

Exhibit B

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EXHIBIT B

DRAFT RESOLUTION

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

In the matter of the application of:

AUERBACH (PLN190276)

RESOLUTION NO. 21 -

Resolution by the Monterey County Planning Commission:

- 1) Adopting a Mitigated Negative Declaration pursuant to Section 15074 of the CEQA Guidelines;
- 2) Approving a Combined Development Permit consisting of:
 - a) Coastal Administrative Permit and Design Approval to allow construction of a 5,024 square foot single-family dwelling with an attached 564 square foot garage and associated site infrastructure;
 - b) Coastal Administrative Permit and Design Approval to allow construction of a 425 square foot detached guesthouse;
 - c) Coastal Development Permit to allow removal of 9 trees (Monterey pine);
 - d) Coastal Development Permit to allow development on slopes exceeding 30 percent;
 - e) Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat area; and
 - f) After-the-fact Coastal Development Permit (to clear 19CE00449) to allow vegetation removal within the footprint area of proposed development; and
- 3) Adopting a Condition Compliance and Mitigation Monitoring and Reporting Plan.

2700 Red Wolf Drive, Carmel, Carmel Area Land Use Plan, Coastal Zone (APN 416-011-004-000)

The Auerbach application (PLN190276) came on for a public hearing before the Monterey County Planning Commission on March 10, 2021. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** - The project and/or use, as conditioned and/or mitigated, is consistent with the policies of the Monterey County 1982 General Plan, Carmel Area Land Use Plan, Carmel Area Coastal Implementation Plan – Part 4, Monterey County Zoning Ordinance - Coastal (Title 20), and other County health, safety, and welfare ordinances related to land use development.
- EVIDENCE:**
- a) The project involves construction of a 5,024 square foot single-family dwelling with an attached 564 square foot garage, and construction of a 425 square foot detached guesthouse. The proposed site infrastructure improvements include installation of an on-site wastewater treatment system; installation of a 2,000 square foot ground-mounted photovoltaic system; conversion of a test well to a permanent domestic well; and associated grading of approximately 1,900 cubic yards of cut and fill. The project involves removal of 9 trees (Monterey pine), development on slopes exceeding 30 percent, development within 100 feet of environmentally sensitive habitat area, and an after-the-fact approval of vegetation removal within the footprint area of the proposed development. The vegetation removal occurred when technical consultants surveyed and evaluated the site (see Finding No. 6 and supporting evidence).
 - b) Allowed Uses. The property is located at 2700 Red Wolf Drive, Carmel (Lobos Ridge)(Assessor's Parcel Number 416-011-004-000), Carmel Area Land Use Plan, Coastal Zone. The parcel is split-zoned Watershed and Scenic Conservation, 80 acres per unit, with a Design Control Overlay (Coastal Zone) [WSC/80-D (CZ)]; and Watershed and Scenic Conservation, 40 acres per unit, with a Design Control Overlay (Coastal Zone) [WSC/40-D (CZ)]. The proposed development would occur in the area of the parcel zoned WSC/80-D (CZ), which allows single-family dwellings and guesthouses as principal uses subject to the granting of a Coastal Administrative Permit in each case. Therefore, as proposed, the project involves allowed land uses for this site. Tree removal, development on slopes exceeding 30 percent, and development within 100 feet of environmentally sensitive habitat area are also allowed subject to the granting of applicable coastal development permits (see Finding Nos. 7, 8, 9, and 10; and supporting evidence).
 - c) The project has been reviewed for consistency with the text, policies, and regulations in the:
 - 1982 Monterey County General Plan;
 - Carmel Area Land Use Plan (LUP);
 - Carmel Area Coastal Implementation Plan (Part 4); and
 - Monterey County Zoning Ordinance - Coastal (Title 20).
 - d) No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and/or regulations of the applicable Monterey County Code (MCC). See also Finding Nos. 2 through 10, and supporting evidence.
 - e) Lot Legality. The subject 37.656-acre property (Assessor's Parcel Number 416-011-004-000) is identified in its current configuration as Parcel 2 on the Parcel Map of a Portion of the South-East ¼ of Section 25, T.16S, R.1W, M.D.B.&M., recorded November 19, 1973

at Volume 5, Parcel Maps, Page 77 (Minor Subdivision No. MS-73-4, approved by the Monterey County Subdivision Committee on January 11, 1973). Therefore, the County recognizes the subject property as a legal lot of record.

- f) Public Access. As proposed and conditioned, the development is consistent with applicable public access policies of the Carmel Area LUP. See Finding No. 5 and supporting evidence.
- g) Review of Development Standards. Development standards for the WSC zoning district are identified in MCC Section 20.17.060. Required setbacks for main dwelling units in this WSC district are 30 feet (front), 20 feet (rear), and 20 feet (sides). The proposed single-family dwelling would have front setbacks from the road right-of-way of 120 and 290 feet, a rear setback of 868.5 feet, and a side setback of 144 feet. Required setbacks for detached habitable accessory structures in this WSC district are 50 feet (front), 6 feet (rear), and 6 feet (sides). The proposed guesthouse would have front setbacks from the road right-of-way of 200 and 420 feet, a rear setback of 773 feet, and a side setback of 160 feet.

The maximum allowed height in this WSC zoning district is 24 feet above average natural grade for main dwelling units, and 12 feet above average natural grade for detached guesthouses (pursuant to MCC Section 20.64.020.11). The proposed single-family dwelling would have a height of 24 feet above average natural grade, and the guesthouse would have a height of 5 feet above average natural grade; therefore, both structures would conform to the maximum allowed height limit. The County has applied a standard condition (Condition No. 13, Height Verification) to ensure the finished structure does not exceed the maximum allowed height.

The allowed site coverage maximum in this WSC district is 10 percent. The parcel is 37.656 acres (1,640,295 square feet), which would allow site coverage of 164,029 square feet. The proposed single-family dwelling and detached guesthouse would result in site coverage of 7,018 square feet (0.43 percent).

Therefore, pursuant to MCC and as proposed, the project conforms to applicable development standards regarding setbacks, height, and structural coverage.

- h) Design. The subject property is designated with a Design Control (“D”) zoning district overlay. Pursuant to MCC Chapter 20.44, the purpose of this district is to regulate 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 that are consistent with the natural setting of the area. The primary colors and materials include natural stone, earth-colored concrete, dark metal window frames, and a vegetated roof. The proposed exterior colors and finishes would blend with the surrounding environment, are consistent with the surrounding natural character, and are consistent with other dwellings in the vicinity. As such, the proposed structures

would be consistent with Carmel LUP Policy 2.2.3.6 because the exterior materials and earth tone colors give the general appearance of natural materials. The proposed residence is also consistent with the size and scale of surrounding residences, and the proposed bulk and mass would not contrast with the neighborhood character. As proposed, the project assures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity.

- i) Visual Resources and Public Viewshed. The project, as proposed, is consistent with the Carmel Area LUP policies regarding Visual Resources (Chapter 2.2) and will have no impact on the public viewshed. The project planner conducted site inspections on September 19, 2019, and January 6, 2020, to verify that the project minimizes development within the public viewshed.

The project site is located in a non-urbanized area zoned for very low density single-family residential uses. The existing character of the site is that of Central Maritime Chaparral and Monterey pine forest habitats, with surrounding parcels developed with single-family houses. As described in the previous Evidence a, the project would entail construction of one single-family residence, a detached guesthouse, and related facilities. The proposed project also incorporates exterior materials and colors to help it blend with the existing natural environment.

The property is located along Lobos Ridge, approximately 1.5 miles east of Highway 1. This area is mapped as visually sensitive according to Map A – General Viewshed map of the Carmel Area LUP. Further, the stretch of Highway 1 to the west of the proposed project site is officially designated as a State Scenic Highway. However, views to the area of the property from Highway 1 are only available with the use of visual aids (e.g., binoculars), and the project site itself is not visible from the highway. Considering the distance, topography, existing vegetation, and project design features, the construction of the proposed project would not result in an adverse visual impact on views from Highway 1.

The property has the potential to be visible from public viewing areas including Point Lobos State Natural Reserve and Carmel River State Beach. However, as described above (i.e.; due to distance, topography, existing vegetation, and project design features), the proposed project would only be visible from these locations with the use of visual aids. The site is not visible from other public areas such as Jack's Peak Park and Garland Park, which are located four miles north and eight miles east, respectively. Further, due to topography, the proposed project would not create a ridgeline silhouette because of the backdrop of higher hills and ridges behind the project location.

As described above, and in the Mitigated Negative Declaration prepared for the proposed development, the project would not result in a significant visual impact to scenic vistas or scenic resources within a state scenic highway. Nor would the project substantially degrade the quality of public views of the site and its surroundings.

As such, the proposed project would not substantially degrade the visual character of the site as surrounding uses are similar, the project design incorporates natural materials to blend with the surrounding environment, and the project site is zoned for such a use.

- j) Tree Removal. The project includes a Coastal Development Permit to allow removal of 9 Monterey pine trees. Forest resource policies of the Carmel Area LUP and development standards contained in Section 20.146.060 of the Coastal Implementation Plan provide for protection of native forest areas and require development to be sited to minimize the amount of tree removal to the greatest extent feasible. As proposed, the project minimizes tree removal in accordance with the applicable goals, policies, and regulations of the Carmel Area LUP (Forest Resources) and the associated Coastal Implementation Plan. See Finding No. 7 and supporting evidence.
- k) Development on Slopes Exceeding 30 Percent. The project includes a Coastal Development Permit to allow development on slopes exceeding 30 percent. Development on slopes that exceed 30 percent is prohibited unless there is no feasible alternative that would allow development to occur on slopes of less than 30 percent, or the proposed development better achieves the goals, policies and objectives of the 1982 Monterey County General Plan and applicable land use plan than other development alternatives. In this case, there is no feasible alternative that would avoid slopes. See Finding No. 8 and supporting evidence.
- l) Development within 100 Feet of Environmentally Sensitive Habitat Area (ESHA). The project includes a Coastal Development Permit to allow development within 100 feet of ESHA (i.e., maritime chaparral) and an after-the-fact Coastal Development Permit to allow vegetation removal within the footprint area of proposed development. Policies in Chapter 2.3 of the Carmel Area LUP require maintenance, protection, and where possible enhancement of sensitive habitats. As designed, conditioned, and mitigated the project minimizes impacts to ESHA in accordance with the applicable goals and policies of the LUP and MCC. See Finding Nos. 9 and 10, and supporting evidence.
- m) The project planner reviewed the project via the County's GIS records, and conducted site visits on September 19, 2019, and January 6, 2020, to verify that the proposed project conforms to the applicable plans and Monterey County Code.
- n) Archaeological / Cultural Resources. County records identify that the project site is within an area of moderate sensitivity for archaeological resources, and there are no known archaeological or cultural resources within 750 feet of the project site. An archaeological report (LIB190294) prepared for the project concluded that there is no surface evidence of archaeological resources within the project area, and the nearest known archaeological resources are located over one mile to the west. The report found that the potential for impacts to archaeological resources on this site is low, and did not recommend additional archaeological review. Therefore, the potential for inadvertent impacts to archaeological resources is limited and will be controlled by application of the County's standard

condition (Condition No. 3), which requires the contractor to stop work if previously unidentified resources are discovered during construction.

Pursuant to Public Resources Code Section 21080.3.1 et seq., Monterey County HCD-Planning staff initiated AB52 consultation with local Native American tribes on April 13, 2020. On April 14, 2020, the County received a request for consultation and consulted with a representative of the Ohlone/Costanoan-Esselen Nation (OCEN). During this consultation and review of the project, the OCEN representative did not request tribal monitoring of the site during construction. Subsequent to the consultation, the OCEN representative submitted a letter to County staff objecting to all excavation in known cultural lands. During the public comment period for the Mitigated Negative Declaration (MND), the OCEN representative submitted a letter objecting to the County's description of the consultation in the MND (see also Finding No. 4, Evidence i). The County hereby confirms the tribal consultation information as presented in the MND.

Based on the tribal consultation and the results of the archaeological report discussed above, 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 warrant the requirement for an on-site tribal monitor during construction. Additionally, the archaeological consultant submitted a search request to the Native American Heritage Commission (NAHC) of California, and the NAHC reported negative results for Native American traditional cultural place(s) documented within the search request area.

- o) Local Coastal Program Policy Consistency and Takings. The strict application of the Carmel Area LUP policies and development standards would deny reasonable use of the property. The proposed project is consistent with the allowed uses provided for in the Watershed and Scenic Conservation Residential zoning district and the project has been sited, designed, conditioned, and mitigated to be the least environmentally damaging alternative project. Therefore, approval is consistent with Section 20.02.060.B of Title 20. See Finding No. 10 and supporting evidence.
- p) The project was referred to the Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) for review. The LUAC reviewed the proposed project on January 6, 2020, and voted 6 – 0 to support the project as proposed.
- 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 PLN190276.

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

EVIDENCE: a) The project has been reviewed for site suitability by HCD-Planning, Public Works, Environmental Services, Environmental Health

Bureau, and the Carmel Highlands Fire Protection 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.

- b) The following technical reports have been prepared:
 - Cultural Resources Assessment (LIB190294) prepared by Dudek, Santa Cruz, California, September 20, 2019;
 - Tree Assessment/Construction Impact Analysis/Management Plan (LIB190295) prepared by Frank Ono, Certified Arborist, Pacific Grove, California, October 31, 2019 (including letter addendum dated February 10, 2021);
 - Geotechnical and Percolation Investigation (LIB190296) prepared by Soil Surveys Group, Inc, Salinas, California, November 1, 2019;
 - Revised Biological Report (LIB070191) prepared by Jud Vandever, Biological Consultant, Monterey, California, December 13, 2006;
 - Supplemental Biological Assessment (LIB190297) prepared by Fred Ballerini Horticultural Services, Pacific Grove, California, November 4, 2019;
 - Spring Survey Supplemental Report (LIB200090) prepared by Denise Duffy & Associates, Inc., Monterey, California, June 8, 2020.
- 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 reviewed submitted plans and conducted site visits on September 19, 2019, and January 6, 2020, to verify that the project conforms to the plans listed above and that the project area is suitable for this use.
- e) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in project file PLN190276.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by HCD-Planning, Public Works, Environmental Services, Environmental Health Bureau (EHB), and the Carmel Highlands Fire Protection District. Conditions have been recommended, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary public facilities are or will be available. The proposed development includes conversion of a test well to a permanent

domestic well for potable water. On August 15, 2007, the County approved a coastal development permit for a test well (Planning File No. PLN060540; Chief of Planning Resolution No. 060540). The test well was constructed, tested, and determined to produce potable water in sufficient quantity and quality to support the proposed residential development. The residence and guesthouse would use this well for potable water. The proposed development also includes installation of an on-site wastewater treatment system. EHB reviewed the project application and applied conditions of approval for a long-term water supply deed restriction (Condition No. 21) and an updated well water quality and source capacity test (Condition No. 22). See subsequent Evidence c.

- c) The onsite well (EHB Well Permit No. 07-11081) proposed to provide domestic water for the project underwent a source capacity test in December 2007, witnessed by EHB staff, and demonstrated the well yielded sufficient capacity for a single-family dwelling. The water quality analysis of the well indicated that the potable water met primary and secondary drinking water standards listed in Tables 64431-A and 64449-A&B in Title 22 of the California Code of Regulations (CCR) at the time of the test. Condition No. 22 has been incorporated requiring an updated source capacity test and submittal of a water quality analysis to EHB prior to issuance of construction permits. This would ensure confirmation of the current yield for the well and demonstrate compliance with Section 601.1 of the Uniform Plumbing Code.
- d) The project planner reviewed the submitted plans and conducted site visits on September 19, 2019, and January 6, 2020, to verify that the project, as proposed and conditioned/mitigated, would not impact public health and safety.
- e) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in project file PLN190276.

4. **FINDING:** **CEQA (Mitigated Negative Declaration)** - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- a) Pursuant to Public Resources Code Section 21083, and California Environmental Quality Act (CEQA) Guidelines Sections 15063(a) and 15063(b)(2), the Lead Agency shall conduct environmental review in the form of an Initial Study to determine if the project may have a significant effect on the environment, and shall prepare a Negative Declaration if there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment.
 - b) Monterey County as Lead Agency, through HCD-Planning, prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of HCD-Planning and is hereby incorporated by reference (Planning File No. PLN190276). The Initial Study and Mitigated

Negative Declaration are also attached to the March 10, 2021, staff report to the Planning Commission as Exhibit D.

- c) There is no substantial evidence, based upon the record as a whole, that the project may have a significant effect on the environment. The Initial Study identified several potentially significant effects, but the applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur. Based upon the analysis of the Initial Study, HCD-Planning prepared a Mitigated Negative Declaration.
- d) The Draft Initial Study and Mitigated Negative Declaration for HCD-Planning File No. PLN190276 was prepared in accordance with the CEQA Guidelines; filed with the County Clerk on August 6, 2020; and circulated for public review from August 7 through September 8, 2020 (State Clearinghouse Number 2020080061).
- e) Resource areas that were analyzed in the Draft Initial Study/Mitigated Negative Declaration included: aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire.
- f) Evidence that has been received and considered includes: the application, technical studies/reports, 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 No. PLN190276) and are hereby incorporated herein by reference.
- g) The County identified less than significant impacts to aesthetics, geology and soils, and wildfire. Mitigation measures will not be required for these resource areas.
- h) The County identified potentially significant impacts to biological resources, and land use and planning. Mitigation measures have been proposed to reduce the identified impacts to a level of less than significant. Mitigation Measure Nos. 1, 2, and 3 would reduce the potentially significant impacts by requiring the preparation and implementation of a restoration plan, implementation of sediment control procedures, and a pre-construction survey for a sensitive wildlife species. These mitigations have been incorporated into the project as conditions of approval.
- i) Pursuant to Public Resources Code Section 21083.2 et seq., Monterey County HCD-Planning staff initiated AB52 consultation with local Native American tribes on April 13, 2020. On April 14, 2020, the County received a request for consultation and consulted with a representative of the Ohlone/Costanoan-Esselen Nation (OCEN). During this consultation and review of the project, the OCEN representative did not request tribal monitoring of the site during construction. Subsequent to the consultation, the OCEN representative submitted a letter to County staff objecting to all excavation in known cultural lands. During the public comment period for the Mitigated Negative Declaration (MND), the OCEN

representative submitted a letter objecting to the County's description of the consultation in the MND (see also subsequent Evidence l). The County hereby confirms the tribal consultation information as presented in the MND.

Based on the tribal consultation and the results of the archaeological report discussed above, 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 warrant the requirement for an on-site tribal monitor during construction. Additionally, the archaeological consultant submitted a search request to the Native American Heritage Commission (NAHC) of California, and the NAHC reported negative results for Native American traditional cultural place(s) documented within the search request area.

The comments received from OCEN do not alter the conclusions in the draft Initial Study, and no revisions to the draft Initial Study are necessary in response to the comments. Therefore, no further response is required.

- j) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations, is designed to ensure compliance during project implementation, and is hereby incorporated herein by reference. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval (Condition No. 5).
- k) Analysis contained in the Initial Study and the record as a whole indicate the project would have the potential to result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Wildlife (CDFW) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless CDFW determines that the project will have no effect on fish and wildlife resources.

In this case, for purposes of the Fish and Game Code, the project may have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. The Initial Study was sent to CDFW for review, comment, and to recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (Condition No. 4).

- l) During the public review period from August 7 through September 8, 2020, the County received comments from the California Department of Parks and Recreation (State Parks), the California Department of Fish and Wildlife (CDFW), OCEN, and Studio Schicketanz (project agent). See previous Evidence i above, and subsequent Evidence m, n,

and o. These comments are attached to the March 10, 2021, staff report to the Planning Commission as Exhibit E.

The County did not receive comments from members of the general public, private organizations, or local agencies during the public review period.

- m) State Parks. The State Parks comments, in general, discuss future development of the Point Lobos Ranch property, and restrictions or limitations on use of adjacent State Parks' lands to the north of the subject project parcel. The County considered the comments received and conclude they do not conflict with, alter or challenge the analysis and conclusions of the draft Initial Study or MND. Therefore, no revision and/or recirculation of the draft Initial Study is required.
- n) CDFW. The CDFW comments, in general, discuss sensitive biotic resources that could be present on the project site which could be potentially impacted by construction of the proposed project.

The commenter recommends implementation of two mitigation measures for Western bumble bee (WBB), and two mitigation measures for Western pond turtle (WPT). The measures would include surveys, and avoidance and minimization measures.

However, the commenter provided no evidence to support the claim that WBB or WPT may be present on the project site. In the case of the WPT, the potential habitat is over 900 feet from the project site, there are no ponds on the property or within the proposed development area, and the intervening terrain between the potential habitat and the subject property is very steep.

CEQA does not require exhaustive surveys, and the draft Initial Study provides an adequate, complete, and good-faith effort at full disclosure. The facts, as presented and analyzed in the draft Initial Study, do not warrant the requirement for additional mitigation measures.

The County considered the comments received, and the comments do not alter the conclusions in the draft Initial Study. No revisions to the draft Initial Study are necessary in response to the comments. Therefore, no further response is required.

- o) Studio Schicketanz (project agent). The project agent submitted comments regarding the conversion of the test well to a permanent domestic well, and the number of stories or levels in the proposed residence.

Regarding the test well, the agent presumed that the site's water system is fully functional and does not require any further entitlement. However, the permit granted by the County in 2007 only authorized development of a test well (Planning File No. PLN060540; Chief of Planning Resolution No. 060540, which authorized the construction and use of the well for testing). Subsequent conversion to a permanent domestic well would be authorized in conjunction with the granting of a permit for structural development and/or use of the property. This process sequence is

consistent with applicable policies, development regulations, and past County practice.

Per the project plans submitted to the County, the proposed residence would have a lower level (garage, entry lobby, storage, and elevator/mechanical area), main level (primary living area; including kitchen, bedrooms, and bathrooms), and upper level (small observation room). Although the upper level only comprises 144 square feet in area, it constitutes a third level as analyzed in the Draft Initial Study. The main level is the only full level or story, while the lower and upper levels comprise only partial stories.

The comments do not alter the conclusions in the draft Initial Study, and no revisions to the draft Initial Study are necessary in response to the comments. The County considered the comments received, and these comments do not conflict with or challenge the analysis and conclusions of the Draft Initial Study or MND. Therefore, no further response is required.

- p) The Planning Commission considered the comments pursuant to CEQA Guidelines Section 15074.b, and finds that they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration. The County responses to these comments are attached to the March 10, 2021, staff report to the Planning Commission as Exhibit F, and are incorporated herein by reference. No further response is required.
- q) In response to feedback from Coastal Commission staff after circulation of the draft Initial Study, the applicant revised the project to reduce the overall development footprint by approximately 1,920 square feet. The revisions resulted in the removal of 3 additional Monterey pine trees. Although Monterey pine is a special-status species, the removal of the trees within the proposed development footprint would have a less-than-significant impact as the trees to be removed are naturalizing within the maritime chaparral habitat and removal of the trees would benefit this sensitive habitat. Per the biological reports, the area of Monterey pine forest is outside of the proposed development envelope, and no impacts to this community would occur. See also Finding No. 7, Evidence d, and Finding No. 9, Evidence e. The project revisions do not alter the conclusions in the draft Initial Study, and no changes to and/or recirculation of the draft Initial Study are necessary in response to the revisions.
- r) The County finds that there is no substantial evidence supporting a fair argument of a significant environmental impact.
- s) Pursuant to CEQA Guidelines Section 15073(e), the County provided notice of the public hearing to those public agencies that submitted comments on the Initial Study and Mitigated Negative Declaration.
- t) The Monterey County Planning Commission considered the Mitigated Negative Declaration, along with the Combined Development Permit, at a duly noticed public hearing held on March 10, 2021.
- u) Monterey County HCD-Planning, located at 1441 Schilling Place, 2nd Floor, Salinas, California, 93901, is the custodian of documents

and other materials that constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based.

5. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and 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 20.146.130 of the Monterey County Coastal Implementation Plan (Part 4) can be demonstrated.
 - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3, Public Access, in the Carmel Area Land Use Plan).
 - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - d) As proposed, the project would not obstruct public views of the shoreline from surrounding roadways, nor obstruct public visual access to the shoreline from major public viewing corridors (Carmel Land Use Plan Policy 5.3.3.4.a).
 - e) The project planner conducted site visits on September 19, 2019, and January 6, 2020, to verify that the project, as proposed and conditioned/mitigated, would not impact public access. Based on these site inspections, the proposed project would not be visible from Highway 1 or any common public viewing area without the use of visual aids. The project will not result in adverse impacts to the public viewshed or scenic character in the project vicinity, and is consistent with the applicable visual resource and public access policies of the Carmel Area Land Use Plan. See also Finding No. 1, Evidence i above.
 - f) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in project file PLN190276.
6. **FINDING:** **VIOLATIONS** - The subject property is not in compliance with all rules and regulations pertaining to zoning uses, subdivision, and/or any other applicable provisions of the County's zoning ordinance. Violations exist on the property. The approval of this permit will correct the violations and bring the property into compliance.
- EVIDENCE:**
- a) Staff reviewed Monterey County HCD-Planning and HCD-Building Services records, and is aware of a violation existing on the subject property [Code Enforcement (CE) File No. 19CE00449].
 - b) Staff conducted site inspections on September 19, 2019, and January 6, 2020, and researched County records to assess if any violation exists on the subject property.
 - c) The subject Combined Development Permit includes an after-the-fact Coastal Development Permit to allow the removal of vegetation within the footprint area of the proposed development. This entitlement would correct the existing violation involving the un-

permitted removal of vegetation (Code Enforcement File No. 19CE00449). As proposed, conditioned, and mitigated, the project would bring the subject property into compliance with applicable site development regulations and would remove the existing violation.

- d) Zoning violation abatement costs have been paid for the proposed discretionary permit. Additional fees would be required for a ministerial-level construction permit.
- e) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in project file PLN190276.

7. **FINDING:** **TREE REMOVAL** – The tree removal is the minimum required under the circumstances, and the removal will not involve a risk of adverse environmental impacts.

- EVIDENCE:**
- a) The project includes application for the removal of nine (9) trees (Monterey pine). In accordance with the applicable policies and regulations, a coastal development permit is required and the criteria to grant said permit have been met.
 - b) A Tree Assessment (report) (LIB190295; Frank Ono, Certified Arborist and Forester) prepared for the site pursuant to CIP Section 20.146.060 identified the removal of nine (9) trees (Monterey pine) within the proposed development footprint. The report confirmed that the trees identified for removal are the minimum necessary for the proposed development, and determined that the proposed development would not adversely impact the long-term health of the forest habitat on the property.

Per the evidence above, the project has been sited and designed to minimize tree removal, and no other protected trees would be removed due to the proposed development. Per the report prepared for the project, the tree removal has been limited to that required for the development footprint (CIP Section 20.146.060.D.3), and will maintain the overall health and long-term maintenance of the forest resources on the property (CIP Section 20.146.060.D.4).

- c) CIP Section 20.146.060.D.6 directs the replacement of native trees on the site in accordance with the recommendations of the arborist, except where it is demonstrated that replacement of trees would result in an overcrowded, unhealthy environment. The arborist report recommended tree replanting with 15 5-gallon sized Monterey pine trees in locations with the greatest opening in the stand to allow for a minimum of competition and maximum sunlight. Per Condition No. 23 (Tree Replacement) replanting shall be completed in accordance with the arborist's report. Additionally, per Condition Nos. 6 (Tree and Root Protection) and 7 (Tree Removal), installation of tree protection measures shall be required prior to issuance of a construction permit, and tree removal would not occur until the construction permit has been issued.
- d) After circulation of the draft Initial Study, the applicant revised and reduced the project footprint based on feedback from the California Coastal Commission staff. The revisions resulted in the removal of 3 additional Monterey pine trees; however, although Monterey pine is a

special-status species, the removal of the trees within the proposed development footprint would have a less-than-significant impact as the trees to be removed are naturalizing within the maritime chaparral habitat and removal of the trees would benefit this sensitive habitat. Per the biological reports, the area of Monterey pine forest is outside of the proposed development envelope, and no impacts to this community would occur. See also Finding No. 9, Evidence e.

- e) Staff conducted site inspections on September 19, 2019, and January 6, 2020, to verify that the tree removal is the minimum necessary for the project and to identify any potential adverse environmental impacts related to the proposed tree removal. As proposed, the project minimizes tree removal in accordance with the applicable goals, policies, and regulations of the Carmel Area Land Use Plan (Forest Resources) and the associated Coastal Implementation Plan.
- f) 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 PLN190276.

8. **FINDING:** **DEVELOPMENT ON SLOPES EXCEEDING 30 PERCENT –**
There is no feasible alternative which would allow development to occur on slopes of less than 30 percent.

- EVIDENCE:**
- a) Pursuant to the policies of the Carmel Area Land Use Plan (LUP Policies 2.2.4.10.a and 2.7.4.1) and applicable Monterey County Code (MCC Sections 20.146.030.C.1.a and 20.64.230.C.1), a Coastal Development Permit is required and the criteria to grant said permit has been met.
 - b) The project includes a Coastal Development Permit to allow development on slopes exceeding 30 percent. Pursuant to applicable LUP policies and MCC regulations, development on slopes that exceed 30 percent is prohibited unless there is no feasible alternative that would allow development to occur on slopes of less than 30 percent; or the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable land use plan than other development alternatives. In this case, there are no feasible alternative building sites that would completely avoid development on slopes that exceed 30 percent.
 - c) Outside of the proposed development footprint, the parcel is comprised of slopes mostly exceeding 30 percent, and the project has been sited and designed to use the least sloped areas of the property. However, even within the proposed development footprint, there are isolated pockets that exceed 30 percent slope and development of the property is not feasible without encroaching into these isolated pockets. Based on site topography, the applicant has carefully placed the proposed development in the areas of the parcel most suitable for development. These areas include the existing water well and tanks, as well as the areas for the proposed structures and on-site wastewater treatment system.
 - d) As proposed, the project minimizes development on slopes exceeding 30 percent in accordance with the applicable goals and policies of the Carmel Area Land Use Plan. The project planner conducted site

inspections on September 19, 2019, and January 6, 2020, to analyze possible development alternatives and to verify that the proposed project minimized development on slopes exceeding 30 percent.

- e) The Planning Commission shall require such conditions of approval and changes in the development deemed necessary to assure compliance with MCC Section 20.64.230.E.1, which regulates the approval of development on slopes in excess of 30 percent, and to assure stability of the development; therefore, the following conditions have been applied: Condition Nos. 15 (Sediment Control), 18 (California Construction General Permit/Stormwater Pollution Prevention Plan), and 19 (Stormwater Control Plan).

Additionally, during the construction permit phase, the contractor will be required to comply with applicable building code requirements and resource protection measures such as erosion control plan review and approval, grading plan review and approval, inspections by Environmental Services staff, and geotechnical plan review and certification. In summary, overall site development would be subject to current regulations regarding control of drainage, and will be required to address post-construction requirements and runoff reduction. Therefore, no further special conditions of approval are necessary or required for this project.

- f) 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 PLN190276.

9. **FINDING: DEVELOPMENT WITHIN 100 FEET OF ENVIRONMENTALLY SENSITIVE HABITAT AREAS (ESHA)** – The subject project minimizes impact on environmentally sensitive habitat areas in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

- EVIDENCE:**
- a) In accordance with policies of the Carmel Area Land Use Plan and applicable MCC, the project includes a Coastal Development Permit to allow development within 100 feet of ESHA (i.e., maritime chaparral) and criteria to grant said permit has been met.
 - b) Policies in Chapter 2.3 of the Carmel Area LUP are directed at maintaining, protecting, and where possible enhancing sensitive habitats. As sited, designed and conditioned/mitigated, the project minimizes potential impacts to ESHA in accordance with the applicable goals and policies of the LUP and MCC.
 - c) The biological reports (LIB070191, Jud Vandever; LIB190297, Fred Ballerini Horticultural Services; and LIB200090, Denise Duffy & Associates, Inc.) prepared for the project site analyzed potential impacts to plants, habitats, and wildlife, and recommended mitigation measures to avoid or reduce/minimize impacts to biological resources existing on the parcel.

As analyzed in the environmental review document prepared for the project, the proposed development (including infrastructure, wastewater treatment system, grading, hardscape and structural

development) is sited exclusively in Central Maritime Chaparral habitat, a natural community previously identified and described in the original biological report (LIB070191) and field-verified in the supplemental reports (LIB190297 and LIB200090).

Central Maritime Chaparral habitat is considered environmentally sensitive habitat area (ESHA) by both the California Department of Fish and Wildlife (CDFW) and the California Coastal Commission (CCC). Impacts to ESHA are anticipated as there is no feasible alternative location on the parcel to avoid such habitat. Mitigation measures, including restoration, habitat protection measures, and habitat management, are recommended to minimize potential impacts that would result from construction of the proposed residential development. As revised, the total development footprint would disturb approximately 56,385 square feet (1.29 acres). Additional area would also be required for wildfire fuel management pursuant to state fire codes. The proposed mitigation measures incorporate requirements to mitigate impacts for the total disturbed area. See Finding No. 4, and supporting evidence.

- d) The biological reports identified potential impacts to the Monterey dusky-footed woodrat and Hooker's manzanita, as well as the need for invasive species control and fuel management. Recommendations in the supplemental assessment would be applied as conditions of approval and would require applicable mitigation measures (Mitigation Measure Nos. 1, 2, and 3). These mitigation measures would reduce the potentially significant impacts by requiring the preparation and implementation of a restoration plan, implementation of sediment control procedures, and a pre-construction survey for the dusky-footed woodrat.
- e) In response to comments from Coastal Commission staff, the applicant revised the project to reduce the overall development footprint and potential impacts to ESHA. The revisions include elimination of a trail from the guesthouse to the driveway (reduction of 440 square feet), decreasing the length of a remaining trail by over 140 linear feet (reduction of 560 square feet), decreasing the driveway length by 60 linear feet (reduction of approximately 720 square feet), and moving the guesthouse closer to the main dwelling (reduction of the structural envelope by approximately 200 square feet). The resulting reduction in the development footprint totals approximately 1,920 square feet. See also Finding No. 4, Evidence q, and Finding No. 7, Evidence d.
- f) 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 PLN190276.

10. **FINDING:**

TAKINGS – No building permit, grading permit, land use discretionary permit, coastal administrative permit, coastal development permit, exemption, categorical exclusion, or other permit relative to land use may be approved if it is found to be inconsistent with the Monterey County Local Coastal Program. An

exception may be considered if the strict application of the area land use plan policies denies all reasonable use of the subject property. In accordance with Section 20.02.060.B of Title 20, the decision making body, in this case the Planning Commission, finds that the parcel is otherwise undevelopable due to policies of the Carmel Area Land Use Plan, other than for reasons of public health and safety; that the grant of a coastal development permit would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use designation in which the subject property is located; that the parcel is not located within the critical viewshed of Big Sur as defined in Coastal Implementation Plan Sections 20.145.020 and 20.145.030, and in the Big Sur Land Use Plan; that any development being approved is the least environmentally damaging alternative project; and the development being approved under these provisions shall be one of the "allowable uses" as listed under the parcel's zoning classification and that it shall be appealable to the California Coastal Commission in all cases.

- EVIDENCE:** a) Carmel Area LUP Key Policy 2.3.2 directs that environmentally sensitive habitat areas be protected, maintained, and where possible, enhanced and restored. LUP Policy 2.3.2 also subordinates all categories of land use to the protection of these critical areas. LUP Policy 2.3.3.1 limits new land uses within environmentally sensitive habitat areas (ESHA) to those that are dependent on the resources therein, and states that environmentally sensitive habitat areas shall remain undeveloped except for resource-dependent development that will not significantly disrupt habitat values. As demonstrated in Finding No. 9 and supporting evidence, the entire parcel is considered ESHA (Central Maritime Chaparral habitat), thus constraining development such that avoidance of ESHA is not feasible. Uses allowed in the Watershed and Scenic Conservation Residential Zoning District are limited to those that are residential, agricultural, public and quasi-public, recreational, and utility-type in nature. None of these uses are considered resource-dependent development, dependent specifically on Central Maritime Chaparral habitat. Therefore, denial of the project would deny all reasonable use of the subject property, including uses specifically allowed in the zoning district.
- b) LUP Policy 2.3.3.5 requires that development proposed in documented locations of ESHA be surveyed to determine the precise location of the habitat and to recommend mitigation measures to ensure its protection. Mitigation measures, including restoration, habitat protection measures, and habitat management, are recommended to minimize potential impacts that would result from construction of the proposed residential development. Pursuant to Coastal Implementation Plan Section 20.146.040.B.8, removal of indigenous vegetation and land disturbance in or adjacent to ESHA shall be restricted to only those amounts necessary for structural improvements.

For development on vacant lots of record, Coastal Implementation Plan Section 20.02.060.B (Title 20) establishes standards for ensuring

development will result in the least amount of impact to the habitat and represent the least environmentally damaging alternative project. To make this finding, the applicant shall be required to minimize development of structures and impervious surfaces to the amount needed to reduce environmental impacts to the greatest extent possible and shall be required to locate the development on the least environmentally sensitive portion of the parcel. As demonstrated in Finding Nos. 4, 8, and 9, the proposed development has been sited outside of the portion of the property with the highest relative habitat sensitivity and minimizes the structural footprint and impervious surfaces to the amount needed to reduce environmental impacts to the greatest extent possible. The project, as proposed and mitigated, includes restoration of Central Maritime Chaparral habitat and invasive species control, sediment control, and surveys for the dusky-footed woodrat. Additionally, pursuant to LUP Policy 2.3.3.6 and Coastal Implementation Plan Section 20.146.040.B.5, the project has been conditioned to require a conservation and scenic easement over the remaining undeveloped portions of the parcel (i.e., approximately 36 acres).

- c) Not a Grant of Special Privilege. Approval of the project would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the Watershed and Scenic Conservation land use designation. Residentially developed properties within the vicinity and under the same land use designation are of similar character and size as the project proposed. See also subsequent Evidence d.
- d) Allowed Use. In accordance with Section 20.17.040 of Title 20, a single-family residence and ancillary structures are principally allowed uses in the Watershed and Scenic Conservation Residential Zoning District (see also Finding No. 1, Evidence b). As demonstrated in Finding No. 2, the site has been found to be suitable for the proposed development. Additionally, as demonstrated in Finding No. 3, the project would not impact public health and safety. The project does not constitute a nuisance and is consistent with development standards for public health and safety.
- e) Not Located Within the Big Sur Critical Viewshed. The parcel is not located within the critical viewshed of Big Sur as defined in Coastal Implementation Plan Sections 20.145.020 and 20.145.030, and in the Big Sur Land Use Plan. The property is located at 2700 Red Wolf Drive, Carmel (Lobos Ridge), Carmel Area Land Use Plan, Coastal Zone. The property is not located in the area of the Big Sur Coast Land Use Plan, and is over 12,000 feet (2.33 miles) northeast of the nearest critical viewshed point at the Mal Paso Creek bridge. The intervening topography blocks any view of the property from the critical viewshed.
- f) Sufficiency of the Property Owners Interest. The current property owner's purchased the property April 30, 2019, for \$2,100,000. Fair market value of the property at that time was \$2,100,000. Annual property tax paid for the property is currently \$23,309, which increases by 4 percent per year. From 2019 to 2021, costs incurred associated with this permit have been approximately \$50,476. A

comparable market analysis conducted from 2019 – 2021 compared the subject property with a listing for a residentially developed property located at 3600 Red Wolf Drive which sold for \$3,000,000 – with a valid Coastal Development Permit. An updated comparable market analysis prepared January 2021 compared the subject property with three residentially developed properties located at 3400 Red Wolf Drive, 3600 Red Wolf Drive, and 3000 Red Wolf Drive. The median listing price was \$3,600,000 and the average was \$3,100,000. This information demonstrates that the current property owners have a sufficient real property interest.

- g) Economic Impact of Denial. Denial would deprive the owners of all economically viable use. None of the uses allowed in the Watershed and Scenic Conservation Residential Zoning District are considered development dependent on maritime chaparral habitat. No identified resource-dependent uses have been identified that would have an investment-backed expectation then that of the project. Based on the residential zoning of the property and similar residential developments approved in the area, it is reasonable for the property owner to believe establishment of a dwelling on the site would be allowed.

11. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Monterey County Board of Supervisors and the California Coastal Commission.

- EVIDENCE:**
- a) Board of Supervisors. Pursuant to Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20), an appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
 - b) Board of Supervisors. Pursuant to CEQA Guidelines Section 15074(f), when a non-elected decision-making body within a local lead agency adopts a negative declaration, that adoption may be appealed to the agency's elected decision-making body.
 - c) California Coastal Commission. 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 permitted in the underlying zone as a conditional use (i.e.; development within 100 feet of environmentally sensitive habitat area, development on slopes exceeding 30 percent, and tree removal).

DECISION

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

- A. Adopt a Mitigated Negative Declaration pursuant to Section 15074 of the CEQA Guidelines;
- B. Approve a Combined Development Permit consisting of:
 - a. Coastal Administrative Permit and Design Approval to allow construction of a 5,024 square foot single-family dwelling with an attached 564 square foot garage and associated site infrastructure;

- b. Coastal Administrative Permit and Design Approval to allow construction of a 425 square foot detached guesthouse;
 - c. Coastal Development Permit to allow removal of 9 trees (Monterey pine);
 - d. Coastal Development Permit to allow development on slopes exceeding 30 percent;
 - e. Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat area;
 - f. After-the-fact Coastal Development Permit to allow vegetation removal within the footprint area of proposed development; and
- C. Adopt a Condition Compliance and Mitigation Monitoring and Reporting Plan.

All work must be in general conformance with the attached plans and this approval is subject to twenty-three (23) conditions (including three mitigation measures), all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 10th day of March, 2021, upon motion of Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Erik V. Lundquist, AICP, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

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

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

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

NOTES:

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

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

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

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

Monterey County RMA Planning

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

PLN190276

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Combined Development Permit (Planning File No. PLN190276) allows construction of a 5,024 square foot single-family dwelling with an attached 564 square foot garage, installation of an on-site wastewater treatment system, installation of a 2,000 square foot ground-mounted photovoltaic system, conversion of a test well to a permanent domestic well, and associated grading of approximately 1,914 cubic yards of cut and fill; construction of a 425 square foot detached guesthouse; removal of 9 trees (Monterey pine); development on slopes exceeding 30 percent; development within 100 feet of environmentally sensitive habitat area; and after-the-fact vegetation removal within the footprint area of proposed development. The property is located at 2700 Red Wolf Drive, Carmel (Assessor's Parcel Number 416-011-004-000), Carmel Area Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Chief of HCD-Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (HCD-Planning)

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state: "A Combined Development Permit (Resolution Number 21 -) was approved by the Monterey County Planning Commission for Assessor's Parcel Number 416-011-004-000 on March 10, 2021. The permit was granted subject to twenty-three (23) conditions of approval, including 3 mitigation measures, which run with the land. A copy of the permit is on file with Monterey County HCD-Planning."

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

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

Responsible Department: RMA-Planning

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

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. (RMA - Planning)

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

Compliance or Monitoring Action to be Performed: Prior to the issuance of building and/or grading permits, the Owner/Applicant shall submit the signed agreement and applicable fees. Proof of recordation of the agreement shall be submitted to HCD-Planning.

6. PD011 - TREE AND ROOT PROTECTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by a certified arborist, shall be demonstrated prior to issuance of building permits subject to the review and approval of HCD-Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to HCD-Planning for review and approval.

The Owner/Applicant/Arborist shall adhere to the requirements of this condition throughout all grading and construction phases. If damage is possible, the owner/applicant shall submit an interim report prepared by a certified arborist.

Prior to final inspection, the owner/applicant shall submit photos of the trees on the property to HCD-Planning after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

7. PD011(A) - TREE REMOVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Tree removal shall not occur until a construction permit has been issued in conformance with the appropriate stage or phase of development in this permit. Only those trees approved for removal shall be removed. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to tree removal, the owner/applicant/tree removal contractor shall abide by this condition on an on-going basis.

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

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: An exterior lighting plan shall be submitted as part of the construction permit plan set, and shall be subject to review and approval by HCD-Planning, prior to the issuance of building permits. All exterior lighting shall be consistent with applicable General Plan and Monterey County Code requirements, including being 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 lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. (HCD-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 permit plan set, to HCD-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 evidence demonstrating that the exterior lighting has been installed according to the approved plan and applicable requirements.

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

9. PD019(B) - DEED RESTRICTION-GUESTHOUSE (COASTAL)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a deed restriction stating the regulations applicable to a Guesthouse (Coastal) as follows:

- Only 1 guesthouse shall be allowed per lot.
- Detached guesthouses shall be located in close proximity to the principal residence.
 - Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements.
- The guesthouse shall not have cooking or kitchen facilities, including but not limited to microwave ovens, hot plates and toaster ovens.
- The guesthouse shall have a maximum of 6 linear feet of counter space, excluding counter space in a bathroom.
- There shall be a maximum of 8 square feet of cabinet space, excluding clothes closets.
- The guesthouse shall not exceed 425 square feet of livable floor area.
 - The guesthouse shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect.
 - Subsequent subdivisions which divide a main residence from a guesthouse shall be prohibited.
 - The guesthouse shall be designed in such a manner as to be visually consistent and compatible with the main residence on site and other residences in the area.
 - The guesthouse height shall not exceed 12 feet above average natural grade nor be more than one story.

(HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/Applicant shall submit a signed and notarized document to HCD-Planning for review and signature by the County.

Prior to occupancy or commencement of use, the Owner/Applicant shall submit proof of recordation of the document to HCD-Planning.

10. PD022(A) - EASEMENT-CONSERVATION & SCENIC

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, remnant native sand dune habitats, habitats of rare, endangered and sensitive native plants and animals, and visually prominent areas 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. The Owner/Applicant shall submit a draft legal description and map of the easement area to HCD-Planning for review prior to issuance of grading and/or building permits. The easement deed shall be approved by the HCD Chief of Planning and the Executive Director of the California Coastal Commission, and accepted by the Board of Supervisors prior to final of building permits. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to recording the parcel/final map or prior to issuance of grading and building permits, the Owner/Applicant/Certified Professional shall submit the draft legal description and corresponding map showing the location of the easement on the property along with the metes and bound description developed in consultation with a certified professional, to HCD-Planning for review and approval.

Prior to final of building permits, the Owner/Applicant shall submit a signed and notarized Subordination Agreement, if required, to HCD-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.

11. 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 March 10, 2024, unless use of the property or actual construction has begun within this period. (HCD-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 HCD-Planning. Any request for extension must be received by HCD-Planning at least 30 days prior to the expiration date.

12. PD035 - UTILITIES UNDERGROUND

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: All new utility and distribution lines shall be placed underground. (HCD-Planning and Public Works)

Compliance or Monitoring Action to be Performed: On an on-going basis, the Owner/Applicant shall install and maintain utility and distribution lines underground.

13. PD041 - HEIGHT VERIFICATION

Responsible Department: RMA-Planning

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

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

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

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

14. MITIGATION MEASURE NO. 1: RESTORATION PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: To comply with the Carmel Area LUP Key Policy 2.3.2, which directs that environmentally sensitive habitat areas be protected, maintained, and where possible, enhanced and restored, a Central Maritime Chaparral Restoration Plan shall be developed and implemented to restore areas of disturbance and soil redistribution locations resulting from the proposed development. Prior to any disturbance of land, the project applicant shall develop and submit a Central Maritime Chaparral Restoration Plan to HCD-Planning for review and approval. This restoration plan shall also contain a section addressing control of invasive species. The primary goal of the plan and its implementation will be the restoration of impacted maritime chaparral habitat with site-identified, site-specific native maritime chaparral species and elimination of aggressive exotic, invasive species that could adversely impact the establishment and long-term health of the natural community. The Restoration Plan shall also include management techniques to expand the chaparral into areas where invasive species have encroached. The primary goal of the restoration is to mitigate for impacted chaparral resulting from grading and development impacts while also complying with fuel modification goals. Objectives for accomplishing the project goals will include the following:

- a. The Project Biologist shall conduct qualitative and quantitative analysis of existing maritime chaparral stands for baseline data of species compositions to be incorporated into restoration areas.
- b. The Project Biologist shall survey and map required fuel management areas and incorporate findings into the Restoration Plan.
- c. Native plant salvage shall occur prior to grading and stockpiling of native topsoil.
- d. Stabilize disturbed soils with erosion control measures and native seed (locally sourced) hydroseeding.
- e. Add salvaged planting stock, if applicable, after final grades are established and coinciding with fall seasonal rains.
- f. Establish invasive species control protocols and management tools for plant establishment period.
- g. Supplemental temporary irrigation for restoration areas as needed.
- h. Establish a monitoring program to track success of invasive species control and establishment of native species. Quarterly monitoring will be conducted for the first two years followed with bi-annual monitoring for years three, four and five. Success criteria to be determined after establishing the baseline data and will be incorporated into the restoration plan.
- i. Establish long-term maintenance program for invasive species control, control of encroaching tree species, soil stabilization, and other actions including fuel modification, noted during monitoring.
- j. Avoid impacts to outlining habitats and improve area as habitat for wildlife.
- k. All disturbed soils up to the building envelope and any applicable green roofs are to be fully restored with the Central Maritime Chaparral species.

Prior to mobilization or land disturbance activities, temporary habitat protective fencing must be installed at the development perimeter to prevent unwarranted impacts within outlining habitats and special status species. The fencing will keep potential development impacts off of the adjacent sensitive habitat resources and shall restrict to the minimum amount necessary to accommodate a reasonable development and restoration area. Material staging and parking shall not be allowed in undisturbed native areas as soil impacts, adverse vegetation impacts, and soil compaction shall be avoided to maintain the long-term health of the surrounding sensitive habitat

resources. A qualified biological monitor should be on site to coordinate fencing installation and assure there are no impacts within the neighboring sensitive habitat areas.

(See continuation page for remaining text of Mitigation Measure No. 1.)

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

Prior to issuance of any grading or building permit, the owner/applicant shall submit a draft restoration plan to HCD-Planning for review and approval.

Prior to mobilization or land disturbance activities, the owner/applicant shall submit evidence that the temporary habitat protective fencing has been installed at the development perimeter.

After completion of construction and implementation of the restoration plan, the owner/applicant shall contract with a qualified biologist to conduct monitoring. Quarterly monitoring will be conducted for the first two years followed with bi-annual monitoring for years three, four and five.

**Remaining Text of Mitigation Measure No. 1: Restoration Plan
(Condition of Approval No. 14)**

In accordance with Carmel Area Land Use Plan Policy 2.3.3.8, only appropriate native species are to be used for proposed landscaping. To meet the landscape restoration requirements, all areas surrounding the footprint of the building development shall be contoured to mimic the natural topography and restored using the low-growing constituents of the Central Maritime Chaparral habitat of the parcel, while also maintaining fire clearance mandates.

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15. MITIGATION MEASURE NO. 2: SEDIMENT CONTROL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Mobilized mechanized grading equipment shall be pressure washed prior to mobilization to prevent unwarranted plant pathogens or invasive species seed or vegetative debris from entering and potentially pioneering on the site. Use of heavy equipment shall be restricted to areas within the development envelope.

Sediment control devices shall be installed on the downhill perimeter of the construction envelope and exposed soil areas. Specifically, sediment control devices, debris fencing or silt dams shall be installed in a manner that the central maritime chaparral habitat is protected from disturbed excavated or graded construction soils or construction debris from moving offsite. No site erosion shall be permitted to enter areas supporting natural communities beyond the impact perimeter of the development envelope. Disturbed soils shall be stabilized prior to rainy weather, either with the use of biodegradable netting, mulching or hydroseeding with biologist-approved native seed mix, mulch and tackifier.

Excavated clean upper soil horizon soils from the construction site shall be used to top dress final landscape restoration areas. Prior to final grading, all construction debris shall be removed and construction activities completed in the areas to be treated with the approved native seed mix. To protect adjacent maritime chaparral habitats from inadvertent soil deposition impacts, excavated substrate materials shall not be cast into adjacent habitats or areas beyond the approved development zone; rather it should be hauled off location and disposed at a receiver site or used for fill within the development area per recommendations of the grading plan.

Storm water runoff from impervious surfaces must be dispersed in such a way as to prevent rilling and site erosion.

After the completion of the soil disturbance activities, any disturbed soils shall be stabilized with native seed of site-identified species and plant materials and installed in all restoration areas in the fall months prior to or in conjunction with the seasonal rains. Any disturbed soil generated by the project must be kept free of invasive, exotic plant species.

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permit, the owner/applicant shall submit evidence of installation of sediment control devices.

The owner/applicant/contractor shall adhere to these requirements during all construction phases.

Prior to final of any grading or building permit, the owner/applicant shall submit a letter from a qualified biologist certifying that all construction debris has been removed and construction activities completed.

16. MITIGATION MEASURE NO. 3: PRE-CONSTRUCTION SURVEY – MONTEREY DUSKY-FOOTED WOODRAT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: To avoid and reduce impacts to the Monterey dusky-footed woodrat, the project proponent shall retain a qualified biologist to conduct pre-construction surveys for woodrat nests within three days prior to any further vegetation clearance or grading within the project area and in a buffer zone from the limit of disturbance. All woodrat nests shall be flagged for avoidance of direct construction impacts, where feasible. Nests that cannot be avoided shall be manually deconstructed prior to land clearing activities to allow animals to escape harm. If a litter of young is found or suspected, nest material shall be replaced, and the nest left alone for 2-3 weeks before a re-check to verify that young are capable of independent survival before proceeding with nest dismantling.

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or construction permit, the owner/applicant shall submit evidence of completion of a pre-construction survey for Monterey dusky-footed woodrat by a qualified biologist.

17. 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

18. CALIFORNIA CONSTRUCTION GENERAL PERMIT

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP), including the Waste Discharger Identification (WDID) number, to Environmental Services. In lieu of a SWPPP, a letter of exemption or erosivity waiver from the Central Coast Regional Water Quality Control Board may be provided. (Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit a SWPPP, including the WDID number, certifying the project is covered under the California Construction General Permit, or a letter of exemption from the Central Coast Regional Water Quality Control Board.

19. STORMWATER CONTROL PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a stormwater control plan, prepared by a registered civil engineer or licensed architect, to mitigate on-site and off-site impacts. Impervious surface stormwater runoff shall be dispersed at multiple points, on the least steep available slopes, away from and below any septic leach fields. Erosion control shall be provided at each outlet. Drainage improvements shall be constructed in accordance with plans approved by Environmental Services. (Environmental Services)

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

20. PW0045 – COUNTYWIDE TRAFFIC FEE

Responsible Department: RMA-Public Works

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

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the Owner/Applicant shall pay the traffic mitigation fee to Monterey County HCD-Building Services. The Owner/Applicant shall submit proof of payment to Development Services.

21. EHSP01 – LONG-TERM WATER SUPPLY DEED RESTRICTION (Non-Standard)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The applicant shall record a deed restriction which includes the statement: Well yields in fractured rock or non-alluvial aquifer systems have been shown to decline significantly over time due to their meager ability to store and transmit water. Therefore, with the intrinsic uncertainties regarding the long-term sustainability of an on-site well proposed to provide a source of domestic potable water on this parcel, the present and any future owners of this property are hereby given notice that additional water sources may be required in the future. (Environmental Health Bureau)

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permits, the applicant shall provide a legal description for the parcel and a copy of the Grant Deed to the Environmental Health Bureau ("EHB"). The EHB will prepare the deed restriction form.

Prior to final inspection of construction permits, the property owner shall sign and notarize the deed restriction form obtained from the EHB, and record the notarized deed restriction with the Monterey County Recorder. Proof of recordation shall be provided to the EHB.

22. EHSP02 – UPDATED DOMESTIC WELL WATER QUALITY AND SOURCE CAPACITY (Non-Standard)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: A residential building shall be provided with an adequate supply of potable water pursuant to Section 601.1 of the Uniform Plumbing Code. In order to verify that the existing water supply remains sufficient to support the proposed development, updated water quality and source capacity testing will be required.

The onsite well (EHB Well Permit No. 07-11081) proposed to provide domestic water for the project underwent a source capacity test in December 2007, witnessed by the Environmental Health Bureau (EHB), and demonstrated the well yielded sufficient capacity for a single-family dwelling. An updated source capacity test shall be completed, conducted prior to the fractured rock source capacity testing season (August - the first significant rain event as determined by the EHB) to determine the current yield of the well and demonstrate compliance with Section 601.1 of the Uniform Plumbing Code.

Water quality analysis of the onsite well collected December 6, 2007 indicate that water met primary and secondary drinking water standards listed in Tables 64431-A and 64449-A&B in Title 22 of the California Code of Regulations (CCR) at the time of the test. Updated water quality shall include coliform bacteria, primary inorganics and secondary compounds as listed in Tables 64431-A and 64449-A&B in Title 22 of the CCR. Waivers for asbestos, MTBE, and thiobencarb may be available upon request. Samples shall be analyzed by a laboratory certified by the Environmental Laboratory Accreditation Program (ELAP).

If water quality results indicate that the well exceeds a primary drinking water standard(s), a water treatment design shall be submitted to EHB for review and acceptance. The approved water treatment system shall be installed and verification testing of pre and post-treatment water quality will be required prior to occupancy of the residence. The applicant would also be required to record a deed restriction indicating that treatment is necessary for the well water to meet Title 22, CCR primary drinking water standards. (Environmental Health Bureau)

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

Prior to the issuance of a construction permit, the applicant shall apply to the EHB for a source capacity test and submit water quality analysis results to the EHB for review. The source capacity test and water quality testing shall both be completed prior to issuance of the construction permit.

If EHB determines that the source capacity is insufficient, an additional water source shall be identified, tested and approved by EHB to meet the source capacity and quality requirements.

If the source capacity and water quality are adequate, no further action is required.

If EHB determines that treatment is necessary:

- Prior to issuance of a construction permit, the applicant shall provide plans prepared by a qualified individual for a water treatment system to EHB for review and approval.
- Prior to occupancy of a building, the applicant shall install the EHB-approved water treatment system and provide to the EHB as-built plans prepared by a qualified individual and water quality analysis of samples of raw water and treated water that demonstrate the treatment system is able to reduce the contaminant(s) to Title 22, CCR primary drinking water standards.
- The applicant shall provide a legal description for the parcel and a copy of the Grant Deed to the EHB. The EHB will prepare the deed restriction form.
- Prior to final inspection of construction permits, the property owner shall sign and notarize the deed restriction form obtained from the EHB, and record the notarized deed restriction with the Monterey County Recorder. Proof of recordation shall be provided to the EHB.

23. PD048 - TREE REPLACEMENT/RELOCATION

Responsible Department: RMA-Planning

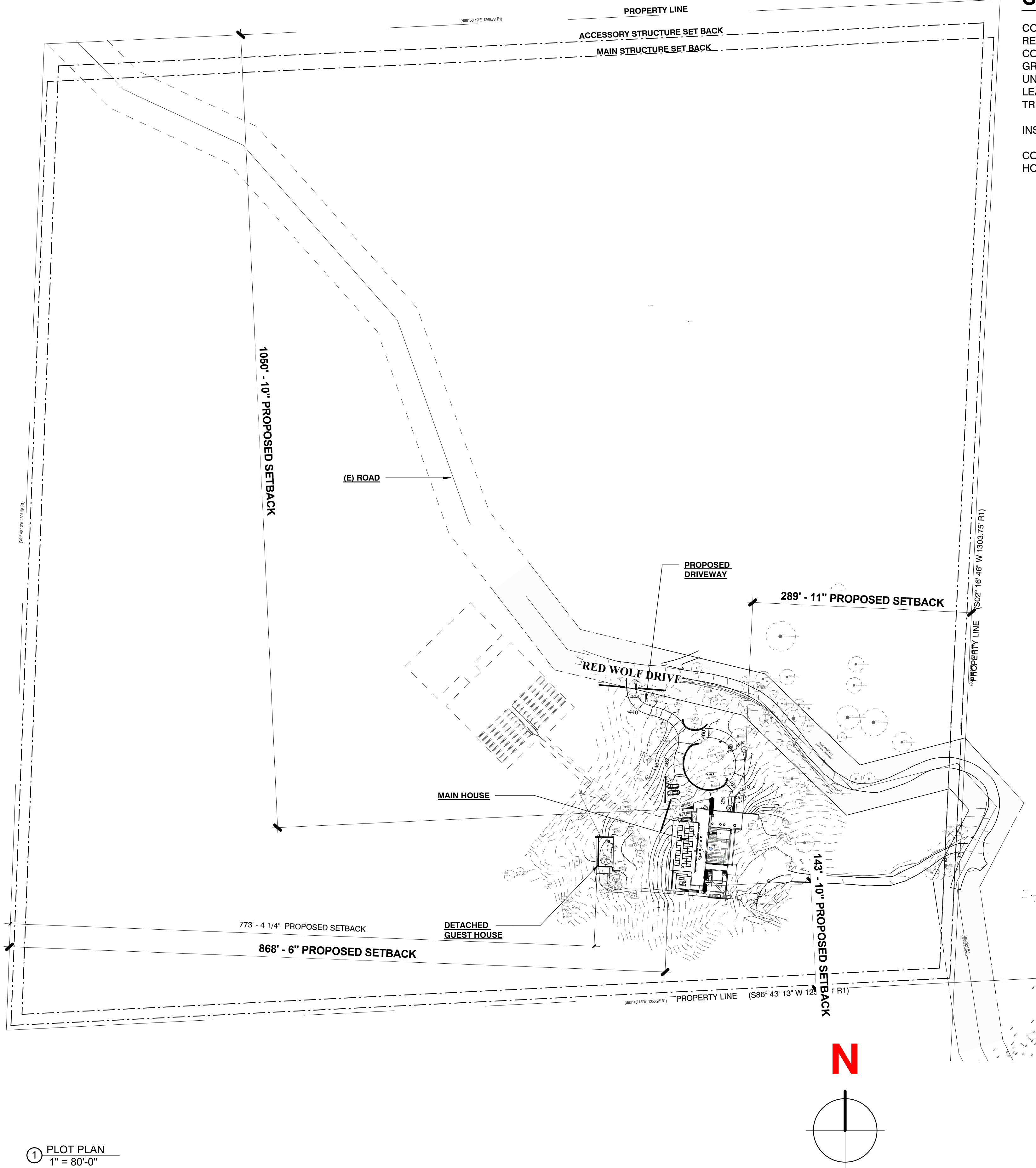
**Condition/Mitigation
Monitoring Measure:** Within 60 days of completion of exterior construction phases, the applicant shall replace and/or relocate each tree approved for removal per the recommendations in the arborist report (LIB190295). The replacement tree(s) shall be located in areas with the greatest opening in the stand to allow for a minimum of competition and maximum sunlight. (HCD-Planning)

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

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

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

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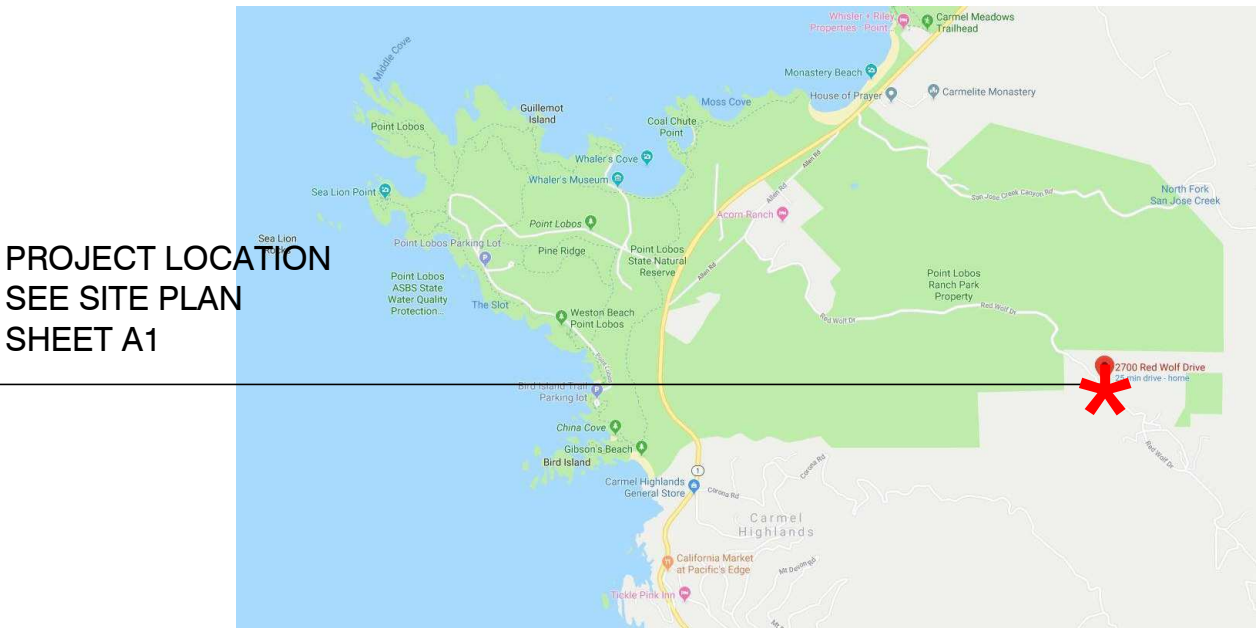
SCOPE OF WORK

CONSTRUCTION OF NEW 5,588 SF 2-BEDROOM & 2-1/2 BATH SINGLE-FAMILY RESIDENCE, 564 SF 2-CAR ATTACHED GARAGE W/ VEGETATED ROOF, COURTYARD, ABANDON EXISTING 2-5,000 GALLONS CAPACITY ABOVE GROUND WATER TANKS AND REPLACE W/ 2-5,000 GALLONS CAPACITY UNDERGROUND WATER TANKS, 2,500 GALLONS CAPACITY SEPTIC TANK, LEACH FIELDS, UNDERGROUND PROPANE TANKS, NEW DRIVEWAY AND FIRE TRUCK TURNAROUND.

INSTALLATION OF 2,000 S.F. OF ROOF-MOUNTED PV PANELS.

CONSTRUCTION OF NEW 425 SF, 2-BEDROOM & 1-BATH DETACHED GUEST HOUSE W/ VEGETATED ROOF.

VICINITY MAP



PROJECT LOCATION
SEE SITE PLAN
SHEET A1

EXISTING PHOTOS



PROJECT DATA

OWNER	Jonathan and Jessika Auerbach c/o Studio Schicketanz
ARCHITECT	Studio Schicketanz P.O. Box 2704 Carmel, California 93921 Phone: 831-622-9000 ext.13 Fax: 831-309-9932 e-mail: jay@studioschicketanz.com Contact: Jay Auburn
SURVEYOR	Rasmussen Land Surveying, Inc. 2150 Garden Road, Suite A-3 Monterey California 93942 Phone: 831-375-7240 Fax: 831-375-2545 e-mail: info@rasmussenland.com Contact: Gordon A. Humenik
BIOLOGICAL	Denise Duffy & Associates (DDA) 947 Cass Street, Suite 5 Monterey, California 93940 Phone: (831) 373-4341 email: jharwayne@ddaplanning.com Contact: Josh Harwayne

PROPERTY ADDRESS 2700 Red Wolf Drive, Carmel, CA 93923

APN 416-011-004

LOT SIZE 37.65 AC (1,640,034 SF)

ZONING WSC/40 - D (CZ)

WATER SOURCE Private Well

SEWER PROVIDER Septic

ELECTRICITY PROVIDER PG & E AND SOLAR PANELS

LOT COVERAGE CALCULATIONS

MAXIMUM ALLOWABLE LOT COVERAGE (10%)	164,003	SF
PROPOSED (0.7%)	11,001	SF

MAIN RESIDENCE	5,588	SF
MAIN ENTRY	329	SF
MAIN COURTYARD	1,396	SF
MAIN SOUTH PATIO	1,446	SF
MAIN COVERED PATIO	529	SF
MAIN EXTERIOR STAIRS	221	SF
ROOF OVERHANG (+30)	255	SF
SITE WALLS	293	SF
GUEST HOUSE & PATIO	944	SF

TOTAL LOT COVERAGE 11,001 SF

FLOOR AREA CALCULATIONS

LOWER LEVEL	967	SF
MAIN FLOOR LEVEL	3,838	SF
UPPER FLOOR LEVEL	219	SF
ATTACHED GARAGE	564	SF
DETACHED GUEST HOUSE (LIVABLE)	425	SF

TOTAL FLOOR AREA 6,013 SF

BUILDING HEIGHT

MAXIMUM ALLOWABLE BUILDING HEIGHT:	24'	FT
AVERAGE NATURAL GRADE:	479.5'	FT
HEIGHT (ABOVE NATURAL GRADE):	24'	FT

TREE REMOVAL

NO. OF TREES TO REMOVE: 9

GRADING

CUT:	1,544
FILL:	370

TITLE COVER PAGE

AUERBACH RESIDENCE

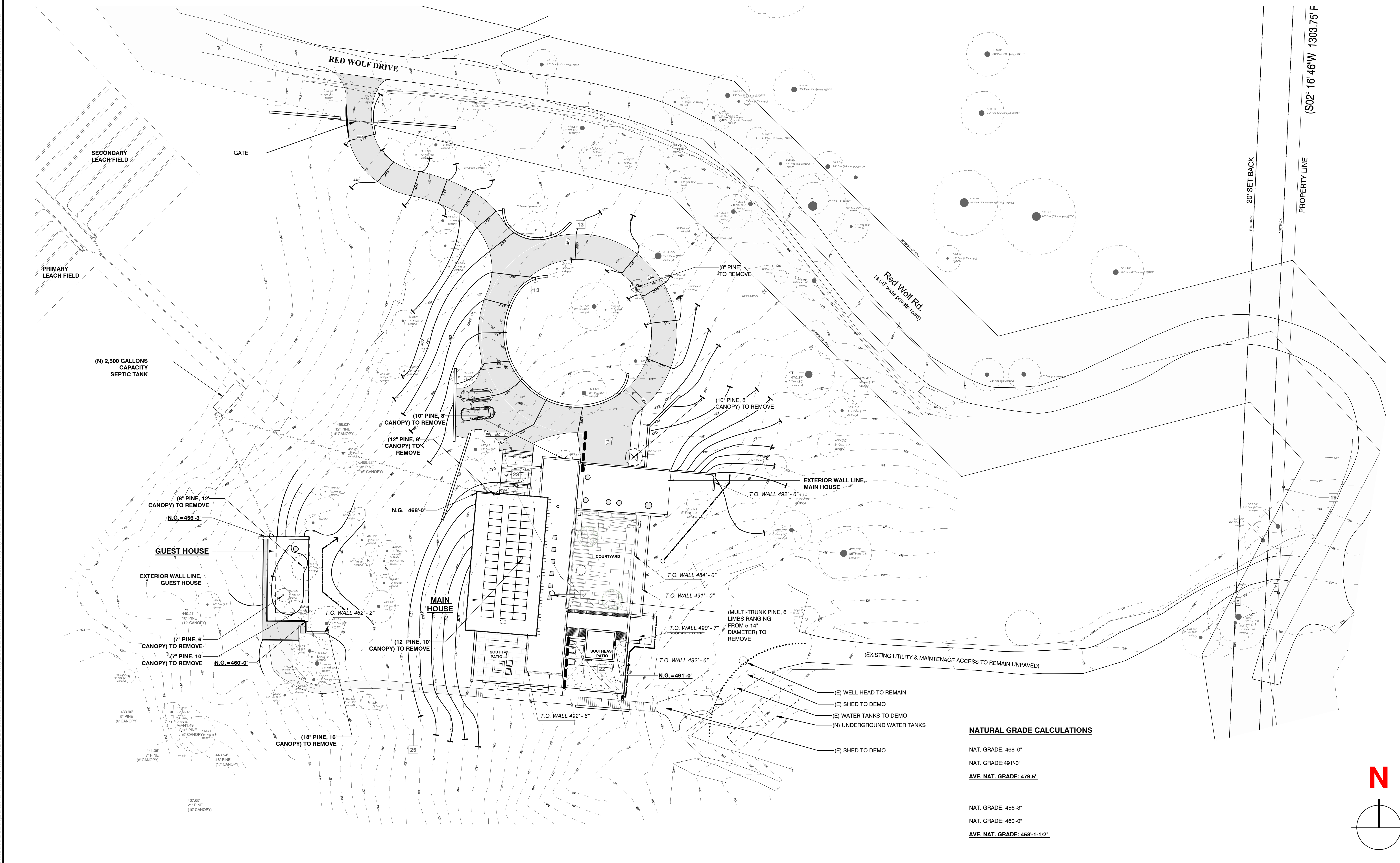
2700 Red Wolf Drive, Carmel CA 93923
APN 416-011-004

STUDIO SCHICKETANZ

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

DATE	4/1/2020	SHEET 1 4/1/2020
SCALE	As indicated	
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JOB NUMBER	1913	

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NATURAL GRADE CALCULATIONS

NAT. GRADE: 468'-0"

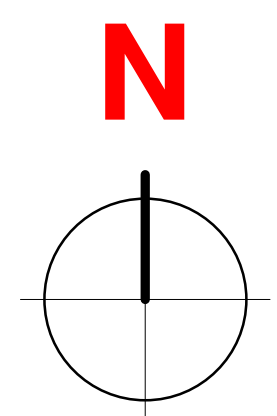
NAT. GRADE: 491'-0"

AVE. NAT. GRADE: 479.5'

NAT. GRADE: 456'-3"

NAT. GRADE: 460'-0"

AVE. NAT. GRADE: 458'-1-1/2"



TITLE SITE PLAN		DATE 10/28/2020		SHEET	
SCALE 1" = 20'-0"		DRAWN BY JS		2	
JOB NUMBER 1913		10/28/2020			

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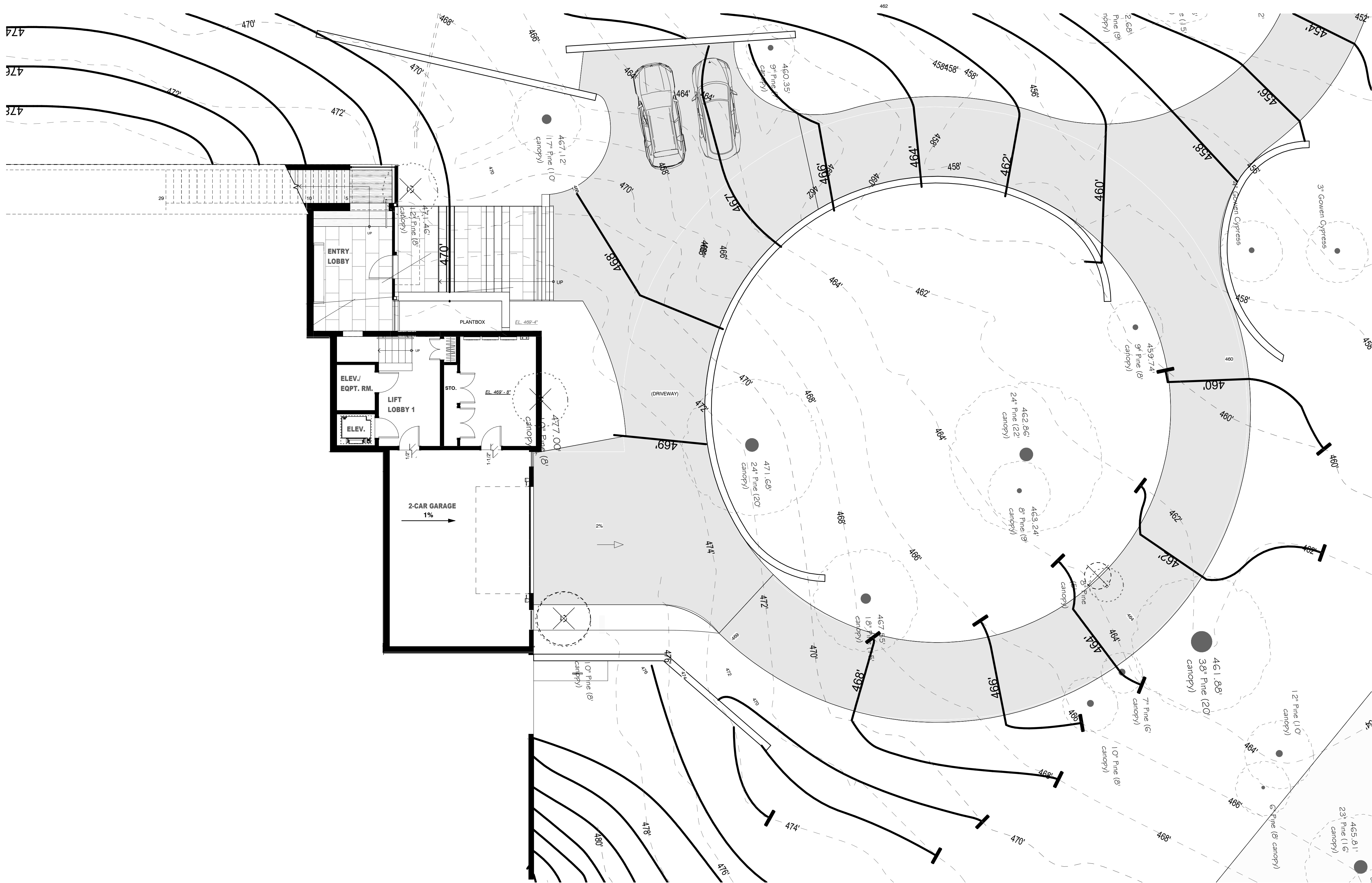
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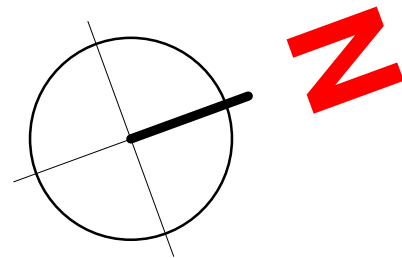
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ROOM SIZES TABULATION

ENTRY LOBBY	10'-3" X 14'-2"
STAIR 2	14'-9" X 3'-6"
ELEVATOR LOBBY	8'-8" X 10'-1"
MECH./STORAGE	11'-8" X 14'-0"
ELEV. EQPT. ROOM	5'-7" X 5'-6"
ELEVATOR	5'-7" X 4'-0"
2-CAR GARAGE	20'-6" X 24'-0"



TITLE LOWER LEVEL FLOOR PLAN

AUERBACH RESIDENCE

2700 Red Wolf Drive, Carmel CA 93923
APN 416-011-004

STUDIO SCHICKETANZ

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

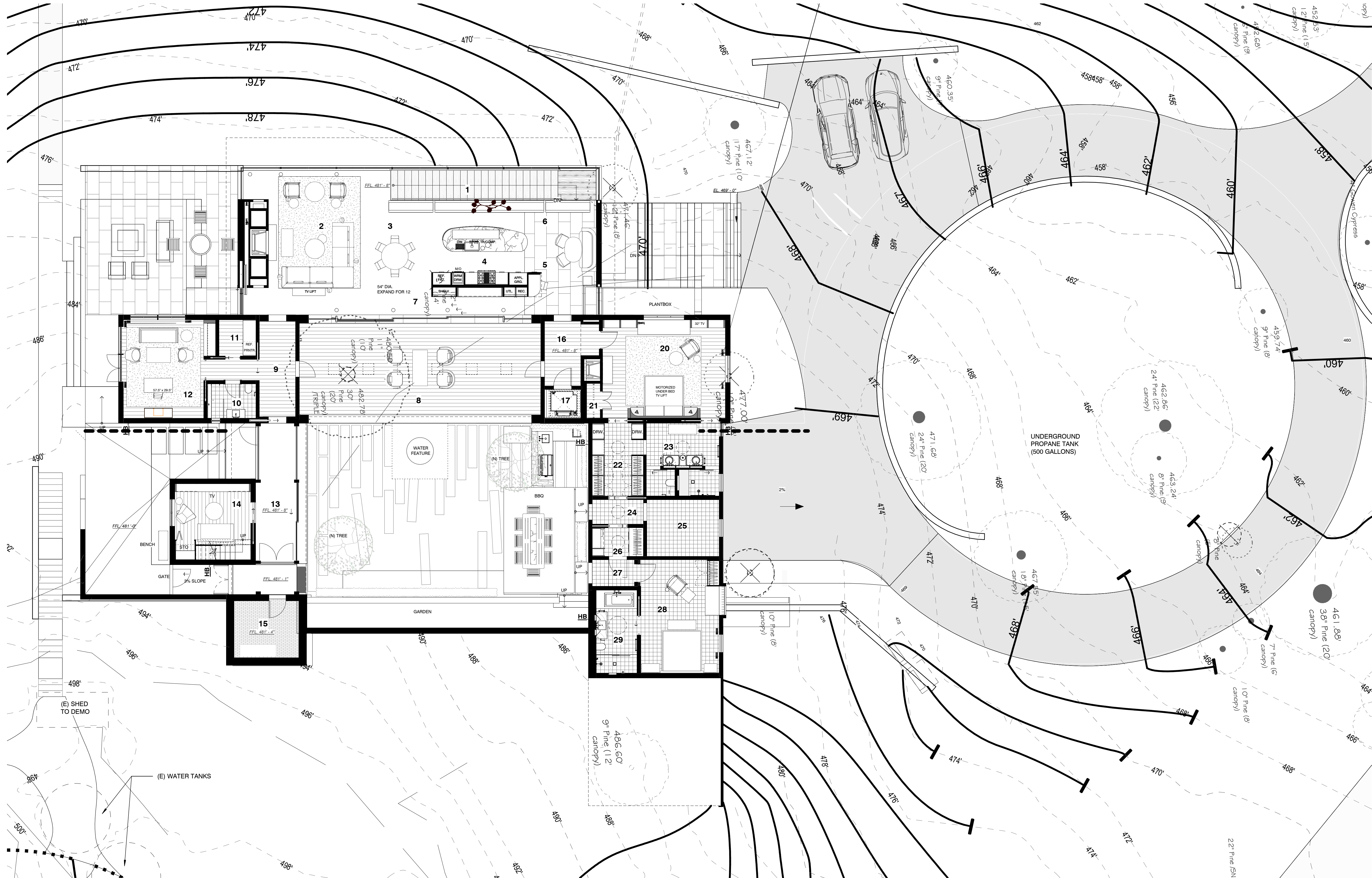
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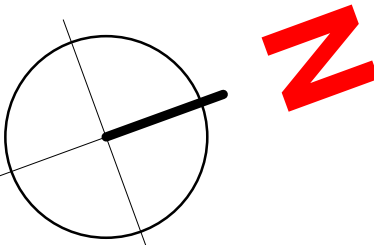
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ROOM SIZES TABULATION

1	STAIRS	33'-5" X 5'-0"
2	LIVING ROOM	19'-3" X 19'-7"
3	DINING ROOM	14'-6" X 13'-1"
4	KITCHEN	13'-6" X 12'-6"
5	PANTRY	6'-8" X 9'-1"
6	BREAKFAST NOOK	6'-8" X 5'-11"
7	HALL 1	56'-1" X 4'-2"
8	COVERED PATIO	41'-5" X 16'-7"
9	HALL 2	5'-7" X 14'-10"
10	POWDER ROOM 1	5'-2" X 6'-4"
11	STORAGE 1	5'-2" X 4'-0"
12	OFFICE	16'-0" X 16'-0"
13	HALL 3	5'-0" X 8'-4"
14	TORRE LEVEL 1	12'-0" X 12'-0"
15	WINE ROOM	10'-11" X 9'-0"
16	HALL 4	6'-3" X 8'-11"
17	ELEV	6'-3" X 4'-1"
18	HALL 5	8'-5" X 5'-1"
19	STORAGE 2	5'-10" X 4'-0"
20	MASTER BEDROOM	14'-6" X 14'-0"
21	CLOSET	8'-5" X 4'-1"
22	WALK IN CLOSET	8'-5" X 12'-11"
23	MASTER BATH	11'-6" X 12'-11"
24	HALL 6	8'-5" X 4'-5"
25	GYM	11'-6" X 10'-0"
26	LAUNDRY	8'-5" X 5'-0"
27	HALL 7	5'-2" X 5'-0"
28	GUEST ROOM	12'-11" X 19'-0"
29	GUEST BATH	7'-0" X 13'-5"



TITLE
MAIN FLOOR PLAN W/ TORRE OPTION 1

AUERBACH RESIDENCE

2700 Red Wolf Drive, Carmel CA 93923
APN 416-011-004

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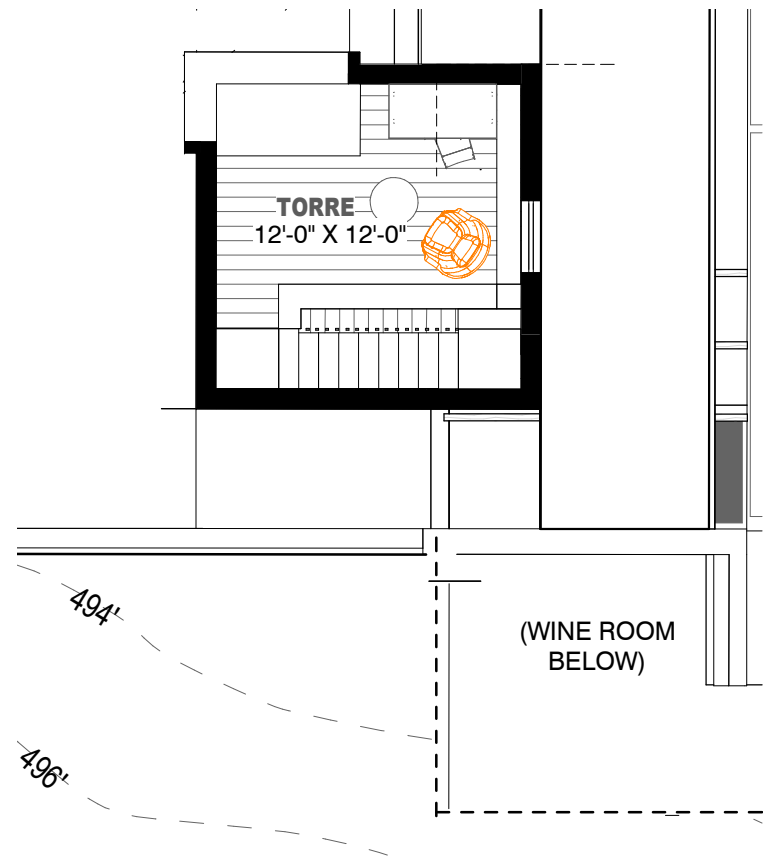
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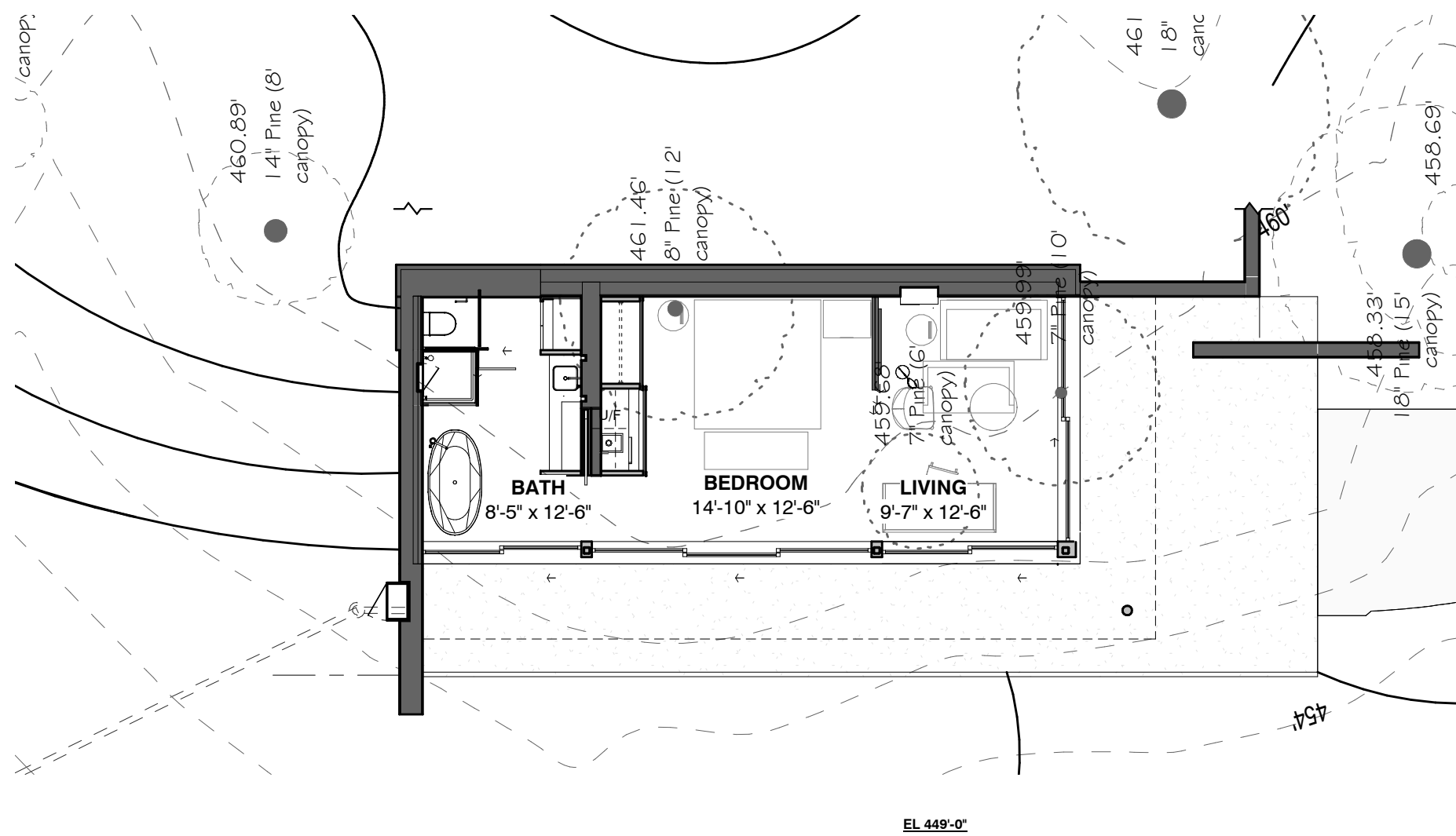
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10/28/2020

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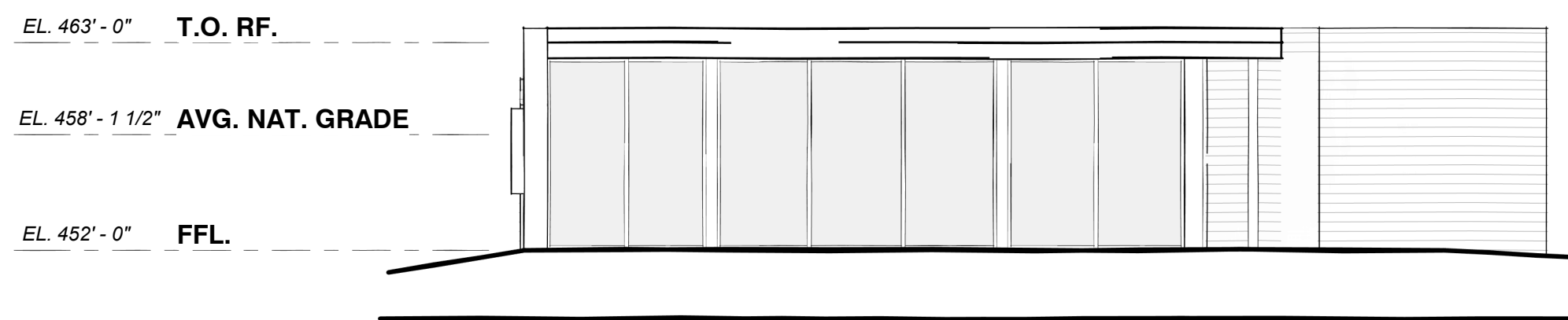
① MAIN HOUSE UPPER LEVEL
1/8" = 1'-0"



② GUEST HOUSE - FLOOR PLAN
1/8" = 1'-0"

ROOM SIZES TABULATION

LIVING	9'-7" x 12'-6"
BEDROOM	14'-10" x 12'-6"
BATH	8'-5" x 12'-6"



③ FRONT ELEVATION
1/8" = 1'-0"



④ SIDE ELEVATION
1/8" = 1'-0"

TITLE MAIN HOUSE UPPER LEVEL, GUEST HOUSE - FLOOR PLAN AND ELEVATIONS

AUERBACH RESIDENCE

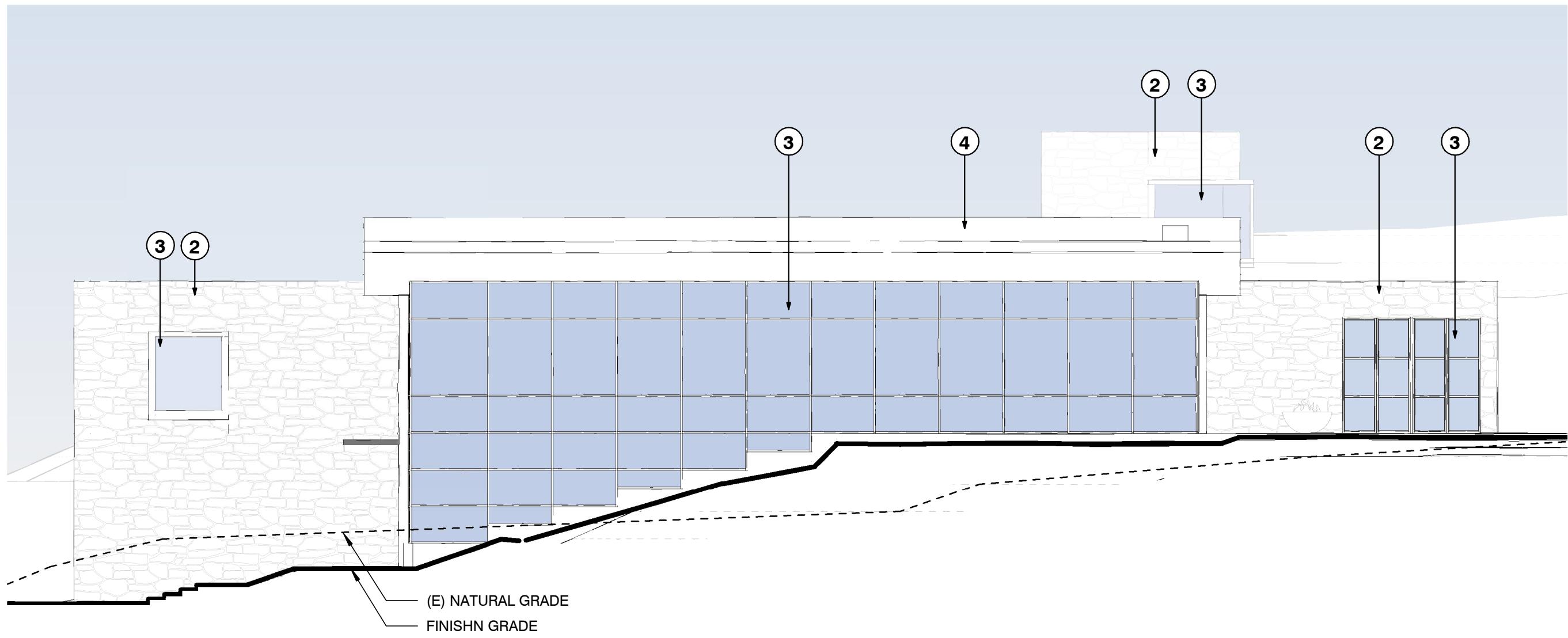
2700 Red Wolf Drive, Carmel CA 93923
APN 416-011-004

STUDIO SCHICKETANZ

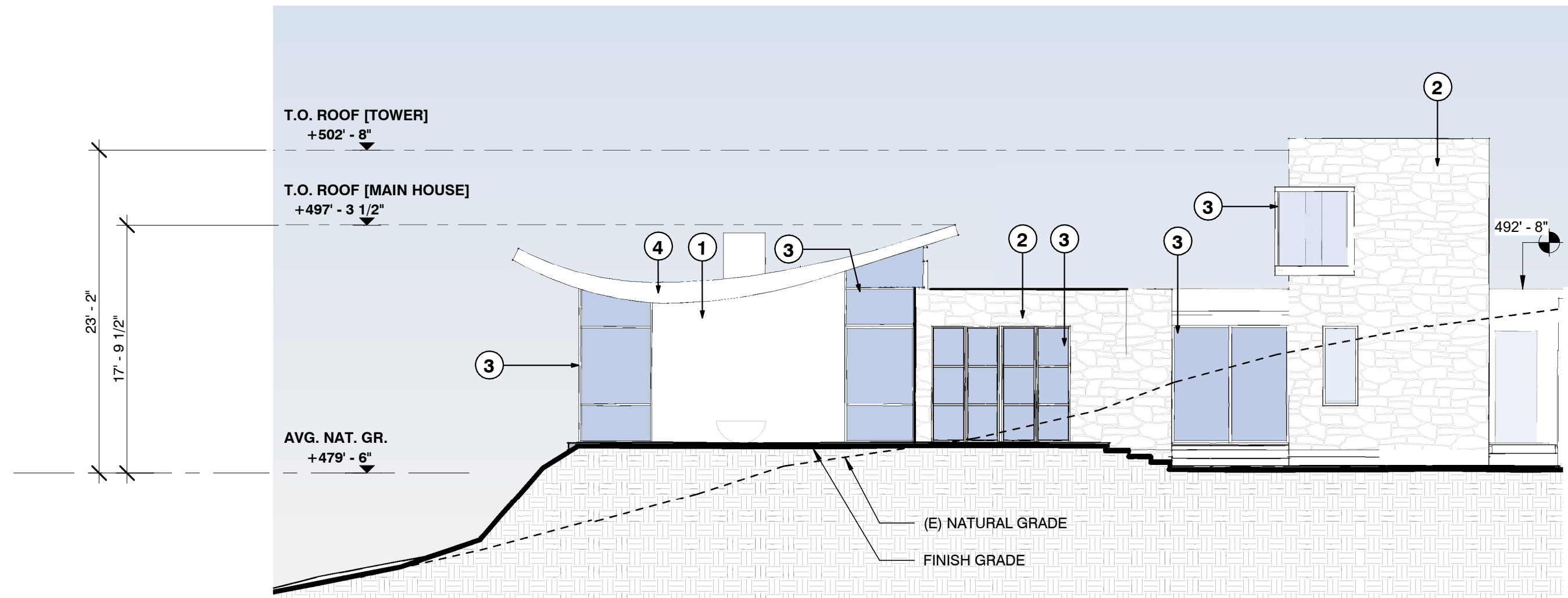
P.O. Box 2704, Carmel, CA, 93921 831.622.9000

DATE	02/08/2020	SHEET 5 02/08/2020
SCALE	As indicated	
DRAWN BY	JS	
JOB NUMBER	1913	

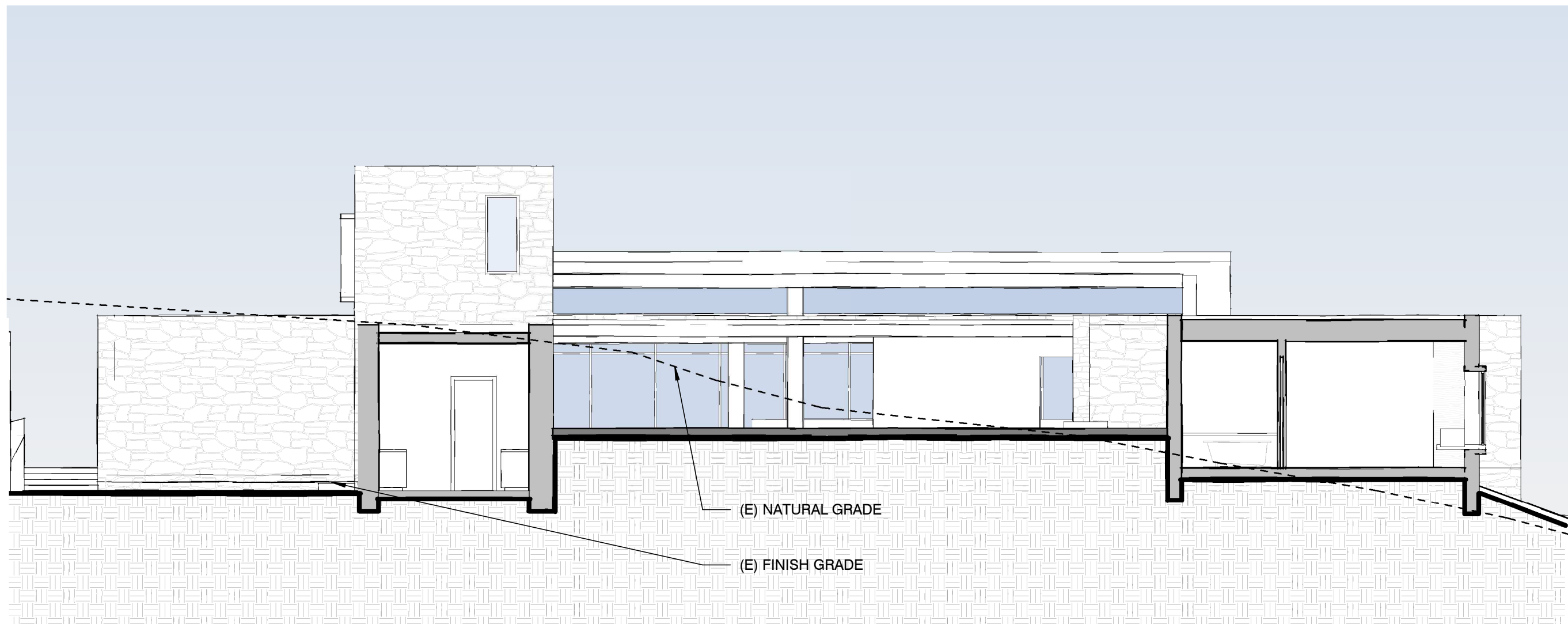
1/30/2020 5:28:35 PM
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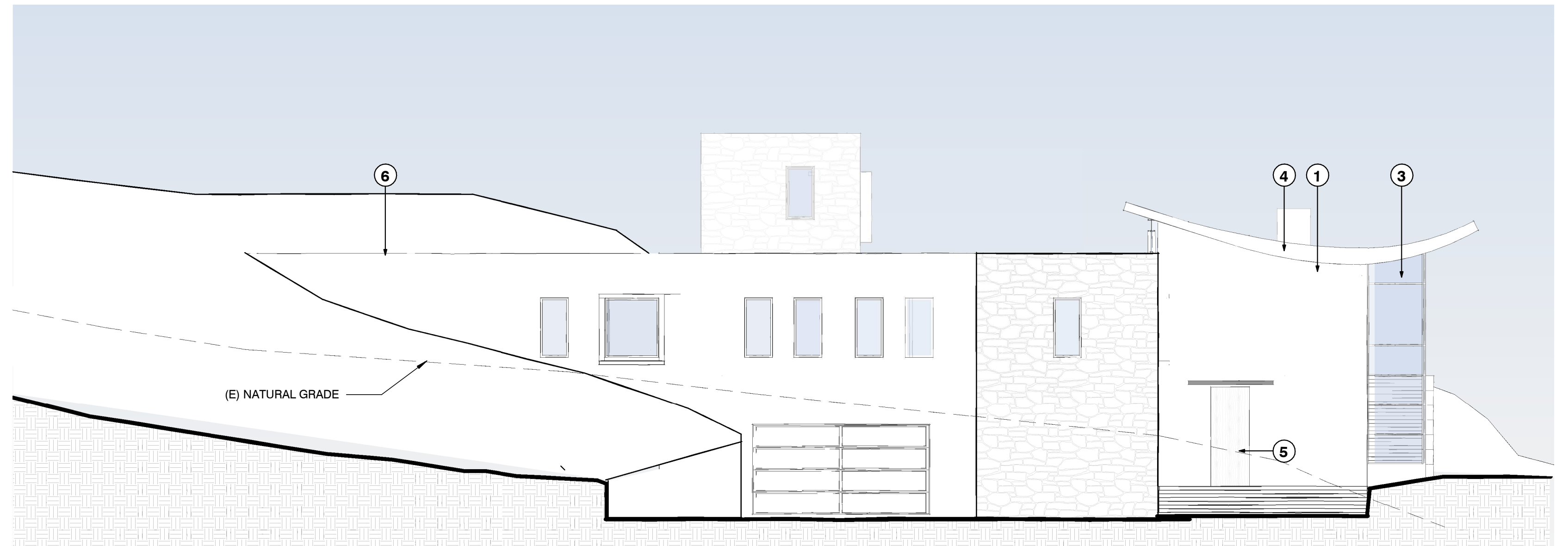
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION/SECTION



NORTH ELEVATION

KEYED NOTES

- 1 CONCRETE EXTERIOR WALL
- 2 STONE EXTERIOR WALL
- 3 MEDIUM-BRONZE COLOR METAL DOORS & WINDOWS
- 4 MEMBRANE ROOF
- 5 SOLID WOOD DOOR
- 6 VEGETATED/GREEN ROOF

TITLE
EXTERIOR ELEVATIONS

AUERBACH RESIDENCE

2700 RedWolf Rd., Carmel CA 93923
APN 416-011-004

STUDIO SCHICKETANZ

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

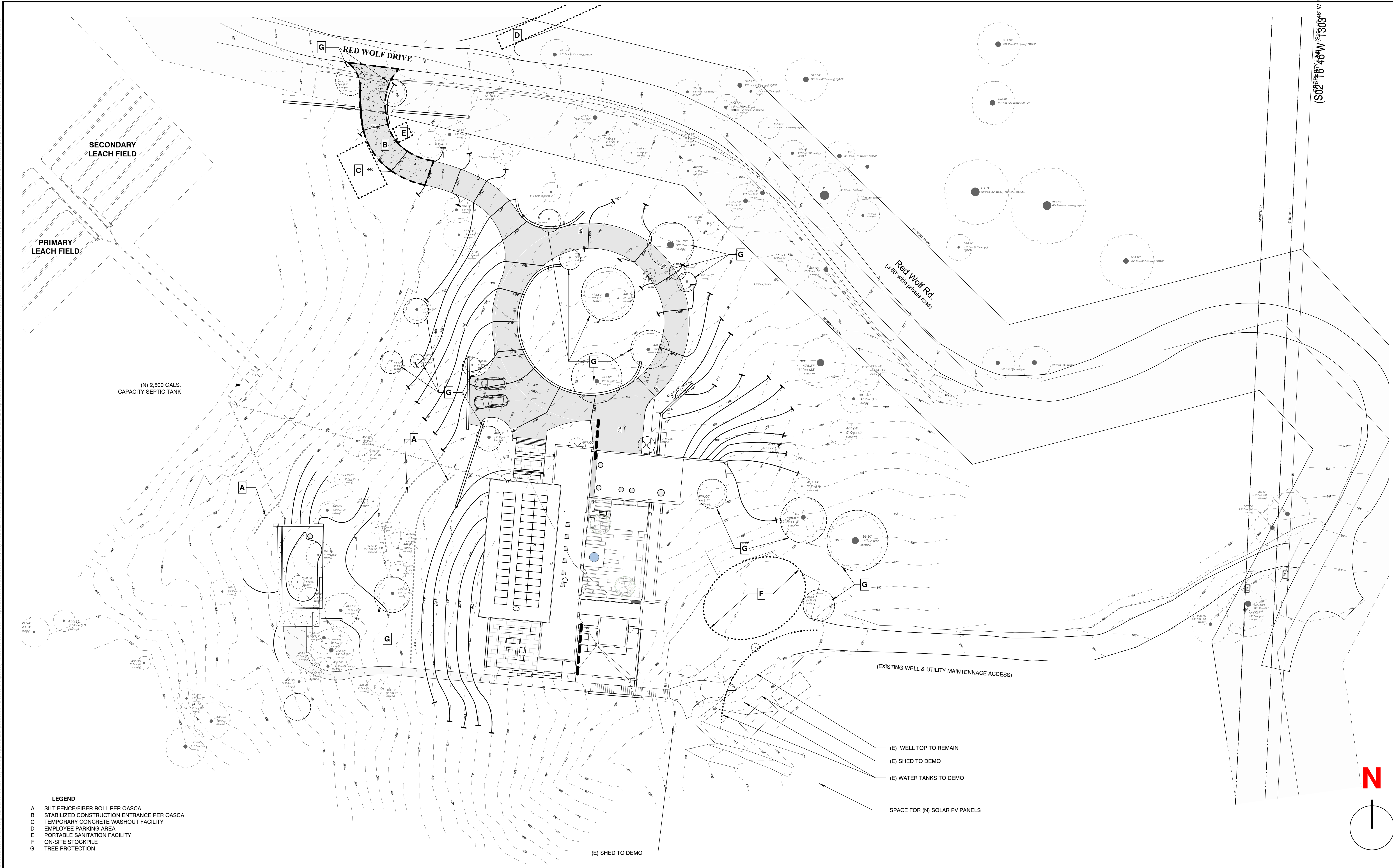
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01/31/2020
SCALE
As indicated
DRAWN BY
JS
JOB NUMBER
1913

SHEET

6

01/31/2020

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TITLE CONSTRUCTION MANAGEMENT PLAN		DATE 10/28/2020		SHEET 7	
AUERBACH RESIDENCE 2700 Red Wolf Drive, Carmel CA 93923 APN 416-011-004		SCALE 1" = 20'-0"		JOB NUMBER 1913	
		DRAWN BY JS			
		JOB NUMBER 1913			
STUDIO SCHICKETANZ P.O. Box 2704, Carmel, CA, 93921 831.622.9000		DATE 10/28/2020		SHEET 7	

PROPERTY LINE (S86° 43' 13" W 1256.28' R1)

WALLS: STONE & CONCRETE



DOORS & WINDOWS: METAL



ROOF: MEMBRANE ROOF AND GREEN ROOF



TITLE

MATERIALS PALETTE

SCALE

1/2" = 1'-0"

AUERBACH RESIDENCE

2700 RedWolf Rd., Carmel CA 93923

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