

Exhibit B

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

In the matter of the application of:

RICHARD RALEY (PLN120276)

RESOLUTION NO. 13-014

Resolution by the Monterey County Zoning Administrator:

- 1) Adopting a Negative Declaration for the Raley project; and
- 2) Approving a Combined Development Permit consisting of: 1) Coastal Administrative Permit and Design Approval to allow the construction of a 4,338 square foot two-story single family dwelling including an attached 509 square foot garage, a 216 square foot second story deck, and 1,412 square feet of flatwork including an at grade patio, concrete paver driveway and walk ways; 2) Coastal Development Permit to allow the conversion of an existing 1,603 square foot single family dwelling into a 423 square foot guesthouse, conversion of 1,004 square feet into an art studio and 176 square foot storage area and allow the structure to exceed the 12 foot height limit by 10 feet; and demolish an existing 360 square foot guesthouse within an existing 845 square foot structure retaining 485 square feet of the structure as a detached garage;
- 3) Coastal Development Permit to allow development within 100-feet of Environmentally Sensitive Habitat; and 4) Coastal Development Permit to allow development within 750 feet of a known archaeological resource; Grading to include approximately 260 cubic yards of cut and 260 cubic yards of fill.

[PLN120276, Richard Raley, 170 Spindrift Lane, Carmel, Carmel Highlands Area, Carmel Land Use Plan, Coastal Zone.
(Assessor's Parcel Number 241-321-002-000)]

The Richard Raley application (PLN120276) came on for public hearing before the Monterey County Zoning Administrator on April 11, 2013. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies, which designate this area as appropriate for development.
EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - The Monterey County General Plan,
 - Carmel Area Land Use Plan,
 - Monterey County Coastal Implementation Plan, Part 4,
 - Monterey County Zoning Ordinance (Title 20)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 regulations in these documents.

- b) The property is located at 170 Spindrift Lane, Carmel (Assessor's Parcel Number 241-321-002-000), Carmel Highlands Area, under the Carmel Land Use Plan, within the Coastal Zone. The parcel is zoned "LDR/1-D (CZ)" (Low Density Residential, 1 units per acre with Design Control Overlay (Coastal Zone), which allows single family residences. Therefore, the project is an allowed land use for this site.
- c) The property is located in a Design Control Overlay district within the Carmel Area Land Use Plan. The Carmel Area Land Use Plan requires that structures be subordinate to and blended into the environment using appropriate materials that will achieve that effect. The proposed residence is located such that it will not be visible from public viewing areas. Materials of the proposed new residence consist of stone veneers similar to those on the existing residence, including copper gutters and down spouts with a copper seamed roof. All colors will match the existing structures on site. With these design considerations, the proposed project achieves the goal of being subordinate to, and blended into the environment.
- d) **Coastal Implementation Plan Part 1, Title 20 Section 20.12.060.** The proposed new main residence complies with or is conditioned to comply with all of the applicable Site Development Standards. The proposed height is 25.8 feet from average natural grade; less than the maximum of 30 feet. The front, side and rear setback proposed, are 30 in the front greater than 20 feet on each side at 100 and 130 feet, and rear is 45 feet to the top of the bank of bluff. The allowed lot coverage is 15%. The project proposes site coverage of 5.3%. The existing detached 484 square foot garage is more than 50' from the front property line, and is more than 6' from a side or rear property line and is less than 15' high.
- e) **LUP Policy 2.2.3.4:** This policy requires the development to be located in the least visible location on the parcel. The proposed residence is oriented on the property such that it is not visible from Point Lobos or Highway 1 so it is consistent with this policy.
- f) A standard condition has been incorporated to reduce castoff light from windows and skylights.
- g) **LUP Policy 5.3.3.4.c:** The project complies with the Carmel Land Use Plan Policy which protects visual access to the shoreline from major public viewing corridors. The project will not alter existing public views from Highway 1 or Spindrift Road due to the topography and vegetation in the surrounding area.
- h) **Land Use Advisory Committee (LUAC).** The project was referred to the Carmel Unincorporated/Highlands for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338 this application did warrant referral to the LUAC because the project includes a Design Approval, which required a public hearing. At a public meeting with the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) on September 4, 2012 the project was discussed. The LUAC received comments/ from two neighbors who expressed concern with viewshed impacts of the residence, and the impact of the lighting from the proposed residence. The LUAC shared these concerns and was

concerned that the main residence encroached into the front setback and that the guest house was actually a second unit and not a guesthouse. The LUAC recommended that the structures on site conform to all setbacks, that the entitlement for the guesthouse be changed to an accessory dwelling unit. A condition has incorporated to require that the structure comply with all setbacks. There is not sufficient water or wastewater capacity associated with the site to support a second unit. The guesthouse is not a separate dwelling unit and a condition will be added to ensure that all future owners know it is only authorized to function as a guesthouse.

- i) **Archaeological Resources:** The project is located within an area identified as high sensitivity for archaeological resources and is within 750 feet of a known archaeological resource. An archaeological report was prepared for the proposed residence. The report indicated that there is no evidence that the project site contains archaeological resources. The location of the site within 750 of a known archaeological resource requires a Coastal Development Permit be processed to account for the potential for archaeological resources to be present on site. The project has been conditioned to require that all work stop if archaeological resources are discovered during excavation and that an archaeologist be contacted to evaluate the find. This approach is consistent with the Carmel Area Land Use Plan policies to identify and avoid archaeological resources to the extent possible.
- j) **Coastal Bluff:** The project is located within 50 feet of the Coastal Bluff. A detailed Geotechnical report was prepared which found that the site is geotechnically suitable for the proposed residence. The proposed residence will be located where the rock and soil is moderately hard to a depth of 9 feet below surface and below a depth of 9 feet there is hard rock. The residence will need to penetrate the hard rock providing a very stable foundation. In addition, an addendum was prepared for the project to determine if the site conditions are suitable for the proposed residence relative to the potential for bluff erosion. The report found that the coastal bluff is stable and there has only been minor erosion and bluff retreat on the property. As a result, the location of the house in relation to the bluff does not pose a danger to the structure or require special improvements to protect the bluff from further erosion.
- k) **Guest House regulations 20.64.020:** Section 20.64.020 of the Monterey County Coastal Zoning Ordinance requires that guesthouses be a maximum of 425 square feet, and be a maximum of 12 feet in height. The proposed guesthouse would be in the lower floor of a converted portion of the existing residence. The proposed guesthouse is 423 square feet in area which complies with the area requirements for a guesthouse. The existing structure in which the guesthouse will be located is two stories and 22 feet high above average natural grade. Thus the structure exceeds the height for a guesthouse. A guesthouse can be in a structure that exceeds 12 feet in height when it is combined with another permitted accessory structure on the property subject to approval of a Coastal Development Permit. The second story of this structure will be an artist's studio, home office, and storage. Part of the entitlements is a Coastal Development Permit for a guesthouse which

exceeds the 12 foot height limitation. The existing structure will not be expanded or modified on the outside so the guesthouse will not interfere with views of the scenic coast or detract from the natural beauty of the area. Thus approving the guesthouse within the existing structure is consistent with the goals and objectives of the Carmel Area Land Use Plan.

- l) The Staff conducted site inspections in August of 2012 and November of 2012 to verify that the project on the subject parcel is consistent with the plans listed above.
- m) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120276.

2. FINDING:

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

EVIDENCE:

- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Cypress Fire Protection District, Parks, Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
- b) Staff identified potential impacts to historical structure, geology, biology, Trees and Cultural resources. Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:
 - *"Biological Assessment" (LIB120257) prepared by Jeffrey B. Froke, Ph.D., Pebble Beach,, CA November 21, 2011.*
 - *"Arborist Tree Assessment" (LIB120259) prepared by Maureen Hamb Santa Cruz, CA, June 29, 2012.*
 - *"Archaeological Assessment" (LIB120256) prepared by Archaeological Consulting, CA, November 7, 2011.*
 - *"Geotechnical Engineering Report & Supplemental Bluff retreat study" (LIB120258) prepared by Earth Systems Pacific, CA, December 2, 2011 and October 31, 2012.*
 - *"Historical Assessment" (LIB13) prepared by Anthony Kirk, Ph.D. Santa Cruz, CA, October 31, 2012.*
- c) Historical Structure – The proposed guesthouse and art studio will be located in a structure that is more than 50 years old. The structure was evaluated by Anthony Kirk who determined that the structure was not significant either in architectural design or in the fact that it was once occupied by Kim Novak an actress.
- d) Staff conducted site inspections in August of 2012 and November of 2012, to verify that the site is suitable for this use.
- e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File

3. FINDING:

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

- EVIDENCE:**
- a) The project was reviewed by RMA - Planning Department, Cypress Fire Protection District, Parks, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) The site is not served by a public sewer system and site constraints including limited area for a septic system, proximity to the bluff, the proximity of environmentally sensitive habitat and slopes exceeding 30% preclude use of a standard septic system. For these reasons County regulations require use of a specialized waste water treatment system. The Environmental Health Bureau has reviewed and approved the specialized waste water treatment system design for the Raley property and finds the proposed project meets the all County regulations insuring the health and safety of the occupants of the proposed residents and surrounding area and the general welfare of the County.
 - c) A Geotechnical report and bluff retreat study has determined that no unusual geomorphic conditions currently exist that might affect the site and that the coastal bluff is stable and does not appear to be eroding. The Geotechnical reports concluded that the proposed site location is geotechnically suitable for the proposed Raley residence and that the potential for bluff retreat to affect the planned new residence is considered low
 - d) The project planner conducted a site inspection in August of 2012 and November of 2012 to confirm site conditions.
 - e) Proceeding evidences in findings 1 and 2 for PLN120276.

4. FINDING:

NO VIOLATIONS - The subject property complies with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the Monterey County Zoning Ordinance Title 20. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted site inspections in August of 2012 and November of 2012 and conducted research of County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans, and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN120276.

5. **FINDING:** **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) The project includes application for development within 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the Carmel Areal Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development is required and the criteria to grant said permit have been met.
- b) The Carmel Area Land Use Plan identifies rocky intertidal areas and kelp beds as being Environmentally Sensitive Habitat. Map B of the Carmel Area LUP shows that the area along the coast contains both Kelp Beds and intertidal habitat areas, resulting in this proposed development being within 100 feet of Environmentally Sensitive Habitat
- c) The primary potential for impacts to this ESHA is from erosion and run off from the site. Standard County requirements of erosion control and conditions requiring minimization of irrigation and use of native plant species along the bluff will protect the ESHA contained within the intertidal and kelp bed areas.
- d) The project planner conducted a site inspection in August of 2012 and November of 2012 to verify ESHA locations and potential project impacts to ESHA.
- e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN120276.
6. **FINDING:** **VIEWSHED** – The subject project minimizes development within the viewshed in accordance with the applicable goals and policies of the applicable area plan and zoning codes.
- EVIDENCE:** a) The project includes application for development within a sensitive viewshed. In accordance with the applicable policies of the Carmel Area Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit have been met.
- b) The key policy (2.2.2) for Visual Resources in the Carmel Area Land Use Plan is to protect the scenic resources within the viewshed by requiring development to harmonize and be clearly subordinate to the natural scenic character of the area. Development should be located on the portion of the property least visible from public viewing areas.
- c) The proposed new residence is not visible from a public viewing area, located either along Highway 1 or from Point Lobos. Therefore the proposed project is consistent with the Land Use Plan policies to protect scenic resources.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN120276.
7. **FINDING:** **CEQA (Negative Declaration)** - On the basis of the whole record before the Monterey County Zoning Administrator, there is no

substantial evidence that the proposed project as designed, and conditioned will have a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN120276).
 - c) The Initial Study discussed several areas where the project may cause a potentially significant effect on the environment. The areas identified and discussed in the Initial Study were: Aesthetics, Biological Resources, Cultural Resources, Geology and Soils, Hydrology, Green House Gas Emissions, Noise, Hydrology, Water Quality and Mandatory Findings of Significance.
 - d) No project changes were required to avoid significant effects on the environment. Monterey County Local Coastal Land Use Plan Policies and Regulations, are designed to mitigate potential impacts during project implementation, and are hereby incorporated herein by reference as conditions of approval.
 - e) The Draft Negative Declaration ("ND") for PLN120276 was prepared in accordance with CEQA and circulated for public review from March 6, 2013 through April 5, 2013 (State Clearing House #: 2013031017).
 - f) Evidence that has been received and considered includes: the application, technical studies/reports (*see Finding 2/Site Suitability*), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN120276) and are hereby incorporated herein by reference.
 - g) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Game (CDFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. For purposes of the Fish and Game Code, the project may have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. The Initial Study was sent to the California Department of Fish and Game for review, comment, and to recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).
 - h) No comments were received from the public or from governmental

agencies.

- i) The Monterey County Planning Department, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.
- j) The project includes Combined Development Permit consisting of: 1) Coastal Administrative Permit and Design Approval to allow the construction of a 4,338 square foot two-story single family dwelling including an attached 509 square foot garage, a 216 square foot second story deck, and 1,412 square feet of flatwork including an at grade patio, concrete paver driveway and walk ways; 2) Coastal Development Permit to allow the conversion of an existing 1,603 square foot single family dwelling into a 423 square foot guesthouse, conversion of 1,004 square feet into an art studio and 176 square feet of storage and allow the structure to exceed the 12 foot height limit by 10 feet; and demolish an existing 360 square foot guesthouse within an existing 845 square foot structure retaining 485 square feet of the structure as a detached garage; 3) Coastal Development Permit to allow development within 100-feet of Environmentally Sensitive Habitat; and 4) Coastal Development Permit to allow development within 750 feet of a known archaeological resource; Grading to include approximately 260 cubic yards of cut and 260 cubic yards of fill.
- k) The project planner conducted a site inspection in August of 2012 and November of 2012 no adverse environmental effects were identified during staff review of the development application. Staff confirmed the circumstances and conditions of the site were correctly conveyed on the plans and in the reports
- l) See preceding findings 1, 2, 3 and supporting evidences the materials and reports contained within the file PLN120276.

8. 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, and does not interfere with any form of historic public use or trust rights.

EVIDENCE:

- a) No access is required as part of the proposed project as the project will not have an adverse impact on existing coastal access, either individually or cumulatively, as described in Section 20.146.130 of the Monterey County Coastal Implementation Plan.
- b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3 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) The application, plans, and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN120276.
- e) The project planner conducted a site inspection in August of 2012 and November of 2012.

9. FINDING:

APPEALABILITY - The decision on this project may be appealed to

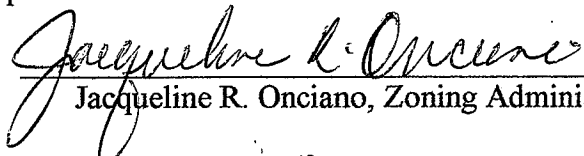
- EVIDENCE:** a) the Board of Supervisors and the California Coastal Commission
BOARD OF SUPERVISORS
Section 20.86.030.a Monterey County Zoning Ordinance.
- b) **CALIFORNIA COASTAL COMMISSION**
Section 20.86.080.1, Monterey County Zoning Ordinance. The project is appealable to the California Coastal Commission because the project is located between the sea and the first through road paralleling the sea. Spindrift Road is the first through public road paralleling the sea in the project area.

DECISION

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

- A. Adopt a Negative Declaration for the Raley project; and
- B. Approve a Combined Development Permit consisting of: 1) Coastal Administrative Permit and Design Approval to allow the construction of a 4,338 square foot two-story single family dwelling including an attached 509 square foot garage, a 216 square foot second story deck, and 1,412 square feet of flatwork including an at grade patio, concrete paver driveway and walk ways; 2) Coastal Development Permit to allow the conversion of an existing 1,603 square foot single family dwelling into a 423 square foot guesthouse conversion of 1,004 square feet into an art studio and 176 square feet of storage and allow the structure to exceed the 12 foot height limit by 10 feet; and demolish an existing 360 square foot guesthouse within an existing 845 square foot structure retaining 485 square feet of the structure as a detached garage; 3) Coastal Development Permit to allow development within 100-feet of Environmentally Sensitive Habitat; and 4) Coastal Development Permit to allow development within 750 feet of a known archaeological resource; Grading to include approximately 260 cubic yards of cut and 260 cubic yards of fill in general conformance with the attached sketch and subject to the conditions all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 11th day of April 2013


Jacqueline R. Onciano, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON APR 16 2013

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 APR 26 2013

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 the Monterey County Planning Department and Building Services Department office in Salinas.

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

Monterey County Planning Department
Condition of Approval Implementation Plan/Mitigation
Monitoring Reporting Plan

PLN120276

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

This permit is a Combined Development Permit consisting of: 1) Coastal Administrative Permit and Design Approval to allow the construction of a 4,338 square foot two-story single family dwelling including an attached 509 square foot garage, a 216 square foot second story deck, and 1,412 square feet of flatwork including an at grade patio, concrete paver driveway and walk ways; 2) Coastal Development Permit to allow the conversion of an existing 1,603 square foot single family dwelling into a 423 square foot guesthouse, conversion of 1,004 square feet into an art studio and 176 square feet of storage and allow the structure to exceed the 12 foot height limit by 10 feet; and demolish an existing 360 square foot guesthouse within an existing 845 square foot structure retaining 485 square feet of the structure as a detached garage; 3) Coastal Development Permit to allow development within 100-feet of Environmentally Sensitive Habitat; and 4) Coastal Development Permit to allow development within 750 feet of a known archaeological resource; Grading to include approximately 260 cubic yards of cut and 260 cubic yards of fill. The property is located at 170 Spindrift Lane, Carmel (Assessor's Parcel Number 241-321-002-000), Carmel Highlands Area, Carmel Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.
(RMA - Planning Department)

**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: Planning Department

Condition/Mitigation The applicant shall record a Permit Approval Notice. This notice shall state:

Monitoring Measure: "A Combined Development Permit (Resolution Number 13-014) was approved by the Zoning Administrator for Assessor's Parcel Number 241-321-002 on April 11, 2013. The permit was granted subject to 18 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department."

Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.
(RMA - Planning Department)

Compliance or Monitoring Prior to the issuance of grading and building permits or commencement of use, the
Action to be Performed: Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

3. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

Condition/Mitigation The property owner agrees as a condition and in consideration of approval of this discretionary
Monitoring Measure: 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 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, 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.
(RMA - Planning Department)

Compliance or Monitoring Upon demand of County Counsel or concurrent with the issuance of building permits, use of the
Action to be Performed: property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA-Planning Department.

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

Responsible Department: Planning Department

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. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery.
(RMA - Planning Department)

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 the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered." When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

5. PD016 - NOTICE OF REPORT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:
"The following reports have been prepared for this parcel:
-"Biological Assessment" (LIB120257) prepared by Jeffrey B. Froke, Ph.D., Pebble Beach, CA, November 21, 2011;
-"Arborist Tree Assessment" (LIB120259) prepared by Maureen Hamb, Santa Cruz, CA, June 29, 2012;
-"Archaeological Assessment" (LIB120256) prepared by Archaeological Consulting, Salinas, CA, November 7, 2011;
-"Geotechnical Engineering Report & Supplemental Bluff Retreat Study" (LIB120258) prepared by Earth Systems Pacific, Salinas, CA, December 2, 2011 and October 31, 2012; and
-"Historical Assessment" (LIB13) prepared by Anthony Kirk, Ph.D. Santa Cruz, CA, October 31, 2012;
and are on file in the Monterey County RMA - Planning Department. All development shall be in accordance with these reports." (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, the Owner/Applicant shall submit proof of recordation of this notice to the RMA - Planning Department. The language of this condition shall be included as a note on all grading and building plans.

Prior to occupancy, the Owner/Applicant shall submit proof, for review and approval, that all development has been implemented in accordance with the report to the RMA - Planning Department.

6. PD017 - DEED RESTRICTION-USE

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: (NON-STANDARD) Prior to issuance of a building permit the applicant shall record a deed restriction stating that:
"Combined Development Permit PLN120276 (Resolution No. XXX) allowed the conversion of 1,004 square feet of the original single family dwelling to be used as an art studio and home office. No other use of this area is permitted. Use of the art studio/home office for dwelling or sleeping uses, whether temporary or permanent, is not permitted."
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/Applicant shall submit the signed and notarized document to the Director of RMA-Planning Department 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 the RMA-Planning Department.

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

Responsible Department: Planning Department

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 nor be more than one story.

(RMA - Planning Department)

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 the Director of RMA-Planning Department 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 the Director of the RMA-Planning Department.

8. PD014(B) - LIGHTING-EXTERIOR LIGHTING PLAN (VS & RIDGELINE)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: (NON-STANDARD) All exterior lighting shall be adequately shielded or shall be designed at near-ground level and directed downwards to reduce its long-range visibility. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior lighting shall have recessed lighting elements. Exterior light sources that would be directly visible from when viewed from a common public viewing area, as defined in Section 20.06.195, are prohibited. Non-reflective and/or tinted glass materials shall be utilized for skylights and windows. The applicant shall submit three (3) copies of exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to issuance of building permits.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.

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

9. PD009 - GEOTECHNICAL CERTIFICATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report.
(RMA - Planning Department and Building Services Department)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the Owner/Applicant/Geotechnical Consultant shall submit certification by the geotechnical consultant to the RMA-Building Services Department and the RMA-Planning Department showing project's compliance with the geotechnical report.

10. PD010 - EROSION CONTROL PLAN

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: (NON-STANDARD) Erosion Control Plan shall be prepared to include temporary and permanent measures to prevent any debris, rocks or earth materials from being transported off the site or into the ocean. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and the Director of RMA- Building Services. Temporary and permanent erosion control plantings shall utilize appropriate native species. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA-Planning and Director of RMA - Building Services.

The language of this condition shall be included as a note on all grading and building plans.

(RMA - Planning Department and RMA - Building Services Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, the Owner/Applicant shall submit an Erosion Control Plan to the RMA-Planning Department and the RMA-Building Services Department for review and approval.

The Owner/Applicant, on an on-going basis, shall comply with the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA-Planning and Director of RMA-Building Services.

Prior to final building inspection, the Owner/Applicant shall demonstrate to the Director of RMA-Planning that all permanent erosion control measures have been implemented as approved in the Erosion Control Plan.

11. PDSP001 - LANDSCAPE PLAN & MAINTENANCE (SFD NON-STANDARD)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The site shall be landscaped with the use of native plant material. The landscaping plan shall be designed to establish a native habitat along the western side of the property and particularly along the top of the Bluff. The Landscape Plan shall be revised and approved by a County approved Biologist. The plant material may be established with drip irrigation, spray irrigation shall not be used within 50 feet of the bluff. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The final landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall include an irrigation plan. The final plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, either landscaping shall be installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit the final landscape plans and contractor's estimate to the RMA - Planning Department for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."

The language of this condition shall be included as a note on all building or grading plans.

Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall ensure that either the landscaping shall be installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department.

On an on-going basis, all landscaped areas and fences and restored native vegetation shall be continuously maintained by the Owner/Applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

12. PDSP002 - CONSTRUCTION MANAGEMENT PLAN (NON-STANDARD)

Responsible Department: Planning Department

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

1) Duration of construction, an estimate of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, location of truck staging and best management practices to be implemented throughout the project.

2) To protect the ESHA in the intertidal areas and the kelp beds prior to any grading or construction work, a construction barrier shall be designed and installed a minimum of 15 feet from the bluff top, to stop all construction materials and waste from entering the ESHA. The barrier shall be at least 5 feet in height and shall extend from north of the guesthouse demolition to the southern property. If during the construction period, the design of the fence proves to be inadequate to protect the sensitive resources of the ESHA, the fence shall be redesigned and reinstalled immediately. All construction materials must always be secured and stored properly on the site to prevent blowing or falling into the ocean, even when they are in use. The job must remain debris/garbage free at all times, day or night. All garbage shall be bagged and hauled away daily, or completely secured.

3) Hours of operation shall be as described in the building permit as a note. That during the grading and construction work shall be limited to Monday through Friday from 8am-5pm. Any alteration in hours of operation/work must first be approved by the Director of Planning.

Compliance or Monitoring Action to be Performed: Prior to the issuance of a Construction Permit, a Construction Management Plan (CMP) shall be prepared. The Construction Management Plan must be reviewed and approved by a County-approved biologist/Forester or arborist prior to submitting the plan for review and approval by the RMA-Building Services Department and Planning Department.

Prior to commencement of work or issuance of grading and building permits, a pre construction meeting with the grading and building contractors and the RMA-Planning Department is required to review the requirements set under the approved CMP. On an on-going basis, the Owner/Applicant shall demonstrate compliance with the CMP to the Director of RMA-Planning Department.

13. PDSP003 - COMPLY WITH DEVELOPMENT STANDARDS (NON-STANDARD)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The proposed single family residence shall conform to all of the development standards of the Low Density Residential Zoning District (Section 20.14.060), including but not limited to the requirement for a 30-foot front setback from the edge of any road right-of-way.

Compliance or Monitoring Action to be Performed: Prior to the issuance of a grading or building permit the Applicant/Owner shall submit construction plans to the RMA-Planning Department for review and approval that demonstrate that the proposed single family residence is designed to comply with all of the Low Density Residential Zoning District Development Standards pursuant to Section 20.14.060.

Prior to the foundation inspection for the single family residence, the Applicant/Owner shall submit evidence from a licensed civil engineer or surveyor to verify that the structure complies with the approved setback from the edge of the road right-of-way as shown on the approved construction plans.

14. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire on April 11, 2016 unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

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 the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.

15. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule.

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

16. WR049 - WATER AVAILABILITY CERTIFICATION

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide the Monterey County Water Resources Agency proof of water availability in the form of a complete Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permit, the owner/applicant shall submit a Water Release Form to the Water Resources Agency for review and approval.

A copy of the Water Release Form can be obtained at the Monterey Peninsula Water Management District, the Water Resources Agency, or online at:
www.mcwra.co.monterey.ca.us.

17. WR001 - DRAINAGE PLAN

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide a drainage plan, prepared by a registered civil engineer or licensed architect, to mitigate on-site and off-site impacts from impervious surface stormwater runoff. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permit, the owner/applicant shall submit a drainage plan with the construction permit application.

The Building Services Department will route a plan set to the Water Resources Agency for review and approval.

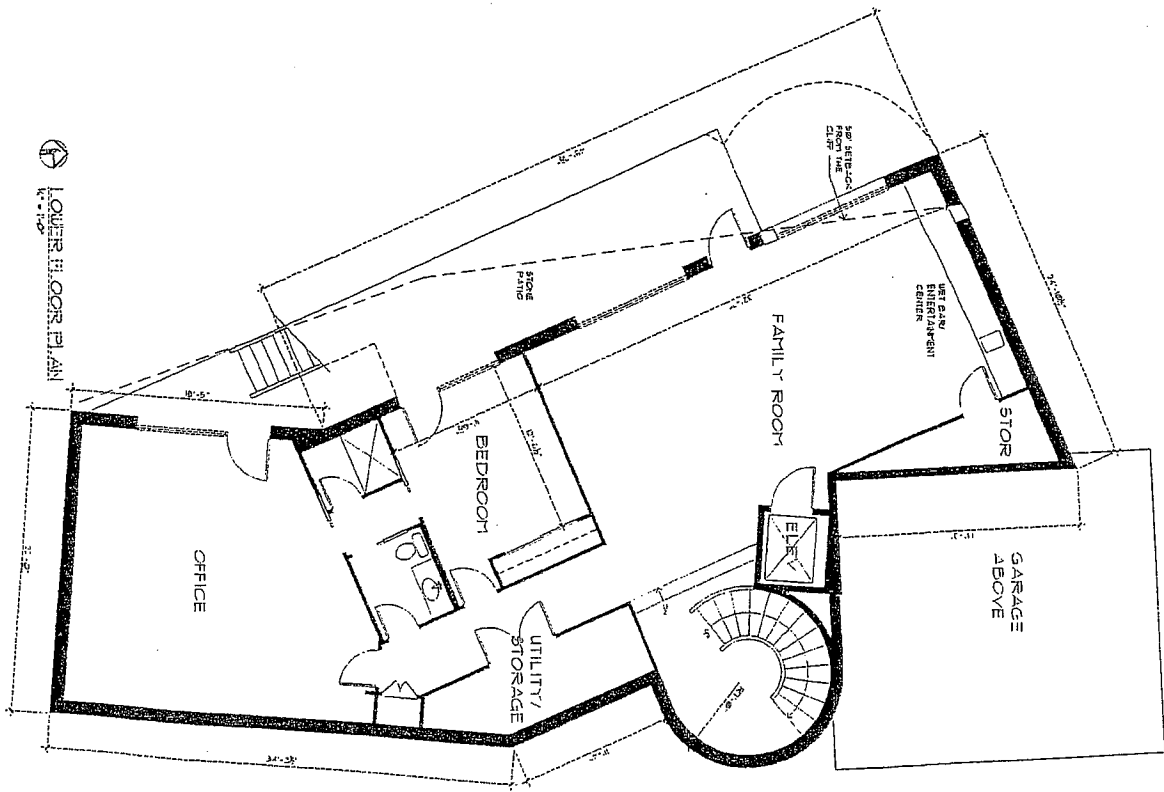
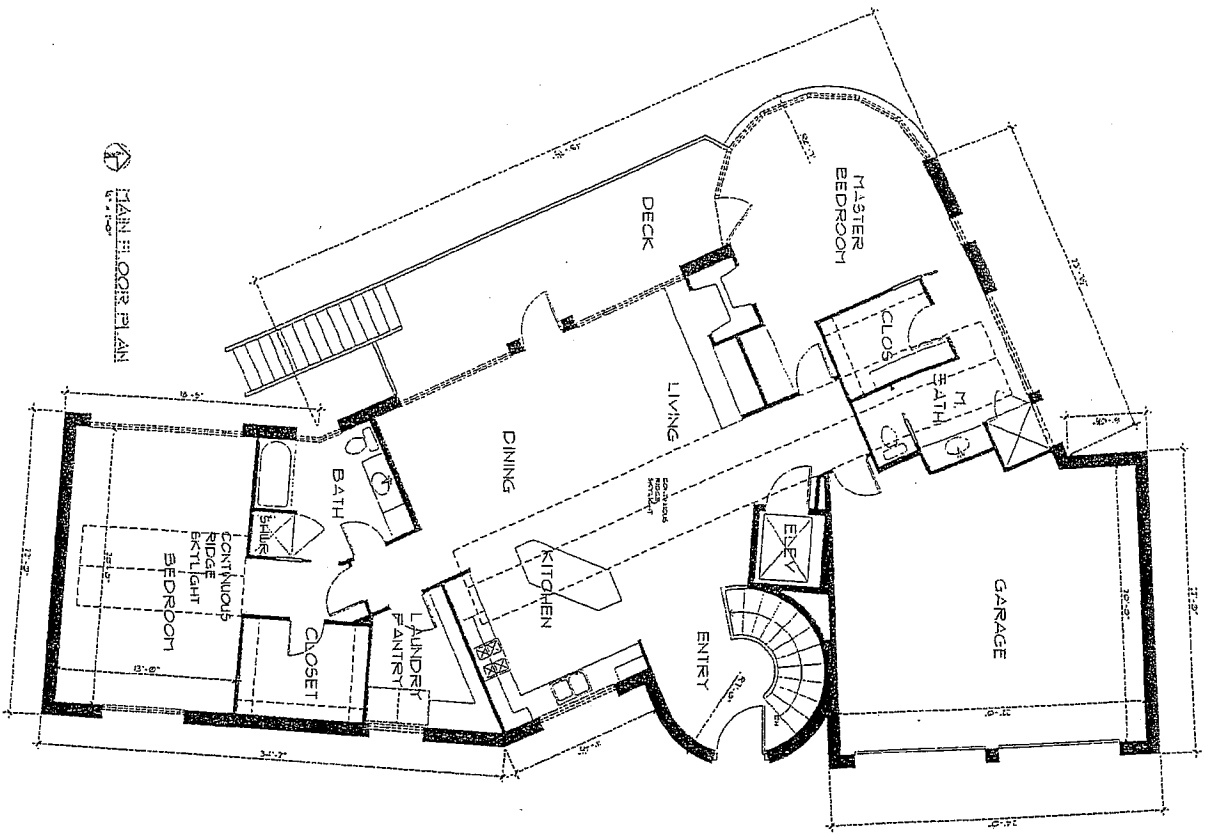
18. FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (Carmel Highlands Fire Protection District)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of building permit the applicant or owner shall enumerate as "Fire Dept. Notes" on plans.
2. Prior to framing inspection the applicant or owner shall schedule fire dept. rough sprinkler inspection.
3. Prior to final building inspection the applicant or owner shall schedule fire dept. final sprinkler inspection.



SHEET NO. **A-2**
 OF FIVE SHEETS

FLOOR PLANS

DATE: 10/02
 PROJECT NO.:
 DESIGN BY:
 SHEET TITLE:

NEW RESIDENCE FOR:
Mr. & Mrs. Richard Raley
 170 SONDRIFF LANE
 CARREL HIGHLANDS
 APN 741-37-007

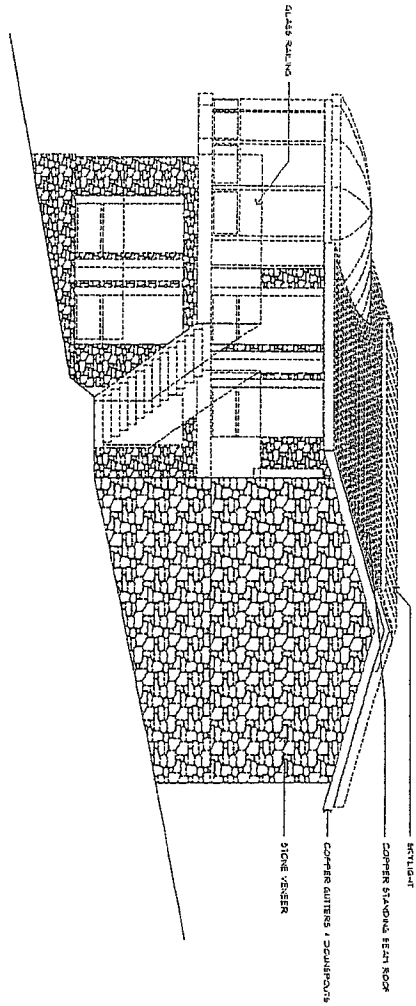
WILLIAM C MEFFORD
 ARCHITECT

P.O. BOX 1072 PACIFIC GROVE, CA 93950
 (408) 377-4367 100% RES. & F-22061

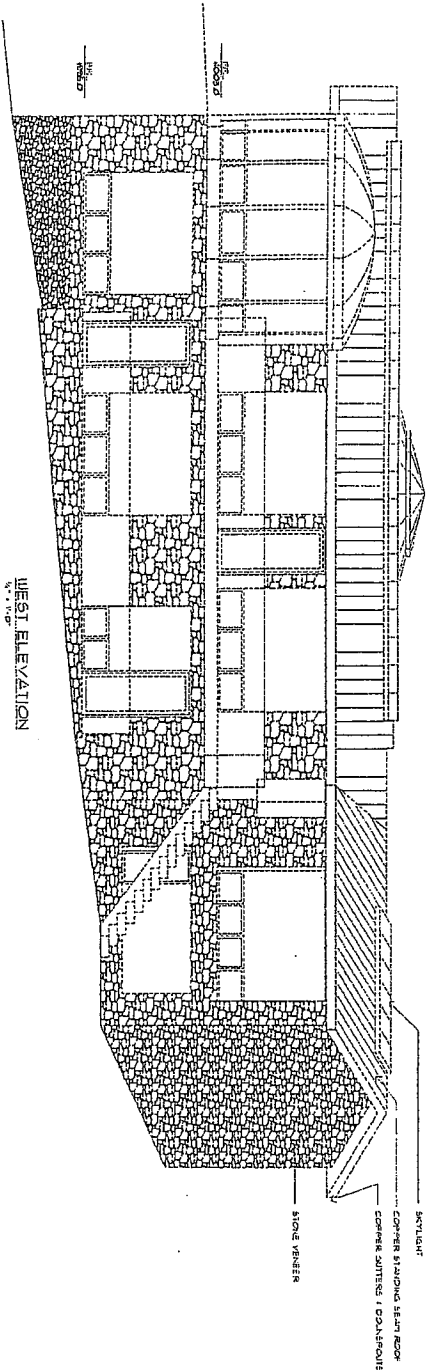
REVISIONS

NO.	DATE

SOUTH ELEVATION
1/4" = 1'-0"



WEST ELEVATION
1/4" = 1'-0"



REVISIONS

NO. DATE

WILLIAM C MEFFORD

ARCHITECT

P.O. BOX 1072 PACIFIC GROVE, CA 93950
(805) 772-4567 LICENSE # C-22895

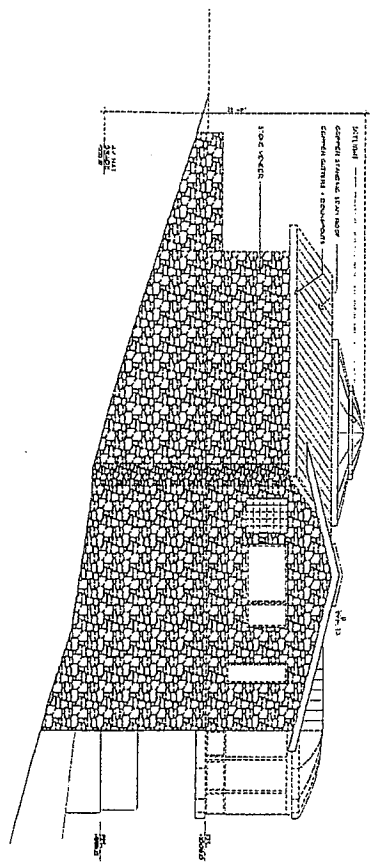
NEW RESIDENCE FOR:

Mr. & Mrs. Richard Raley

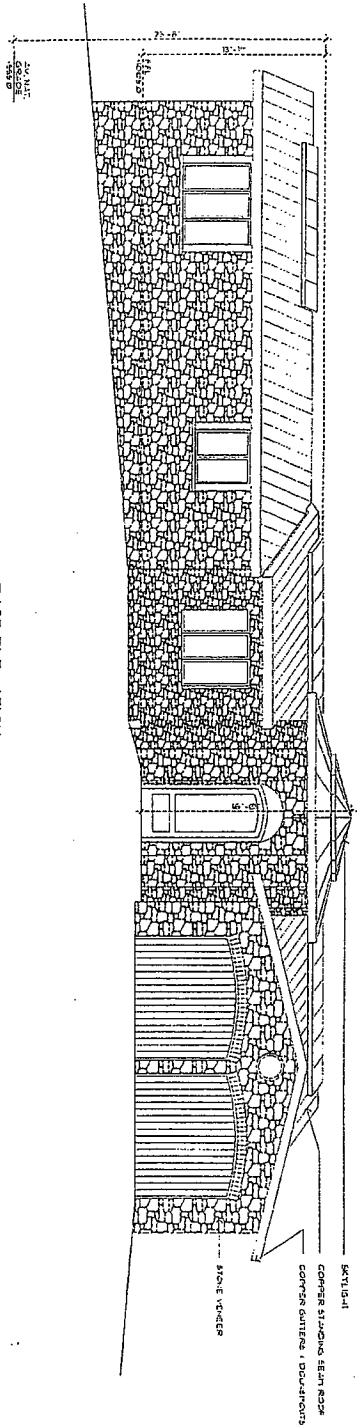
170 SPINDRIFT LANE CARMEL HIGHLANDS
APN 241-37-007

DATE: 11/22/22
PROJECT NO.:
SHEET NO.:
SHEET TITLE:
ELEVATIONS

SHEET NO. A-4
OF FIVE SHEETS



NORTH ELEVATION
1" = 1'-0"



EAST ELEVATION
1" = 1'-0"

WILLIAM C. METFORD

ARCHITECT

PE BOX 1076 PACIFIC GROVE, CA 93955
 (831) 373-4567

REVISIONS
 NO. DATE

NEW RESIDENCE FOR
 Mr. & Mrs. Richard Raley
 10 SPINDRIFT LANE CARMEL HIG-LANDS
 AER 241-371-002

DATE: 10/10/76
 PROJECTED: 10/10/76
 DESIGN: 10/10/76
 CHECKED BY: 10/10/76
 SHEET TITLE: ELEVATIONS

SHEET NO.
 A-3
 OF 100 SHEETS

[illegible]

A R L H I I L C T

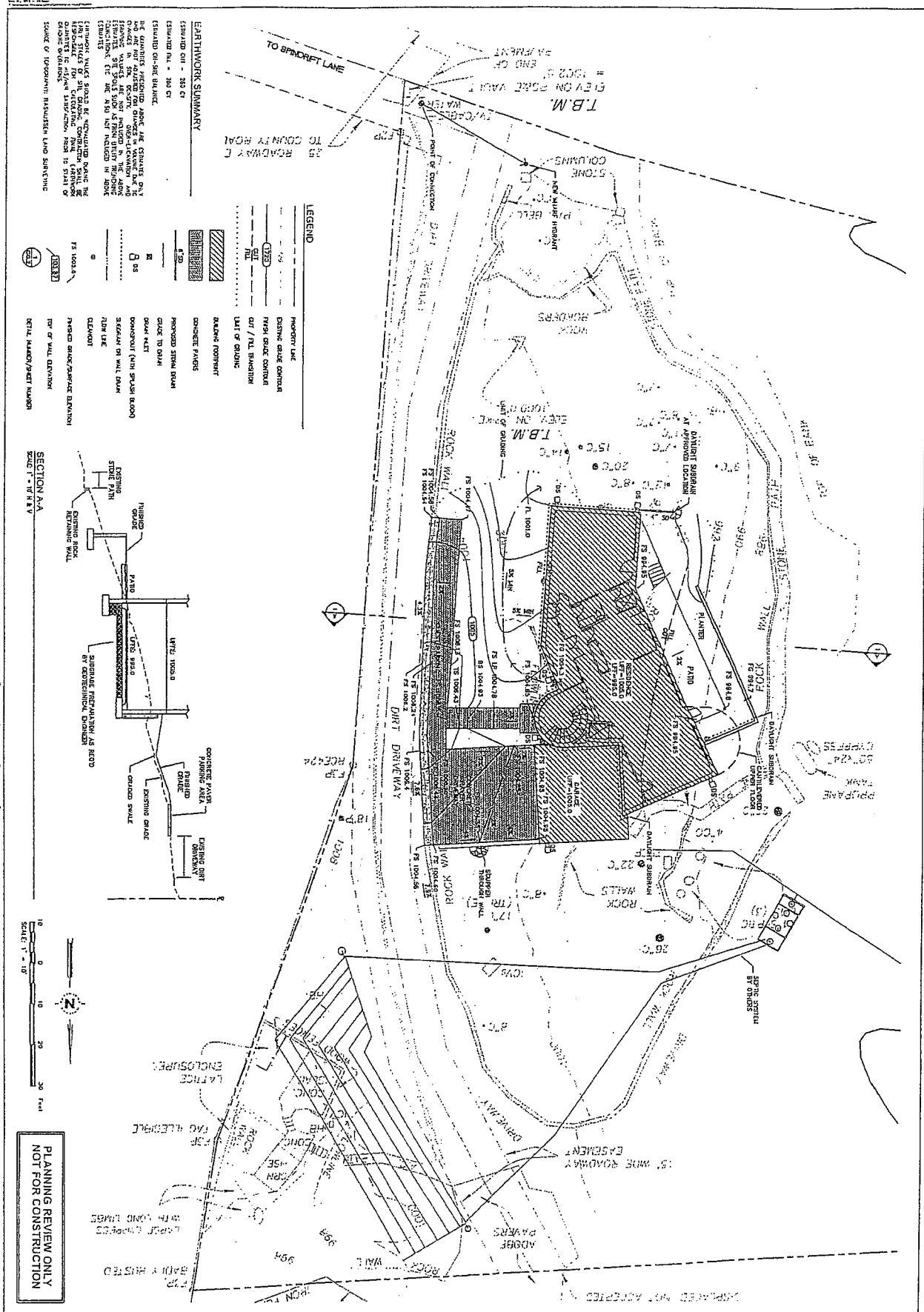
APN 741-371-007

SHEET NO. **A-6**
OF SIX SHEETS

[illegible][illegible][illegible][illegible][illegible][illegible]

20 0 20 40 60 F^*

SCALE: 1" = 20"



- IRRIGATION NOTES**
- CONCEPT: THIS WHOLE AREA IS TO BE ZERO SCAPE PLANTING WITH NO WATERING BY THE SECOND YEAR. NEW AREA TO BE WATERED WITH ONLY SUPPLEMENTARY SPRINKLERS FOR THE MONTHS OF JULY AND AUGUST.
 - MANUAL 4 STATION TIMER IN MAIN HOUSE
 - HANDIE 1/2" SLOTTED VALVES WITH FLUSH FILTERS
 - 1/2" SLOTTED VALVES WITH FLUSH FILTERS
 - WATER PUMP WITH CUSTOMER SPEAKERS

NOTE: ALL STONES FROM STONE AND ORIGINAL YARD TO BE SAVED AND REUSED INTO NEW LANDSCAPE
 ALL POLICE AT AREA OF CONSTRUCTION TO BE TRANSFERRED TO NEW AREA.

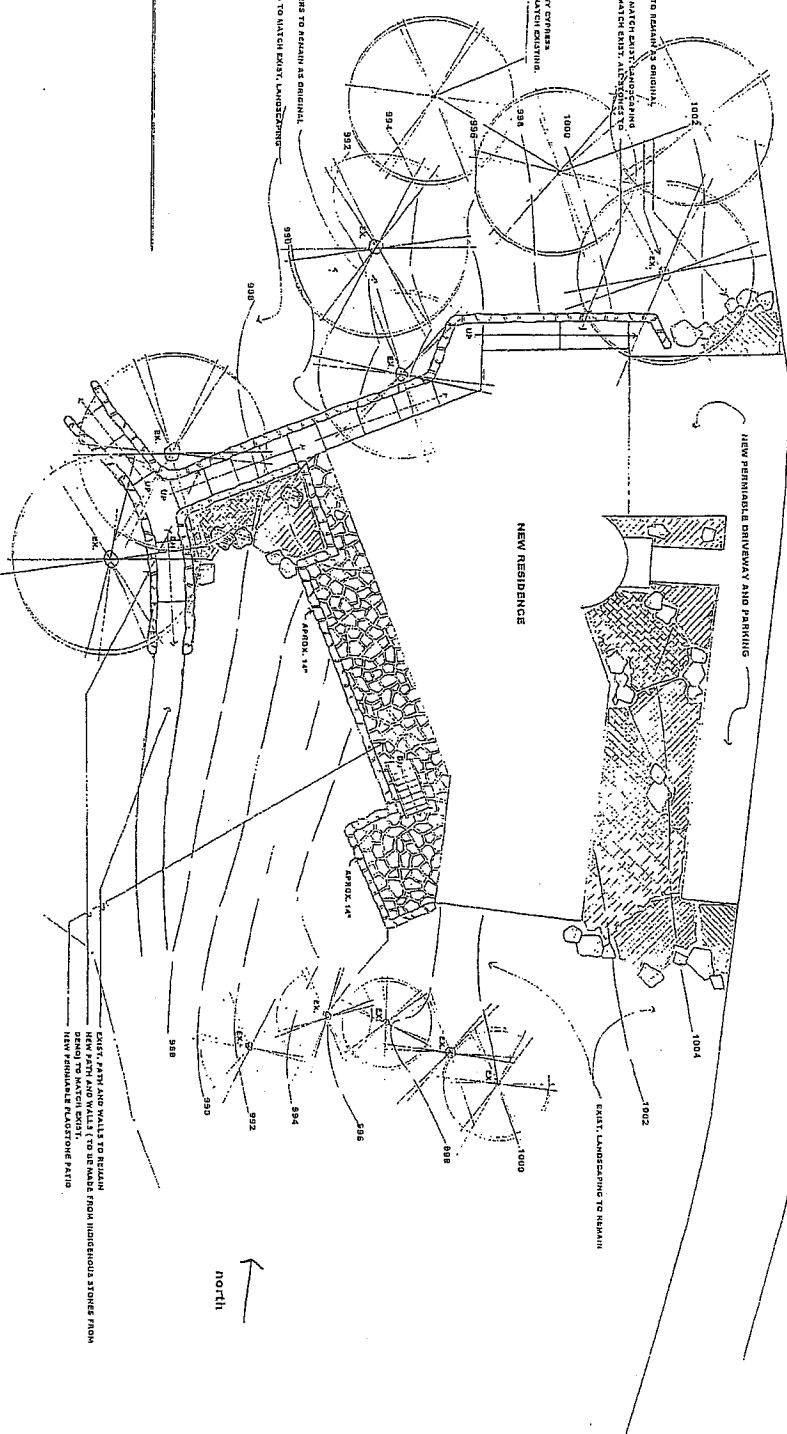
NOTE: THIS NEW 30' x 60' HORTICULTURE SYSTEM (COMPENSATING MACROCLIMA 1-TO MATCH EXISTING)

NOTE: THIS NEW 30' x 60' HORTICULTURE SYSTEM (COMPENSATING MACROCLIMA 1-TO MATCH EXISTING)

NOTE: THIS NEW 30' x 60' HORTICULTURE SYSTEM (COMPENSATING MACROCLIMA 1-TO MATCH EXISTING)

LANDSCAPE PLAN

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



PLANT INDEX.

VARIETY	NAME	HIGHT	SIZE
SLABBER DART	EMERSON GLANDUS	5'-FT.	10L.
SUCCEDEAE	ACERINUS	6'-FT.	6'x6'
GLASSER	CAREX	6'-FT.	10L.

CONCEPT: ALL POLICE TO BE ZERO SCAPE IN STYLE AND WATER PLANTING. NEW AREA TO BE WATERED WITH ONLY SUPPLEMENTARY SPRINKLERS FOR THE MONTHS OF JULY AND AUGUST. IS TO CONSIDER OF THIER CLASSIFICATION. INSULATED GARDENS, GASS GARDENS AND TRAILING COASTAL BRIDGES.

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