimum necessary for development (See Finding 7 with supporting evidence).
- k) The application, project plans, and related supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development can be found in Project File PLN180289.

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, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, Water Resources Agency, Monterey County Regional Fire Protection District, and the Greater Monterey Peninsula Land Use Advisory Committee. Conditions recommended by RMA-Planning, RMA-Environmental Services and RMA-Public Works have been incorporated.
 - b) Technical prepared for the sit indicate that there are no physical or environmental constraints that would render the site unsuitable for the use proposed. Reports in the Project File (PLN180289) include:
 - Soil Engineering Investigation for the Miller Residence (APN 259-101-066-000) (LIB190219), prepared by Landset Engineers, Inc., August 2018.
 - 24275 Via Malpaso Tree Assessment Management Plan (LIB180374), prepared by Frank Ono, May 24, 2018.
 - Biological Review of 24275 Via Malpaso (LIB190218), Jeffrey B. Froke, December 4, 2018.
 - c) Landscaping and fire fuel management are required. A Fuel management plan was provided with the proposed landscape plans. A reduced fuel zone one hundred feet from the structure as well as a fuel break line thirty feet from the structure are proposed. Within these areas, vegetation will be managed by removal of dead brush and branches and limbing of trees to prevent spread of fire into tree canopies.
 - d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN180289.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the 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 has been reviewed for site suitability by the following departments and agencies: RMA-Planning, RMA-Public Works, RMA-Environmental Services, the Water Resources Agency, Monterey County Regional Fire Protection District, and the Environmental Health Bureau. 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) Water is available to the proposed development through Canada Woods Water Company and waste would be collected through Monterra Community Service which has adequate capacity to serve the new home.
 - c) The application, project plans, and related supporting materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development can be found in Project File PLN180289.

4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.
- EVIDENCE:** a) Staff reviewed Monterey County RMA - Planning and Building Services Department records and is not aware of any violations existing on subject property. The site is currently vacant and maintains natural vegetation.
5. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review.
- a) Section 15303 (a) categorically exempts new construction of one single family residence, or a second dwelling unit in a residential zone. The applicant proposes to construct the first single family home and accessory structures.
- b) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. Reports provided conclude that the proposed project would not impact any resources. Adequate evidence has been presented to support finding that there are no unique circumstances for potential impact in this case. Other than tree removal, the site is not located in a particularly sensitive environment. It is surrounded on all sides by medium density residential development and/or road ways. Views from Highway 68 (a scenic highway) are protected. There are no significant cumulative effects of residential development on residentially zoned lands, there are no historical resources and no hazardous waste sites involved. The project will not have a significant effect on the environment and qualifies for a Categorical exemption as one residential home on a residential lot.
- c) 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 PLN180289.
6. **FINDING:** **TREE REMOVAL** – The project is consistent with all tree removal policies of to the Greater Monterey Peninsula Area Plan and Title 21 of the Monterey County Code.
- EVIDENCE:** a) Four Coast Live Oak trees including one landmark tree 26 inches in diameter are proposed for removal to accommodate development. The project site is a vacant 1.79 acre lot surrounded by vacant parcels and residential homes in the Monterra Ranch Subdivision, over a mile southwest of Highway 68. Coast Live Oak trees are scattered throughout the site and the subdivision. The removal of more than three protected trees shall require a Use Permit pursuant to Section 21.64.260 of the zoning ordinance Title 21 (preservation of oaks and other protected trees) and policies of the Greater Monterey Peninsula Area Plan. A Use Permit is included in this resolution.
- b) The Greater Monterey Peninsula Area Plan states that tree removal shall be minimized, specifically that removal of healthy native oak trees shall be discouraged. The applicant submitted a forest management plan (FMP) examining impacts of the tree removal on the site and within the

forest setting. The FMP identifies the need to remove six (6) protected trees to accommodate residential development; however, revisions to the site plans have been made to reduce tree removal to four Coast Live Oak trees rather than four Oak trees and two Monterey Pine trees. The oaks trees proposed for removal are in poor or fair condition. As designed, impacts to trees cannot be avoided in this case. Moving the house would either impact other trees nearby or would require additional development on slopes greater than 25%. The proposed home has been sited to avoid and minimize tree removal to the extent feasible.

- c) Staff has reviewed the FMP and agrees with the conclusions. Recommended conditions have been included as conditions of approval for the project. As conditioned, the remaining trees on the property will be retained and protected. Per the recommendation of the FMP, four (4) five-gallon Coast Live Oak replacement trees will be planted in appropriate and suitable locations on the subject parcel. As proposed, and with conditions incorporated, the project will not adversely affect the long-term maintenance of the forest habitat on the site and in the area. Connectivity with the surrounding forest is provided in the front, side, and rear yards of the proposed development and tree replacement will assure on-going health of the forest in the area.

7. **FINDING:** **SLOPES** - There is no feasible alternative which would allow development to occur on slopes of less than 25%.
- a) The 2010 General Plan regulates development on slopes greater than 25%. Development on slopes greater than 25% is prohibited unless findings are made that there is no feasible alternative which would allow development on slopes of less than 25% or the proposed development better achieves the resource protection objectives, subject to a Use Permit and public hearing.
- b) The applicant proposes about 800 square feet of development on slopes greater than 25%. The natural terrain on the Miller parcel contains slopes in excess of 25%. The applicant has sited development to avoid steeper slopes, but was not able to avoid impacting a few areas located around the auto court and the northern portion of their home. The applicant located the proposed structures to avoid slopes and oak trees that populate near the front property line while still meeting setbacks. Slopes in excess of 30% exist on both sides of an existing easement, which is the primary access to the site. In order to construct a driveway and to provide for adequate turnaround area required by the fire department, disturbance to slopes in excess of 30% cannot be avoided. For these reasons, there is no feasible alternative to avoid development on slopes and the proposed development is sited and design to achieve compliance with resource protection objectives.
8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
- EVIDENCE:** a) Section 21.80.040 of the Monterey County Zoning Ordinance (Title 21) states that the proposed project is appealable to the Board of Supervisors.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

1. Find that the project is construction of a single-family dwelling which qualifies as a Class 3 Categorical Exemption per Section 15303 (a) of the CEQA Guidelines and none of the exceptions under Section 15300.2 apply; and
2. Approve a Combined Development Permit consisting of:
 - a) An Administrative Permit and Design Approval to allow the construction of a single family dwelling with attached garage (6,462 square feet);
 - b) A Use Permit to allow the removal of four oak trees including one landmark tree 26 inches in diameter; and
 - c) A Use Permit to allow 800 square feet of development on slopes greater than 25%.

In general conformance with the attached plans and subject to thirteen (13) conditions of approval, both being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 29th day of July, 2020 upon the motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

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

This 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 Department office in Salinas.

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

Form Rev. 5-14-2014

Monterey County RMA Planning

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

PLN180289

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Combined Development Permit (PLN180289) allows an Administrative Permit and Design Approval for construction of a 6,260 square foot single family dwelling inclusive of an attached garage, a Use Permit for the removal of four oak trees, and a Use Permit to allow development on slopes greater than 25%. The property is located at 24275 Via Malpaso in Monterey (Assessor's Parcel Number 259-101-066-000), Greater Monterey Peninsula Area 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 Combined Development Permit (Resolution Number 20-____) was approved by the Planning Commission for Assessor's Parcel Number 259-101-066-000 on July 29, 2020. The permit was granted subject to thirteen (13) 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. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: 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 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County RMA - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery.
(RMA - Planning)

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

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

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

4. PD041 - HEIGHT VERIFICATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible on-site until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor to the Director of RMA - Building Services for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project of 30 feet. (RMA - Planning and RMA - Building Services)

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

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

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

5. GEOTECHNICAL PLAN REVIEW

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall provide certification from the licensed practitioner that their geotechnical recommendations have been incorporated into the grading plan and stormwater control plan. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or construction permit, the applicant shall provide certification from the licensed practitioner(s).

6. EROSION CONTROL PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit an erosion control plan in conformance with the requirements of Monterey County Code Chapter 16.12. The erosion control plan shall include a construction entrance, concrete washout, stockpile area(s), material storage area(s), portable sanitation facilities and waste collection area(s), as applicable. The plan shall also include RMA-Environmental Services inspection notes 1, 2, & 3 on the plan. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit an erosion control plan to RMA-Environmental Services for review and approval. Inspection notes can be obtained from RMA-Environmental Services staff.

7. 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 Soil Engineering Investigation and the approved grading and stormwater control plans. (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.

8. PW0044 - CONSTRUCTION MANAGEMENT PLAN

Responsible Department: RMA-Public Works

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

CMP shall include, at a minimum, duration of the construction, hours of operation, truck routes, estimated number of truck trips that will be generated, number of construction workers, and on-site/off-site parking areas for equipment and workers and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project.

Compliance or Monitoring Action to be Performed:

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

9. PW0045 – COUNTYWIDE TRAFFIC FEE

Responsible Department: RMA-Public Works

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

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

10. GRADING PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a grading plan incorporating the recommendations in the Soil Engineering Investigation prepared by Landset Engineers. 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.

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.

11. PD048 - TREE REPLACEMENT/RELOCATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Within 60 days of permit approval, the applicant shall replant each tree approved with a replacement ratio of 1:1 as recommended by the arborist. Trees shall be five gallon stock or larger, spaced at least ten (10) feet from each other, and may be planted anywhere on the subject property. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall submit evidence of tree replacement to RMA-Planning for review and approval. Evidence shall be a receipt for the purchase of the replacement tree(s) and photos of the replacement tree(s) being planted.

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

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

12. PD049 - TREE AND ROOT PROTECTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to beginning any tree removal, trees which are located close to trees approved for removal shall be protected from inadvertent damage from equipment or tree removal activity by fencing off the canopy drip-lines and/or critical root zones (whichever is greater) with protective materials. Any tree protection measures recommended by a County-approved tree consultant, in addition to the standard condition, shall be implemented. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to construction or tree removal, the Owner/Applicant/Tree Removal Contractor submit evidence of tree protection to RMA-Planning for review and approval.

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

13. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel-Risk Management

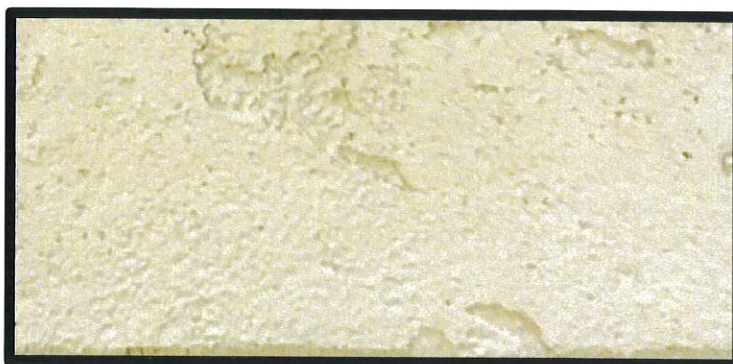
Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, 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.

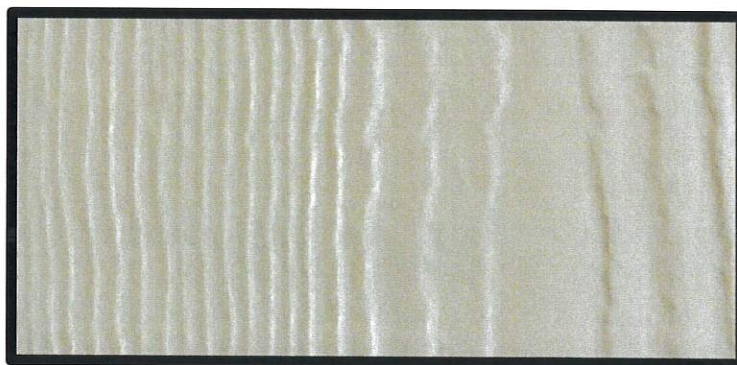
Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel-Risk Management

PLN18028a

COLOR SAMPLES FOR PROJECT FILE NO. **APN 254-101-066-000**

Materials: **STUCCO** Colors: **CREAM**Description: **MEDIUM CAT FACE FINISH**

COLOR SAMPLES FOR PROJECT FILE NO. **APN 254-101-066-000**



Materials: **HARDI BOARD LAP SIDING** Colors: **KHAKI BROWN**

Description: CEMENTITIOUS LAP SIDING

COLOR SAMPLES FOR PROJECT FILE NO. **APN 259-101-066-000**

Materials: **THIN VENEER STONE** Colors: **FOND DU LAC - RUSTIC**

Description: **STONE VENEER WITH A RAG FINISH MORTAR**

PUN180289

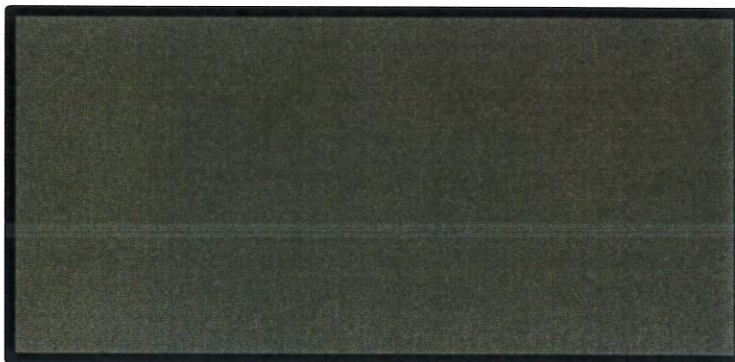
COLOR SAMPLES FOR PROJECT FILE NO. APN 259-101-066-000



Materials: ROOF TILE Colors: BROWN / TAN BLEND

Description: MAIN HOUSE 2 PIECE MISSION STYLE ROOF

COLOR SAMPLES FOR PROJECT FILE NO. APN 259-101-066-000



Materials: METAL ROOFING Colors: WEATHERED COPPER

Description: STANDING SEAM METAL ROOF ON A.D.U.

COLOR SAMPLES FOR PROJECT FILE NO. APN 259-101-066-000



Materials: CONCRETE PAVERS Colors: GREY

Description: PAVERS FOR THE AUTOCOURT