JEFF MAIN ZONING ADMINISTRATOR COUNTY OF MONTEREY STATE OF CALIFORNIA

RESOLUTION NO. 060735

A. P. # 009-442-013-000

In the matter of the application of **Dale Skeen and Jo Mei Chang (PLN060735)**

FINDINGS AND DECISION

for a **Combined Development Permit** in accordance with Title 20 (Zoning) Chapter 20.76 (Combined Development Permits) of the Monterey County Code, consisting of: (1) a Coastal Administrative Permit to allow for the construction of a new 2,950 square foot two-story single family dwelling with a 545 square foot attached garage and 990 cubic yards of cut for basement excavation; (2) a Coastal Development Permit for development within 750 feet of a known archaeological resource; and (3) a Design Approval. The property is located on 26327 Scenic Road, Carmel, Carmel Land Use Plan, and came on regularly for meeting before the Zoning Administrator on January 31, 2008.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

- 1. **FINDING:** CONSISTENCY The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Carmel Land Use Plan, The Coastal Implementation Plan Part 4, and the Monterey County Zoning Ordinance (Title 20), which designates this area as appropriate for development.
 - EVIDENCE: (a) Plan Conformance The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. Communications were received during the course of review of the project indicating possible inconsistencies with the text, policies, and regulations in these documents. These comments were considered and the project was found to be consistent with the above mentioned criteria given the evidence in the record.
 - (b) Zoning Consistency. The project is located on a 4,700 square foot vacant lot located at 26327 Scenic Road, Carmel (Assessor's Parcel Number 009-442-013-000), Carmel Land Use Plan area, Coastal Zone. Zoning for this lot is MDR/2-D(18)(CZ), which allows the first single family dwelling per legal lot of record (Section 20.12.040.A) subject to a Coastal Administrative Permit in each case. Therefore, the property is suitable for development of a new single family home. Site development standards including setbacks, height, building site coverage, and floor area ratio are all met.
 - (c) <u>Site Visit</u> The project planner conducted a site inspection on August 1, 2007 to verify that the project on the subject parcel conforms to the project plans. Minor modifications have been made to the plans including revised elevations to reduce the plate height at the master bedroom and to the site plan to clarify retaining wall heights, fences, and guardrails. The current plans and project design are attached hereto as Exhibit F.
 - (d) <u>Visual Resources</u> As designed, conditioned, and mitigated the project is consistent with the Carmel Coastal Implementation Plan policies (CIP part 4) dealing with viewshed from Scenic Road (20.146.030 CIP part 4). Surrounding properties are developed with dwellings of similar size and character making up much of the view on the eastern side of Scenic Road. The project will harmonize with the existing character of the neighborhood and scenery using natural earth toned colors (Policy 2.2.3.6 LUP). Condition 10 is a standard condition to require visually sensitive exterior lighting (Policy 2.2.3.10.d LUP). The project building site is not located on the crest of a hill and would not result in

- ridgeline development (Policy 2.2.3.10.a LUP). The proposed dwelling is within the 18 foot height limit from average natural grade (determined to be the 38.89 elevation) required by the parcel's zoning. The new dwelling will be visible from Carmel Stat beach and Scenic Road within a setting consisting of established residential dwellings of similar character.
- (e) Geology & Soils. The site is within 1/8 mile of a potentially active fault and the design includes a garage and basement space to be contained entirely below grade. A geological and geotechnical investigation was prepared for the project by Grice Engineering (Policy 2.7.3.1 LUP). Follow up letters were provided to address potential impacts to neighboring properties due to close proximity of retaining walls to the property lines. A separate report was submitted, prepared by Haro, Kasunich, and Associates, Inc to address concerns and requirements not addressed in the Grice Report. The depth of grading and the small lot size required that potential impacts to neighboring structures be mitigated. It was found that compliance with the reports and the implementation of mitigation for temporary shoring would adequately protect the residence of the proposed structure and neighboring structures. Conditions and Mitigation requiring conformance to the report, temporary shoring, and best management practices have been incorporated (Condition #'s 11, 15, & 25).
- (f) <u>Drainage & Erosion Control</u> Geotechnical and Geological Reports submitted for the proposed residence indicate that due to the depth of the cut required for the basement and garage, ground water may be encountered during construction activities. A drainage plan was submitted for the proposed project prepared by a registered Civil engineer that requires groundwater encountered in the excavated area be pumped to a sediment trap and then into an on-site detention basin. If standing water is encountered during basement excavation the foundation can still be poured using the Tremmie process that displaces water that can be filtered through the construction drainage system. Excavated dirt will be exported from the site to a location permitted to receive fill material. The grading department, soils engineer, and conditions of approval require compliance with the drainage plans approved by the Water Resources Agency (Condition #'s 8, 15, & 17).
- (g) Archaeological Resources An archaeological survey was required for development due to its location in a high archaeological sensitivity zone as mapped on current county resource maps (Section 20.146.090 CIP). A Preliminary Cultural Resources Reconnaissance prepared by Archaeological Consulting, dated March 25, 1999, concluded that the project area contains potentially significant archaeological resources. An updated Archaeological Report, dated January 17, 2007, by Archaeological Consulting indicates, based on testing performed in 1999 (which did not reveal significant resources), that construction should be allowed to proceed without further archaeological investigation; however, a possibility still exists that, during construction, previously unidentified or unexpected resources may be discovered. Mitigation measures reduce potential impacts to archaeological resources to a less than significant level by requiring an archaeological monitor during earth disturbing (Condition #'s 3 & 24).
- (h) Water Availability Water for the subject property was purchased from Robles Del Rio. Under the terms of the settlement agreement resulting from the Robles Del Rio water credit auction the subject property (Assessor's Parcel Number 009-442-013-000) is listed as a transferee on said settlement. This settlement requires initial approval from Monterey County, on or before one year after the date that the agreement dated January 18, 2002. Approval of a project was obtained for the subject property (Approval Resolution

Number 00-258/Archer), within the required timeframe, releasing the water allocation rights afforded to the transferees to the land. These water credits do not have an expiration date and run with the land in perpetuity. Another stipulation in the settlement was to provide the County with a copy of a fully executed water use monitoring agreement, which also has been completed. Therefore, the subject property complies with the terms of the settlement agreement and water rights at the subject property (Assessor's Parcel Number 009-442-013-000) remain valid. Furthermore, Condition 19 requires the applicant to obtain proof of water availability and submit it to the Water Resources Agency prior to issuance of permits. A condition of Board Resolution (No. 00-373) was that the water credits could not be released to a transferee that has undergone the CEQA environmental review as required by CEQA and was found to have the potential for significant adverse environmental impact. As shown below in the CEQA Finding #3 all potentially significant environmental impacts for the identified topics are mitigated below a level of significance and for other topics impacts were less than significant based on evidence presented in the accompanying initial study.

- (i) <u>LUAC</u> The project was referred to the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) for review. On May 21, 2007 the LUAC reviewed and recommended approval (5-0 vote) of the Combined Development Permit raising minor concerns with the appearance of the retaining walls. The retaining walls will be finished with stucco consistent with the color and material samples submitted for the proposed dwelling.
- (j) <u>Application</u> 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 PLN060735.
- 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, Carmel Highlands Fire Protection District, Public Works, Environmental Health Division, and the 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) Technical reports by outside archaeological and geological consultants indicated that there are not physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs. The following reports have been prepared:
 - "Preliminary Cultural Resources Reconnaissance" (LIB070152)_prepared by Archaeological Consulting, Salinas, CA, March 25, 1999 and follow up reports dated September 29, 1999 and January 17, 2007.
 - "Geotechnical and Geological Hazards Report" (LIB070151) prepared by Grice Engineering, Inc., Salinas, CA, dated January 2007 and follow up letter dated July 24, 2007.
 - "Geotechnical Response to Four Specific County Questions" (LIB070652) prepared by Haro, Kasunich and Associates, Inc. dated November 27, 2007.
 - c) Conditions are included that require submittal and approval of information to, and by, the appropriate agencies involved prior to the issuance of building or grading permits. These documents include:
 - Erosion Control Plans and Schedule (Condition 8)

- Landscape Plans (Non-Standard) (Condition 9)
- Construction Management Plans (Non-Standard) (Condition 15)
- Drainage Plans (Condition 17) and
- Shoring Plans (Mitigation Measure 3, Condition 25)

Information has been provided indicating that these requirements can be satisfied using standard practices and procedures.

- (d) Staff conducted a site inspection on August 1, 2007 to verify that the site is suitable for this use.
- (e) The Skeen & Chang property (APN: 009-442-013-000) is a legal lot of record created by Carmel-By-The-Sea Addition Number 7 in 1908 and is zoned for residential use.
- (f) Materials in Project File PLN060735.
- 3. **FINDING:** CEQA INITIAL STUDY/MITIGATED NEGATIVE DECLARATION: On the basis of the whole record before the Zoning Administrator 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) Initial Study. The Resource Management Agency Planning Department prepared an initial study pursuant to CEQA that reflects the independent judgment and analysis of the County. This Initial Study identified the potential for impacts to archaeological resources, air quality, and geology and soils on the site. The applicant has agreed to mitigation measures that avoid or mitigate the effects to a less than significant level. Therefore, a Mitigated Negative Declaration was prepared and is hereby incorporated by reference.
 - (b) <u>Mitigated Negative Declaration (Original)</u>. A Mitigated Negative Declaration was filed with the County Clerk on September 24, 2007, noticed for public hearing and circulated to the State Clearing House from September 24, 2007 to October 24, 2007. Among the studies, data, and reports analyzed as part of the environmental determination are the following:
 - 1. Preliminary Cultural Resources Reconnaissance of Assessor's Parcel Number 009-442-013-000, Carmel, by Mary Doane B.A and Trudy Haverst, RPA (March 25, 1999), Including follow up letters prepared by Gary Breshini, Ph.D. (September 29, 1999 and January 17, 2007).
 - 2. Geotechnical and Geological Hazards Report for the proposed residence, 26327 Scenic Road, by Grice Engineering and Geology Inc. (January 2007).

The County of Monterey is the custodian of these documents, which are located at the Resource Management Agency – Planning Department 168 West Alisal 2nd floor, Salinas, California. Analysis of impacts in the Initial Study determined that although the project could have significant impacts, by incorporating standard conditions of approval required by County Code and recommended mitigation measures, potential impacts of the proposed project can be reduced to a level of insignificance.

Based on information submitted at the Zoning Administrator hearing on November 8, 2007 the MND was revised and re-circulated for public comment (See Evidence c below).

(c) <u>Mitigated Negative Declaration (Revised)</u> Following the comment period and the Zoning Administrator hearing on November 8, 2007, changes were made to the Mitigated Negative Declaration which required that the MND be re-circulated pursuant to Section 15073.5 of

- CEQA. On December 5, 2007 a new Mitigated Negative Declaration was filed with the County Clerk, noticed for public hearing, and circulated to the State Clearing House from December 7, 2007 to January 7, 2008. Changes from the original document were mainly to the Air Quality analysis and the Geologic and Soils analysis where a mitigation measure was added based on the geotechnical report submitted November 27, 2007 prepared by Haro, Kasunich, and Associates, Inc. Among the new studies, data, and reports analyzed as part of the environmental determination are the following:
- 1. Response to Four Specific Questions, prepared by Haro, Kasunich, & Associates Inc. dated November 27, 2007.
- 2. Civil Improvements, prepared by Benjamini Associates, Inc. dated November 2007.
- (d) Comments were received from neighbors objecting to the proposed project based on the height of the proposed structure relative to the average natural grade calculations, the size, bulk, and mass of the proposed structure, potential impacts to archaeological resources. Comments suggested that the initial study is inadequate and that an Environmental Impact Report should be prepared. Finding 1 above addresses how the project is consistent with the Land Use Plan policies as well as development standards in the Coastal Implementation Plan. Other comments contend that the MND prepared for the project is inadequate citing concerns with the description on the Notice of Completion, project plans attached to the MND, inconsistency with the engineer's report and the MND on the drainage discussion, lack of specifics on the design of drainage facilities and the temporary shoring technique, grading quantities, natural grade calculations, stability of neighboring structures, impacts of construction equipment on Scenic Road, and water supply. These issues have been address in the staff report and revised MND. All potential impacts have been identified with supporting data from technical experts. Mitigation measures are included reduce impacts to a less than significant level.
- (e) Areas of discussion in the Initial Study where there is the potential for a significant environmental impact include Aesthetics, Air Quality, Cultural Resources, and Geology and Soils. All impacts were found to be less than significant or were mitigated to a level of insignificance.
 - Aesthetics The project meets all site development standards and proposes a new single family dwelling on a vacant lot within a residential neighborhood. Impacts were found to be less than significant.
 - Air Quality The main source of pollution for the proposed project is from use of heavy equipment during construction and vehicular traffic related to the residential use of the property. The project is with the population projections from the AQMP. Impacts were found to be less than significant
 - Cultural Resources The site is within an archaeologically sensitive area. Reports have been submitted and testing was preformed at the site. Mitigations have been included to reduce the potential impacts to a less than significant level
 - Geology & Soils Proximity to a potentially active fault line, support of adjacent structures, and drainage were discussed. Mitigations were incorporated to protect adjacent structures from damage during construction and reduce potential impacts to a less than significant level.

- (f) <u>Conclusion</u>. There is no substantial evidence in the record that suggest that the project would have a significant effect on the environment or that the mitigations suggested are inadequate to reduce potential impacts to a less than significant level. Potential Impacts were identified that were mitigated or conditioned to reduce impacts to a less than significant level. A revised MND along with the staff report provides clarification and amplification as to the issues and comments, and no new impacts were determined to exist and no new impacts were identified as a result of this analysis. Staff finds in light of the comments that the Revised Mitigated Negative Declaration is sufficient and that with these clarifications, the initial study does not need to be re-circulated and no EIR is required.
- 4. **FINDING: FISH AND GAME ENVIRONMENTAL DOCUMENT FEES** Pursuant to Senate Bill (SB) 1535 all land development projects that are subject to environmental review are now subject to the filing fees, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. The project is not required to pay the fee.
 - **EVIDENCE**: (a) The proposed site does not contain any environmentally sensitive habitat areas. The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species or have a substantial adverse effect on any riparian habitat or other sensitive natural community. The parcel is a 4,700 square foot lot surrounded by residential use that contains non-native grasses that have been mowed and maintained.
 - (b) The Department of Fish and Game (DFG) was asked to consider a determination of "no effect" on fish and wildlife resources for the proposed development on the form prescribed by DFG. The "no effect" determination was approved by DFG and is attached hereto in Exhibit E.
- 5. **FINDING:** NO VIOLATIONS The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.
 - **EVIDENCE:** Staff reviewed Monterey County RMA Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
- 6. **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:** Preceding findings and supporting evidence.
- 7. **FINDING: PUBLIC ACCESS** The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights. No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c. of the Monterey County Coastal Implementation Plan, can be demonstrated.

- EVIDENCE: (a) The subject property is not described as an area where the Local Coastal Program requires access.
 - (b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 3, the Shoreline Access/Trails Map, of 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) Scenic Road is a public County right-of-way serving through traffic. No designated trails are located within the project area; however, pedestrians frequently walk, jog, or ride along Carmel State Beach. In response, Condition 15 requires the project to incorporate all Best Management Practices to minimize disruption to through traffic during construction, including a staging area.
 - (e) Staff site visit on August 1, 2007.
- APPEALABILITY The decision on this project is appealable to the Board of Supervisors and 8. FINDING: the California Coastal Commission.
 - EVIDENCE: (a) Section 20.86.030 of the Monterey County Coastal Implementation Plan Part 1 (Board of Supervisors).
 - (b) The project may be appealed to the California Coastal Commission pursuant to Section 20.86.080 of the Monterey County Coastal Implementation Plan - Part 1 because projects located within 750 feet of known archaeological resources are subject to a Coastal Development Permit.

DECISION

THEREFORE, it is the decision of the Zoning Administrator of the County of Monterey that the Revised Mitigated Negative Declaration with Mitigation Monitoring and Reporting Plan and/or Reporting on Conditions of Approval be adopted and said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the attached conditions.

PASSED AND ADOPTED this 31st day of January, 2008.

FFB - 7 2008 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 OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR **BEFORE** FEB 1 7 2008

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, 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 and Building Inspection Department office in Salinas.

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

Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan

Project Name: Dale Skeen & Jo Mei Chang

File No: PLN060735

APNs: 009-442-013-000

Approved by: Zoning Administrator

Date: January 31, 2008

*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.

| Permit Mi Cond: Nun | ilg. — Conditions of Approval and/or Mitigation Measures and iber. — Responsible Land Use Department | Compliance of Monitoring Actions to be performed. Where applicable, to earlyical professional is required | Responsible Party for | Timing | Verification of Compliance |
|------------------------|--|---|-----------------------------|-----------------------------------|----------------------------|
| | PBD029 - SPECIFIC USES ONLY This Combined Development permit (PLN060735) consists of 1) A Coastal Administrative Permit to allow the construction of a new 2,950 square feet three-story single family dwelling with a 545 square feet attached garage, grading totaling 990 cubic yards of cut and construction of approximately 300 linear feet of retaining walls; 2) a Coastal Development Permit for development within 750 feet of a known archaeological resource; and 3) Design Approval. The property is located at 2327 Scenic Drive, Carmel (Assessor's Parcel Number 009- 442-013-000), Carmel Area Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning 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. (RMA - Planning Department) | Adhere to conditions and uses specified in the permit. | Compliance Owner/ Applicant | Ongoin g unless other-wise stated | *(mame/date) |

| 2. | PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. 060735) was approved by the Zoning Administrator for Assessor's Parcel Number 009-442-013-000 on January 31, 2008. The permit was granted subject to 25 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 RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department) | Proof of recordation of this notice shall be furnished to RMA - PD | Owner/ Applicant | Prior to Issuanc e of grading and building permits or start of use. |
|-----|--|--|--|---|
| 3 1 | PD003(B) – CULTURAL RESOURCES – POSITIVE ARCHAEOLOGICAL REPORT If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken: There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and If the coroner determines the remains to be Native American: - The coroner shall contact the Native American Heritage Commission and the RMA – Planning Department within 24 hours. - The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costonoans/ Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent. - The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as | The applicant shall submit the contracts with a Registered Professional Archeologist and a Registered Professional Anthropologist to the Director of the RMA — Planning Department for approval. | Owner/ Applicant per archaeolo- gist or anthropol- ogist | Prior to the issu- ance of grading or building permits |

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| provided in Public Resources Code Section 5097.9 and 5097.993, or - Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance: | | |
| The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission. The descendent identified fails to make a recommendation; or The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner. (RMA - Planning Department) | | |
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| The requirements of this condition shall be included as a note on all grading and building plans, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included a a note on an additional sheet of the final map. | Owner/ Applicant | Prior to the issu-ance of grading or building permits |
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| 4 | PD004 - INDEMNIFICATION AGREEMENT | Submit signed and notarized | Owner/ | Concurr | |
|---|--|-------------------------------------|-----------|----------|--|
| , | The property owner agrees as a condition and in consideration | Indemnification Agreement to the | Applicant | ent with | |
| | of the approval of this discretionary development permit that it | Director of RMA – Planning | | the | |
| | will, pursuant to agreement and/or statutory provisions as | Department for review and signature | | issuance | |
| | applicable, including but not limited to Government Code | by the County. | | of | |
| | Section 66474.9, defend, indemnify and hold harmless the | | | building | |
| | County of Monterey or its agents, officers and employees from | Proof of recordation of the | | permits. | |
| | any claim, action or proceeding against the County or its | Indemnification Agreement, as | | | |
| | agents, officers or employees to attack, set aside, void or annul | outlined, shall be submitted to the | | | |
| | this approval, which action is brought within the time period | RMA – Planning Department. | | | |
| | 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. County may, at its sole | | | | |
| | discretion, participate in the defense of such action; but such | | | | |
| | participation shall not relieve applicant of his obligations under | | | 1 | |
| | 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 the 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) | | | | |
| | | | | | |

| 5 | PD006 - MITIGATION MONITORING PROGRAM The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan 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 mitigation monitoring agreement. (RMA - Planning Department) | 1) Enter into agreement with the County to implement a Mitigation Monitoring Program. 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement. | Owner/ Applicant | Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first. |
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| 6 | PD007 - GRADING-WINTER RESTRICTION No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department. (RMA – Planning Department and Building Services Department) | Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15. | Owner/ Applicant | On- going |
| 7 | PD009 - GEOTECHNICAL CERTIFICATION 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) | Submit certification by the geotechnical consultant to the RMA – Building Services Department showing project's compliance with the geotechnical report. | Owner/ Applicant/ Geotech- nical Consul- tant | Prior to final inspect-tion |
| 8 | PD010 - EROSION CONTROL PLAN AND SCHEDULE The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of Building Services. 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 | Evidence of compliance with the Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits. | Owner/ Applicant | Prior to the issuance of grading and building |

| | 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 | Comply with the recommendations of 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. | Owner/ Applicant | On- going |
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| | Department and RMA - Building Services Department) | Evidence of compliance with the Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department | Owner/ Applicant | Prior to final inspecti |
| | | Submit photos of the trees on the property to the RMA – Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required. | Owner/ Applicant | Prior to final inspecti on |
| 9 | PD012(A) - LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY) The site shall be landscaped. At least three (3) weeks prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping | Submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval. | Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect | At least three (3) weeks prior to final inspecttion or occupan cy |

| | materials and shall include an irrigation plan. The landscape plan shall also be carefully designed to prevent erosion and runoff from the project site. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either 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) | 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, and in a manner that prevents erosion and runoff from the site. This specification should be called out in the plans and approved by the Director. | Owner/ Applicant | On- going | |
|----|---|--|---------------------|--|--|
| 10 | PD014(B) – LIGHTING – EXTERIOR LIGHTING PLAN (VISUAL SENSITIVITY DISTRICT/ RIDGELINE DEVELOPMENT) All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior lights shall have recessed lighting elements. Exterior light sources that would be directly visible from when viewed from a common public viewing area, as | 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. | Owner/ Applicant | Prior to the issu- ance of building permits. | |
| | defined in Section 21.06.195, are prohibited. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA – Planning Department, prior to the issuance of building permits. (RMA – Planning Department) | The lighting shall be installed and maintained in accordance with the approved plan. | Owner/ Applicant | On- going | |

| 11 | PD016 – NOTICE OF REPORTS (GEOLOGY) Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical and Geological Hazards Report has been prepared for this parcel by Grice Engineering and Geology, Inc., dated January 2007 Library No. LIB070151 with a supplement letter prepared by Grice Engineering and Geology Inc., dated July 24, 2007 and a Geotechnical response to Four Specific Questions, prepared by Haro, Kasunich, and Assoc. Inc. dated November 27, 2007 (LIB070652). All development shall be in accordance with these reports." (RMA – Planning Department) | Proof of recordation of this notice shall be furnished to the RMA – Planning Department. | Owner/ Applicant | Prior to the issuance of grading and building permits. | |
|----|---|--|---------------------|---|--|
| 12 | PD016 – NOTICE OF REPORTS (ARCHAEOLOGY) Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "An Archaeology Report has been prepared for this parcel by Archaeological Consulting, dated January, 17 2007 Library No. LIB070152. All development shall be in accordance with this report." (RMA – Planning Department) | Proof of recordation of this notice shall be furnished to the RMA – Planning Department. | Owner/ Applicant | Prior to the issuance of grading and building permits. | |
| 13 | PD035 – UTILITIES – UNDERGROUND All new utility and distribution lines shall be placed underground. (RMA – Planning Department; Public Works) | Install and maintain utility and distribution lines underground. | Owner/ Applicant | On- going | |
| 14 | PD041 – HEIGHT VERIFICATION The 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. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department 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. (RMA – | 1) The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall act as a point of reference to determine the structures building height (not to exceed 18 feet) from the average natural grade determined to be at the 38.89 elevation based on the project | Owner/ Applicant | Prior to the issuance of grading or building permits | |

| | Planning Department and Building Services Department) | survey grade elevations. The benchmark shall remain visible onsite until final building inspection | | | |
|----|---|---|------------------------------------|--|--|
| | | 2) The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit. | Owner/ Applicant/ Engineer | Prior to the final inspecti on | |
| 15 | PDSP001 - CONSTRUCTION MANAGEMENT PLAN (NON-STANDARD) Prior to issuance of Grading Permits or Building Permits, 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 during the construction/grading phase of the project and shall provide the following information: Duration of the | Applicant shall prepare a CMP and shall implement approved measures during the construction/grading phase of the project. | Owner/ Applicant/ Contractor | Prior to issuanc e of the Grading Permit or Building Permit. | |
| | construction, hours of operation to be within 7 to 5 on weekdays, 8 to 4 on Saturdays and no work on Sundays, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project. (Public Works & RMA – Planning Department) | Submit a construction activity report including photographs and activity logs where applicable that document how Best Management Practices were implemented and followed during construction and grading activities. | Owner/ Applicant/ Contractor | Prior to final inspecti on or occupa ncy | |
| | | | | | |

| 16 | PW0005 – ENCROACHMENT (STD DRIVEWAY) Obtain an encroachment permit from the Department of Public Works and construct a standard driveway connection to Scenic Road.(Public Works) | Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupancy or commencement of use. Applicant is responsible to obtain all permits and environmental clearances. | Owner/ Applicant | Prior to Buildin g/ Grading Permits Issuanc e |
|----|---|--|----------------------------------|---|
| 17 | WR1 – DRAINAGE PLAN The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency) | Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval. | Owner/ Applicant/ Emgineer | Prior to issuanc e of any grading or building permits |
| 18 | WR40 – WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to: a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system. b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency) | Compliance to be verified by building inspector at final inspection. | Owner/ Applicant | Prior to final building inspection/ occupan cy |

| 1.5 | TAND 42 TAY A TREE A TAY A DIT TOTAL CONDUCTOR OF THE CATTON | Submit the Water Release Form to the | Owner/ | Prior to | |
|-----|--|--------------------------------------|-----------|-------------|---|
| 19 | WR43 – WATER AVAILABILITY CERTIFICATION | Water Resources Agency for review | Applicant | issuanc | |
| | The applicant shall obtain from the Monterey County Water | and approval. | Applicant | e of any | |
| | Resources Agency, proof of water availability on the | and approvar. | | building | |
| | property, in the form of an approved Monterey Peninsula | | | - 1 | |
| | Water Management District Water Release Form. (Water | | | permits | |
| | Resources Agency) | | | | |
| 20 | FIRE011 – ADDRESSES FOR BUILDINGS | Applicant shall incorporate | Applicant | Prior to | |
| | All buildings shall be issued an address in accordance with | specification into design and | or owner | issuanc | |
| | Monterey County Ordinance No. 1241. Each occupancy, | enumerate as "Fire Dept. Notes" on | | e of | |
| | except accessory buildings, shall have its own permanently | plans. | | building | |
| | posted address. When multiple occupancies exist within a | | | permit. | |
| | single building, each individual occupancy shall be | | | | |
| | separately identified by its own address. Letters, numbers | | | | |
| | and symbols for addresses shall be a minimum of 4-inch | | | | |
| | height, 1/2-inch stroke, contrasting with the background | | | | |
| | color of the sign, and shall be Arabic. The sign and numbers | | | | |
| | shall be reflective and made of a noncombustible material. | | | | |
| | Address signs shall be placed at each driveway entrance and | | | | |
| ŀ | at each driveway split. Address signs shall be and visible | Applicant shall schedule fire dept. | Applicant | Prior to | |
| | from both directions of travel along the road. In all cases, the | clearance inspection | or owner | final | |
| | address shall be posted at the beginning of construction and | - | | building | |
| | shall be maintained thereafter. Address signs along one-way | |] | inspecti | |
| | roads shall be visible from both directions of travel. Where | | | on | , |
| | multiple addresses are required at a single driveway, they | | | | |
| | shall be mounted on a single sign. Where a roadway | | | | |
| | provides access solely to a single commercial occupancy, the | | | | |
| | address sign shall be placed at the nearest road intersection | | | | |
| | providing access to that site. Permanent address numbers | | | | |
| | shall be posted prior to requesting final clearance. Carmel | | | | |
| | Highlands Fire District. | | | | |
| l | 220. | | | ليحيي ليحال | · |

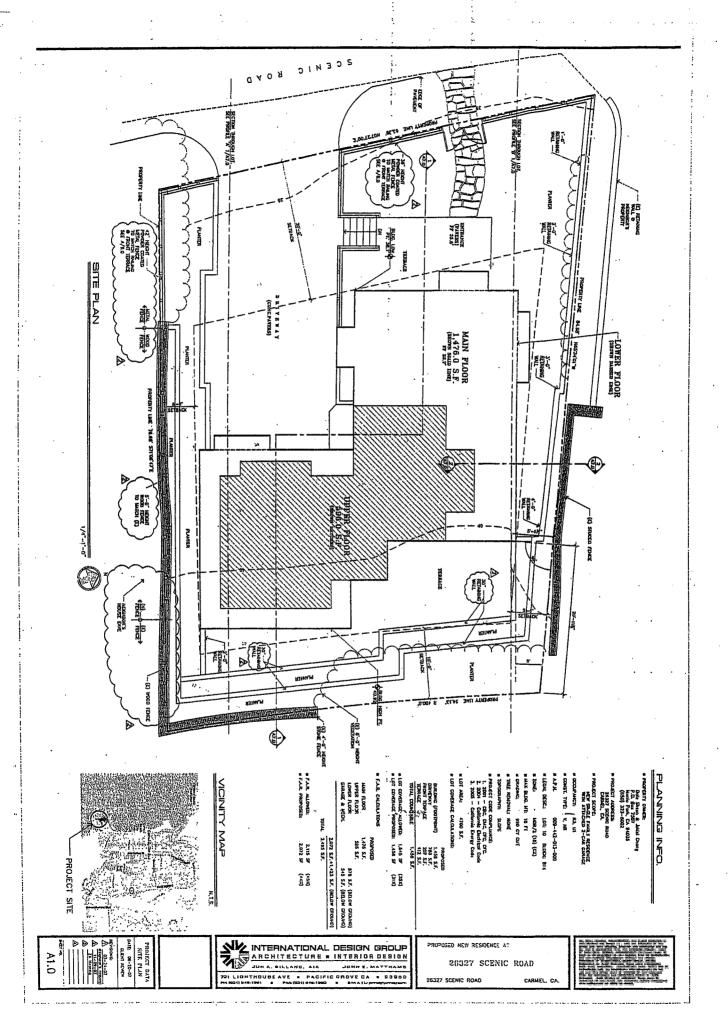
| 21 | FIRE019 – DEFENSIBLE SPACE REQUIREMENTS – (STANDARD) Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. | Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. | Applicant or owner | Prior to issuanc e of grading and/or building permit. |
|----|---|---|--|---|
| | Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. <i>Carmel Highlands Fire District.</i> | Applicant shall schedule fire dept. clearance inspection | Applicant or owner | Prior to final building inspecti on |
| 22 | FIRE021 – FIRE PROTECTION EQUIPMENT & SYSTEMS – FIRE SPRINKLER SYSTEM (STANDARD) 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 District. | Applicant shall enumerate as "Fire Dept. Notes" on plans. Applicant shall schedule fire dept. rough sprinkler inspection | Applicant or owner Applicant or owner | Prior to issu- ance of building permit. Prior to framing inspecti on |
| | | Applicant shall schedule fire dept. final sprinkler inspection | Applicant or owner | Prior to final building inspecti on |

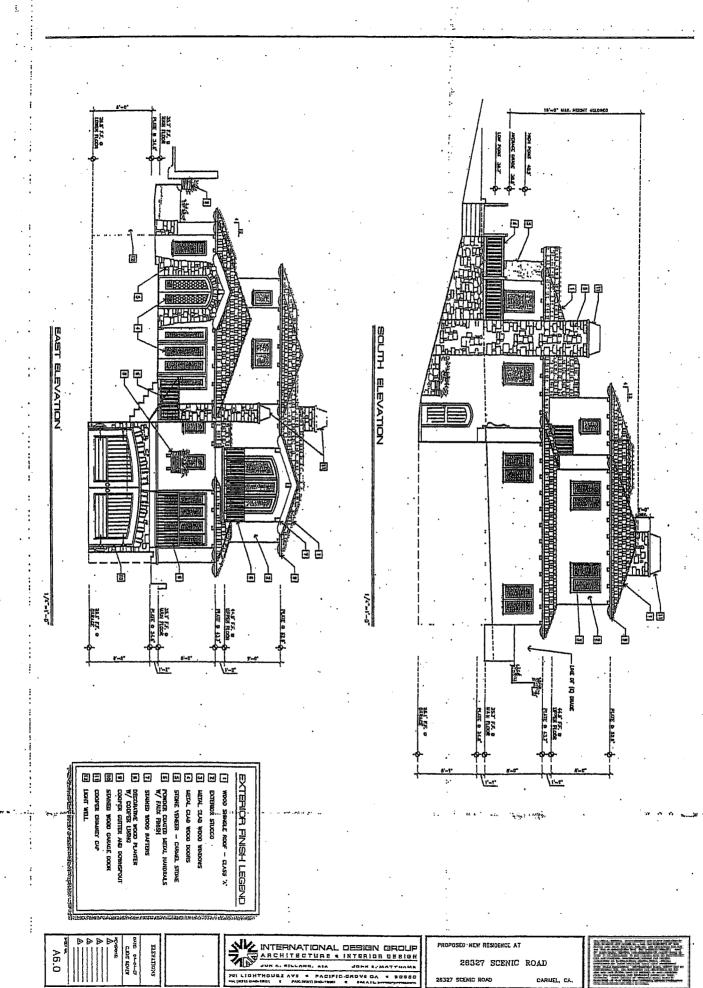
| 23 | | FIRE029 – ROOF CONSTRUCTION – (CYPRESS FPD & PEBBLE BEACH CSD) All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. Carmel Highlands Fire District. | Applicant shall enumerate as "Fire Dept. Notes" on plans. | Applicant or owner | Prior to issuanc e of building permit. | |
|----|---|--|---|--|--|---|
| 24 | 2 | PDSP002 – ARCHAEOLOGICAL MONITORING (MITIGATION) The contractor shall sign and record an agreement created by an Archaeologist informing them of the potential for incidental impacts and requirements to contract the archaeologist for monitoring during earth disturbing activities associated with new construction on the parcel, such as grading, foundation excavations, etc. The monitor shall have the authority to temporarily halt work in order to examine any potentially significant cultural materials or features. (RMA – Planning) | The applicant shall provide the Director of Planning with a copy of a recorded agreement containing recommendations for protection of incidental impacts to potentially significant resources including any measures necessary to be in place and in good order through construction and the requirement of an Archaeological monitor on site during earth disturbing activities. | Owner/ Contractor / Archaeo- logist | Prior to issu-ance of grading or building permits | |
| | | | The applicant shall provide evidence of the presence of the Archaeologist on-site during demolition of existing structures and earth disturbing activities. | Owner/ Contractor / Archae- ologist | Prior to final grading inspect-tion | · |
| 25 | 3 | PDSP003 – TEMPORARY SHORING (MITIGATION) In order to reduce potential impacts to neighboring structures temporary shoring shall be installed according to plans approved by the Building Department and under the direct supervision of a licensed geotechnical engineer, along with the archaeological monitor. The engineer shall have the | Prior to issuance of grading or building permits the owner or applicant shall submit temporary shoring plans, designed by a licensed geotechnical engineer, to the RMA Building Department for review and approval. | Owner/ Contractor / Engineer | Prior to issu-ance of grading or building permits. | |
| | ability to make adjustments as necessary to provide maximum protection of life and surrounding structures. The shoring shall remain in place in working order during foundation excavation and construction and shall be removed when cleared by the engineer. | During construction of the temporary shoring, a licensed engineer shall observe and make recommendations where necessary to ensure proper construction of | Owner/ Contractor / Engineer/ Archa- eologist | During constru ction of the tempor- | | |

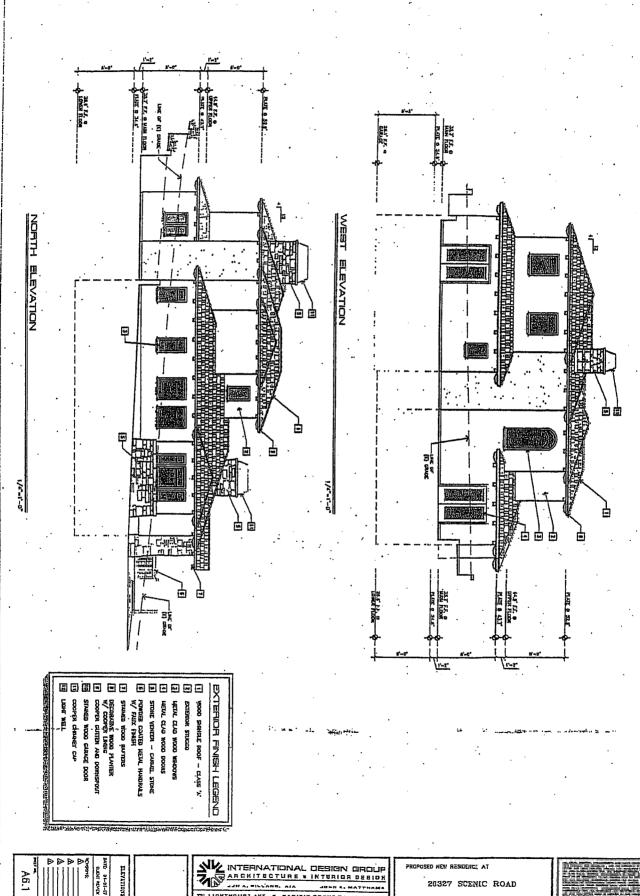
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| (RMA – Planning Department and RMA – Building Services Department) | the shoring and support of adjacent structures [combined with observation from a registered archaeologist (see mitigation measure 1)]. | | ary shoring | |
|--|---|------------------------------------|----------------------------------|--|
| | Upon completion of the shoring and prior to foundation excavation the owner or applicant shall submit a letter from the engineer certifying that the shoring has been adequately constructed. | Owner/ Contractor / Engineer | Prior to foundati on excavati on | |

END OF CONDITIONS







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