Attachment B



ATTACHMENT B

DRAFT RESOLUTION

Before the Board of Supervisors in and for the County of Monterey, State of California

In the matter of the application of:

LA RESACA LLC (PLN160608-AMD1) RESOLUTION NO. 21 -

Resolution by the Monterey County Board of Supervisors:

- Denying the appeal of Lidia Woytak from the Chief of Planning's environmental determination and approval of a Minor and Trivial Amendment to a previously-approved Combined Development Permit;
- 2) Considering an Addendum to a previously-adopted Mitigated Negative Declaration;
- 3) Approving a Minor and Trivial Amendment to a previously-approved Combined Development Permit (Planning File No. PLN160608) to allow construction of a one-story 1,412 square foot addition to an existing single-family dwelling and an attached 1,326 square foot two-car garage/storage/utility room with a 1,092 square foot game room above the proposed garage, within the same general footprint and within the parcel's existing disturbed and hardscape areas; and
- 4) Adopting a Condition of Approval and Mitigation Monitoring and Reporting Plan.

3257 17-Mile Drive, Pebble Beach, Del Monte Forest Land Use Plan, Coastal Zone (APN 008-461-010-000)

The Appeal by Lidia Woytak from the decision by the Monterey County Chief of Planning to consider a previously- adopted Mitigated Negative Declaration and approve a Minor and Trivial Amendment to a previously approved Combined Development Permit to allow construction of a one-story 1,412 square foot addition to an existing single-family dwelling and an attached 1,326 square foot two-car garage/storage/utility room with a 1,092 square foot game room above the proposed garage, within the same general footprint and within the parcel's existing disturbed and hardscape areas (La Resaca LLC/PLN160608-AMD1) came on for a public hearing before the Monterey County Board of Supervisors on January 12, 2021. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

FINDINGS

1. FINDING:

PROCESS – The County has processed the subject Minor and Trivial Amendment application (Planning File No. 160608-AMD1/La Resaca LLC) ("project") in compliance with all applicable procedural requirements.

EVIDENCE: a)

- On June 17, 2020, pursuant to Monterey County Code (MCC) Sections 20.14, 20.44, 20.70, 20.76, and 20.82, La Resaca LLC (Applicant) filed an application for a Minor and Trivial amendment to a previously approved Combined Development permit for the reduction in the overall development footprint of the previouslyapproved 2,717 square feet of first floor additions to an existing single-family dwelling and a one-story 1,135 square foot attached 3car garage; this Minor and Trivial Amendment would allow construction of a one-story 1,412 square foot addition to an existing single-family dwelling and an attached 1,326 square foot two-car garage/storage/utility room with a 1,092 square foot game room above the proposed garage, within the same general footprint and within the parcel's existing disturbed and hardscape areas. The project site is located at 3257 17-Mile Drive, Pebble Beach (Assessor's Parcel Number 008-461-010-000), Del Monte Forest Land Use Plan, Coastal Zone.
- b) , Background: On March 28, 2018, the Monterey County Planning Commission, approved a Combined Development Permit (Bailey/Planning File No. PLN160608) consisting of a Coastal Administrative Permit and Design Approval for 2,717 square feet of single family dwelling additions with an attached garage; and Coastal Development Permit to allow development within 100 feet of ESHA (Monterey Cypress habitat). (Monterey County Planning Commission Resolution No. Resolution No. 18-013.) The Planning Commission also adopted a Mitigated Negative Declaration and an associated Mitigation Monitoring and Reporting Plan. The Planning Commission resolution is included as an attachment to the January 12, 2021, staff report to the Board of Supervisors.
- c) Pursuant to Public Resources Code Section 30603 (d) (part of the Coastal Act), the County sent the California Coastal Commission (CCC) a Final Local Action Notice (FLAN) notifying the CCC of the County's March 28, 2018 approval of the Combined Development Permit.
- d) Upon receipt of the FLAN, the CCC staff informed County staff that Coastal Commissioners would appeal the Planning Commission's decision based on the view that the entire undeveloped area of the parcel is comprised of Monterey cypress habitat versus the mapped area shown on Figure 2a of the Del Monte Forest Land Use Plan. The project biologist had identified only the parcel area between the residence and 17-Mile Drive as sensitive habitat area, but not the area proposed for development. However, a CCC biologist had a different interpretation. To avoid a CCC appeal, CCC staff required the applicant to reduce the development footprint to those areas of existing structures and hardscape. Additionally, County staff also

- withdrew the FLAN pending completion of discussions between the applicant and CCC staff.
- e) Following discussions with CCC staff, the Applicant agreed to revise the proposed development consistent with the CCC staff's recommendations. The Applicant then submitted an application to the County for a Minor and Trivial Amendment (Planning File No. PLN160608-AMD1) to the previously-approved Combined Development Permit (Planning File No. PLN160608) to address the concerns raised by the CCC.
- f) The proposed minor amendment would reduce the total ground footprint square footage by 1,088 square feet, from 3,852 square feet to 2,764 square feet. The proposed minor amendment would limit the construction of the single-family dwelling additions and the attached garage within the existing developed footprint and hardscape on the site, thereby reducing and avoiding potential impacts to environmentally sensitive habitat area. The revisions would also reduce the overall floor area by 22 square feet, from 3,852 square feet to 3,830 square feet.
- g) All applicable findings, evidence, and conditions of approval from the original entitlement (Planning File No. PLN160608) have been carried forward to the amended entitlement. As approved and amended, the Minor and Trivial Amendment under Planning File No. PLN160608-AMD1 will become the operative entitlement, and all conditions of approval are to be cleared under PLN160608-AMD1.
- h) Prior to the Planning Commission's approval of the original Combined Development Permit (Planning File No. PLN160608) on March 28, 2018, the County referred the project to the Del Monte Forest Land Use Advisory Committee (LUAC) for review. The LUAC reviewed the originally-proposed project on October 5, 2017, and voted 4 0 (4 yes, 0 no, with 3 absent) to support the project as proposed. The LUAC minutes are included in the January 12, 2021, staff report to the Board of Supervisors as Attachment J.

As revised, the proposed amendment qualifies as a minor amendment to the previously-approved Combined Development Permit; therefore, based on the current LUAC Guidelines, staff did not refer the revised project to the LUAC.

i) The County also referred the original project and proposed amendment to the Monterey County Historic Resources Review Board (HRRB) on two separate dates. See also Finding No. 2, Evidence n.

The HRRB reviewed the originally-proposed project on October 5, 2017, and voted 5-0 (5 yes, 0 no, with 2 absent) to find that the proposed work is consistent with applicable Monterey County Regulations for Historic Resources and will neither adversely affect the significant architectural features of the historic resource nor adversely affect the character, historical, architectural, or aesthetic interest or value of the historic resource and its site; and that the use

and exterior of the new improvements, addition, building or structure upon a historic resource will neither adversely affect nor be incompatible with the use and exterior of existing historical resources, improvements, buildings and natural features of the site (HRRB Resolution No. PLN160608). The HRRB resolution from October 5, 2017, is included in the January 12, 2021, staff report to the Board of Supervisors as Attachment I.

The HRRB also reviewed the project with the proposed amendment on October 1, 2020, and voted 7-0 (7 yes and 0 no) to find that the proposed work is consistent with applicable Monterey County Regulations for Historic Resources and will neither adversely affect the significant architectural features of the historic resource nor adversely affect the character, historical, architectural, or aesthetic interest or value of the historic resource and its site; and that the use and exterior of the new improvements, addition, building or structure upon a historic resource site will neither adversely affect nor be incompatible with the use and exterior of existing historical resources, improvements, buildings and natural features of the site (HRRB Resolution No. 20-005). The HRRB resolution from October 1, 2020, is included in the January 12, 2021, staff report to the Board of Supervisors as Attachment H.

- j) The Monterey County Chief of Planning approved the La Resaca LLC application for a Minor and Trivial Amendment on November 4, 2020 pursuant to section 20.70.105. A of the Monterey County Code. Notice of the proposed approval of the Minor and Trivial amendment were published in the Monterey County Weekly on October 22, 2020; posted at and near the project site on or about October 24, 2020; and mailed to vicinity property owners and interested parties on October 21, 2020.
- k) On November 4, 2020, the Chief of Planning considered the previously-adopted Mitigated Negative Declaration and approved a Minor and Trivial Amendment to a previously-approved Combined Development Permit (PLN160608) to allow the proposed development (Monterey County Chief of Planning Resolution No. 20-049).
- Lidia Woytak (Appellant), represented by attorney Pam Silkwood, timely filed an appeal from the November 4, 2020, decision of the Chief of Planning pursuant to MCC Section 20.86.030.C. The appeal challenges the Chief of Planning's environmental determination and approval of the Minor and Trivial Amendment to the previously-approved Combined Development Permit and contends that there was a lack of a fair or impartial hearing, the actions are not supported by the evidence, and that the decision was contrary to law. See Finding No. 9 (Appeal) and supporting evidences for a summary of the Appellants' specific contentions and the County responses to the appeal.
- m) Pursuant to MCC Sections 20.86.030.C and E, an appeal shall be filed with the Clerk of the Board of Supervisors within 10 days after written notice of the decision of the Appropriate Authority has been mailed to the Applicant, and no appeal shall be accepted until the

- notice of decision has been given (i.e., mailed). The County mailed the written notice of the decision (i.e., Chief of Planning Resolution No. 20-049) on November 9, 2020, and said appeal was filed with the Clerk of the Board of Supervisors on November 19, 2020, within the 10-day timeframe prescribed by MCC Section 20.86.030.C. The appeal hearing is de novo. A complete copy of the appeal is on file with the Clerk of the Board, and is attached to the January 12, 2021, staff report to the Board of Supervisors as Attachment C.
- n) Said appeal was timely brought to a duly-noticed public hearing before the Monterey County Board of Supervisors on January 12, 2021. Notice of the hearing was published on December 24, 2020, in the Monterey County Weekly; notices were mailed on December 23, 2020, to all property owners and occupants within 300 feet of the project site, and to persons who requested notice; and at least three notices were posted at and near the project site on or about December 23, 2020.
- o) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in project file nos. PLN160608 and PLN160608-AMD1; and Clerk of the Board of Supervisors' file(s) related to the appeal.

2. FINDING:

CONSISTENCY - The project and/or use, as conditioned and/or mitigated, is consistent with the policies of the Monterey County 1982 General Plan, Del Monte Forest Land Use Plan, Del Monte Forest Coastal Implementation Plan – Part 5, Monterey County Zoning Ordinance - Coastal (Title 20), and other County health, safety, and welfare ordinances related to land use development.

EVIDENCE: a

- Zohnig Ordinance Coastar (Title 20), and other County health, safety, and welfare ordinances related to land use development. The proposed amendment authorizes the construction of a one-story 1,412 square foot addition to an existing single-family dwelling and an attached 1,326 square foot two-car garage/storage/utility room with a 1,092 square foot game room above the proposed garage, within the parcel's existing disturbed and hardscape areas. The project also involves development within 100 feet of environmentally sensitive habitat area (ESHA) (Monterey cypress habitat), as approved under the original entitlement (Monterey County Planning Commission Resolution No. Resolution No. 18-013; Planning File No. PLN160608/Bailey); see also Finding No. 8 and supporting evidence).
- b) The property is located at 3257 17-Mile Drive, Pebble Beach (Assessor's Parcel Number 008-461-010-000), Del Monte Forest Land Use Plan, Coastal Zone. The parcel is zoned Low Density Residential, 2.5 acres per unit, Design Control Overlay (Coastal Zone) [LDR/2.5-D (CZ)]. LDR zoning allows residential development as a principal use subject to the granting of a Coastal Administrative Permit. The original approval included a Coastal Administrative Permit and Design Approval for the proposed structural development and a Coastal Development Permit for the proposed development within 100 feet of environmentally sensitive habitat area. (Monterey County Planning Commission Resolution No. Resolution No. 18-013; Planning File No. PLN160608/Bailey).

In this case, pursuant to Monterey County Code Sections 20.70.105.A and 20.76.115.A, the County determined that a Minor and Trivial Amendment to the previously-approved Combined Development Permit is the applicable and appropriate entitlement for the proposed amendment because it entails the reduction in size of the previously-approved structural footprint and the reduction of potential impacts to environmentally sensitive habitat area. The proposed development incorporates the use of colors and materials to match the existing, clay barrel-tile roof and stucco exterior wall cladding. Therefore, the proposed project, with the entitlements, is an allowed land use for this site.

- c) The amendment is minor in nature based on the following:
 - The proposed amendment would not create new environmental impacts;
 - The proposed amendment would not increase the severity of environmental impacts identified in the original permit, and would reduce any potential impacts;
 - The proposed amendment is in keeping with the action of the appropriate authority regarding development of a single-family dwelling and accessory structures;
 - The proposed amendment would have an inconsequential effect on land in relation to the approved permit; and
 - The proposed amendment meets all relevant site development standards.
- d) The proposed amended project has been reviewed for consistency with the text, policies, and regulations in the:
 - 1982 Monterey County General Plan;
 - Del Monte Forest Land Use Plan;
 - Del Monte Forest Coastal Implementation Plan (Part 5);
 - Monterey County Zoning Ordinance Coastal (Title 20); and
 - Secretary of the Interior's Standards for the Treatment of Historic Properties.

As revised by the minor amendment, the proposed development is consistent with the original permit action in that both involve the construction of single-family dwelling additions with an attached garage, but the revision reduces the development footprint to those areas of existing structures and hardscape on the site. The revised project would not result in new impacts not previously considered in the original approval, and the reduced footprint avoids impacts to Monterey cypress habitat area. The Applicant also modified the attached accessory structure from a one-story to a two-story structure; however, the revised design of the proposed structure conforms to applicable development standards for the zoning district and is consistent with other structures in the vicinity.

e) No conflicts were found to exist. Although the Appellant alleges potential inconsistency of the project with the Del Monte Forest Land Use Plan, the County finds that the project as designed, conditioned and mitigated is consistent with the Del Monte Forest Land Use Plan and County regulations for the reasons stated in this resolution.

- f) Lot Legality. The 1.24 acre lot (53,884 square feet) was created by the Amended Map of Pebble Beach in Monterey County, filed on October 13, 1911 in the office of the County Recorder of the County of Monterey; Map Book Two "Cities and Towns," pages 31, 31A and 31B. Therefore, the County recognizes the subject property as a legal lot of record.
- g) <u>Public Access</u>. See Finding No. 6 and supporting evidence.
- h) Development Standards Setbacks, Height, Structural Coverage, and Floor Area. The development standards for the LDR zoning district are identified in MCC Section 20.14.060. The proposed structural additions meet or exceed all required setbacks, and are also within the corresponding maximum structure heights. Required setbacks for attached main structure additions (single-family residence in this case) in this LDR district are 30 feet (front), 20 feet (rear), and 20 feet (sides). The proposed development would have a front setback of 60 feet, a rear setback of 70 feet, and side setbacks of 20 and 30 feet. The attached garage would have a front setback of over 130 feet.

The maximum allowed height in this LDR zoning district is 30 feet above average natural grade. The proposed two-story attached garage would have a height of approximately 26 feet above average natural grade and would conform to the maximum allowed height limit.

The allowed site coverage maximum in the LDR/2.5 zoning district is 15 percent, and the allowed floor area ratio maximum in the LDR/2.5 zoning district is 17.5 percent. The property is 1.24 acres or 54,014 square feet, which would allow site coverage of 8,102 square feet and floor area of 9,452 square feet. As proposed, the project as amended would result in site coverage of 5,256 square feet or 9.73 percent, and floor area of 5,741 square feet or 10.63 percent.

Therefore, the project as amended conforms to applicable development standards regarding setbacks, height, structural coverage, and floor area. Also, the subject parcel is outside of the Pescadero or other named watersheds of the Del Monte Forest, and is not subject to the limit of 9,000 square feet of site coverage.

- i) <u>Development within 100 feet of Environmentally Sensitive Habitat Area (ESHA)</u>. See Finding No. 8 and supporting evidence.
- j) <u>Design</u>. Pursuant to MCC Chapter 20.44, the proposed project parcels and surrounding area are designated as a Design Control Zoning District ("D" zoning overlay), which regulates the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character.

The Applicant proposes exterior colors and materials designed to complement the context of the site and the surrounding area, and that are consistent with the residential setting. The exterior colors and materials proposed for the additions were selected with consideration for the historic eligibility of the existing single-family dwelling. Additionally, as designed, the proposed development conforms to the Secretary of the Interior's Standards for the treatment of historic

properties (see also Finding No. 1, Evidence i, and Finding No. 2, Evidence o).

The proposed exterior colors and materials will match the existing structure (i.e.; off-white siding with dark trim, and gable and shed roofs finished with clay barrel tiles. The proposed exterior colors and finishes are consistent with the surrounding residential neighborhood character and are consistent with other dwellings in the neighborhood.

Also, the proposed additions are consistent with the size and scale of surrounding residences, and the proposed bulk and mass would not contrast with the neighborhood character. Portions of the additions are positioned behind the existing residence, which effectively screens these additions from public view. As proposed, the attached garage will result in minimal visual impacts due to the over 130-foot setback from 17-Mile Drive, and the upward slope of the driveway and property (from the road).

Therefore, as proposed, the project assures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity.

k) <u>Visual Resources and Public Viewshed</u>. The subject property is located in an area where the Local Coastal Program may require visual public access (Figure 3, Visual Resources, Del Monte Forest Land Use Plan). Based on review of the project site, located on the east (i.e., inland) side of 17-Mile Drive, the development proposal will not interfere with visual access along 17-Mile Drive because the property has limited visibility from 17-Mile Drive due to topography and existing tree screening. The proposed development is consistent with Del Monte Forest Land Use Plan Policies 123 and 137, both of which relate to maintain or enhancing public viewsheds as it will not block significant public views toward the ocean and will not adversely impact the public viewshed or scenic character in the project vicinity.

Under the original permit review, the project planner conducted a site inspection on September 8, 2017, to verify that the project then proposed on the subject parcel conforms to applicable policies regarding visual resources. The design and siting of the proposed single-family dwelling additions as part of this amendment would not increase the visual impacts over the existing baseline, and therefore the proposed minor amendment does not change that determination. As proposed, the project is consistent with the applicable visual resource and public access policies of the Del Monte Forest Land Use Plan and will have no impact on the public viewshed. The project site is also located in a residential neighborhood, and the adjacent parcels have been developed with single-family dwellings, as well as attached and detached accessory structures.

1) No tree removal is proposed as part of this project; no development will occur on slopes that exceed 30 percent; and no development will impact any special-status or sensitive species.

- m) Under the original permit review, the project planner conducted a site inspection on September 8, 2017, to verify that the proposed project on the subject parcel conforms to applicable plans and MCC. The proposed minor amendment does not change that determination as it does not increase the scope or impacts of the originally approved project.
- Cultural Resources. County records identify that the project site is n) within an area of high sensitivity for archaeological resources. The applicant submitted an archaeological assessment (LIB170212) which concluded that there is no surface evidence of potentially significant archaeological resources on the project parcel. Additionally, there are no known archaeological or cultural resources within 750 feet of the project parcel. Pursuant to current State law (Public Resources Code Section 21080.3.1 et seq.), upon initiation of environmental review the County requested a consultation with a member of the Ohlone/Costanoan-Essalen Nation (OCEN) to review the project's potential impact on tribal cultural resources prior to the release of a mitigated negative declaration. Subsequent consultation resulted in the OCEN Chairperson submitting a letter to County staff objecting to all excavation in known cultural lands, even when they are described as previously disturbed and when there is no evidence of archaeological value. Therefore, staff incorporated a mitigation measure to require a tribal monitor on site during excavation activities. Based on discussion during public hearing for the previously-approved Combined Development Permit, the Planning Commission determined the requirement for a tribal monitor was without substantiated merit. The Planning Commission found that there was no specific evidence presented alongside the negative archaeological report to show that this site in particular contained significant cultural resources that would require an on-site tribal monitor. Therefore, the mitigation measure was found to be unwarranted. Pursuant to Section 15074.1 of the CEQA Guidelines, prior to approving a project, the lead agency may, in accordance with this section, delete mitigation measures and substitute for them other measures which the lead agency determines are equivalent or more effective. Due to the absence of evidence of archaeological resources or tribal cultural resources on site, and the fact that the project is only proposed on previously disturbed portions of the property, the County finds that the project does not impact archaeological resources or tribal cultural resources. Therefore, the County is not requiring mitigation; however, the County is including County's standard condition (Condition No. 3) for incidental discovery of archaeological resources, which provides for a process if archaeological and/or tribal cultural resources are discovered during construction.
- o) <u>Historic analysis</u>. As part of the original application, the applicant submitted a Phase Two Historic Assessment (prepared by PAST Consultants, LLC; LIB170209). A preliminary Phase One Historic Assessment concluded that the single-family residence (constructed in 1924) is eligible for inclusion on the Monterey County Register of Historic Resources for its Spanish Revival/Monterey Colonial Style

from the Samuel Morse and the Del Monte Properties Company period (1919-1945). The Phase Two Historic Assessment Report was then prepared to outline the remaining character-defining features of the home. According to the historian's evaluation of the proposed alterations, the proposed project would meet the *Secretary of the Interior's Standards for Rehabilitation* of historic structures and allow the residence to maintain its historic integrity. County staff referred both the original and revised projects to the Monterey County Historic Resources Review Board (HRRB) for review (see Finding No. 1, Evidence i, above).

p) The previously-approved Combined Development Permit (Planning File No. PLN160608) project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review. On October 5, 2017, the LUAC voted 4 – 0 (4 yes, 0 no, and 3 absent), to recommend approval of the project as proposed. A neighbor expressed concern about the construction and requested screening the area to protect her tenants' view; however, privacy and private views are not regulated under applicable MCC, and staff did not make this a condition of approval.

As proposed, the minor amendment reduces potential impacts to environmental resources. Based on the current LUAC Guidelines, the project amendment did not warrant referral and was not referred to the LUAC for subsequent review.

q) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in project file PLN160608 and PLN160608-AMD1.

3. FINDING:

SITE SUITABILITY – The site is physically suitable for the proposed use.

EVIDENCE:

- The project has been reviewed for site suitability by HCD-Planning, Public Works, Environmental Services, Water Resources Agency, and the Pebble Beach Community Services District. County staff reviewed the application materials and plans, as well as the County's GIS database, to verify that the project conforms to the applicable plans, and that the subject property is suitable for the proposed development. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Recommended conditions have been incorporated.
- b) The following technical reports were prepared:
 - Preliminary Archaeological Assessment (LIB170212), prepared by Archaeological Consulting (Gary S. Breschini, Ph.D.), Salinas, California, November 29, 2016;
 - Biotic Report, prepared by EMC (Andrea Edwards), Monterey, California, February 22, 2017;
 - Biotic Report (LIB170360), prepared by Califauna (Jeffrey B. Froke, Ph.D.), Pebble Beach, California, August 14, 2017;
 - Tree Resource Assessment (LIB170359), prepared by Urban Forester (Frank Ono), Pacific Grove, California, July 17, 2017;

- Phase Two Historic Assessment Report (LIB170209), prepared by PAST Consultants, LLC, Pacific Grove, April 14, 2017; and
- Geologic Report and Soil Engineering Investigation (LIB170208), prepared by LandSet Engineers, Inc., Salinas, California, January 10, 2017.
- c) County staff independently reviewed these reports and concurs with their conclusions. There are no physical or environmental constraints that would indicate that the property is not suitable for the use proposed.
- d) The project planner conducted a site inspection on September 8, 2017 to verify that the site is suitable for this proposed use and development.
- e) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in project files PLN160608 and PLN160608-AMD1.

4. FINDING:

HEALTH AND SAFETY - The establishment, maintenance, or operation of the amendments to the original project that have 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 as amended was reviewed by HCD-Planning, Public Works, Environmental Services, Water Resources Agency, and the Pebble Beach Community Services District, and 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 available. The existing residence has a public water connection (Cal-Am), and a public sewer connection (Pebble Beach Community Services District). The existing residence, including the proposed additions, will continue to use these same connections. As proposed, the minor amendment will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- c) Under the original permit application, the project planner reviewed submitted plans and conducted a site visit on September 8, 2017, to verify that the project, as proposed and conditioned/mitigated, would not impact public health and safety. The proposed minor amendment does not change that determination as it does not increase the scope or impacts of the originally approved project.
- d) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in project files PLN160608 and PLN160608-AMD1.

5. FINDING:

CEQA (**Addendum**) – An Addendum to a previously adopted Mitigated Negative Declaration (MND) was prepared pursuant to the

Section 15164 of the CEQA Guidelines because only minor changes or additions are necessary and none of the conditions described in section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

EVIDENCE:

- The County prepared, circulated, considered, and adopted a MND for the original Combined Development Permit that allowed for construction of 2,717 square feet of additions to an existing single-family dwelling and a one-story 1,135 square foot attached 3-car garage, and development within 100 feet of environmentally sensitive habitat area (Planning File No. PLN160608; adopted by the Planning Commission on March 28, 2028; Resolution No. 18-013). The County found that the project, as designed, conditioned, and mitigated, would not have a significant effect on the environment
- b) An Addendum to the Bailey project MND was prepared pursuant to Code of Regulations, Title 14, Section 15164 (CEQA Guidelines).
- Both the MND and the Addendum (attached as Attachments E and F to the January 12, 2021, Staff Report to the Board of Supervisors) reflect the County's independent judgment and analysis. Additionally, a complete copy of the Initial Study/MND and Addendum, are on file with the Clerk of the Board.
 - The current proposal does not alter the analysis or conclusions reached by the MND. As amended, the proposed project does not raise any new potential significant impacts that were not previously analyzed and/or mitigated under the original permit and MND.
- Pursuant to Section 15162 of the CEOA Guidelines, there is no new information of substantial importance that was not known at the time the MND was adopted. There are no substantial changes proposed that require major revisions of the previous MND, no substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND, there are no new significant environmental effects or increase in the severity of previously identified significant effects, and there is no new information of substantial importance that was not known at the time the previous MND was adopted. As revised, the proposed minor amendment would reduce the total ground footprint square footage by 1,088 square feet; from 3,852 square feet to 2,764 square feet. The proposed minor amendment would limit the construction of the single-family dwelling additions and the attached garage within the existing developed footprint and hardscape on the site, thereby reducing and avoiding potential impacts to environmentally sensitive habitat area.
- e) Staff reviewed the MND, application materials, and revised plans to verify that the project, as amended, will not result in conditions requiring the preparation of a subsequent MND. No adverse environmental effects were identified during staff review of the revised or amended development application.
- f) Pursuant to Section 15162 of the CEQA Guidelines, there are no substantial changes proposed in the project that would require major revisions to the prior MND. The MND included mitigation measures that addressed potential impacts to Biological Resources and Tribal

Cultural Resources (see Finding No. 2, Evidence n). The County has considered the proposed amendment and determined the scope of the amendment scope does not alter the conclusions in the Initial Study prepared for the Combined Development Permit.

Based on review of the current application and plans, no other potentially significant issues were identified for the proposed project. The current proposal does not alter the analysis or conclusions reached by the previous study. As previously approved, the original project approval included seven (7) mitigation measures to mitigate potential impacts to the adjacent environmentally sensitive habitat area (ESHA) to a less than significant level, and this amendment would not result in new impacts not previously considered in the original approval. Therefore, the revised proposal reduces the potential impacts to biological resources, remains consistent with the mitigation measures for ESHA, and these mitigation measures will be brought forward to this minor amendment.

The amended project, as proposed, is consistent with applicable policies regarding protection of environmental resources. In addition to the mitigation measures, best management practices and technical recommendations (Condition Nos. 3, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 20) will be applied to ensure protection of natural resources.

g) Potential impacts to Tribal Cultural Resources are addressed by application of a standard County condition of approval (Condition No. 3), and a mitigation measure requiring a tribal monitor during construction activities is not required nor warranted based on the evidence.

The County finds that there is no specific evidence presented alongside the negative archaeological report to show that this site in particular contains significant cultural resources that would require an on-site tribal monitor. Pursuant to Section 15074.1 of the CEQA Guidelines, prior to approving a project, the lead agency may, in accordance with this section, delete mitigation measures and substitute for them other measures which the lead agency determines are equivalent or more effective. The County's standard condition (Condition No. 3) for incidental discovery of archaeological resources has been applied to the project to manage the discovery of archaeological and/or tribal cultural resources.

h) Potential impacts to Biological Resources are addressed by the application of mitigation measures required for PLN160608 (Mitigation Measure Nos. 1 through 7). These mitigation measures address the potential impacts to biological resources and Monterey cypress habitat associated with project construction and are applied to ensure avoidance of impacts.

Under the amended project, potential impacts to Monterey cypress have been reduced and avoided. Overall, the proposed project will have fewer impacts than the previously approved project. The minor amendment reduces the footprint of the proposed additions, continues to be consistent with the mitigation measures for ESHA and these mitigations will be carried over to this minor and trivial amendment. The mitigation measures require monitoring or grading and construction activities to ensure adherence to the recommendations of the project arborist and biologist, implementation of Best Management Practices (BMPs) to ensure protection of on-site trees, installation of tree protection measures during construction, implementation of specific tree protection standards during grading and excavation, adherence to tree pruning guidelines to ensure the long-term health of on-site trees, installation of perimeter fencing that facilitates effective wildlife movement, and use of construction netting to protect wildlife and reptiles.

- i) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding No. 3, Evidence b), 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 HCD-Planning (Planning File Nos. PLN160608 and PLN160608-AMD1) and/or the Clerk of the Board of Supervisors' files, and are hereby incorporated herein by reference.
- j) The Monterey County Board of Supervisors considered the Addendum, along with the MND prepared and adopted for the previously-approved Combined Development Permit, at a duly noticed public hearing held on January 12, 2021. The materials upon which the County's decision is based are located in HCD-Planning, 1441 Schilling Place, 2nd Floor, Salinas, California.
- k) This approval carries forward the mitigation measures from the original project. A Condition of Approval 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 No. 5).
- The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in project files PLN160608 and PLN160608-AMD1.

6. FINDING:

PUBLIC ACCESS – The project as amended 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 the County's Local Coastal Program (LCP), and does not interfere with any form of historic public use or trust rights.

EVIDENCE: a)

- No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.147.130 of the Monterey County Coastal Implementation Plan (Part 5) can be demonstrated.
- b) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

- c) The subject property is not described as an area where the Local Coastal Program requires physical public access (Figure 8, Major Public Access and Recreational Facilities, Del Monte Forest Land Use Plan).
- d) The subject property is identified as an area where the Local Coastal Program may require visual public access (Figure 3, Visual Resources, Del Monte Forest Land Use Plan). See Evidence e below.
- e) Based on review of the project location on the east (i.e., inland) side of 17-Mile Drive, the development proposal will not interfere with visual access along 17-Mile Drive because the property is minimally visible from 17-Mile Drive due to topography and existing vegetative screening.
- f) The previously-approved Combined Development Permit (Planning File No. PLN160608) did not raise any potential access impacts. This proposed minor amendment does not change that determination as it does not increase the scope or impacts of the originally approved project.
- g) The project planner conducted a site visit on September 8, 2017, to verify that the project, as proposed and conditioned/mitigated, would not impact public access. The project planner also reviewed plans and aerial imagery to verify that the proposed development would not impact visual resources. This proposed minor amendment does not change that determination as it does not increase the scope or impacts of the originally approved project.
- h) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in project files PLN160608 and PLN160608-AMD1.
- 7. 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)

- a) Monterey County HCD-Planning and HCD-Building Services records were reviewed, and the County is not aware of any violations existing on the subject property.
- b) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in project files PLN160608 and PLN160608-AMD1.
- 8. FINDING:

DEVELOPMENT WITHIN 100 FEET OF ENVIRONMENTALLY SENSITIVE HABITAT AREAS(ESHA) AND DEVELOPMENT WITHIN THE INDIGENOUS
MONTEREY CYPRESS HABITAT AREA – The subject project as amended minimizes impact on environmentally sensitive habitat areas in accordance with the applicable goals and policies of the applicable area plan and zoning codes. The project is also in conformance with the requirements of Del Monte Forest Land Use Plan (DMF LUP) Policy 20 and Section 20.147.040.2(c)(2) of the Coastal Implementation Plan (Title 20 of the Monterey County

Code), Part 5, regulating development within the indigenous Monterey cypress habitat in the DMF LUP area.

EVIDENCE: a)

- The previously-approved Combined Development Permit (Planning File No. PLN160608) included a coastal development permit to allow development within 100 feet of ESHA (i.e., Monterey cypress habitat), which remains operative and valid for this minor amendment which is only modifying minor aspects of the project. Pursuant to the policies of the Del Monte Forest Land Use Plan and applicable Monterey County Code (MCC), a coastal development permit is required and the criteria to grant said permit has been met.
- b) DMF LUP Policy 20 designates indigenous Monterey cypress habitat as environmentally sensitive habitat and presumes its presence within and adjacent to the area mapped in LUP Figure 2a. Policy 20 also directs that all development in and adjacent to the Monterey cypress habitat be carefully sited and designed to avoid potential damage or degradation of Monterey cypress habitat, including the microhabitat of individual cypress trees, include measures that will enhance Monterey cypress habitat values, and be compatible with the objective of protecting this environmentally sensitive coastal resource.
- c) Coastal Implementation Plan Section 20.147.040.D.2 specifically allows new and/or modified development on existing developed lots to be located within the existing legally established structural and/or hardscape area (i.e.; all areas of the site covered with a structure, or covered by pervious or impervious hardscape such as decks, patios, driveways, and paths, but not including landscaped areas, fence areas, or underground or over ground utility areas). As revised under the minor amendment, the proposed development would remain within the existing legally established structural and/or hardscape area.
- d) The County had previously determined that a portion of the property fell within the area of the Del Monte Forest delineated as indigenous Monterey Cypress habitat, while the rest of property was outside the mapped boundaries. The Planning Commission determined the proposed development as approved on March 28, 2018, was outside of the Monterey Cypress habitat. However, the California Coastal Commission (CCC) staff informed County staff that the CCC would appeal the Planning Commission's decision based on their view that the entire undeveloped area of the parcel is comprised of Monterey cypress habitat versus the mapped area shown on Figure 2a of the Del Monte Forest Land Use Plan. The mapped habitat area on Figure 2a only included approximately one-third of the subject parcel nearest 17-Mile Drive. The project biologist confirmed this delineation; however, a CCC biologist had a different interpretation. To avoid a CCC appeal, CCC staff gave the applicant the option to reduce the development footprint to those areas of existing structures and hardscape. Following discussions with CCC staff, the applicant agreed to revise the proposed development per CCC staff recommendations, and submitted the application for a Minor and Trivial Amendment to the County. The proposed minor amendment is consistent with DMF LUP Policy 20. Additionally, the originallyproposed project carried seven (7) mitigation measures to mitigate

potential impacts to ESHA to a less than significant level, two (2) of which are non-standard conditions protecting wildlife. Therefore, the proposed project, which reduces the footprint of the proposed additions, continues to be consistent with the mitigation measures for ESHA and these mitigations will be carried over to this minor and trivial amendment.

- e) Pursuant to DMF LUP Policies 8 and 13, the project has been redesigned to be compatible with the long-term maintenance of the Monterey cypress habitat and to prevent impacts that would significantly degrade the protected habitat. The County has applied a condition requiring dedication of a Conservation and Scenic Easement Deed (Condition No. 20) over those areas of the property not approved for development to ensure long-term protection of the habitat.
- f) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in project files PLN160608 and PLN160608-AMD1.

9. FINDING:

- **APPEAL** Upon consideration of the documentary evidence, the staff report, the oral and written testimony, and all other evidence in the record as a whole, the Board finds that there is no substantial evidence to support the appeal by Lidia Woytak and makes the following specific findings in regard to the Appellant's contentions:
- The Appellant (Lidia Woytak), pursuant to Monterey County Code (MCC) Section 20.86.030.C, timely filed an appeal from the November 4, 2020, decision of the Chief of Planning. The appeal challenged the Chief of Planning's environmental determination and approval of the Minor and Trivial Amendment to a previously-approved Combined Development Permit; and contended that there was a lack of a fair or impartial hearing, the actions are not supported by the evidence, and that the decision was contrary to law. See also Finding No. 1, Evidences I and m.

The text of the Appellant's primary contentions and the County's responses to those contentions are set forth in Evidences b through e below. The Appeal filed by the Appellant, including the complete text of the Appellant's contentions, is included in the January 12, 2021, staff report to the Board of Supervisors as Attachment C, and is incorporated herein by reference.

b) <u>Appellant's Specific Contention A</u>: The Appellant contends: "The project does not constitute a minor and trivial amendment. It requires a new Coastal Development Permit application properly processed through the County quasi-judicial bodies."

. The revised project reduces the total ground footprint square footage by 1,088 square feet, thereby reducing and avoiding potential impacts to environmentally sensitive habitat area. The revised project is consistent with the original permit action in that both involve the construction of single-family dwelling additions with an attached garage within the existing developed footprint and hardscape on the site. The

applicant modified the attached accessory structure from a one-story to a two-story structure; however, the revised structure conforms to applicable development standards for the zoning district and is consistent with other structures in the vicinity. Therefore, pursuant to Monterey County Code (MCC) Sections 20.70.105.A and 20.76.115.A, the proposed minor amendment is in keeping with the previous approval by the Planning Commission and is minor and trivial in nature. Moreover, MCC does not regulate privacy or private views. See also Evidence d below regarding CEQA review. In any event, the appellant was afforded and has availed herself of the right of appeal, and the Board of Supervisors has conducted a de novo public hearing at which the appellant and any member of the public had the right to appear and be heard regarding the application.

c) <u>Appellant's Specific Contention B</u>: The Appellant contends "The project proposes prohibitive development within the environmentally sensitive habitat area inconsistent with the Coastal Act."

The project, as amended and mitigated, does not involve development prohibited under the Coastal Act nor inconsistent with applicable policies and regulations. Coastal Implementation Plan Section 20.147.040.D.2 specifically allows new and/or modified development on existing developed lots to be located within the existing legally established structural and/or hardscape area. Coastal Commission staff has concurred that the proposed revisions would not impact the Monterey cypress/habitat on the site.

Under the proposed amended project, potential impacts to Monterey cypress have been reduced and avoided. The minor amendment reduces the footprint of the proposed additions, continues to require mitigation measures for ESHA and these mitigations will be carried over to this minor and trivial amendment. The mitigation measures require monitoring or grading and construction activities to ensure adherence to the recommendations of the project arborist and biologist, implementation of Best Management Practices (BMPs) to ensure protection of on-site trees, installation of tree protection measures during construction, implementation of specific tree protection standards during grading and excavation, adherence to tree pruning guidelines to ensure the long-term health of on-site trees, installation of perimeter fencing that facilitates effective wildlife movement, and use of construction netting to protect wildlife and reptiles.

Defensible space would be required within 100 feet of the project's structures to reduce fire hazard on-site, consistent with state and county requirements. Defensible space zones are passive measures and would not impede site access or otherwise hinder evacuation or emergency response efforts. Presence of defensible space areas would reduce fuel volumes and moderate fire behavior near structures, and would reduce potential wildfire impacts. However, implementation of defensible space measures would not impact Monterey cypress habitat values, nor be incompatible with the

objective of protecting this environmentally sensitive coastal resource.

d) <u>Appellant's Specific Contention C</u>: The Appellant stated, "The project requires further environmental review under CEQA."

The revised project would reduce the footprint of the proposed development and limit the development to existing hardscape and structural areas on the parcel. As previously approved, the original project included seven (7) mitigation measures to mitigate potential impacts to the adjacent environmentally sensitive habitat area (ESHA) to a less than significant level. This amendment includes those seven measures. The project revisions effected by this amendment would not result in new significant impacts not previously identified in the MND or result in substantially more severe impacts than previously identified. The project as amended, like the original project, reduces the potential impacts to biological resources, continues to require the mitigation measures for ESHA, and these mitigation measures will be brought forward to this minor amendment. Staff has prepared an Addendum which the Board of Supervisors has considered together with the Mitigated Negative Declaration adopted for the original Combined Development Permit. Pursuant to CEOA Guidelines section 15164, an Addendum is appropriate to describe the minor amendment but the amendment does not entail substantial changes in the project which would require additional environmental review due to new significant effects or a substantial increase in the severity of previously identified significant effects, nor are there substantial changes in circumstances or significant new information that would require additional environmental review due to new significant effects or a substantial increase in the severity of previously identified significant effects.

e) <u>Appellant's Specific Contention D</u>: The Appellant contends: "The project fails to adequately address cultural resources."

The applicant submitted an archaeological assessment (LIB170212) which concluded that there is no surface evidence of potentially significant archaeological resources on the project parcel. Pursuant to current State law (Public Resources Code Section 21080.3.1 et seq.), upon initiation of environmental review the County requested a consultation with a member of the Ohlone/Costanoan-Essalen Nation (OCEN) to review the project's potential impact on tribal cultural resources prior to the release of a mitigated negative declaration. Subsequent consultation resulted in the OCEN Chairperson submitting a letter to County staff objecting to all excavation in known cultural lands, even when they are described as previously disturbed and of no archaeological value. Therefore, staff incorporated a mitigation measure to require a tribal monitor on site during excavation activities. Based on discussion during public hearing, the Planning Commission determined the requirement for a tribal monitor was without substantiated merit. The Planning

Commission found that there was no specific evidence presented alongside the negative archaeological report to show that this site in particular contained significant cultural resources that would require an on-site tribal monitor. Therefore, the mitigation measure was found to be unwarranted. Pursuant to Section 15074.1 of the CEQA Guidelines, prior to approving a project, the lead agency may, in accordance with this section, delete mitigation measures and substitute for them other measures which the lead agency determines are equivalent or more effective. The County's standard condition (Condition No. 3) for incidental discovery of archaeological resources was and has been applied to the project to manage the discovery of archaeological and/or tribal cultural resources. There is no evidence, based upon the record as a whole, nor new evidence, that the project may have a significant, or cumulatively significant, effect on cultural resources.

10. FINDING:

APPEALABILITY - The decision on this project may be appealed to the California Coastal Commission.

a) <u>California Coastal Commission</u>. Pursuant to Section 20.86.080.A of the Monterey County Zoning Ordinance (Title 20), the project is subject to appeal by/to the California Coastal Commission because it involves development between the sea and the first through public road paralleling the sea (State Route/Highway 1), and development permitted in the underlying zone as a conditional use (i.e.; development within 100 feet of environmentally sensitive habitat area).

DECISION

NOW, THEREFORE BE IT RESOVED, based on the above findings and evidence, and the administrative record as a whole, that the Board of Supervisors does hereby:

- A. Certify that the foregoing recitals and findings are true and correct;
- B. Deny the appeal of Lidia Woytak from the Chief of Planning's environmental determination and approval of a Minor and Trivial Amendment to a previously-approved Combined Development Permit;
- C. Certify that the Board has considered an Addendum together with the previously-adopted Mitigated Negative Declaration; ;
- D. Approve a Minor and Trivial Amendment to a previously-approved Combined Development Permit (Monterey County Planning Commission Resolution No. Resolution No. 18-013 (Planning File No. PLN160608)) for reduction in the overall development footprint of the previously-approved 2,717 square feet of first floor additions to an existing single-family dwelling and a one-story 1,135 square foot attached 3-car garage. This Minor and Trivial Amendment would allow construction of a one-story 1,412 square foot addition to an existing single-family dwelling and an attached 1,326 square foot two-car garage/storage/utility room with a 1,092 square foot game room above the proposed garage, within the same general footprint as the previously approved project and within the parcel's existing disturbed and hardscape areas; and
- E. Adopt a Condition of Approval and Mitigation Monitoring and Reporting Plan.

All work must be in general conformance with the attached plans and this approval is subject to twenty-one (21) conditions, including seven (7) mitigation measures, all being attached hereto and incorporated herein by reference.

-	
	of Supervisor, seconded by Supervisor
and carried this 12th day of January, 2021,	by the following vote to wit:
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
· • • • • • • • • • • • • • • • • • • •	of the County of Monterey, State of California, hereby certify r of said Board of Supervisors duly made and entered in the g on January 12, 2021.
Date:	
File Number:	Valerie Ralph, Clerk of the Board of Supervisors County of Monterey, State of California
	By
	Deputy

Monterey County RMA Planning

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

PLN160608-AMD1

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Minor and Trivial Amendment (Planning File No. PLN160608-AMD1) to a previously-approved Combined Development Permit (Planning File No. PLN160608) previously approved project consisting of 2,717 square feet of first floor additions to an existing single-family dwelling and a one-story 1,135 square foot attached 3-car garage, to the amended project consists of a one-story 1,412 square foot addition to an existing single-family dwelling and an attached 1,326 square foot two-car garage/storage/utility room with a 1,092 square foot game room above the proposed garage, within the same general footprint and within the parcels existing disturbed and hardscape areas. The property is located at 3257 17-Mile Drive, Pebble Beach (Assessor's Parcel Number 008-461-010-000), Del Monte Forest 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 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 Chief of 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. 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. (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.

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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: (Resolution Trivial Amendment Number 21-Planning File No. PLN160608-AMD1) previously-approved Combined Development Permit to а (Planning File No. PLN160608). was approved by the Board of Supervisors Assessor's Parcel Number 008-461-010-000 on January 12, 2021. The permit was granted subject to twenty-one (21) conditions of approval which run with the land. copy of the permit is on file with Monterey County Planning."

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

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

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

the course of construction, cultural, archaeological, historical during 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 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 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. (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 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.

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4. 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. (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 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 Planning prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.

5. 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. (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 Planning.

6. PD007- GRADING WINTER RESTRICTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by Building Services. (Planning and Building Services)

Compliance or Monitoring Action to be Performed:

The Owner/Applicant, on an on-going basis, shall obtain authorization from Monterey County Building Services to conduct land clearing or grading between October 15 and April 15.

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7. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The lighting source shall be shielded and recessed into the fixture. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by Planning, prior to the issuance of building permits. (Planning)

Compliance or Monitoring Action to be Performed:

Prior to the issuance of building permits, the Owner/Applicant shall submit an exterior lighting plan as part of the construction plan set to Planning for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to final/occupancy, the Owner/Applicant/Contractor shall submit written and photographic evidence demonstrating that the lighting has been installed according to the approved plan.

On an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

8. PD032(A) - PERMIT EXPIRATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of three (3) years, to expire on January 12, 2024, unless use of the property or actual construction has begun within this period. (Planning)

Compliance or Monitoring Action to be Performed:

Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of Planning. Any request for extension must be received by Planning at least 30 days prior to the expiration date.

9. PD050 - RAPTOR/MIGRATORY BIRD NESTING

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

Any tree removal activity that occurs during the typical bird nesting season (February 22-August 1), the County of Monterey shall require that the project applicant retain a County qualified biologist to perform a nest survey in order to determine if any active raptor or migratory bird nests occur within the project site or within 300 feet of proposed tree removal activity. During the typical nesting season, the survey shall be conducted no more than 30 days prior to ground disturbance or tree removal. If nesting birds are found on the project site, an appropriate buffer plan shall be established by the project biologist. (Planning)

Compliance or Monitoring Action to be Performed:

No more than 30 days prior to ground disturbance or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit to Planning a nest survey prepare by a County qualified biologist to determine if any active raptor or migratory bird nests occur within the project site or immediate vicinity.

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10. MITIGATION MEASURE 1: MONITORING OF GRADING AND CONSTRUCTION ACTIVITIES

Responsible Department:

RMA-Planning

Condition/Mitigation Monitoring Measure:

Mitigation Measure No. 1: Monitoring of Grading and Construction Activities. In order to ensure grading and construction activities are conducted in accordance with the recommendations contained in the Bailey Tree Assessment and Forest Management (Planning File LIB170359) and the Bailey Biotic Report (Planning LIB170360), the owner/applicant shall contract with a certified arborist or qualified forester and a qualified biologist to review the construction documents (grading plan, building plan, and construction management plan) for consistency with the preliminary plans and the reports listed above, verify successful installation of tree protection measures. and the monitor grading, construction, and tree pruning Language contained in the contracts shall include verification of compliance with applicable Mitigation Measure Nos. 2 through 7.

Compliance or Monitoring Action to be Performed: Mitigation Measure Monitoring Action No. 1a: Prior to the issuance of construction permits for grading or building, the owner/applicant shall submit to Planning a copy of the contract between the owner/applicant and a certified arborist or qualified forester (referred to as the project arborist). The contract shall include provisions for review of the grading, building, and construction management plans; monitoring of construction activities; and verifying that the protection measures outlined in Mitigation Measure Nos. 2 through 7 will be implemented. In addition, the contract shall include the preparation of a final report indicating that the protection measures in place were successful. The contract shall be submitted to Planning for review and approval. Should Planning find the contract incomplete or unacceptable, the contract will be returned to the owner/applicant and a revised contract shall be re-submitted for review and approval.

Mitigation Measure Monitoring Action No. 1b: Prior to the issuance of construction permits for grading or building, the owner/applicant shall submit to Planning a copy of the contract between the owner/applicant and a qualified biologist (referred to as the project biologist). The contract shall include provisions for review of the grading, building, and construction management plans; monitoring of construction activities; and verifying that the protection measures outlined in Mitigation Measure Nos. 2 through 7 will be implemented. In addition, the contract shall include the preparation of a final report indicating that the protection measures in place were successful. The contract shall be submitted to Planning for review and approval. Should Planning find the contract incomplete or unacceptable, the contract will be returned to the owner/applicant and a revised contract shall be re-submitted for review and approval.

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11. MITIGATION MEASURE 2: BEST MANAGEMENT PRACTICES

Responsible Department:

RMA-Planning

Condition/Mitigation Monitoring Measure:

Mitigation No. 2: Best Management Practices. ensure construction activities include best management practices that provide overall protection measures for all trees onsite, the following shall be included as a note on the construction plans.

- Depositing fill, parking equipment, or staging construction materials near existing trees shall be prohibited. Trees shall be protected by boards, fencing or other materials to delineate protection zones.
- Pruning shall be conducted so as not to unnecessarily injure the tree. General-principals of pruning include placing cuts immediately beyond the branch collar, making clean cuts by scoring the underside of the branch first.
- Root cutting shall occur outside of the springtime. Late June and July would likely be the best. Pruning of the live crown should not occur February through May.
- Tree material greater than 3-inches in diameter remaining on site more than one month that is not cut and split into firewood shall be covered with clear plastic that is dug in securely around the pile to discourage infestation and dispersion of bark beetles.
- A mulch layer approximately 4-inches deep shall be applied to the ground under selected trees prior to, maintained during, and following construction. Only 1 to 2 -inches of mulch shall be applied within 1 to 2-feet of the trunk. Under no circumstances shall any soil or mulch be placed against the root crown (base) of trees. The best source of mulch would be from chipped material generated on site.
- If trees along near the development are visibly declining in vigor, a Professional Forester or Certified Arborist should be contacted to inspect the site to recommend a course of action.

Compliance or Monitoring Action to be Performed:

Mitigation Measure Monitoring Action No. 2a: Prior to issuance of construction permits for grading and/or building, the owner/applicant shall include a note on the construction plans encompassing the language contained within Mitigation Measure No. 2 to Planning for review and approval.

Mitigation Measure Monitoring Action No. 2b: Prior to final of construction permits for grading and/or building, the owner, applicant, or project arborist shall submit a final report to Planning demonstrating that implementation of the best management practices was successful.

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12. MITIGATION MEASURE 3: GENERAL TREE PROTECTION STANDARDS

Responsible Department:

RMA-Planning

Condition/Mitigation Monitoring Measure:

Mitigation Measure No. 3: General Tree Protection Standards. In order to ensure impacts to Monterey Cypress trees during construction are minimized, the following protection measures shall be in place during grading and construction activity shall be implemented in consultation with, and approved by the project arborist and biologist:

- Trees located adjacent to the construction area shall be protected from damage by construction equipment by the use of free standing cross braced temporary fencing and through wrapping of trunks with protective materials. Mulching (4-inch deep) shall be placed in the critical root zone areas within fenced areas.
- Fencing shall consist of chain link, snowdrift, plastic mesh, hay bales, or field fence.
- Fencing is not to be attached to the tree but free standing with 2x4 wood or metal cross bracing to be self-supporting so as not to damage trees. Fencing shall be rigidly supported and shall stand a minimum of height of four feet above grade and placed to the farthest extent possible from the trees base to protect the area within the trees drip line (typically 10 to 12-feet away from the base of a tree).
- In cases where access or space is limited for tree protection it is permissible to protect the tree within the 10 to 12-foot distance after determination and approval by a qualified forester or arborist.
- Soil compaction, parking of vehicles or heavy equipment, stockpiling of construction materials, and/or dumping of materials should not be allowed adjacent to trees on the property especially within fenced areas.
- Areas anticipated to have construction equipment near trees should have root zones mulched with cypress wood chips placed around to spread equipment load and to protect against soil compaction.
- Fenced areas and the trunk protection materials should remain in place during the entire construction period.

Compliance or Monitoring Action to be Performed:

Mitigation Measure Monitoring Action No. 3a: Prior to issuance of construction permits for grading and/or building, the owner/applicant shall include a note on the construction plans encompassing the language contained within Mitigation Measure No. 3 to Planning for review and approval.

Mitigation Measure Monitoring Action No. 3b: Prior to issuance of construction permits for grading and/or building, the owner/applicant shall submit a tree protection plan consistent with the measures outlined within Mitigation Measure No. 3 to Planning for review and approval.

Mitigation Measure Monitoring Action No. 3c: Prior to final of construction permits for grading and/or building, the owner, applicant, or project arborist shall submit a final report to Planning demonstrating that implementation of the tree protection measures was successful.

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13. MITIGATION MEASURE 4: TREE PROTECTION STANDARDS DURING GRADING AND EXCAVATION

Responsible Department:

RMA-Planning

Condition/Mitigation Monitoring Measure:

Mitigation Measure No. 4: Tree Protection Standards During Grading and Excavation. In order to ensure impacts to cypress trees during excavation, trenching, and construction of foundations are minimized, the following measures shall be implemented and approved by a qualified arborist or forester:

- All trenching, grading or any other digging or soil removal that is expected to encounter tree roots should be monitored by a qualified arborist or forester to ensure against drilling or cutting into or through major roots.
- The project architect and qualified arborist should be on site during excavation activities to direct any minor field adjustments that may be needed.
- Trenching for retaining walls or footings located adjacent to any tree should be done by hand where practical and any roots greater than 3-inches diameter should be bridged or pruned appropriately.
- Removal of the organic layer of the upper soil profile for installation of the driveway and motor court shall be done by hand. If any roots encountered are larger than 1 -inch, that shall be preserved within the aggregate base material, subject to evaluation by a certified arborist.
- Installation of utility connections shall be outside cypress driplines to the extent feasible. Trenching shall be accomplished by hand, air, or water, with all roots larger than 1-inch to be preserved to the extent that is compatible with the placement of the utility conveyances into their trenches.
- Any roots that must be cut should be cut by manually digging a trench and cutting exposed roots with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root pruning equipment.
- Any roots damaged during grading or excavation should be exposed to sound tissue and cut cleanly with a saw.

If at any time potentially significant roots (over 3-inches in diameter) are discovered:

- The arborist/forester will be authorized to halt excavation until appropriate mitigation measures are formulated and implemented.
- If significant roots are identified that must be removed that will destabilize or negatively affect the target trees (not anticipated with the present design), the property owner will be notified immediately and a determination for removal will be assessed and made as required by law for treatment of the area that will not risk death decline or instability of the tree consistent with the implementation of appropriate construction design approaches to minimize affects, such as hand digging, bridging or tunneling under roots, etc.

Compliance or Monitoring Action to be Performed:

Mitigation Measure Monitoring Action No. 4a: Prior to issuance of construction permits for grading and/or building, the owner/applicant shall include a note on the construction plans encompassing the language contained within Mitigation Measure No. 4 to Planning for review and approval.

Mitigation Measure Monitoring Action No. 4b: Prior to issuance of construction permits for grading and/or building, the owner/applicant shall, in accordance with Mitigation Measure No. 3, submit a tree protection plan to Planning for review and approval. This plan shall also incorporate measures outlined within Mitigation Measure No. 4.

Mitigation Measure Monitoring Action No. 4c: Prior to final of construction permits for grading and/or building, the owner, applicant, or project arborist shall submit a final report to Planning demonstrating that implementation of the tree protection measures was successful.

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14. MITIGATION MEASURE 5: TREE PRUNING GUIDELINES

Responsible Department:

RMA-Planning

Condition/Mitigation Monitoring Measure:

Mitigation Measure No. 5: Tree Pruning Guidelines. Pruning of retained trees is expected for this site and shall be limited to only those areas necessary for a safe working and living environment. In order to ensure long-term health of each individual tree, the owner/applicant shall incorporate these specified guidelines during tree pruning activities.

- Pruning shall be limited to trees that have major deadwood that present significant risk or are exhibiting some structural defect or disease that must be compensated.
- Trees should be monitored on occasion for health and vigor after pruning. Should the health and vigor of any tree decline it will be treated as appropriately recommended by a certified arborist or qualified forester.
- Trees shall be pruned first for safety, next for health, and finally, only if necessary, for aesthetics.
- Type of pruning is determined by the size of branches to be removed. General guidelines for branch removal are:
- Fine Detail pruning Limbs under 2-inches in diameter are removed.
- o Medium Detail Pruning Limbs between 2 and 4-inch in diameter.
- o Structural Enhancement Limbs greater than 4-inches diameter.
- o Broken and cracked limbs Will be removed in high traffic areas of concern.
- Crown thinning is the cleaning out of or removal of dead diseased, weakly attached, or low vigor branches from a tree crown. All trees will be assessed on how a tree will be pruned from the top down.
- o Trimmers shall favor branches with strong, U- shaped angles of attachment and where possible remove branches with weak, V-shaped angles of attachment and/or included bark.
- o Lateral branches shall be evenly spaced on the main stem of young trees and areas of fine pruning.
- o Branches that rub or cross another branch may be removed where possible.
- o Lateral branches may be no more than one-half to three-quarters of the diameter of the stem to discourage the development of codominant stems where feasible.
- o In most cases trimmers shall not remove more than one-quarter of the living crown of a tree at one time. If it is necessary to remove more, it shall be conducted over successive years.
- Crown raising removes the lower branches of a tree to provide clearance for buildings, vehicles, pedestrians and vistas.
- o Live branches on at least two-thirds of a tree's total height shall be maintained wherever possible. The removal of many lower branches will hinder the development of a strong stem.
- o All basal sprouts and vigorous epicormic sprouts shall be removed where feasible.
- Crown reduction is used to reduce the height and/or spread of trees and is used for maintaining the structural integrity and natural form of a tree.
- o Crown reduction pruning shall be used only when absolutely necessary. Pruning cuts shall be at a lateral branch that is at least one third the diameter of the stem to be removed wherever possible.
- o When it is necessary to remove more than half of the foliage from a branch it may be necessary remove the entire branch.

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Compliance or Monitoring Action to be Performed: Mitigation Measure Monitoring Action No. 5a: Prior to issuance of construction permits for grading and/or building, the owner/applicant shall include a note on the construction plans encompassing the language contained within Mitigation Measure No. 5 to Planning for review and approval.

Mitigation Measure Monitoring Action No. 5b: Prior to final of construction permits for grading and/or building, the owner, applicant, or project arborist shall submit a final report to Planning demonstrating that implementation of the tree protection measures was successful.

15. MITIGATION MEASURE 6: DEER MOVEMENT/WILDLIFE MOVEMENT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Mitigation Measure No. 6: Deer Movement. Recognizing the importance of maintaining effective wildlife movement corridors in urban and developing landscapes, the owner/applicant shall coordinate with the project biologist to design perimeter fencing facilitating unabated movement by wildlife.

Compliance or Monitoring Action to be Performed: Mitigation Measure Monitoring Action No. 6. Prior to issuance of construction permits for grading and/or building, the owner/applicant shall coordinate with the project biologist to incorporate smart fence and design elements on the project site that will facilitate unabated movement by wildlife — and particularly deer- across the property, or a portion of the property, from 17-Mile Drive and the adjoining (north-side) park lot. Whether this entails permanently removing downed fencing or a newly designed fence, the owner/applicant shall submit a site plan and photographs identifying and illustrating point(s) of passage according to the existing patterns of movement observed by the project biologist.

16. MITIATION MEASURE 7: PROTECTION OF REPTILES, WILDLIFE-FRIENDLY NETTING DESIGN AND PRACTICES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Mitigation Measure No. 7: Protection of Reptiles, wildlife-friendly netting designs and practices. To minimize wildlife entanglement and plastic debris pollution, choose temporary erosion and sediment control products that either do not contain netting, or that contain netting manufactured from 100% biodegradable non-plastic materials such as jute, sisal, or coir fiber. Local snakes are highly susceptible to entrapment, injury and death when caught in the plastic, nylon and vinyl mesh-netting that is commonly used to bind erosion control materials. In particular, the net-wrapping that typically is used to encase 'coconut rolls' and 'fiber blankets' are dangerous and universally lethal to snakes that become entangled when attempting to move through the netting. There are many temporary erosion and sediment control products available that do not contain plastic netting.

Compliance or Monitoring Action to be Performed:

Mitigation Measure Monitoring Action No. 7a. All erosion and sediment control measures employed by project contractors shall specifically utilize materials that employ natural fiber mesh and netting, exclusively. The owner/applicant shall submit photographs illustrating point(s) of passage according to the existing patterns of movement identified by the project biologist.

Mitigation Measure Monitoring Action No. 7b. When no longer required, temporary erosion and sediment control products should be promptly removed.

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17. 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. (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 Environmental Services for review and approval.

18. GEOTECHNICAL CERTIFICATION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall provide certification from a licensed practitioner that all development has been constructed in accordance with the recommendations in the project Geologic Report and Soil Engineering Investigation. (Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall provide Environmental Services a letter from a licensed practitioner certifying that all development has been constructed in accordance with the recommendations in the project Geologic Report and Soil Engineering Investigation.

19. GRADING PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure:

The applicant shall submit a Grading Plan incorporating the recommendations from the project Geologic Report and Soil Engineering Investigation prepared by Landset Engineers Inc. The Grading Plan shall include contour intervals 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. The applicant shall also provide certification from the licensed practitioner that the Grading Plan incorporates their geotechnical recommendations. (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 Environmental Services for review and approval.

Prior to issuance of any grading or building permits, the applicant shall submit certification from a licensed practitioner that they have reviewed the Grading Plan for conformance with the geotechnical recommendations.

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20. PD022(C) - EASEMENT-CONSERVATION AND SCENIC (COASTAL)

Responsible Department:

RMA-Planning

Condition/Mitigation Monitoring Measure:

A conservation and scenic easement shall be conveyed to the County over those portions of the property where environmentally sensitive habitats exist in accordance with the procedures in Monterey County Code § 20.64.280.A. A Subordination Agreement shall be required, where necessary. The easement shall be developed in consultation with a certified professional. An easement deed shall be submitted to, reviewed and approved by HCD-Planning and the Executive Director of the California Coastal Commission, and accepted by the Board of Supervisors prior to final of the building permit(s). (Planning)

Compliance or Monitoring Action to be Performed:

Prior to issuance of grading and building permits, the Owner/Applicant/Certified Professional shall submit the 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 Planning for review and approval.

Prior to issuance of grading and building permits, the Owner/Applicant shall submit a signed and notarized Subordination Agreement, if required, to Planning for review and approval.

Prior to final of building permits, the Board of Supervisors shall accept the deed and map showing the approved conservation and scenic easement.

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21. 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)

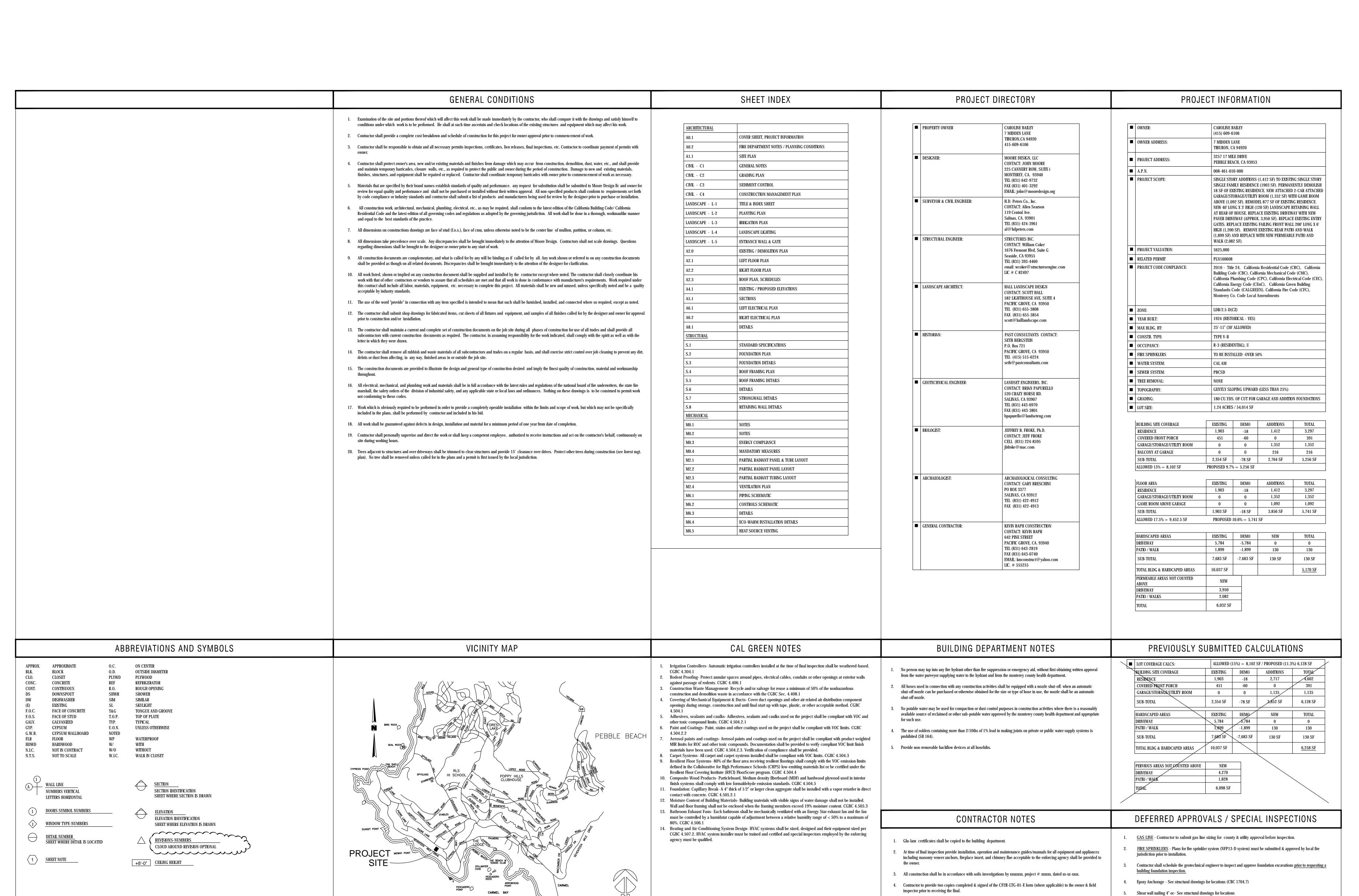
Compliance or Monitoring Action to be Performed:

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

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BAILEY RESIDENCE REMODEL AND ADDITION



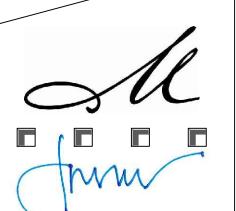
PACIFIC OCEAN

PROJECT NAME:

BAILEY REMODEL
AND ADDITION

3257 17 MILE DRIVE PEBBLE BEACH, CA.

APN: 008-461-010-000 JOB NUMBER: 2007



MOORE DESIGN Inc.

RESIDENTIAL PLANNING &
CONSTRUCTION ADMINISTRATION

225 CANNERY ROW, SUITE i MONTEREY CA. 93940 831.642.9732 FAX 831.401.3292 john@mooredesign.org

DRAWING RECORD

DRAWING REC	JUND
DESCRIPTION	ISSUED
MO. CO. PLN PRE-APP SUBMIT	9/14/2016
B SUBM i ital	4/18/2017
MO. CO. PLN SUBMITTAL	4/20/2017
MO. CO. PLN RESUBMIT #1	8/28/2017
MO. CO. PLAN CHECK SUBMIT	5/25/2018
10. CO. PLN RESUBMIT #2	4/02/2020
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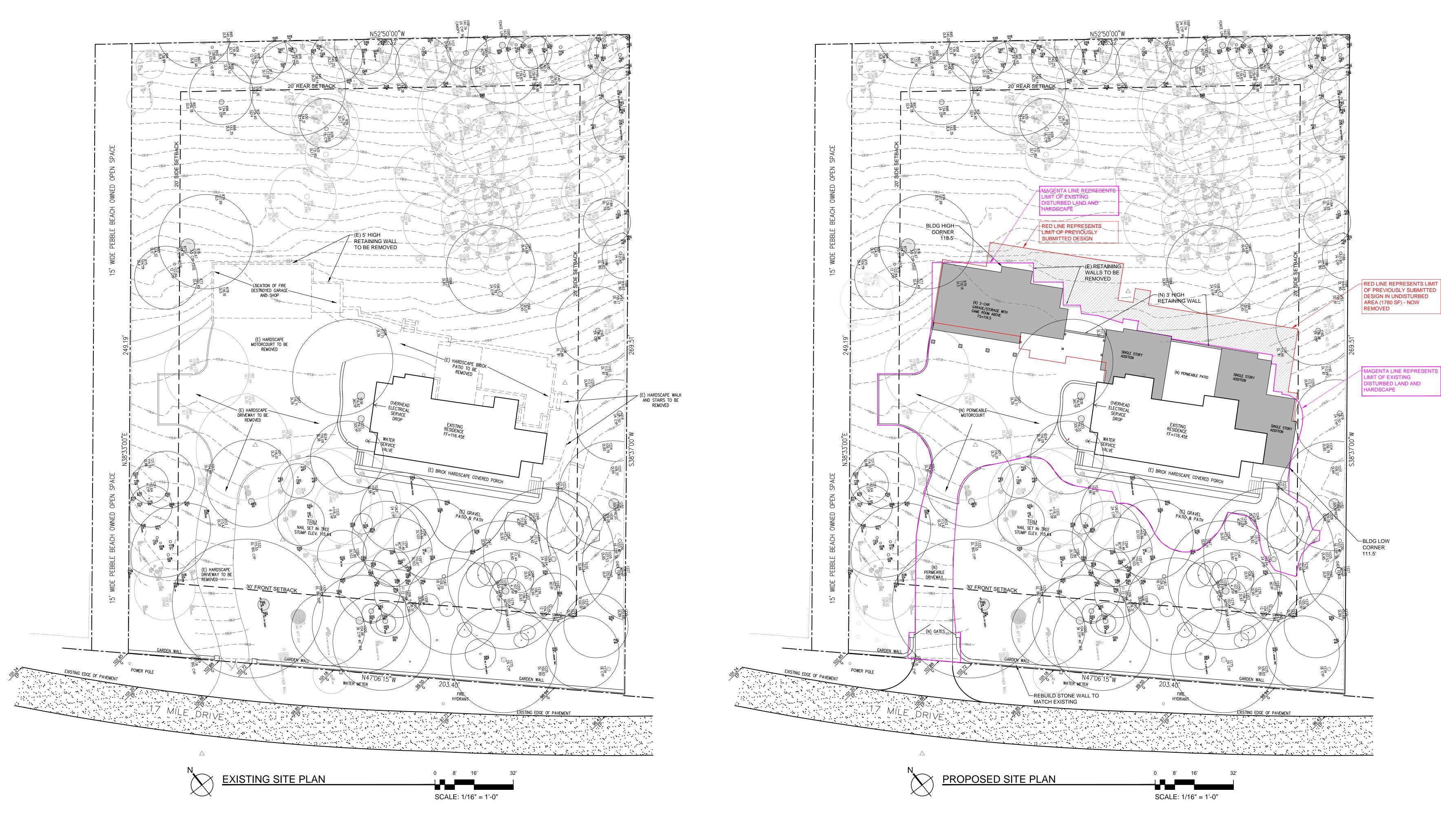
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SHEET TITLE:

COVER SHEET / PROJECT INFO

SHEET NUMBER:

A0.1

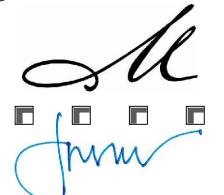


PROJECT NAME:

BAILEY REMODEL AND ADDITION

3257 17 MILE DRIVE PEBBLE BEACH, CA.

APN: 008-461-010-000 JOB NUMBER: 2007



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DESCRIPTION IS

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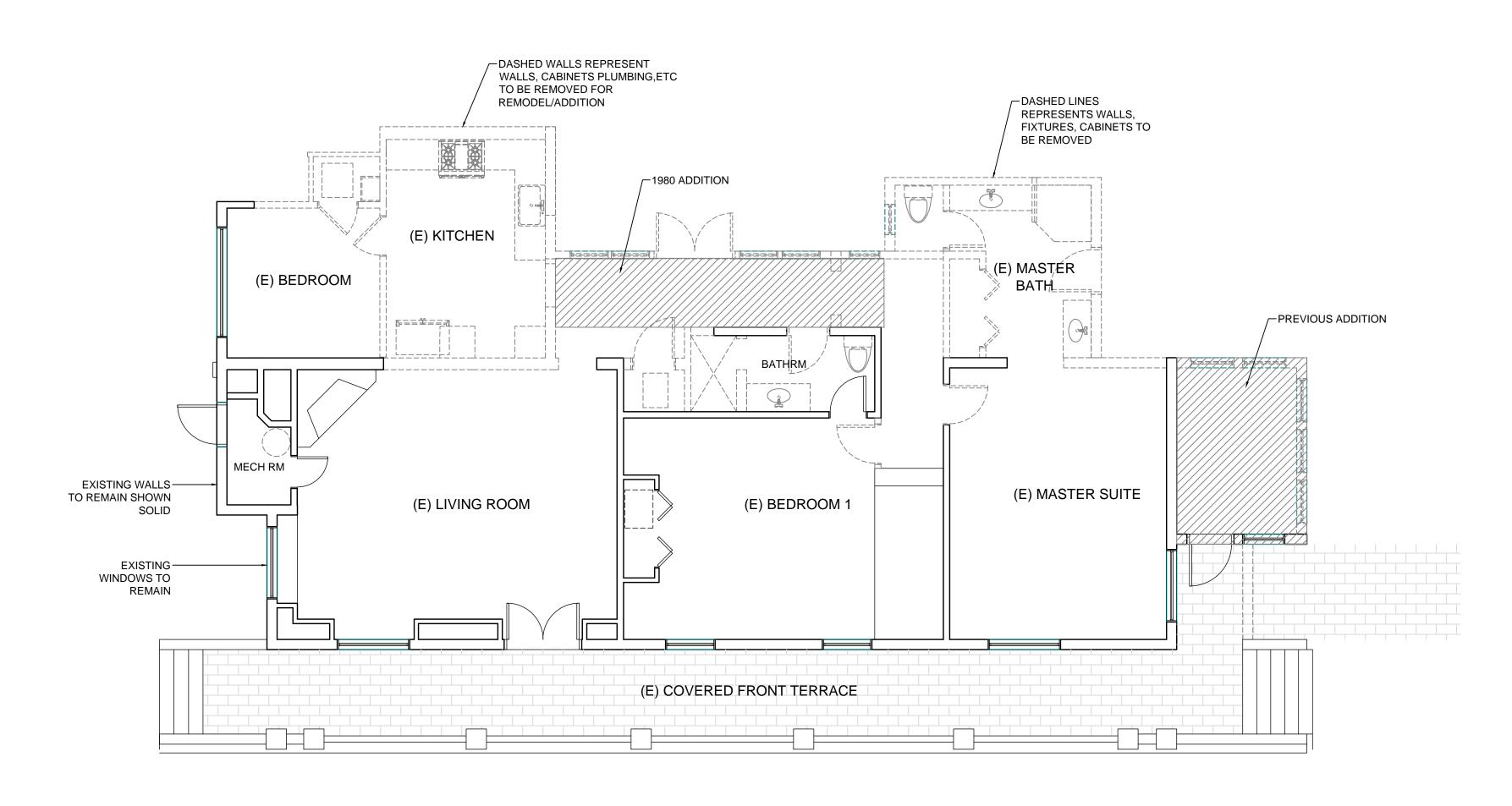
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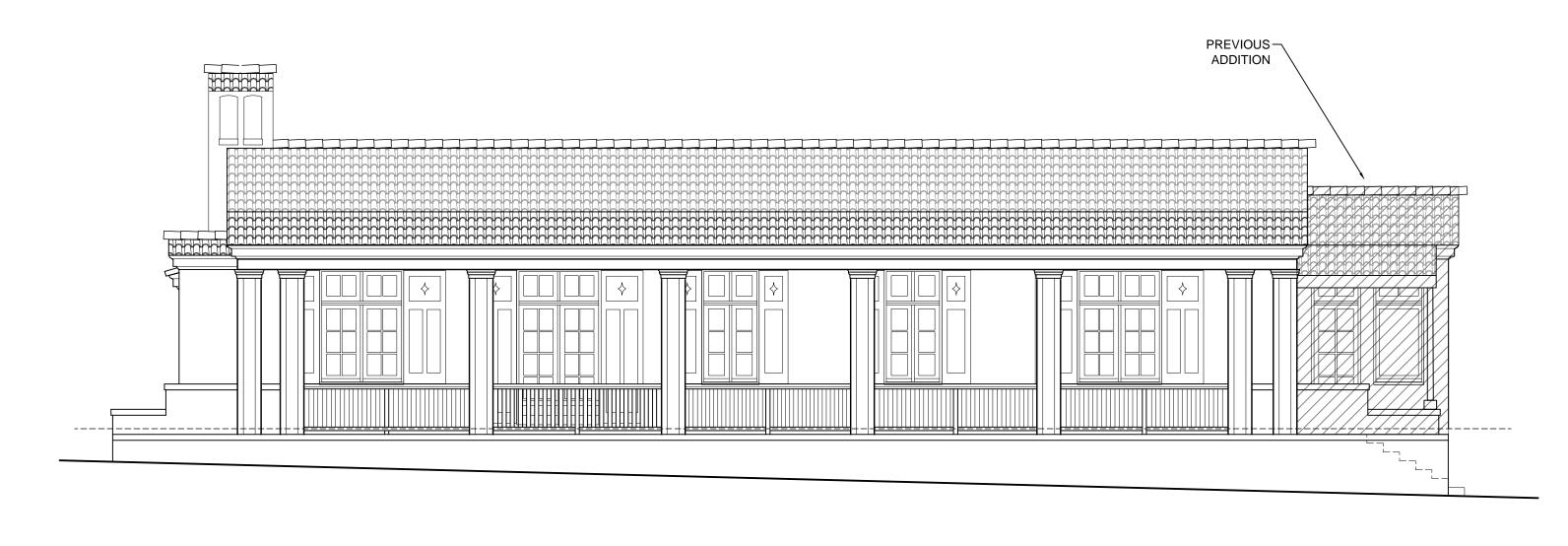
SITE PLANS

SHEET NUMBER:

A1.1



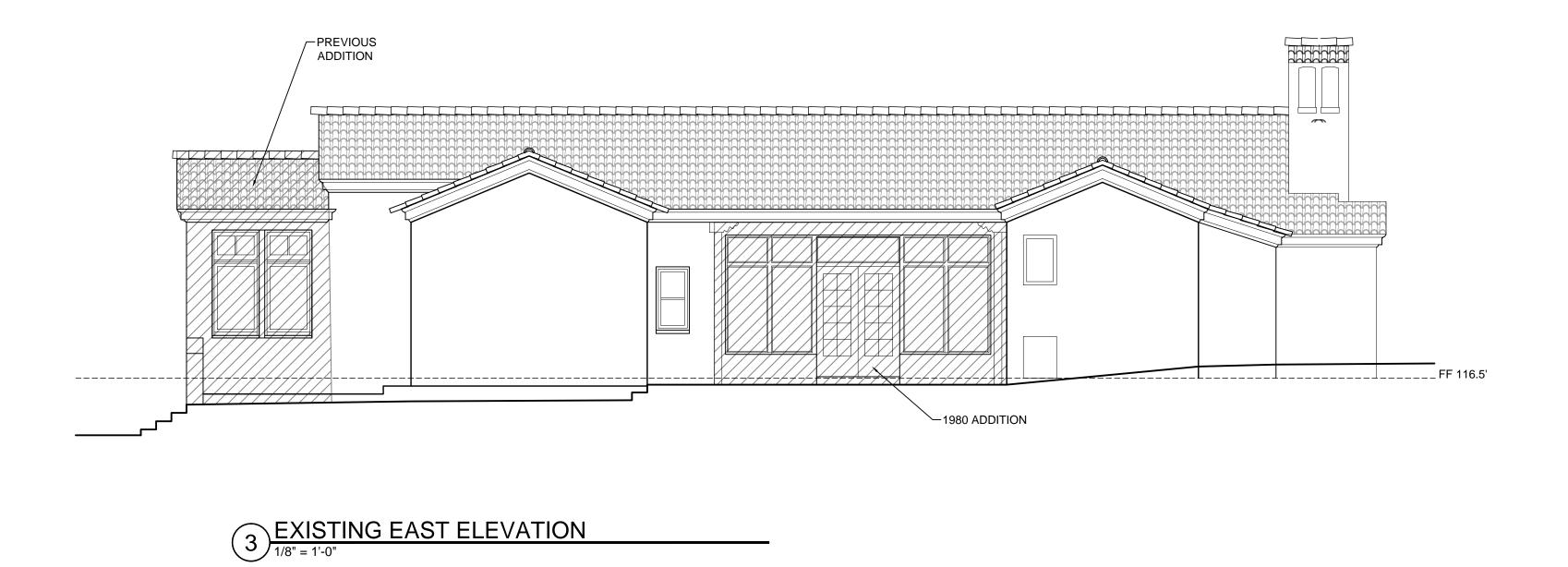


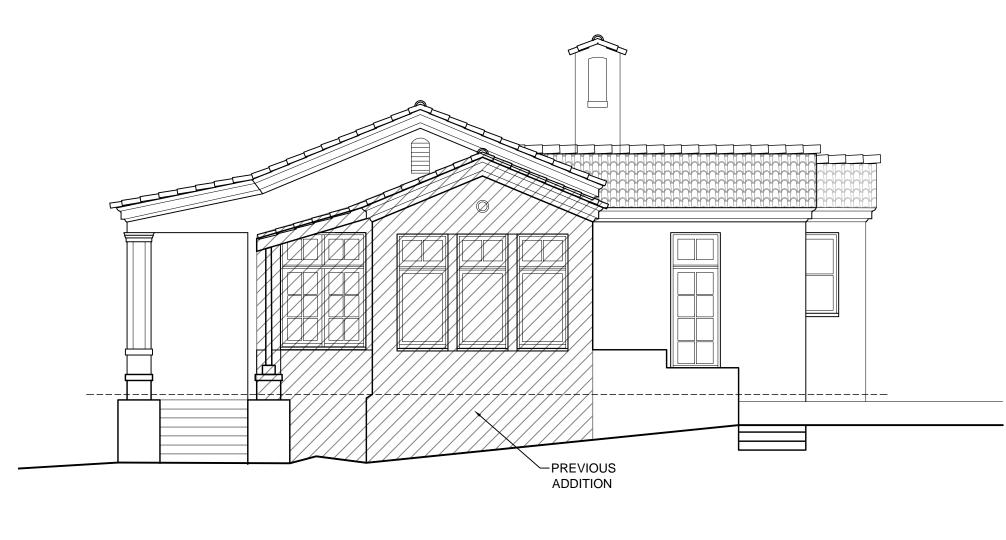




1) EXISTING WEST ELEVATION
1/8" = 1'-0"







4 EXISTING SOUTH ELEVATION

1/8" = 1'-0"

PROJECT NAME:

BAILEY REMODEL AND ADDITION

3257 17 MILE DRIVE PEBBLE BEACH, CA. 93953

APN: 008-461-010-000 JOB NUMBER: 2007

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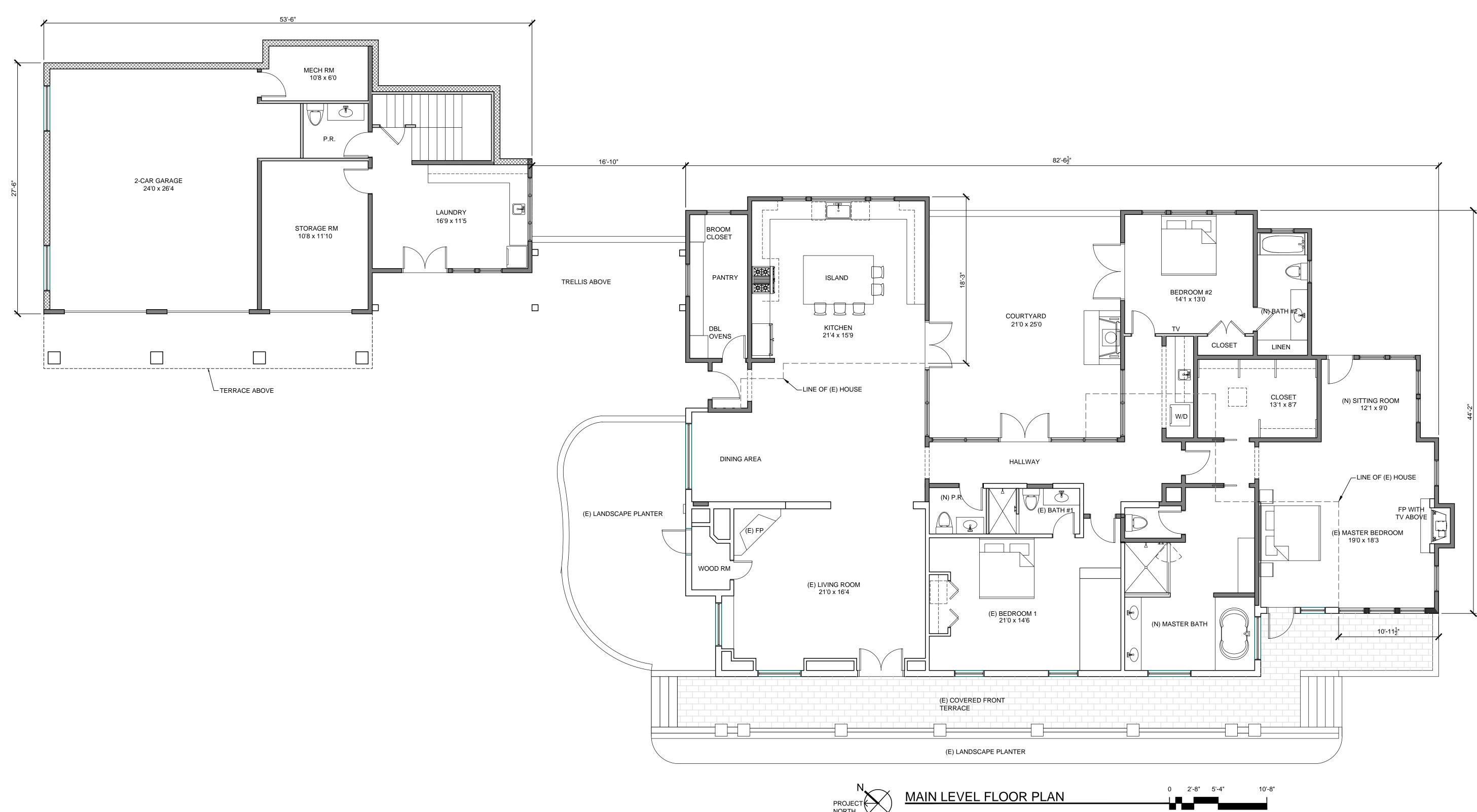
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SHEET TITLE:

EXIST PLAN AND ELEVATIONS

SHEET NUMBER:

A2.0



- Floor elevations at the required Egress Door (1 required) (CRC r311.3.1) landings or floors at the required egrees door shall not be more than 1-1/2" lower than the top of the threshold for outswing doors and 7-3/4" for inswing or sliding doors. **Non-egress doors** (CRC r311.3.2) - landings or floors shall be not more than 7-3/4" lower than the top of the threshold for inswing, outswing, or sliding. A landing is not required where a stairway has two or fewer risers is located on the exterior side of the door and the door does not swing over the landing or floor.
- . Landing at doors (CRC r311.3)- min. depth 36", min. width shall be not less than the width of the door served. landing may have a slope not to exceed 2% (1/4" vertical in 12" horizontal).

PROJECT NAME:

BAILEY REMODEL

AND ADDITION

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PEBBLE BEACH, CA.

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CONSTRUCTION ADMINISTRATION

225 CANNERY ROW, SUITE i

MONTEREY CA. 93940

831.642.9732 FAX 831.401.3292

john@mooredesign.org

DRAWING RECORD

MEMBER

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BUILDING DESIGN

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4/18/2017

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5/25/2018

4/02/2020

9/14/2016

DESCRIPTION

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- . Terraces and patios- slope at min. ¼ per ft. away from structure and toward drainage system see
- . Hose bib- provide shut off valve for all hose bibs located near the garage or water main. all hose bibs shall have a non-removable back flow device per cbc 603.3.7.
- 5. Fire separation wall (CRC r302.6)- provide 5/8 type "x" gyp. bd. over framing at walls and ceiling
- 6. Garage Floor- Provide:6.1. concrete slab & control joints per structural drawings
- 6.2. seal concrete with concrete sealer6.3. slope toward garage doors for drainage (min. 2")
- 6.4. ±6" curb at all walls for termite and water protection
- 6.5. protect finish slab during construction with protection board . Boiler & holding water holding tank with recirulating pump
- 3. Venting- provide 100 sq. in. of venting within the top 12" and bottom 12" of the door/wall for combustion air for fuel burning appliances
- . Skylight- see roof plan for size and detail location
- 0. Crawlspace access through the floor shall be a minimum of 18"x24" (CRC r408.4) . Attic space and access (CRC r807.1) attic opening shall be min. 22"x 30" with 30" min. head
- clearance and is required when an attitc area exceed 30 sf and has a vertical height of 30" or
- 12. Kitchen sink with garbage disposal- owner to select make and model
- 13. Vegetable/bar sink- owner to select make & model
- 14. Casework- 24" base cabinet with 14" upper cabinet. owner to select finish, countertop & layout.

15. Casework- Island with drawers and cabinets below. owner to select finish, countertop and layout.

- 16. Casework- full height linen cabinet with adjustable shelves
- 17. Casework- slide out trash/recycle center
- 18. Casework- custom pantry cabinets with adjustable shelves. owner to select finish and layout 19. Deep laundry sink- owner to select make & model
- 20. Casework- 24" base cabinet. owner to select finish, countertop and layout
- 21. 24" dishwasher- low-flow per standards- owner to select make & model
- 22. Range top- 48" wide with drawers below. owner to select make & model
- 23. Oven with convection microwave- 30" wide- owner to select make & model
- 25. Shower- provide : 25.1. 24" wide minimum (outswing) tempered glass door, door optional
- 25.2. shampoo recess, soap shelf & seat per owner's specifications 25.3. impervious surface to 72" minimum above drain inlet
- 25.4. 2"x6" wall for thermostatic valve 25.5. Control valves and showerheads shall be located on the sidewall of shower compartments or
- otherwise arranged so that the showerhead does not discharge directly at the entrance to the compartment so that the bather can adjust the valves prior to stepping into the shower spray. 26. Jacuzzi tub - owner to select make & model of tub. contractor to adjust tub deck height accordingly.

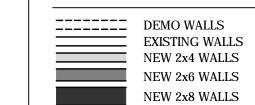
24. Refrigerator- 48" wide, provide recessed plumbing for ice maker- owner to select make & model

For additional notes see jacuzzi notes under general building notes, provide 12"x 12" minimum access panel for jacuzzi tub, locate access door as close to tub pump as possible for inspection and maintenance.

28. Provide sink(s), base cabinet, plumbing fixture, countertop, mirror and optional recessed vanity

- 7. Toilet- 1.28 gallons per flush u.o.n. on water permit, provide 30" width clear in the toilet compartment and min. 24" clear from the front of bowl to the wall (cpc 2904)
- cabinet per owner's specifications 9. Dry vanity- base cabinet, (with open area for stool and drawers), countertop, mirror per owner's
- 30. Washing machine- verify make and model with owner (provide plumbing connections recessed in
- 31. Clothes dryer- vent to exterior with 4" pipe. 14'-0' maximum horizontal run with (2) 90° bends maximum, minimum 3'-0" away from any opening into the building
- 32. Fireplace- 60" masonry firebox hearth and metalbestos flue. hearth extension shall be at least 20" in front of, and at least 12" beyond each side of, the fireplace opening. provide operable metal framed doors with tempered glass
- 33. Fireplace- direct vent with metalbestos flue. owner to select model
- 34. Provide a shelf and closet pole system at all wardrobe closets. owner to specify locations for double pole and/or additional shelving/drawer systems
- 35. Electrical meter
- 36. Gas meter Floor Plan Notes:
- Refer to general building notes on A0.2 for additional notes. SEE DOOR & WINDOW SCHEDULE ON SHEET A3.1

☐ WALL LEGEND



SCALE: 3/16" = 1'-0"

- NEW 2x8 WALLS 1. EXTERIOR WALLS- 2x STUDS @ 16" OC U.O.N. CEMENT PLASTER ON EXTERIOR FACE WITH 5/8" TYPE 'X' GWB ON THE
- INTERIOR. 2. INTERIOR WALL- 2x STUDS @ 16" OC WITH 5/8" TYPE 'X' GWB
- ON BOTH SIDES. 3. SHOWER AND TUB WALLS SHALL HAVE FLOOR TO CEILING
- MOISTURE RESISTANT GYPSUM WALLBOARD (CBC 2512).
- 4. ALL DIMENSIONS ARE TO FACE OF STUD, UNLESS OTHERWISE NOTED.
- 5. CONTRACTOR TO SEE ARCHITECTURTAL & STRUCTURAL WALL DETAILS FOR ADDITIONAL NOTES REGARDING
- INSULATION, SHEAR, SOUND, ETC.
- 6. SEE BUILDING SECTIONS SHEET FOR INSULATION SCHEDULE.

7. PROVIDE BLOCKING AND/OR BACKING AT ALL TOWEL BAR LOCATIONS.

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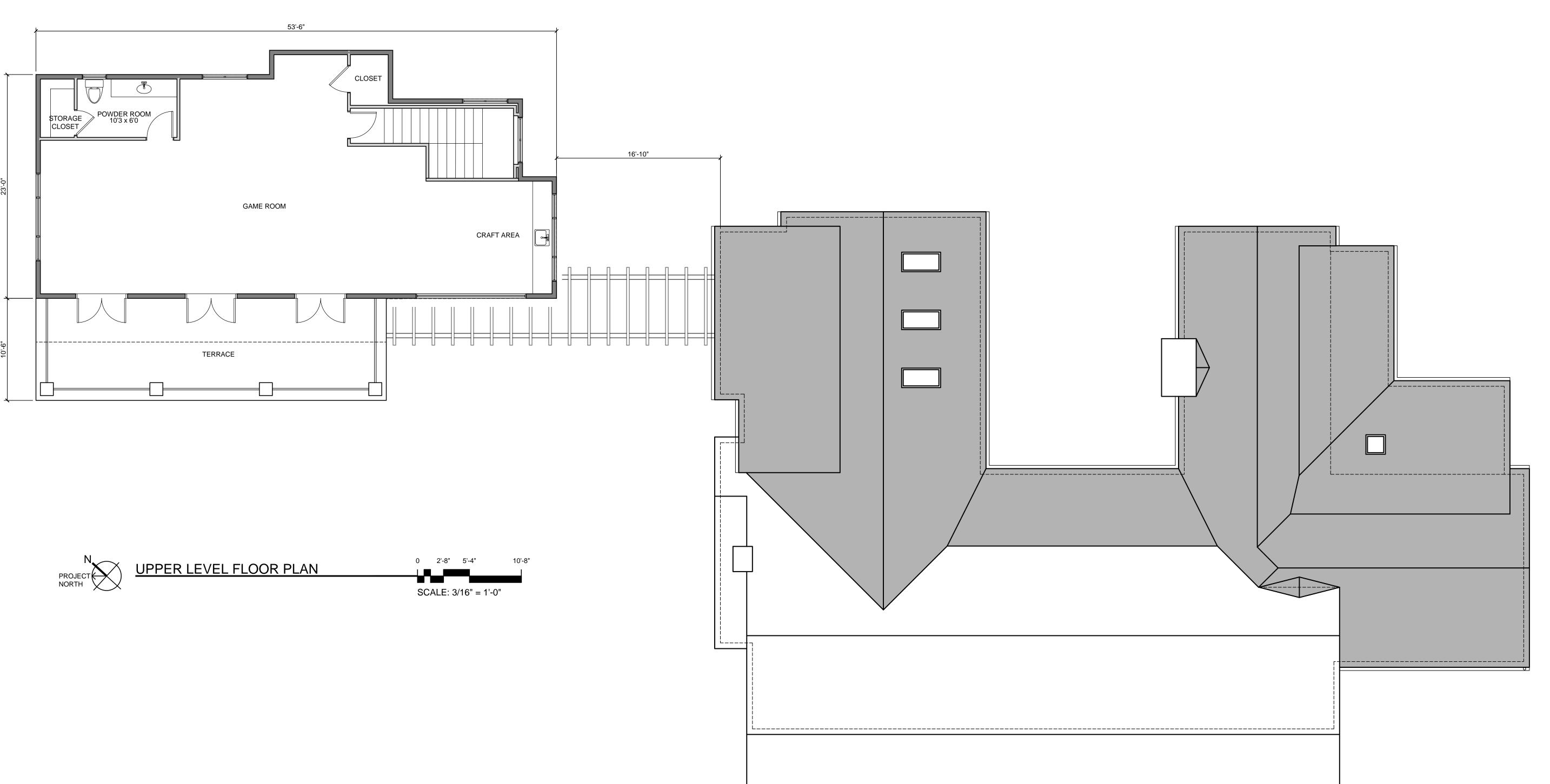
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SHEET TITLE:

FLOOR PLAN

SHEET NUMBER:

A2.1



○ SHEET NOTES

- Floor elevations at the required Egress Door (1 required) (CRC r311.3.1) landings or floors at the required egrees door shall not be more than 1-1/2" lower than the top of the threshold for outswing doors and 7-3/4" for inswing or sliding doors. Non-egress doors (CRC r311.3.2) - landings or floors shall be not more than 7-3/4" lower than the top of the threshold for inswing, or sliding. A landing is not required where a stairway has two or fewer risers is located on the exterior side of the door and the door does not swing over the landing or floor.
- . Landing at doors (CRC r311.3)- min. depth 36", min. width shall be not less than the width of the door served. landing may have a slope not to exceed 2% (1/4" vertical in 12" horizontal).
- . Terraces and patios- slope at min. $\frac{1}{4}$ per ft. away from structure and toward drainage system see
- . Hose bib- provide shut off valve for all hose bibs located near the garage or water main. all hose
- bibs shall have a non-removable back flow device per cbc 603.3.7. 5. Fire separation wall (CRC r302.6)- provide 5/8 type "x" gyp. bd. over framing at walls and ceiling
- 6. Garage Floor- Provide:6.1. concrete slab & control joints per structural drawings
- 6.2. seal concrete with concrete sealer6.3. slope toward garage doors for drainage (min. 2")
- 6.4. ±6" curb at all walls for termite and water protection
- 6.5. protect finish slab during construction with protection board
- 7. Boiler & holding water holding tank with recirulating pump 8. Venting- provide 100 sq. in. of venting within the top 12" and bottom 12" of the door/wall for combustion air for fuel burning appliances
- 9. Skylight- see roof plan for size and detail location
- 10. Crawlspace access through the floor shall be a minimum of 18"x24" (CRC r408.4)
- 1. Attic space and access (CRC r807.1) attic opening shall be min. 22"x 30" with 30" min. head clearance and is required when an attitc area exceed 30 sf and has a vertical height of 30" or
- 12. Kitchen sink with garbage disposal- owner to select make and model
- 13. Vegetable/bar sink- owner to select make & model
- 14. Casework- 24" base cabinet with 14" upper cabinet. owner to select finish, countertop & layout. 15. Casework- Island with drawers and cabinets below. owner to select finish, countertop and layout.
- 16. Casework- full height linen cabinet with adjustable shelves 17. Casework- slide out trash/recycle center
- 18. Casework- custom pantry cabinets with adjustable shelves. owner to select finish and layout 19. Deep laundry sink- owner to select make & model
- 20. Casework- 24" base cabinet. owner to select finish, countertop and layout
- 21. 24" dishwasher- low-flow per standards- owner to select make & model
- 22. Range top- 48" wide with drawers below. owner to select make & model
- 23. Oven with convection microwave- 30" wide- owner to select make & model
- 24. Refrigerator- 48" wide, provide recessed plumbing for ice maker- owner to select make & model
- 25.1. 24" wide minimum (outswing) tempered glass door, door optional 25.2. shampoo recess, soap shelf & seat per owner's specifications
- 25.3. impervious surface to 72" minimum above drain inlet 25.4. 2"x6" wall for thermostatic valve

25. Shower- provide :

- 25.5. Control valves and showerheads shall be located on the sidewall of shower compartments or otherwise arranged so that the showerhead does not discharge directly at the entrance to the compartment so that the bather can adjust the valves prior to stepping into the shower spray.
- 26. Jacuzzi tub owner to select make & model of tub. contractor to adjust tub deck height accordingly. For additional notes see jacuzzi notes under general building notes, provide 12"x 12" minimum access panel for jacuzzi tub, locate access door as close to tub pump as possible for inspection
- 27. Toilet- 1.28 gallons per flush u.o.n. on water permit, provide 30" width clear in the toilet compartment and min. 24" clear from the front of bowl to the wall (cpc 2904)
- 28. Provide sink(s), base cabinet, plumbing fixture, countertop, mirror and optional recessed vanity cabinet per owner's specifications

9. Dry vanity- base cabinet, (with open area for stool and drawers), countertop, mirror per owner's

- 30. Washing machine- verify make and model with owner (provide plumbing connections recessed in
- maximum, minimum 3'-0" away from any opening into the building 32. Fireplace- 60" masonry firebox hearth and metalbestos flue. hearth extension shall be at least 20" in front of, and at least 12" beyond each side of, the fireplace opening. provide operable metal

31. Clothes dryer- vent to exterior with 4" pipe. 14'-0' maximum horizontal run with (2) 90° bends

- framed doors with tempered glass 33. Fireplace- direct vent with metalbestos flue. owner to select model
- 34. Provide a shelf and closet pole system at all wardrobe closets. owner to specify locations for
- double pole and/or additional shelving/drawer systems 35. Electrical meter
- 36. Gas meter
- Floor Plan Notes:
- Refer to general building notes on A0.2 for additional notes. SEE DOOR & WINDOW SCHEDULE ON SHEET A3.1

☐ WALL LEGEND

DEMO WALLS
EXISTING WALLS
NEW 2x4 WALLS

LOCATIONS.

NEW 2x6 WALLS NEW 2x8 WALLS 1. EXTERIOR WALLS- 2x STUDS @ 16" OC U.O.N. CEMENT

- PLASTER ON EXTERIOR FACE WITH 5/8" TYPE 'X' GWB ON THE INTERIOR.
- 2. INTERIOR WALL- 2x STUDS @ 16" OC WITH 5/8" TYPE 'X' GWB ON BOTH SIDES.

7. PROVIDE BLOCKING AND/OR BACKING AT ALL TOWEL BAR

- 3. SHOWER AND TUB WALLS SHALL HAVE FLOOR TO CEILING MOISTURE RESISTANT GYPSUM WALLBOARD (CBC 2512).
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- 6. SEE BUILDING SECTIONS SHEET FOR INSULATION SCHEDULE.

BAILEY REMODEL AND ADDITION

PROJECT NAME:

3257 17 MILE DRIVE PEBBLE BEACH, CA.

APN: 008-461-010-000 JOB NUMBER: 2007



MOORE DESIGN Inc. RESIDENTIAL PLANNING & CONSTRUCTION ADMINISTRATION

225 CANNERY ROW, SUITE i MONTEREY CA. 93940 831.642.9732 FAX 831.401.3292 john@mooredesign.org

DRAWING RECORD

DESCRIPTION	ISSUED
MO. CO. PLN PRE-APP SUBMIT	9/14/2016
PB SUBMITTAL	4/18/2017
MO. CO. PLN SUBMITTAL	4/20/2017
MO. CO. PLN RESUBMIT #1	8/28/2017
MO. CO. PLAN CHECK SUBMIT	5/25/2018
MO. CO. PLN RESUBMIT #2	4/02/2020

PRINT DATE: 4/2/2020

MEMBER

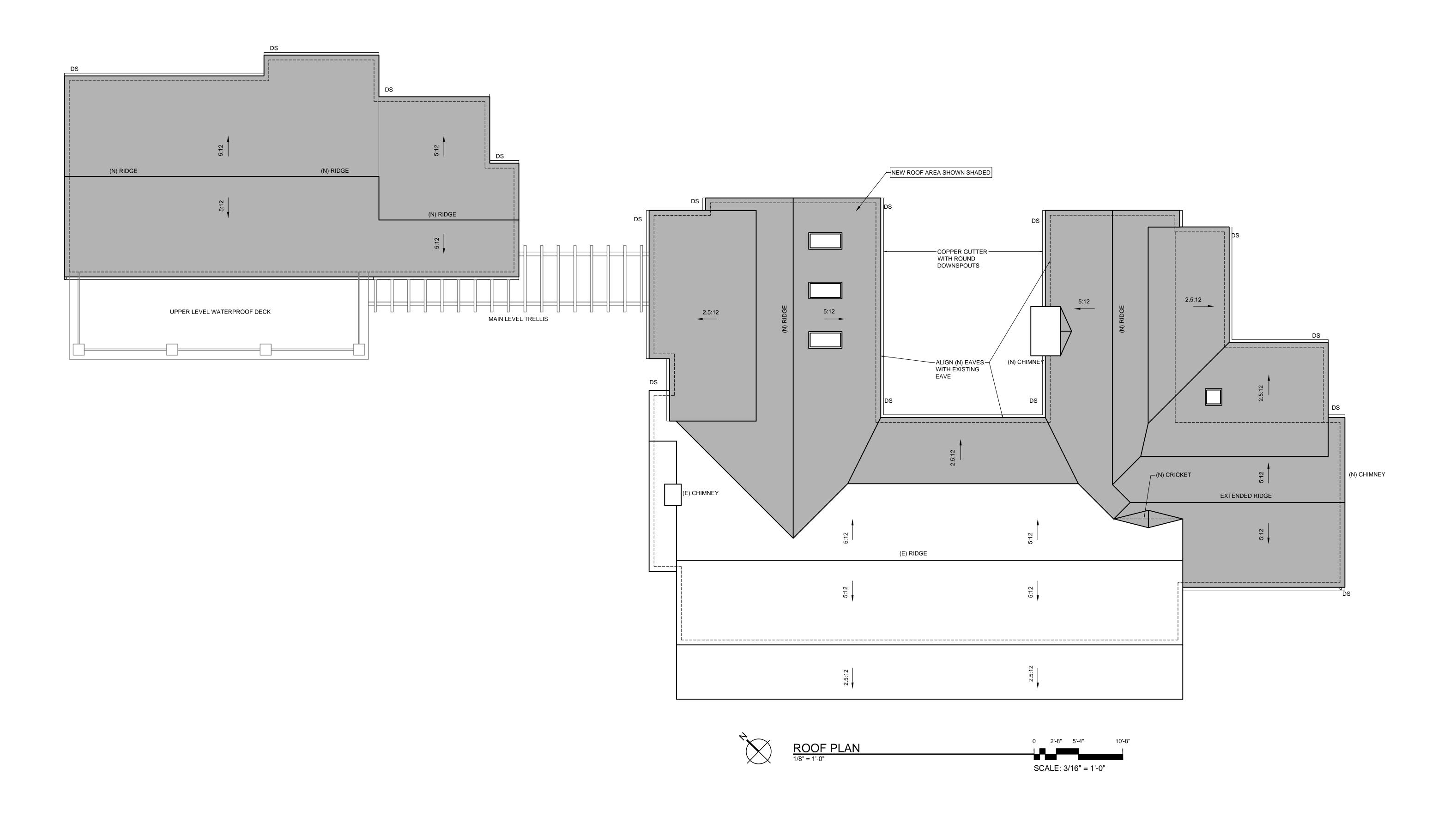
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PROJECT NAME:

BAILEY REMODEL
AND ADDITION

3257 17 MILE DRIVE PEBBLE BEACH, CA. 93953

APN: 008-461-010-000 JOB NUMBER: 2007



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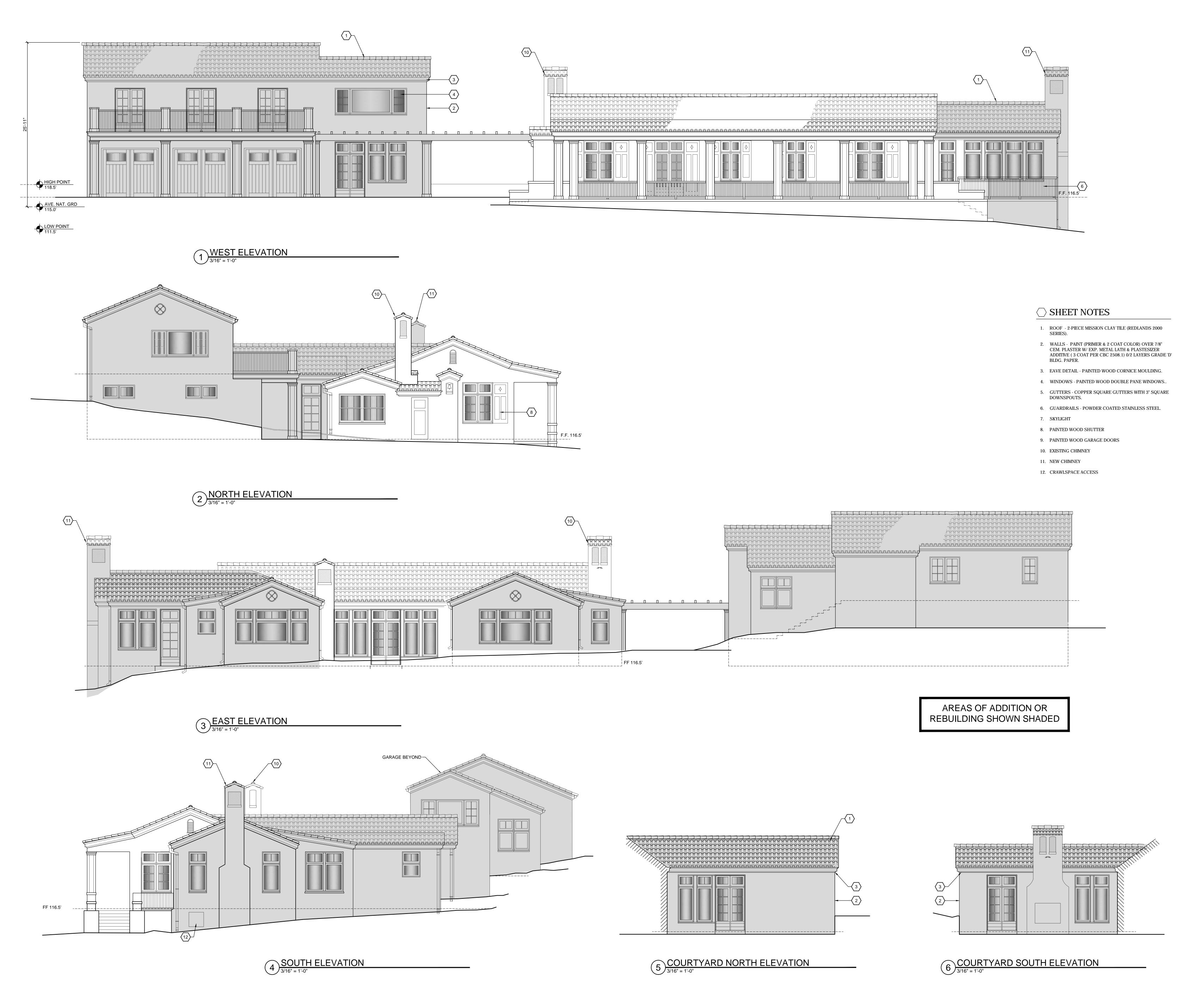
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SHEET TITLE:

ROOF PLAN

SHEET NUMBER:

A2.3



PROJECT NAME:

BAILEY REMODEL AND ADDITION

3257 17 MILE DRIVE PEBBLE BEACH, CA.

APN: 008-461-010-000 JOB NUMBER: 2007



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SHEET TITLE:

ELEVATIONS

SHEET NUMBER:

A4.1

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