

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> April 9, 2014 Time: 9:00 a.m.	<b>Agenda Item No.:</b> 2
<b>Project Description:</b> Consider a Combined Development Permit consisting of: 1) A Coastal Development Permit for a Lot-line Adjustment between two contiguous legal lots of record; Lot A 0.459 acres (Assessor's Parcel Number 241-311-006-000) and Lot B 0.327 acres (Assessor's Parcel Number 241-311-005-000) resulting in an equal exchange of 839 square feet to correct a non-conforming side setback for the residence by increasing it from 10 feet to 20 feet on the west side of Lot A; 2) A Variance to maintain an existing legal non-conforming setback of 16 feet on the east side of lot A, to maintain an existing site coverage of 18% and to allow the structure to maintain an existing non-conforming height of approximately 32 feet from average natural grade; 3) A Coastal Administrative Permit to allow the development of a 120 linear foot long access road and staging area located on Lot B (grading less than 100 cubic yards of cut and fill); 4) a Coastal Development Permit to allow development within 750 feet of a known archaeological resource; and a Design Approval to allow the demolition of 115 square feet of existing deck area and 20 square feet of interior space; the addition of 135 square feet to the second story; the conversion 368 square feet of existing third story habitable space into uncovered deck area; and replacement of all exterior siding, doors, windows and roof materials with colors and materials consisting of: cementitious siding panel (gray), anodized aluminum framed windows and doors (dark bronze), wood decks (natural redwood), railings (stainless steel), and metal standing seam roof (dark grey).	
<b>Project Location:</b> 175 Sonoma Lane, Carmel Highlands	<b>APN:</b> 241-311-005-000 and 241-311-006-000
<b>Planning File Number:</b> PLN130553	<b>Owner:</b> Sonoma Lane LLC <b>Applicant:</b> Sonoma Lane LLC <b>Agent:</b> Pamela H. Silkwood
<b>Planning Area:</b> Carmel Area Land Use Plan	<b>Flagged and staked:</b> Yes
<b>Zoning Designation:</b> : "LDR/1-D (CZ)" (Low Density Residential, 1 units per acre with Design Control Overlay (Coastal Zone))	
<b>CEQA Action:</b> Find the project Categorically Exempt per the CEQA Guidelines Section 15301(e)(1) & 15305(a).	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit C**) to:

- 1) Find the project Categorically Exempt; and
- 2) Approve application PLN130553 for a Combined Development Permit, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**).

### PROJECT OVERVIEW:

The Sonoma Lane application PLN130553 was continued from the March 12, 2014 Planning Commission meeting to the March 26, 2014 hearing agenda. The March 26, 2014 hearing was adjourned to April 9, 2014. The Commission asked for clarification of the following: Information regarding the potential biological issues on the undeveloped site, construction management and traffic control, status of fire conditions and other Fire Department regulations, and the status of the existing stone columns and uncompleted wood fence cited under CE020201. For detailed information see attach (**Exhibit B**) revised discussion. All changes in the draft resolution are underlined.

**OTHER AGENCY INVOLVEMENT:** The following agencies and departments reviewed this project:

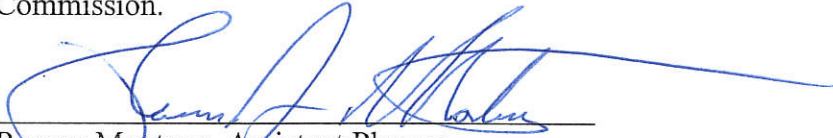
- √ RMA - Planning Department

- √ RMA - Public Works Department  
Environmental Health Bureau
- √ Water Resources Agency  
Carmel Highlands Protection District  
California Coastal Commission

Agencies that submitted comments are noted with a check mark ("√"). Conditions recommended by have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit C**).

The project was heard by the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) at public meeting on December 2, 2013. No members of the public to comment on the project were present. The LUAC discussed the project and expressed concerns regarding the proposed development (see attached LUAC minutes, **Exhibit E**). Staff addressed the committees concerns by incorporating the appropriate standard conditions of approval. The LUAC incorporated their suggested changes into the minutes and voted to recommend approval of the project on a 5 to 0 vote as presented in the December 2, 2013 minutes.

Note: The decision on this project is appealable to the Board of Supervisors and Coastal Commission.



Ramon Montano, Assistant Planner  
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March 26, 2014

cc: Front Counter Copy; Planning Commission; Carmel Highlands Fire Protection District; RMA-Public Works Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Laura Lawrence, Planning Services Manager; Ramon Montano, Project Planner; Carol Allen, Senior Secretary; Sonoma Lane LLC, Owner; Pamela Silkwood, Agent; The Open Monterey Project; LandWatch; Planning File PLN130553.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Discussion
	Exhibit C	Draft Resolution, including: <ul style="list-style-type: none"> <li>• Conditions of Approval</li> <li>• Site Plans, Floor Plan and Elevations with exterior material and color changes, Lot Line adjustment plan</li> </ul>
	Exhibit D	Vicinity Map
	Exhibit E	Advisory Committee Minutes (LUAC)
	Exhibit F	Justification Letters (variance)
	Exhibit G	Biological Resources Letter Report
	Exhibit H	Executed Monitoring Agreement
	Exhibit I	Contractor outline for Construction Management Plan
	Exhibit J	E-mail correspondence from Fire Marshal

This report was reviewed by Laura Lawrence, Planning Services Manager.



## EXHIBIT A

### Project Information for PLN130553

**Application Name:** Sonoma Lane Llc  
**Location:** 175 Sonoma Ln, Carmel  
**Applicable Plan:** Carmel LUP  
**Advisory Committee:** Carmel/Carmel Highlands Advisory Committee  
**Permit Type:** Coastal Development Permit  
**Environmental Status:** Categorical Exemption  
**Zoning:** LDR/1-D(CZ)

**Primary APN:** 241-311-005-000  
**Coastal Zone:** Yes  
**Final Action Deadline (884):** 2/11/2014  
**Land Use Designation:** Residential - Low Density

#### Project Site Data:

**Lot Size:** 23024  
**Existing Structures (sf):** 5415  
**Proposed Structures (sf):** 231  
**Total Sq. Ft.:** 5646

**Coverage Allowed:** 15%  
**Coverage Proposed:** 18%  
**Height Allowed:** 30  
**Height Proposed:** existing 33.7  
**FAR Allowed:** 15%  
**FAR Proposed:** 18%

**Special Setbacks on Parcel:**

#### Resource Zones and Reports:

**Seismic Hazard Zone:** VI  
**Erosion Hazard Zone:** High|Moderate  
**Fire Hazard Zone:** Very High  
**Flood Hazard Zone:** X (unshaded)  
**Archaeological Sensitivity:** high  
**Visual Sensitivity:** Highly Sensitive

**Soils Report #:** N/R  
**Biological Report #:** N/R  
**Forest Management Rpt. #:** N/R  
**Geologic Report #:** N/R  
**Archaeological Report #:** LIB130428  
**Traffic Report #:** N/R

#### Other Information:

**Water Source:** Service District  
**Water Purveyor:** Cal Am  
**Fire District:** Carmel Highlands FPD  
**Tree Removal:** None

**Grading (cubic yds.):** 100  
**Sewage Disposal (method):** Septic  
**Sewer District Name:** N/A

## **EXHIBIT B DISCUSSION**

### Background and Project Description

The current residence was issued a building permit in 1982 and granted a final inspection on September 15, 1984. At that time, the setback requirements adopted in 1981 required the structure to maintain a 10-foot side setback and allowed the maximum site coverage of 35%. The current site development standards limit the maximum site coverage to 15% and a side yard setback of 20 feet. The structure is considered to have been legally established because it met the development standards at the time and was issued a building permit, but is now considered a legal non-conforming structure to the current site development standards for Low Density Residential Zoning Districts. The County has established several variances for exceeding site coverage and reducing setbacks in this area.

The project includes a Coastal Development Permit for a Lot-line Adjustment between two contiguous legal lots of record; Lot A 0.459 acres (Assessor's Parcel Number 241-311-006-000) and Lot B 0.327 acres (Assessor's Parcel Number 241-311-005-000) resulting in an equal exchange of 839 square feet. The purpose of this Lot Line Adjustment is to correct a non-conforming side setback for the residence by increasing it from 10 feet to 20 feet on the west side of Lot A. A Variance is also required to maintain an existing legal non-conforming setback of 16 feet on the east side of lot A, maintain an existing non-conforming site coverage of 18% and allow the structure to maintain an existing non-conforming height of approximately 32 feet from average natural grade. A Coastal Administrative Permit to allow the development of a 120 square foot long access road and staging area on Lot B was incorporated into the project. The access road will accommodate construction traffic and materials storage in an area which has no off street parking available for the proposed development activities. A Design Approval is required for the proposed changes to the residence because the increase to the residence internal floor area is less than 10% and because the property is not located between the first public road and the sea; the first public road is recognized as Spindrift Road. The Design Approval allows the demolition of 115 square feet of existing deck area and 20 square feet of interior space; addition of 135 square feet to the second story; and conversion of 368 square feet of existing third story habitable space into uncovered deck area and replacement of all exterior siding, doors, windows and roof materials with colors and materials consisting of: cement siding panels (gray), anodized aluminum framed windows and doors (dark bronze), wood decks (natural redwood), railings (stainless steel), and metal standing seam roof (dark grey). The project will require less than 100 cubic yards of cut and fill; all spoils to remain on site.

### Project Issues

The site where the residence is located is significantly constrained by protected vegetation and slopes in excess of 30%. The lot slopes to the west, down towards the canyon. For this reason, the structure was constructed as close as possible to Sonoma Lane. Consequently, the residence contains a limited amount of parking area. The applicant, who owns the adjacent parcel, has requested that the County consider the proposed Coastal Administrative Permit to develop access road and staging area to facilitate the delivery and storage of materials during construction and provide adequate parking for construction employees during the remodeling of the residence. This would avoid congestion on the narrow street (Sonoma Lane) and avoid creating unnecessary congestion and avoid the possibility of interfering with emergency services to the local residents.

### Variance

At the time the structure was built in 1982, the standard site coverage was 35%. The code has since changed and currently allows a maximum of 15%. Therefore, the County requires that the owner first secure a variance to allow the residence to continue the non-conforming site coverage at 18%.

**Special circumstance identified on the subject property:** Special circumstances exist relative to the subject property. Slope issues have confined the buildable areas on many lots within the Deven Heights Subdivision including the project site. The property is oriented with a front along Sonoma Lane to minimize development on existing 30% slopes. The residence is located on the property 10 feet from the west property line to maximize the use of buildable areas on the lot. In addition, the GIS and County records identified other residences constructed within the immediate vicinity, not constrained by 30% slopes in areas under identical zone classification, that were constructed larger in the absence of said constraints. Therefore, the special circumstance applicable to this property is the slope constraint on buildable area.

**Variance would not constitute a grant of special privileges:** The Variance would not constitute a special privilege because several other properties have enjoyed the privilege of exceeding the 15% limitation. After the implementation of the 15% site coverage standard, other property owners within the immediate area were granted variances to maximize the use of the property consistent with previously-approved development within the subdivision. The following properties have been granted variance to exceed the 15% limitation: 20% (Panholzer PLN980520), 17.1% (Baron PLN010049), and 21.2% (Koehler PLN980551). Variances were also granted for the reduction of the required 20 foot side-yard setback: 9 foot side-yard setback (Hirschkron PLN990011) and 11.4 foot side-yard setback (Panholzer PLN980520).

**Activity not expressly authorized by Zoning Regulations:** Staff verified that the subject property is in compliance with all regulations pertaining to the residential use of the property as defined under Title 20 Section 20.14-LDR Zoning District "LDR/1-D (CZ)" (Low Density Residential, 1 unit per acre with Design Control Overlay (Coastal Zone)). The zoning allows as a principle use the first single family dwelling per legal lot of record. The existing single family residence was approved by the County and a building permit was issued in 1982 under permit No. 32271.

#### Non-conforming setback

Because the project applicant proposes changes to the west side of the residence, the project incorporates a Lot-line Adjustment to correct the non-conforming side setback by adjusting the property line for the existing residence. This will allow the residence to maintain a proper setback of 20 feet instead of 10 feet thereby correcting the non-conforming setback issue for the south-westerly side of the existing residence.

#### Viewshed

The existing residence is located within the General Viewshed as indicated in Map A, of the Carmel Area Land Use Plan. The County GIS identified the area surrounding the residence as highly sensitive viewshed. However, because the existing residence will not significantly change in size and will not be visible from scenic Highway 1 or other public viewpoints and scenic corridors, staff finds the project consistent with the goal of key policy (2.2.2) protecting the public viewshed and important scenic resources in the Carmel Area. The project was reviewed by the Carmel Unincorporated/Highlands Land Use Advisory Committee on December 2, 2013. On a vote 5-0 the LUAC recommended that the project be approved with the recommended changes as follows:

- Erosion Control Measures on the undeveloped lot;
- Confirm approved finishes on roof and railing materials to reduce glare; and
- Maintain downcast lighting to achieve no visible light source; and
- Require address to be posted.

Each of the aforementioned recommended changes have been addressed through standard conditions and have been incorporated into conditions of approval.

### Environmental Review

Upon review of the project materials, site conditions, County policies and regulations, staff concludes that the proposed additions, remodeling and lot-line adjustment would not have a significant effect on the environment. The project as described meets the requirements to consider the project under Article 19 for a Categorical Exemptions. The project, as proposed, is consistent with sections 15301(e)(1) & 15305(a) in the CEQA Guidelines.

### Revised Discussion:

The Planning Commission requested additional information with regard to the following issues:

- 1) Lack of conditions from Fire District. An e-mail from Chief Mondragon states that no conditions are required by the Fire District for this project. The Monterey County Building Department covers issues for structure located within State Responsibility Areas with regard to Wildland Interface, 2013 California Residential Code Section R327. The County fire jurisdiction requires compliance with 2013 California Fire Codes and Monterey County Code Title 18 Section 18.10 Fire Code when the owner/applicant submits for a building permit. The local Fire jurisdiction will review the building plans during plan-check and at that time request as a correction compliance with the aforementioned codes.

*Staff confirmed with the Fire jurisdiction over this project, that any and all requirements set forth by the local jurisdiction will be imposed at building permit phase. See attached **Exhibit J**.*

- 2) Construction management & traffic control – Attached letter from the contractor regarding construction management. He has been in communication with Chief Mondragon regarding construction traffic and parking, particularly as they relate to emergencies.

*Staff incorporated the Construction Management Plan into a non standard condition. The condition will require the compliance of staging vehicles off site in order to avoid obstructing the road, preventing emergency vehicles and local resident's safe access. The condition also stipulates hours of operation during the construction phases of the project. See condition 14 in Draft Resolution.*

- 3) Biological report – Attached biological report from Dr. Froke (**Exhibit G**). Dr. Froke did not identify as species of concern on the vacant lot.

*The principle purpose of the biological report prepared by Dr. Froke is to update the Planning Commission on the site conditions of the undeveloped site with regard to Biological sensitivity. The report found no indication of environmentally sensitive habitat or sensitive or protected plant or animal species. The report did identify one avian species that is considered a species of special concern. The avian identified is an Oak Titmouse. The report indicates that this species is only granted this status during nesting season sometime between March and July. The proposed remodel will not require any disturbance to the Oak tree where the Titmouse was identified. The Biologist indicated that the species is not sensitive to human activities; because a standard tree protection condition would remove the risk of disturbing the Oak tree, the risk of adversely affecting the Titmouse would be removed. Additionally, one male Titmouse was observed in the*

*tree near the existing residence, foraging. It is reasonable to expect that sometime, in the future, a mating pair would occupy the tree. For that reason, a standard condition has been incorporated requiring tree protection measures for the Oak trees within both sites to avoid physical disturbance of the tree and thereby avoid any disturbance to a potential nesting pair. The report concludes that such measure to protect the trees would protect the welfare of the Titmice and the project, as proposed, will not threaten or harm any special-status plant or animal species, or environmentally sensitive habitat. Staff agrees with these conclusions and has incorporated the report into the site suitability finding and incorporated the previously discuss conditions. See condition 6 in Draft Resolution.*

- 4) Issue of the existing a 5 ft. high cedar wood fence with granite stone columns approved under DA020384 to close code violation case CE020201. The Design Approval allows the construction of a 5 ft. high cedar wood fence with granite stone columns. The property is located at 175 Sonoma lane, Carmel (Assessor's Parcel Numbers 241-311-005-000 & 241-311-006-000), west of highway 1. Within the Coastal Zone area of Carmel Highlands.

*Staff determined that the code enforcement case was in fact closed and the proposed fence was approved by a Design Approval. The previous property owner failed to complete the fence project; this does not constitute a violation therefore no further action is required.*

#### Recommendation

Based on the requirements set forth in the Carmel Area Land Use Plan and Title 20 Coastal Implementation Plan and the Monterey County Coastal Subdivision Ordinance Title 19, staff finds that the project as proposed meets all regulations and standards within these codes and ordinances and considers the project categorically exempt per sections 15301(e)(1) & 15305(a) of the CEQA Guidelines. For these reasons, the Planning staff recommends that the Planning Commission approve the project as designed and conditioned.

**EXHIBIT C  
DRAFT RESOLUTION**

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

In the matter of the application of:

**Sonoma Lane LLC (PLN130553)**

**RESOLUTION NO.**

Resolution by the Monterey County Planning Commission to:

- 1) Find the project Categorically Exempt; and
- 2) Approve the Combined Development Permit consisting of: 1) A Coastal Development Permit for a Lot-line Adjustment between two contiguous legal lots of record; Lot A 0.459 acres (Assessor's Parcel Number 241-311-006-000) and Lot B 0.327 acres (Assessor's Parcel Number 241-311-005-000) resulting in an equal exchange of 839 square feet to correct a non-conforming side setback for the residence by increasing it from 10 feet to 20 feet on the west side of Lot A; 2) A Variance to maintain an existing legal non-conforming setback of 16 feet on the east side of lot A, to maintain an existing site coverage of 18% and to allow the structure to maintain an existing non-conforming height of approximately 32 feet from average natural grade; 3) A Coastal Administrative Permit to allow the development of a 120 linear foot long access road and staging area located on Lot B (grading less than 100 cubic yards of cut and fill); 4) a Coastal Development Permit to allow development within 750 feet of a known archaeological resource; and a Design Approval to allow the demolition of 115 square feet of existing deck area and 20 square feet of interior space; the addition of 135 square feet to the second story; the conversion 368 square feet of existing third story habitable space into uncovered deck area; and replacement of all exterior siding, doors, windows and roof materials with colors and materials consisting of: cementitious siding panel (gray), anodized aluminum framed windows and doors (dark bronze), wood decks (natural redwood), railings (stainless steel), and metal standing seam roof (dark grey).

[PLN130553, Sonoma Lane LLC, 175 Sonoma Lane, Carmel Highlands, Carmel Area Land Use Plan (APN: 241-311-005-000 and 241-311-006-000)]

**The Sonoma Lane application (PLN130553) came on for public hearing before the Monterey County Planning Commission on April 9, 2014. Having considered all the written and documentary evidence, the administrative record, the staff report, oral**



testimony, and other evidence presented, the Planning Commission finds and decides as follows:

### FINDINGS

1. **FINDING:** **PROJECT DESCRIPTION** – The proposed project is a Combined Development Permit consisting of: 1) A Coastal Development Permit for a Lot-line Adjustment between two contiguous legal lots of record; Lot A 0.459 acres (Assessor’s Parcel Number 241-311-006-000) and Lot B 0.327 acres (Assessor’s Parcel Number 241-311-005-000) resulting in an equal exchange of 839 square feet to correct a non-conforming side setback for the residence by increasing it from 10 feet to 20 feet on the west side of Lot A; 2) A Variance to maintain an existing legal non-conforming setback of 16 feet on the east side of lot A, to maintain an existing site coverage of 18% and to allow the structure to maintain an existing non-conforming height of approximately 32 feet from average natural grade; 3) A Coastal Administrative Permit to allow the development of a 120 linear foot long access road and staging area located on Lot B (grading less than 100 cubic yards of cut and fill); 4) a Coastal Development Permit to allow development within 750 feet of a known archaeological resource; and a Design Approval to allow the demolition of 115 square feet of existing deck area and 20 square feet of interior space; the addition of 135 square feet to the second story; the conversion 368 square feet of existing third story habitable space into uncovered deck area; and replacement of all exterior siding, doors, windows and roof materials with colors and materials consisting of: cementitious siding panel (gray), anodized aluminum framed windows and doors (dark bronze), wood decks (natural redwood), railings (stainless steel), and metal standing seam roof (dark grey).
- EVIDENCE:** 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 PLN130553.
2. **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 1982 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 175 Sonoma Lane, Carmel Highlands (Assessor's Parcel Numbers 241-311-005-000 and 241-311-006-000), Carmel Area Land Use Plan. The parcel is zoned “LDR/1-D (CZ)”

(Low Density Residential, 1 unit per acre with Design Control Overlay (Coastal Zone), which allows single family residences. The remodeling and additions proposed to the existing residence require a Lot-line Adjustment, Variance, and a Coastal Administrative Permit. 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, which requires that structures be subordinate to and blended into the environment using appropriate materials that will achieve that effect. The project was reviewed by the Carmel Unincorporated/Highlands Land Use Advisory Committee on December 2, 2013. No members of the public were present to comment on the project. On a vote 5-0 the LUAC recommended that the project be approved with the recommended changes as follows:
- Erosion Control Measures on the undeveloped lot;
  - Confirm finish as approved on roof and railing materials to reduce glare;
  - Maintain downcast lighting to achieve no visible light source;
  - Require address to be posted.

Each of the aforementioned recommended changes have been addressed through standard conditions and have been incorporated into conditions of approval.

- d) **Viewshed:** The subject property is located within the General Viewshed as indicated in Map A, of the Carmel Area Land Use Plan. The County GIS identified the area surrounding the residence as highly sensitive viewshed. However, because the existing residence will not significantly change in size and will not be visible from scenic Highway 1 or other public viewpoints and scenic corridors, staff finds the project consistent with the goal of key policy (2.2.2) protecting the public viewshed and important scenic resources in the Carmel Area.
- e) The project is consistent with Monterey County Code Section 20.70.120 which exempts changes to internal floor area from the requirement of a Coastal Development Permit. The project as proposed meets the requirements for an exemption for the following reasons: the property is not located between the first public road and the sea (the first public road is recognized as Spindrift Road) and the proposed increase to the residence internal floor area is less than 10%. The Design Approval would allow the demolition of 115 square feet of existing deck area and 20 square feet of interior space, the addition of 135 square feet to the second story, the conversion 368 square feet of existing third story habitable space into uncovered deck area and allow the change of all exterior materials and colors of the existing residence.
- f) The project planner conducted a site inspection in November of 2013 to verify that the project on the subject parcel conforms to the plans listed above.
- g) **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. Because the site is within 750 of a known archaeological resource, a

Coastal Development Permit is required 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.

- h) **Biological Resource:** Section 20.146.040 A. of the Carmel Area Land Use Plan requires a biological survey for all proposed development to protect environmentally sensitive habitats of the Carmel Coastal Segment. A biological report was required to determine if the areas within the site proposed for the development of a staging area, not previously disturbed, contained biologically sensitive resources. The report prepared by Jeffery Froke, Ph.D., consulting Ecologist for Califauna, dated March 16, 2014, concluded that the project as proposed and conditioned will not threaten or harm any special-status plant or animal species, or environmentally sensitive habitat.
- i) **Legal Non-Conforming status:** The current residence was constructed under a building permit issued in 1982 and granted a final inspection on September 15, 1984. At that time, the setback requirements adopted in 1981, required the structure to maintain a ten foot (10') side-yard setback and allowed 35% as the maximum site coverage. The current site development standards allow 15% as the maximum site coverage and a side-yard setback of twenty feet (20'). Therefore, the structure is considered to have been established legally at the time but is considered a legal non-conforming structure under the current site development standards for Low Density Residential Zoning Districts.
- j) 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 PLN130553.

3. **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 Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. All conditions recommended have been incorporated into the draft resolution.
  - b) Staff identified potential impacts to Archaeological Resources. The following report have been prepared:
    - *“Archaeological Assessment” (LIB130428) prepared by Archaeological Consulting, CA, October 10, 2013.*
    - *“Biological Assessment” (LIB140096) prepared by Califauna Consulting, CA, March 16, 2014.*

The above-mentioned technical report by an outside consultant concluded that there is no surface evidence of potentially significant archaeological resources on the project parcels and that there are no

physical or environmental constraints that would indicate that the site is not suitable for the uses proposed or . County staff has independently reviewed these reports and concurs with their conclusions.

- c) Staff conducted a site inspection in November of 2013 to verify that the site is suitable for this use.
- d) 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 PLN130553.

4. **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 the RMA - Planning Department, Carmel Highlands Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
  - b) Necessary public facilities have been established for the existing residence no changes to intensify or require additional services such as water service, public sewer and emergency services. No unresolved issues remain.
  - c) Staff conducted a site inspection on in November of 2013 to verify that the site is suitable for this use.
  - d) 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 PLN130553.

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.

- 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 a site inspection in November of 2013 and researched County records to assess if any violation exists on the subject property.
  - c) There are no known open violations on the subject parcel. However, a Restoration Plan (PLN070008) for APN 241-311-005 (Lot B) was approved by the Director of Planning dated November 20, 2007. The approved restoration plan required the previous property owner to replant five Monterey Pines and two Coast Live Oaks trees. Staff confirmed that the trees were replaced in accordance with the approved restoration plan; however, some of the replacement trees failed during

the time the property was left vacant. The new property owner has initiated the replacement of the failed trees and brought the restoration into compliance with the conditions of approval for the restoration. The applicant has incorporated into the proposed development an access road and staging area. Staff has reviewed the proposed road and staging area and finds that it does not interfere with the requirements and/or limitations of the approved restoration plan. New trees have replaced the failed trees and the new owner has contracted with a Forester to monitor the trees and provide annual monitoring reports and a closure report at the end of the 5 year monitoring period for the replanted trees. Therefore, the project is in compliance with the approved Restoration Plan.

- d) All previous violation fees have been paid.
- 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 PLN130553.

6. **FINDING:**

**CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

**EVIDENCE:**

- a) California Environmental Quality Act (CEQA) Guidelines sections 15301(e)(1) & 15305(a) categorically exempts additions to existing structures provided the additions will not result in an increase of more than 50 percent of the floor area and minor alteration in land use, allows minor lot line adjustments to correct side yard setbacks not resulting in the creation of any new parcels.
- b) The proposed project will not result in an increase of more than 50 percent of the floor area of the structure before the addition. The project will be a minor alteration of land limitations by adjusting the property line to correct a legal non-conforming side setback from 10 feet to 20 feet as required under the current development standards in Title 20 Zoning Code.
- c) No adverse environmental effects were identified during staff review of the development application or during a site visit in November of 2013.
- d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. In this case, the exception covered under Section 15300.2 does not apply because the project as proposed will not create any cumulative effect as it is an existing residence nor will it have a significance effect on the environment. The site contains no historic resources or hazardous materials. The project areas are not visible from Highway 1 and will not result in damage to scenic resources.
- e) **Biological Resource:** Section 20.146.040 A. of the Carmel Area Land Use Plan requires a biological survey for all proposed development to protect environmentally sensitive habitats of the Carmel Coastal Segment. A biological report was required to determine if the areas within the site proposed for the development of a staging area, not previously disturbed, contained biologically sensitive resources. The report prepared by Jeffery Froke, Ph.D. consulting Ecologist for Califauna, dated March 16, 2014, concluded that the project as proposed and conditioned will not threaten or harm any special-status plant or

animal species, or environmentally sensitive habitat.

- f) Refer to Findings 1 through 5 and associated evidence to support the conclusion allowing this project to be considered Categorically Exempt under the aforementioned sections.
- g) Staff conducted a site inspection in November of 2013 to verify that the site is suitable for this use.
- h) 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 PLN130553.

**7. FINDING:**

**LOT-LINE ADJUSTMENT** – Section 66412 of the California Government Code (Subdivision Map Act) Title 19 (Subdivision Ordinance) of the Monterey County Code states that lot-line adjustments may be granted based upon the following findings:

- 1. The lot-line adjustment is between four (or fewer) existing adjoining parcels;
- 2. A greater number of parcels than originally existed will not be created as a result of the lot-line adjustment;
- 3. The parcels resulting from the lot-line adjustment conforms to the County’s general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.

**EVIDENCE:**

- a) The parcel is zoned “LDR/1-D (CZ)” (Low Density Residential, 1 unit per acre with Design Control Overlay (Coastal Zone).
- b) The project area has a total of 0.786 acres. The lot-line adjustment proposes to make an equal exchange of 839 square feet between Lot A 0.459 acres (Assessor’s Parcel Number 241-311-006-000) and Lot B 0.327 acres (Assessor’s Parcel Number 241-311-005-000). The adjustment will result in two parcels of 0.459 acres and 0.327 acres.
- c) The lot-line adjustment is between four (or fewer) existing adjoining parcels. The lots are contiguous along the north westerly side of lot A and the north easterly side of Lot B, both fronting along Sonoma Lane in the unincorporated area of the County of Monterey known as Carmel Highlands.
- d) The lot-line adjustment will not create a greater number of parcels than originally existed. Two contiguous separate legal parcels of record will be adjusted and two contiguous separate legal parcels of record will result from the adjustment. No new parcels will be created.
- e) The proposed lot-line adjustment is consistent with the Monterey County Zoning Ordinance (Title 20). Staff verified that the subject property is in compliance with all rules and regulations pertaining to the residential use of the property as defined under Title 20 Section 20.14-LDR Zoning District “LDR/1-D (CZ)” (Low Density Residential, 1 unit per acre with Design Control Overlay (Coastal Zone), which allows single family residences as an allowed use. The project has been reviewed for consistency with the text, policies, and regulations in:
  - 1982 Monterey County General Plan;
  - Carmel Area Land Use Plan;
  - Monterey County Coastal Implementation Plan Part 4;
  - Zoning Ordinance (Title 20);

- Monterey County Subdivision Ordinance (Title 19) coastal; and
  - Monterey County Building Ordinances.
- f) The lots were created as part of the Deven Heights Subdivision. The lots are shown as separate parcels in the 1964 assessor's map book. The minimum lot size as defined in Title 20 under the LDR zoning designation is 1 acre. The two lots as described herein are therefore considered legal non-conforming because they predate and minimum lot size requirements as established by the County. Lot A, currently maintains a legal residence and, therefore, complies with the density requirements under the Land Use Plan of 1 unit per acre. Lot B is currently vacant. The current residence is considered legal non-conforming under the current LDR development standards. The resulting lot line adjustment will correct part of the nonconformity of Lot A by adjusting the property line in a manor consistent with the current site development standards, thereby allowing the residence to maintain the required 20 foot side setback.
- g) The lot-line adjustment will not alter or remove any existing easements on Lot A 0.459 acres (Assessor's Parcel Number 241-311-006-000) and Lot B 0.327 acres (Assessor's Parcel Number 241-311-005-000) as delineated in the project plans.
- h) The current residence maintains an in ground septic system.
- i) As an exclusion to the Subdivision Map Act, no map is recorded for a Lot-line Adjustment. In order to appropriately document the boundary changes, a Certificate of Compliance for each new lot is required per a standard condition of approval.
- j) The project planner conducted a site inspection in November of 2013 to verify that the project would not conflict with zoning or building ordinances.
- k) 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 PLN130553.

8. **FINDING:** **VARIANCE** – The variance shall be granted because of special circumstances applicable to the subject property, including the size, shape, topography, location or surroundings. The strict application of development standards in the Monterey County Codes is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under and under identical zoning classification.
- EVIDENCE:**
- a) The property has a zoning designation of “LDR/1-D (CZ)” (Low Density Residential, 1 unit per acre with Design Control Overlay (Coastal Zone).
  - b) Special circumstances exist relative to the subject property. Slope issues have confined the buildable areas on many lots within the Deven Heights Subdivision including the project site. The property is oriented with a front along Sonoma Lane to minimize development on existing 30% slopes. The residence is located on the property 10 feet from the west property line to maximize the use of buildable areas on the lot. Therefore, the special circumstance applicable to this property is the slope constraint on buildable area.

- c) County records indicate that other residences were constructed within the immediate vicinity, not constrained by 30% slopes in areas under identical zone classification, were constructed larger in the absence of said constraints.
- d) The project planner conducted a site inspection in November of 2013 to verify the circumstances related to the property.
- 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 PLN130553

9. **FINDING:** **VARIANCE** – The variance shall not constitute a grant of privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

- EVIDENCE:**
- a) The property has a zoning designation of “LDR/1-D (CZ)” (Low Density Residential, 1 unit per acre with Design Control Overlay (Coastal Zone).
  - b) The Variance would not constitute a special privilege because several other properties have enjoyed the privilege of exceeding the 15% limitation. After the implementation of the 15% site coverage standard, other property owners within the immediate area were granted variances to maximize the use of the property consistent with previously-approved development within the subdivision. The following properties have been granted variance to exceed the 15% limitation: 20% (Panholzer PLN980520), 17.1% (Baron PLN010049), and 21.2% (Koehler PLN980551). Variances were also granted for the reduction of the required 20 foot side-yard setback: 9 foot side-yard setback (Hirschkron PLN990011) and 11.4 foot side-yard setback (Panholzer PLN980520).
  - c) The project planner conducted a site inspection in November of 2013 to verify the circumstances related to the 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 PLN130553.

10. **FINDING:** **VARIANCE** – The variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

- EVIDENCE:**
- a) The property has a zoning designation of “LDR/1-D (CZ)” (Low Density Residential, 1 unit per acre with Design Control Overlay (Coastal Zone).
  - b) Staff verified that the subject property is in compliance with all regulations pertaining to the residential use of the property as defined under Title 20 Section 20.14-LDR Zoning District “LDR/1-D (CZ)” (Low Density Residential, 1 unit per acre with Design Control Overlay (Coastal Zone). The zoning allows as a principle use the first single family dwelling per legal lot of record. The existing single family residence was approved by the County and a building permit was issued in 1982 under permit No. 32271.
  - c) The project planner conducted a site inspection in November of 2013 to verify the circumstances related to the 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 PLN130553.

11. **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 PLN130553.
12. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:**
- a) Section 20.86.030 A of the Monterey County Zoning Ordinance Title 20, states that an appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority (Planning Commission).
  - b) Section 20.86.080 A.3, of the Monterey County Zoning Ordinance Title 20 states that any approved project involving development that is permitted in the underlying zone as a conditional use is development appealable to the California Coastal Commission.

### **DECISION**

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

1. Find the project Categorically Exempt; and
2. Approve application PLN130553 for a Combined Development Permit consisting of: 1) A Coastal Development Permit for a Lot-line Adjustment between two contiguous legal lots of record; Lot A 0.459 acres (Assessor's Parcel Number 241-311-006-000) and Lot B 0.327 acres (Assessor's Parcel Number 241-311-005-000) resulting in an equal exchange of 839 square feet to correct a non-conforming side setback for the residence by increasing it from 10 feet to 20 feet on the west side of Lot A; 2) A Variance to maintain an existing legal non-conforming setback of 16 feet on the east side of lot A, to maintain an existing site coverage of 18% and to allow the structure to maintain an existing non-conforming height of approximately 32 feet from average natural grade; 3) A Coastal Administrative Permit to allow the development of a 120 linear foot long access road and staging area located on Lot B (grading less than 100 cubic yards of cut and fill); 4) a

Coastal Development Permit to allow development within 750 feet of a known archaeological resource; and a Design Approval to allow the demolition of 115 square feet of existing deck area and 20 square feet of interior space; the addition of 135 square feet to the second story; the conversion 368 square feet of existing third story habitable space into uncovered deck area; and replacement of all exterior siding, doors, windows and roof materials with colors and materials consisting of: cementitious siding panel (gray), anodized aluminum framed windows and doors (dark bronze), wood decks (natural redwood), railings (stainless steel), and metal standing seam roof (dark grey), based on the findings and evidence and subject to the conditions of approval and in general conformance with the attached sketch all being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 9th day of April, 2014 upon motion of xxxx, seconded by xxxx, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

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

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

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

## NOTES

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

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

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from 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

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

PLN130553

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** Planning Department

**Condition/Mitigation  
Monitoring Measure:**

This Combined Development Permit (PLN130553) allows 1) A Coastal Development Permit for a Lot-line Adjustment between two contiguous legal lots of record; Lot A 0.459 acres (Assessor's Parcel Number 241-311-006-000) and Lot B 0.327 acres (Assessor's Parcel Number 241-311-005-000) resulting in an equal exchange of 839 square feet to correct a non-conforming side setback for the residence by increasing it from 10 feet to 20 feet on the west side of Lot A; 2) A Variance to maintain an existing legal non-conforming setback of 16 feet on the east side of lot A, to maintain an existing site coverage of 18% and to allow the structure to maintain an existing non-conforming height of approximately 32 feet from average natural grade; 3) A Coastal Administrative Permit to allow the development of a 120 linear foot long access road and staging area located on Lot B (grading less than 100 cubic yards of cut and fill); 4) a Coastal Development Permit to allow development within 750 feet of a known archaeological resource; and a Design Approval to allow the demolition of 115 square feet of existing deck area and 20 square feet of interior space; the addition of 135 square feet to the second story; the conversion 368 square feet of existing third story habitable space into uncovered deck area; and replacement of all exterior siding, doors, windows and roof materials with colors and materials consisting of: cementitious siding panel (gray), anodized aluminum framed windows and doors (dark bronze), wood decks (natural redwood), railings (stainless steel), and metal standing seam roof (dark grey). The property is located at 175 Sonoma Lane, Carmel Highlands (Assessor's Parcel Number 241-311-005-000 and 241-311-006-000), Carmel Area Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

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

The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

**2. PD002 - NOTICE PERMIT APPROVAL**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state:  
"A Combined Development Permit (Resolution Number \*\*\*) was approved by the Monterey County Planning Commission for Assessor's Parcel Number 241-311-005-000 and 241-311-006-000 on April 9, 2014. The permit was granted subject to 14 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

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

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

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

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

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to this condition on an on-going basis.  
Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County RMA - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered." When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

#### 4. PD004 - INDEMNIFICATION AGREEMENT

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (RMA - Planning)

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

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

5. PD010 - EROSION CONTROL PLAN

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of RMA - 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 approval of the Director of RMA - Planning and RMA - Building Services. 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 the Director of RMA - Building Services. (RMA - Planning and RMA - Building Services)

**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 RMA - Planning and RMA - Building Services for review and approval.

The Owner/Applicant, on an on-going basis, shall 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 the Director of RMA - Building Services.

Prior to final inspection, the Owner/Applicant shall provide evidence of compliance with the Implementation Schedule to RMA - Planning Department and RMA - Building Services.

**6. PD011 - TREE AND ROOT PROTECTION**

**Responsible Department:** Planning Department

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

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

During construction, the Owner/Applicant/Arborist shall submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.

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

**7. PD007- GRADING WINTER RESTRICTION**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** 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. (RMA - Planning and RMA - Building Services)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant, on an on-going basis, shall obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.

**8. PD045 - COC (LOT LINE ADJUSTMENTS)**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall request unconditional certificates of compliance for the newly configured parcels. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading and/or building permits, the Owner/Applicant/Surveyor shall prepare legal descriptions for each newly configured parcel and submit them to RMA-Planning for review and approval. The legal descriptions shall be entitled "Exhibit A." The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the legal descriptions with a check, payable to the Monterey County Recorder, for the appropriate fees to record the certificates.



**9. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN**

**Responsible Department:** Planning Department

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

**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 RMA - Planning 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.

**10. 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 9, 2017 unless use of the property or actual construction has begun within this period.  
(RMA-Planning)

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

## 11. SPD001-ADDRESSES FOR BUILDINGS

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a 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 at each driveway split. Address signs shall be visible and legible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where 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.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permit, Applicant shall incorporate specification into design and print the text of this condition as Notes on plans.  
Prior to requesting a final building inspection, Applicant shall install the required address signage and shall obtain Planning Department approval for final inspection.

## 12. 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](http://www.mcwra.co.monterey.ca.us).

13. PW0044 - CONSTRUCTION MANAGEMENT PLAN

**Responsible Department:** Public Works 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 during the construction/grading phase of the project and shall provide the following information:  
Duration of the construction, hours of operation, 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.

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

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

**14. SPD001 – CONSTRUCTION MANAGEMENT PLAN**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a Construction Management Plan (CMP) to the RMA-Planning Department 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:

1. Location of designated 'staging' area on the adjacent vacant lot will be used for construction material storage and temporary trash storage.
2. When trash debris builds up on the lot, a debris dumpster will periodically be ordered and placed at the end of the cull-de-sac alongside the row of cypress trees and quickly be filled and removed. In this manner, the debris container will not be left for more than a couple days at a time as needed on street drop site as approved by Fire Agency.
3. All Construction material will be delivered either directly into the driveway or if not possible, placed at the debris box site and immediately moved to the staging area.
4. All Contractors shall require that all employees park their vehicles in designated parking areas off Sonoma Lane and shuttle to the site, freeing up the need for street parking. The existing driveway near the garage area, passed the gate, will be used for off street parking.
5. Construction work hours will be from 8:00 a.m. to 5:30: p.m. Monday – Saturday. No work will be performed on Sunday.

All approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project. (Planning Department)

**Compliance or Monitoring Action to be Performed:** Applicant shall prepare a CMP and shall submit the CMP to the RMA-Planning Department for review and approval.

The approved measures shall be implemented during the construction/grading phase of the project.

**PROJECT DATA**

**OWNER**  
Sonoma Lane LLC,  
350 North Orange Street, Suite 202  
Chicago, IL 60654

**ARCHITECT**  
Carter + Schickel Architects  
1000 North Dearborn Street, Suite 200  
Chicago, IL 60610  
Phone: (312) 624-2204 Fax: (312) 624-2204  
E-mail: Robert@CarterSchickel.com  
Contract: Robert Carter, AIA, Lead AP

**STRUCTURAL**  
Duckworth Inc.  
PO Box 831, Carmel Valley, CA 93924  
Phone: (831) 659-3025  
E-mail: rduckworth@duckworth.com  
Contract: Darren Sumpster

**SURVEYOR**  
Neil Engineers  
P.O. Box 11, Watson and 5th  
Carmel, CA 93921  
Phone: (831) 824-2170  
E-mail: ahern@neilcorp.com  
Contract: Sherman Law

**SHEET INDEX**

- G1.0 COVER SHEET
- G2.0 SURVEY
- G3.0 PROPOSED LOT LINE ADJUSTMENT
- G3.1 CONSTRUCTION MANAGEMENT PLAN
- A1.0 PROPOSED SITE PLAN
- A2.1 LEVEL 1 - PROPOSED
- A2.1(E) LEVEL 1 - EXISTING / DEMOLITION
- A2.2 LEVEL 2 - PROPOSED
- A2.2(E) LEVEL 2 - EXISTING / DEMOLITION
- A2.3 LEVEL 3 - EXISTING / DEMOLITION
- A2.3(E) LEVEL 3 - EXISTING / DEMOLITION
- A2.4 ROOF PLAN - PROPOSED
- A2.4(E) EXISTING ROOF PLAN
- A3.1 BUILDING SECTION
- A3.2 BUILDING SECTION
- A4.1 EXTERIOR ELEVATIONS
- A4.2 EXTERIOR ELEVATIONS
- A4.3 EXTERIOR ELEVATIONS - RENDERED

**PROPERTY ADDRESS**  
175 Sonoma Lane  
Carmel Highlands, CA 93923

**APN**  
241-311-006-000

**ZONING**  
LDR / I-D (C7)

**BUILDING FLOOR AREA**

LOT SIZE	20,024 SF (0.46 ACRES)
(E) 1ST FLOOR AREA	2048 SF
(E) 1ST FLOOR EXTERIOR DECK AREA	238 SF
(E) 2ND FLOOR AREA	2048 SF
(E) 2ND FLOOR EXTERIOR DECK AREA	332 SF
(E) 3RD FLOOR AREA	659 SF
(E) 3RD FLOOR EXTERIOR DECK AREA	98 SF
(E) TOTAL FLOOR AREA	4785 SF
(E) TOTAL EXTERIOR DECK AREA	469 SF
(P) TOTAL FLOOR AREA	5419 SF
(P) 1ST FLOOR AREA	2171 SF
(P) 1ST FLOOR EXTERIOR DECK AREA	248 SF
(P) 2ND FLOOR AREA	2008 SF
(P) 2ND FLOOR EXTERIOR DECK AREA	253 SF
(P) 3RD FLOOR AREA	200 SF
(P) 3RD FLOOR EXTERIOR DECK AREA	375 SF
(P) TOTAL FLOOR AREA	4789 SF
(P) TOTAL EXTERIOR DECK AREA	477 SF
(P) TOTAL FLOOR AREA	5444 SF
(E) GARAGE	600SF

**ZONING INFORMATION**

MAX ALLOWABLE LOT COVERAGE	15%
(E) LOT COVERAGE (LEGAL NONCONFORMING)	18%
(3608 SF / 20,024 SF)	
(P) LOT COVERAGE (LEGAL NONCONFORMING)	18%
(3608 SF / 20,024 SF)	
MAX HEIGHT LIMIT	30 FT.
(E) HIGHEST ROOF DIMENSION (LEGAL NONCONFORMING)	33.7 FT.

**VICINITY MAP**

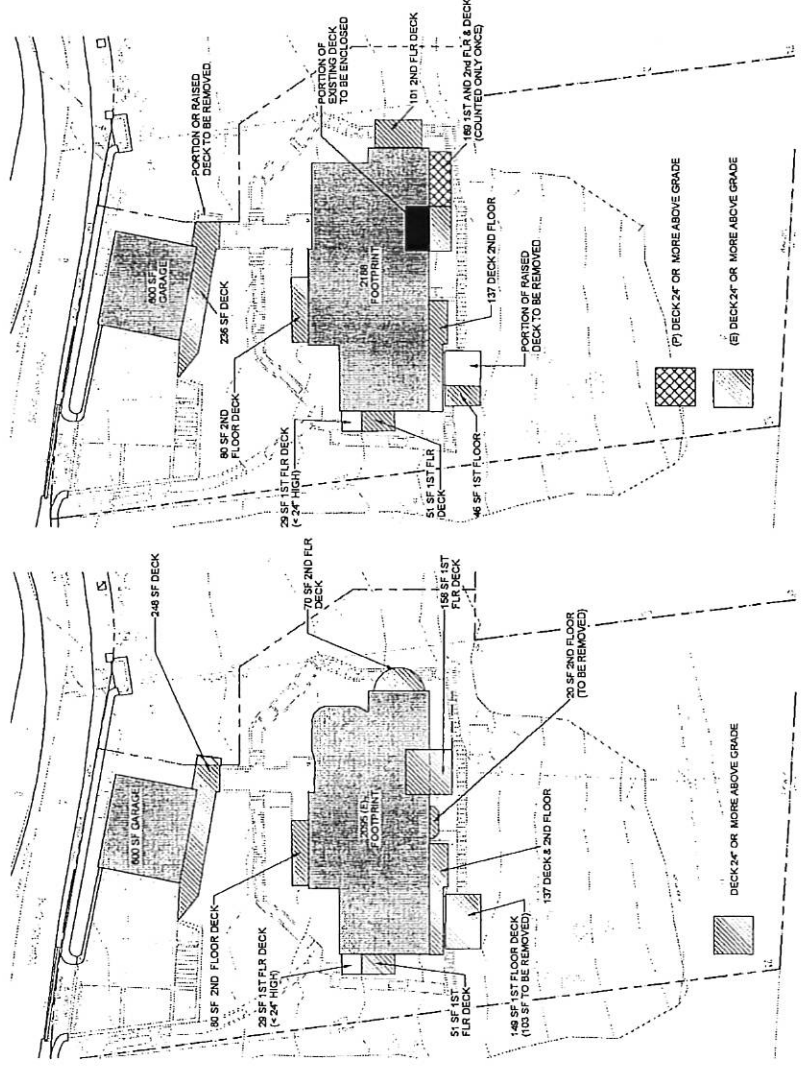


**SCOPE OF WORK**

INTERIOR RENOVATION AND MINOR EXTERIOR IMPROVEMENTS OF AN EXISTING 3 STORY SINGLE FAMILY RESIDENCE.

**MISCELLANEOUS**

WATER SOURCE	CAL-AVAL
SEWER SYSTEM	SEPTIC
TREES TO BE REMOVED	0
GRADING ESTIMATES	0 CUBIC YARDS - FILL 0 CUBIC YARDS - CUT



**1 LOT COVERAGE - EXISTING**

1/16" = 1'-0"	1/16" = 1'-0"
2008 SF BUILDING FOOTPRINT	2148 SF BUILDING FOOTPRINT
600 SF GARAGE	600 SF GARAGE
248 SF DECK	238 SF DECK
198 SF DECK	198 SF DECK
137 SF 2ND FLR & DECK OVERHANG	137 SF 2ND FLR & DECK OVERHANG
46 SF DECK	46 SF DECK
51 SF DECK	51 SF DECK
80 SF DECK	80 SF DECK
<b>3608 SF TOTAL</b>	<b>3608 SF TOTAL</b>

3608 SF / 20,024 SF = 18%

**2 LOT COVERAGE - PROPOSED**

2148 SF BUILDING FOOTPRINT	2148 SF BUILDING FOOTPRINT
600 SF GARAGE	600 SF GARAGE
238 SF DECK	238 SF DECK
198 SF DECK	198 SF DECK
137 SF 2ND FLR & DECK OVERHANG	137 SF 2ND FLR & DECK OVERHANG
46 SF DECK	46 SF DECK
51 SF DECK	51 SF DECK
80 SF DECK	80 SF DECK
<b>3608 SF TOTAL</b>	<b>3608 SF TOTAL</b>

3608 SF / 20,024 SF = 18%

SHEET: **G1.0**

STUDIO ARCHITECTURE PLANNING + INTERIOR DESIGN

Exhibit C

COVER SHEET  
**SONOMA LANE LLC - REMODEL**

175 SONOMA LANE CARMEL HIGHLANDS, CA

Exhibit C

- NOTE:**
- (1) ELEVATIONS SHOWN ARE BASED ON AN ASSUMED DATUM.
  - (2) ALL LOT DIMENSIONS ARE IN FEET AND INCHES.
  - (3) UNDEVELOPED AREAS ARE NOT LOCATED INFORMATION.
  - (4) THIS MAP PRESENTS THE STATE OF THE LAND AND DOES NOT SHOW THE RESULTS OF ANY SURVEYING OPERATIONS.
  - (5) THIS MAP PRESENTS THE STATE OF THE LAND AND DOES NOT SHOW THE RESULTS OF ANY SURVEYING OPERATIONS.
  - (6) THIS MAP PRESENTS THE STATE OF THE LAND AND DOES NOT SHOW THE RESULTS OF ANY SURVEYING OPERATIONS.
  - (7) THIS MAP PRESENTS THE STATE OF THE LAND AND DOES NOT SHOW THE RESULTS OF ANY SURVEYING OPERATIONS.
  - (8) THIS MAP PRESENTS THE STATE OF THE LAND AND DOES NOT SHOW THE RESULTS OF ANY SURVEYING OPERATIONS.
  - (9) THIS MAP PRESENTS THE STATE OF THE LAND AND DOES NOT SHOW THE RESULTS OF ANY SURVEYING OPERATIONS.
  - (10) THIS MAP PRESENTS THE STATE OF THE LAND AND DOES NOT SHOW THE RESULTS OF ANY SURVEYING OPERATIONS.
  - (11) THIS MAP PRESENTS THE STATE OF THE LAND AND DOES NOT SHOW THE RESULTS OF ANY SURVEYING OPERATIONS.
  - (12) THIS MAP PRESENTS THE STATE OF THE LAND AND DOES NOT SHOW THE RESULTS OF ANY SURVEYING OPERATIONS.
  - (13) THIS MAP PRESENTS THE STATE OF THE LAND AND DOES NOT SHOW THE RESULTS OF ANY SURVEYING OPERATIONS.
  - (14) THIS MAP PRESENTS THE STATE OF THE LAND AND DOES NOT SHOW THE RESULTS OF ANY SURVEYING OPERATIONS.
  - (15) THIS MAP PRESENTS THE STATE OF THE LAND AND DOES NOT SHOW THE RESULTS OF ANY SURVEYING OPERATIONS.
  - (16) THIS MAP PRESENTS THE STATE OF THE LAND AND DOES NOT SHOW THE RESULTS OF ANY SURVEYING OPERATIONS.
  - (17) THIS MAP PRESENTS THE STATE OF THE LAND AND DOES NOT SHOW THE RESULTS OF ANY SURVEYING OPERATIONS.
  - (18) THIS MAP PRESENTS THE STATE OF THE LAND AND DOES NOT SHOW THE RESULTS OF ANY SURVEYING OPERATIONS.
  - (19) THIS MAP PRESENTS THE STATE OF THE LAND AND DOES NOT SHOW THE RESULTS OF ANY SURVEYING OPERATIONS.
  - (20) THIS MAP PRESENTS THE STATE OF THE LAND AND DOES NOT SHOW THE RESULTS OF ANY SURVEYING OPERATIONS.



- LEGEND**
- ▲ SURVEY CONTROL POINT
  - ⊙ WATER METER
  - ⊙ WATER VALVE
  - ⊙ SPOT ELEVATION
  - ☼ TREE - DO NOT LOCATE ALL TREES
  - ⊕ TOP OF WALL
  - ⊖ BOTTOM OF WALL
  - ▭ ASPHALT CONCRETE SURFACE
  - ▭ FENCE AS NOTED
  - FIRE HYDRANT
  - ⊙ UTILITY POLE
  - ⊙ GUY WIRE
  - ⊙ FIRE AT PROPERTY CORNER
  - GRANITE COLUMN
  - CLEAN OUT
  - SS- SANITARY SEWER

NEEL ENGINEERS CORP.  
 CARMEL, CALIFORNIA  
**TOPOGRAPHIC MAP**  
 LOTS 18 & 19  
 DEVEN HEIGHTS SUBDIVISION  
 CARMEL HIGHLANDS  
 MONTEREY COUNTY, CALIFORNIA  
 FOR JOHN STAFFORD



W.D. 81335  
 MARCH 2013  
 SCALE: 1"=16'

Registered Civil Engineer No. 28411 Date

REVISED MAY 2, 2013

Exhibit C



LOT A  
 APN: 241-311-006  
 ACRES: .459  
 LOT SIZES TO REMAIN UNCHANGED

LOT B  
 APN: 241-311-005  
 ACRES: .377  
 LOT SIZES TO REMAIN UNCHANGED

① PROPOSED LOT LINE ADJUSTMENT  
 TITLE: 1-2'

Date: 11.08.2013  
 Scale: 1/8" = 1'-0"  
 Drawn By: P.L.  
 Job: 13071

PROPOSED LOT LINE ADJUSTMENT  
**SONOMA LANE LLC - REMODEL**  
 ITS SONOMA LANE DANIEL HIGHLAND, CA

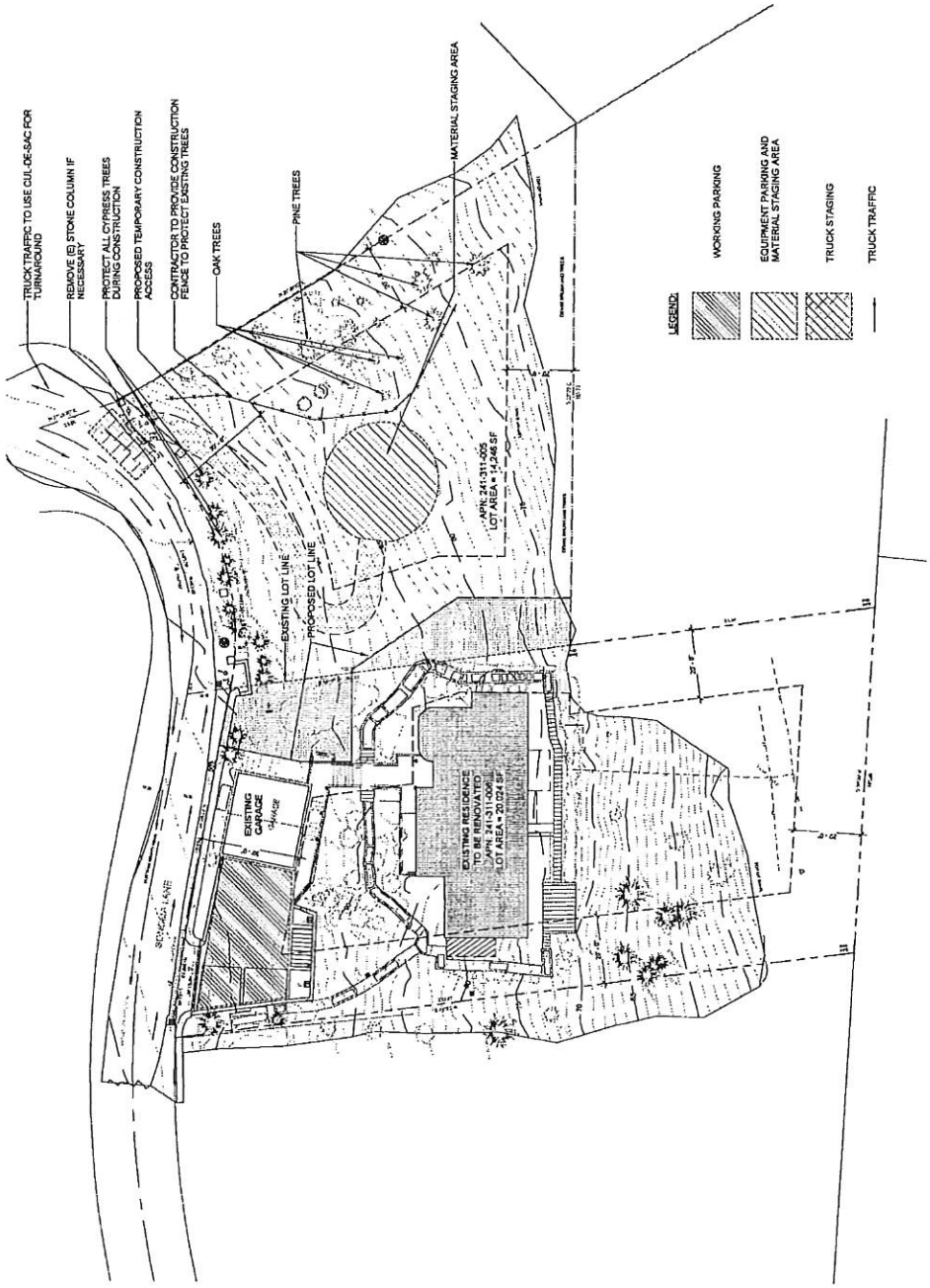
SHEET:  
**G3.0**



Exhibit C

**CONSTRUCTION MANAGEMENT NOTES:**

1. DURATION OF CONSTRUCTION IS TO BE DETERMINED FROM THE DATE WORK SHALL BE PERFORMED BETWEEN THE HOURS OF 7AM AND 5PM (SUNTIDE) AND NO ONE SHALL BE PERFORMING CONSTRUCTION ACTIVITY (SUNTIDE) AFTER 5PM.
2. AN ESTIMATED TRUCK TRAFFIC TURNAROUND SHALL BE NECESSARY FOR THE DURATION OF CONSTRUCTION.
3. TRUCKS WILL BE REQUIRED TO AND FROM THE SITE USING HIGHWAY 1.
4. THE NUMBER OF TRUCKS WILL VARY THROUGHOUT THE CONSTRUCTION PERIOD.
5. EROSION CONTROL MEASURES SHALL BE INSTALLED PER THE PERMITTED PLAN AND SPECIFICATIONS. EQUIPMENT SHALL NOT BE USED FOR MOBILE EQUIPMENT UNLESS NECESSARY.
6. USE ALL PERMITTED EROSION CONTROL EQUIPMENT OR METHODS WHERE NECESSARY TO PREVENT EROSION.
7. WORK SHALL BE PERFORMED WITHIN THE PERMITTED HOURS TO REDUCE TRAFFIC AND NOISE.
8. TRUCKS SHALL BE REQUIRED TO AND FROM THE SITE USING HIGHWAY 1.
9. THE NUMBER OF TRUCKS WILL VARY THROUGHOUT THE CONSTRUCTION PERIOD.
10. EROSION CONTROL MEASURES SHALL BE INSTALLED PER THE PERMITTED PLAN AND SPECIFICATIONS. EQUIPMENT SHALL NOT BE USED FOR MOBILE EQUIPMENT UNLESS NECESSARY.
11. USE ALL PERMITTED EROSION CONTROL EQUIPMENT OR METHODS WHERE NECESSARY TO PREVENT EROSION.
12. WORK SHALL BE PERFORMED WITHIN THE PERMITTED HOURS TO REDUCE TRAFFIC AND NOISE.



1 CONSTRUCTION MANAGEMENT PLAN  
DATE: 1/10/2019

DATE:	11/03/2019
SCALE:	1/8" = 1'-0"
DRAWN BY:	JKL
DATE:	1/10/2019

CONSTRUCTION MANAGEMENT PLAN  
SONOMA LANE LLC - REMODEL

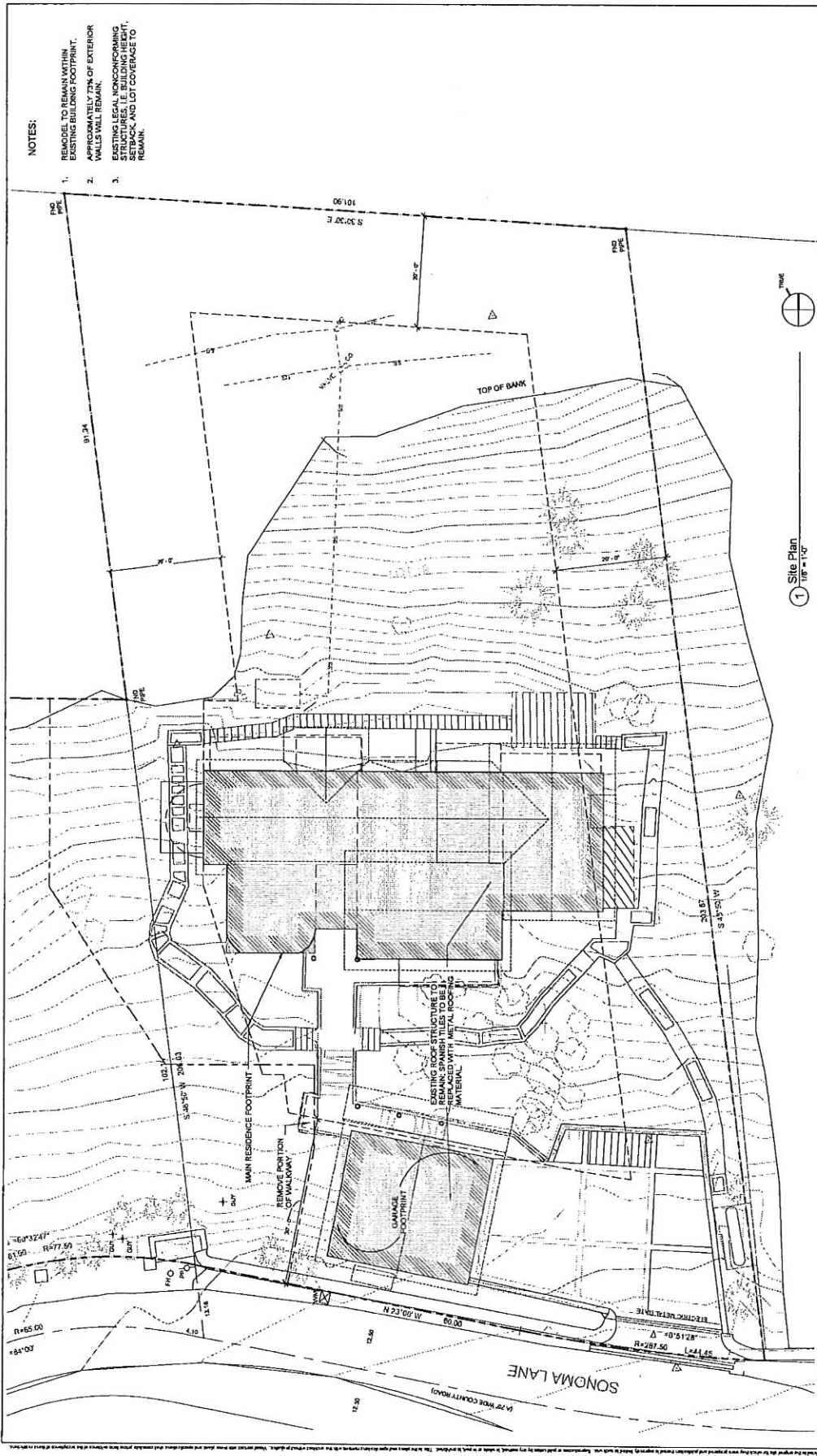
175 SONOMA LANE CARNEL, HIGHLANDS, CA

STUDIO GARBER  
ARCHITECTURE • PLANNING • INTERIOR DESIGN

SHEET: G3.1

Exhibit C



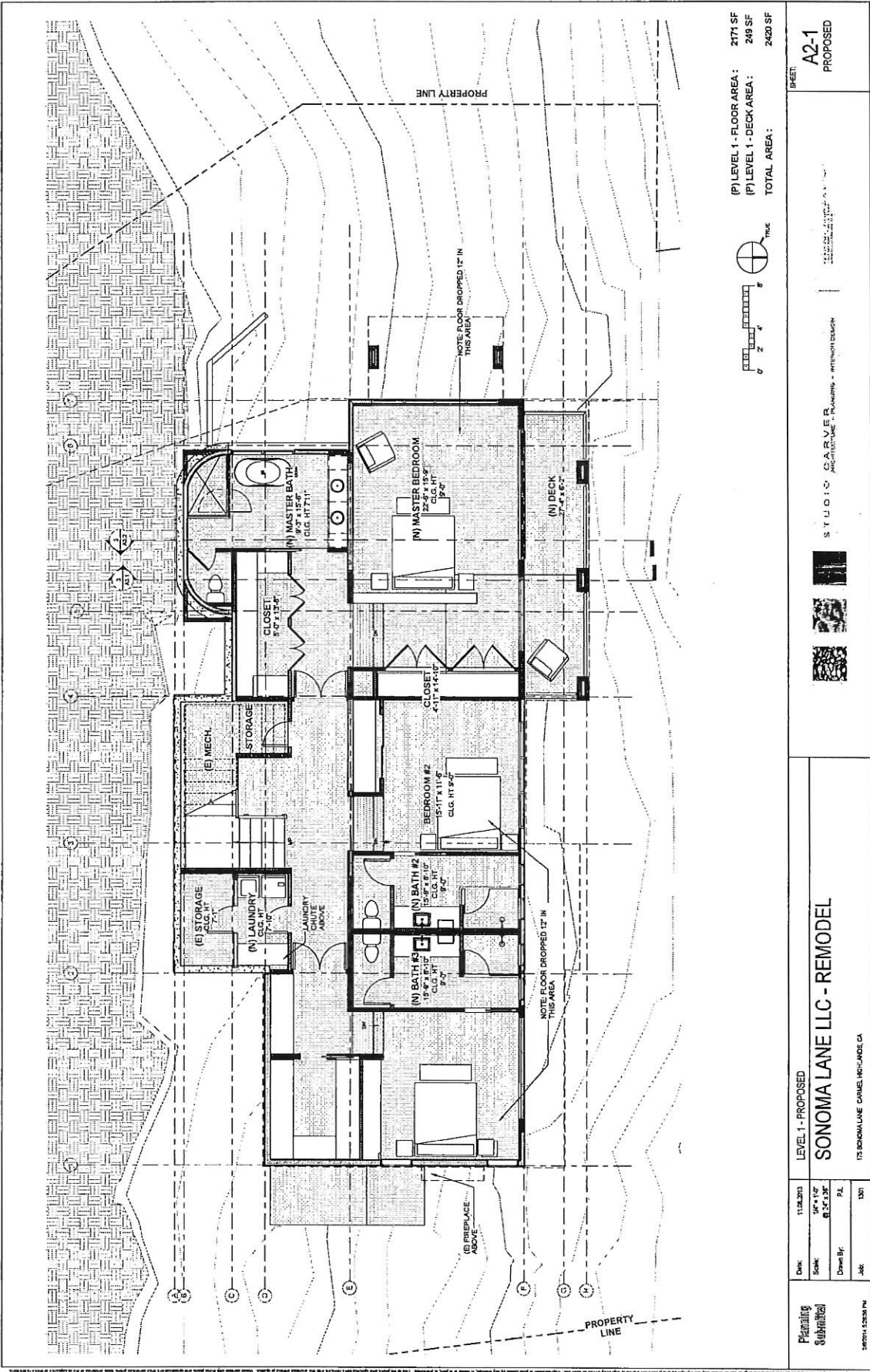


- NOTES:
1. REMODEL TO REMAIN WITHIN EXISTING BUILDING FOOTPRINT.
  2. APPROXIMATELY 75% OF EXTERIOR WALLS WILL REMAIN.
  3. EXISTING LEGAL NONCONFORMING STRUCTURES, I.E. BUILDING HEIGHT, AREA, AND LOT COVERAGE TO REMAIN.

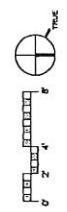
Planning Submittal 202014.0208 PM		11/01/2017 10' x 10'		PROPOSED SITE PLAN <b>SONOMA LANE LLC - REMODEL</b> 175 SONOMA LANE CORNELIUS, CALIF.		SHEET: <b>A1.0</b>	
Date:		Scale:		Project:		Studio:	
Drawn By:		Date:		Title:		Studio Name:	
Job:		Scale:		Project:		Studio Name:	

Exhibit C

Page 5 of 10 Pages



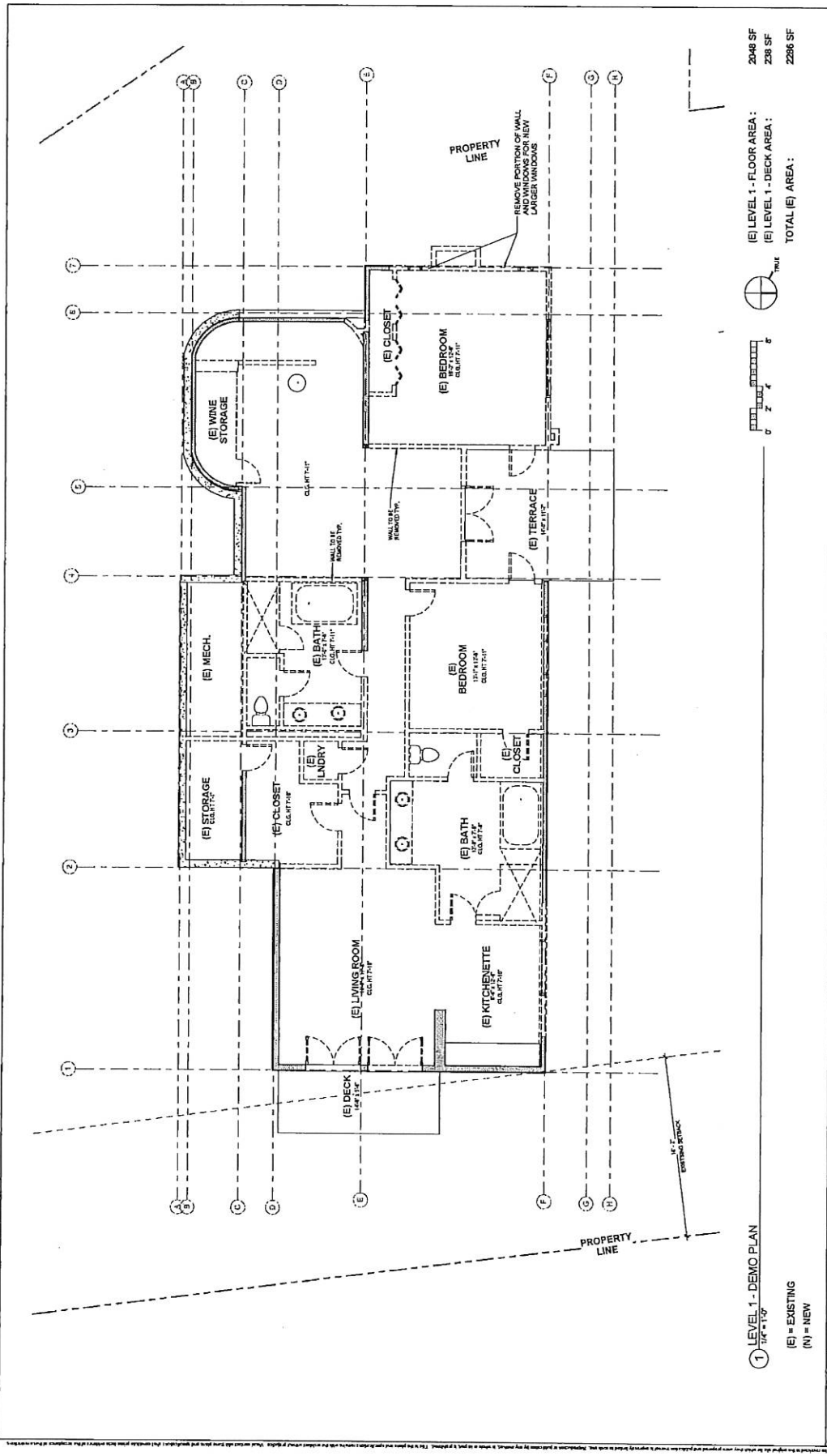
(P) LEVEL 1 - FLOOR AREA : 2171 SF  
 (P) LEVEL 1 - DECK AREA : 249 SF  
 TOTAL AREA : 2420 SF



Planning Submitted 5/20/24 11:28 AM	Date: 11/28/2023 Scale: 1/8" = 1'-0" Drawn By: FL Job: 1201	LEVEL 1 - PROPOSED <b>SONOMA LANE LLC - REMODEL</b> 175 SONOMA LANE CARMEL, CALIFORNIA, CA	SHEET: <b>A2-1</b> PROPOSED
	STUDIO CASABER ARCHITECTURE, PLANNING & INTERIOR DESIGN		

Exhibit C

Page 6 of 16 Pages



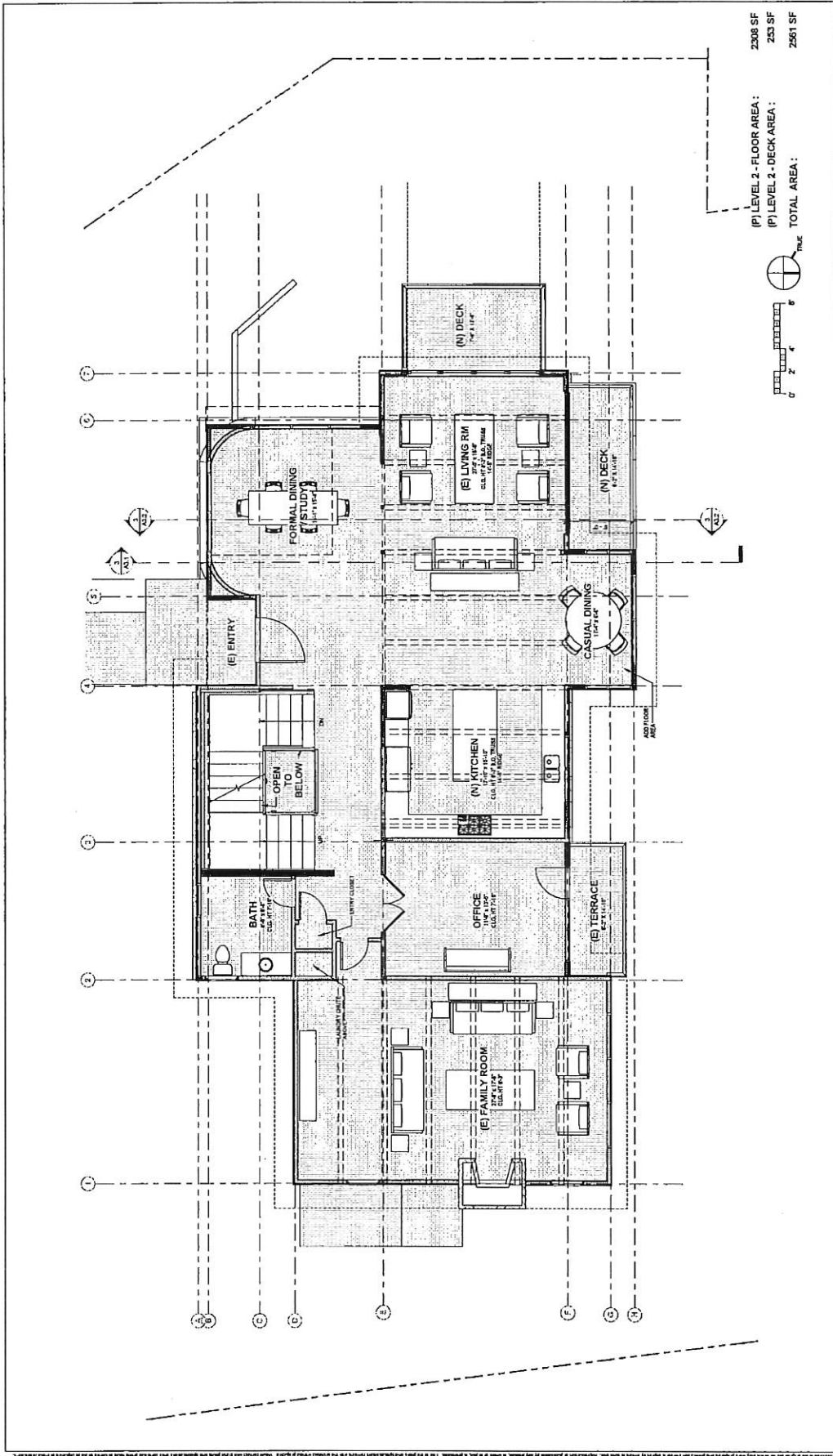
(E) LEVEL 1 - FLOOR AREA : 2048 SF  
 (E) LEVEL 1 - DECK AREA : 238 SF  
 TOTAL (E) AREA : 2286 SF

SHEET:  
**A2-1(E)**  
 EXISTING

STUDIO CARVER  
 ARCHITECTURE • PLANNING • INTERIORS DESIGN

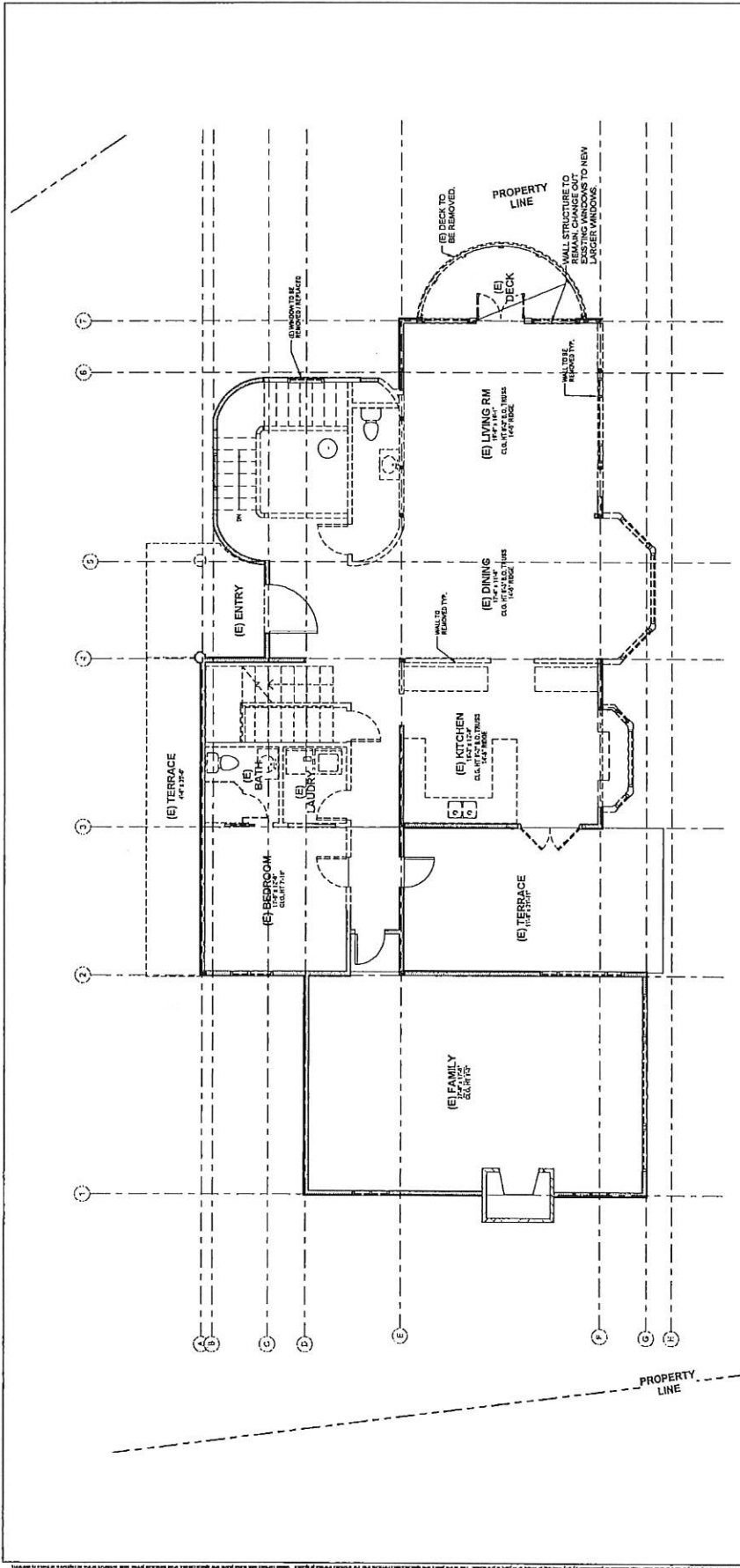
Planning Submittal	Date: 11/04/2013	LEVEL 1 - EXISTING / DEMOLITION
	Scale: 1/4" = 1'-0" OR 3/8" = 1'-0"	<b>SONOMA LANE LLC - REMODEL</b>
Drawn By: JAK	P.L.	175 SONOMA LANE, DANIEL HIGHLAND, CA
2/6/2014 2:27:29 PM	JAK	

Exhibit   C    
 Page   7   of   13   Pages



Planning Submittal <small>200904 1.048.01 PM</small>	Date: 11/06/2015 Scale: 1/8" = 1'-0" Drawing: E-2-FLOOR Drawn By: TLL Date: 1/20/15	LEVEL 2 - PROPOSED <b>SONOMA LANE LLC - REMODEL</b> <small>175 SONOMA LANE CARMEL, CALIFORNIA, CA</small>	SHEET: <b>A2-2</b> PROPOSED
	STUDIO CARVER ARCHITECTURE, PLANNING & INTERIOR DESIGN <small>1000 W. 10TH ST. CARMEL, CA 95006-3008          TEL: 408.922.2222 FAX: 408.922.2222          WWW.STUDIOCARVER.COM</small>		

Exhibit C  
 Page 3 of 10 Pages



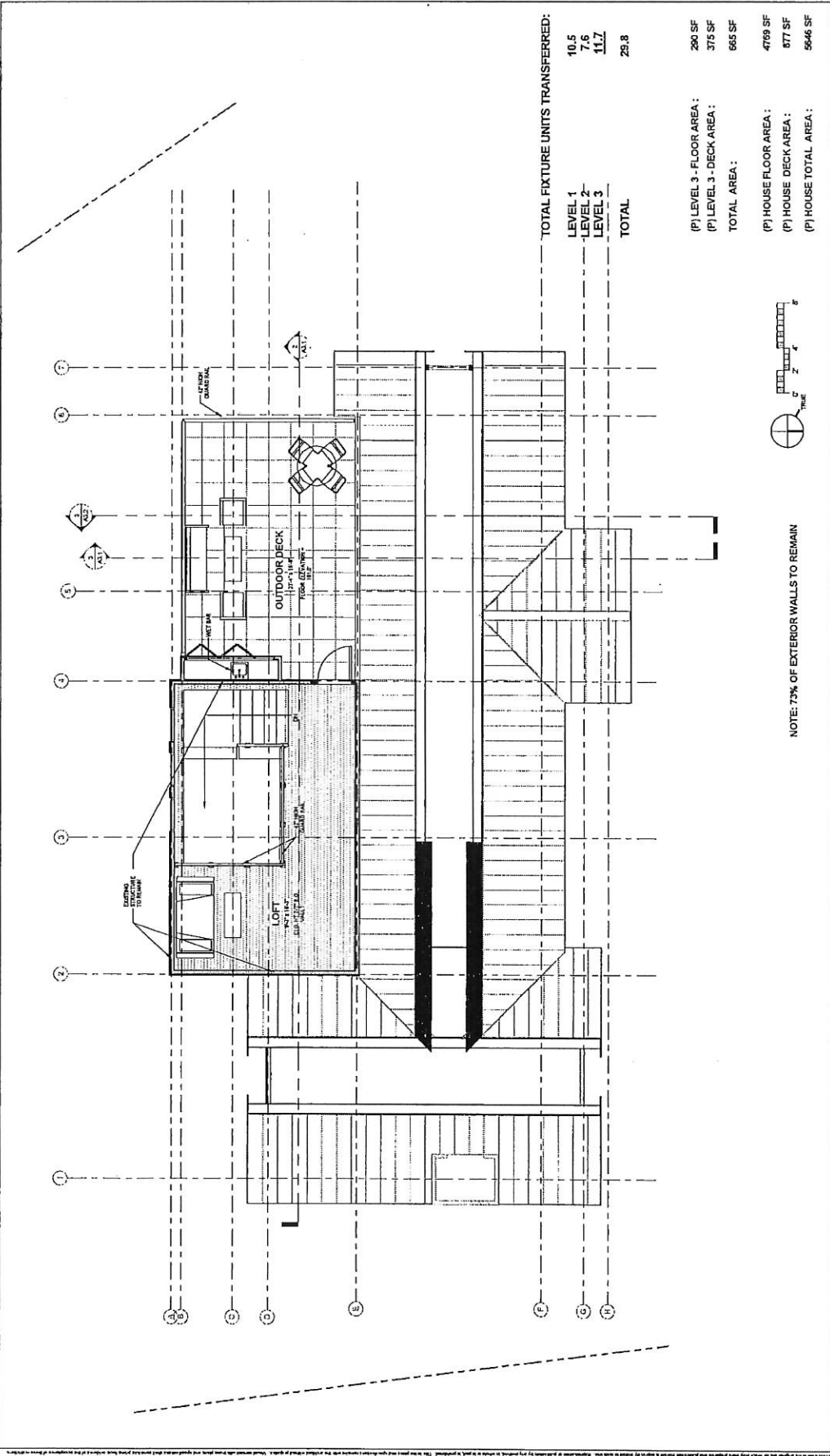
1 LEVEL 2 - DEMO PLAN  
1/8" = 1'-0"

(E) LEVEL 2 - FLOOR AREA : 2081 SF  
 (E) LEVEL 2 - DECK AREA : 332 SF  
 TOTAL AREA : 2413 SF

(E) = EXISTING  
 (N) = NEW

Planning Structural 2402414-27-11-14	Date: 11.06.2013 Scale: 1/8" = 1'-0" Drawn By: [Redacted] Job: 1307	LEVEL 2 - EXISTING / DEMOLITION <b>SONOMA LANE LLC - REMODEL</b> 175 SONOMA LANE, DANIEL, INDIANOLA, CA	SHEET: <b>A2-2(E)</b> EXISTING
	ARCHITECT: [Redacted] STUDIO 22 ARCHITECTURE, PLANNING & INTERIORS DESIGN		

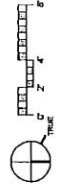
Exhibit C  
 Page 1 of 10 Pages



TOTAL FIXTURE UNITS TRANSFERRED:

LEVEL 1	10.5
LEVEL 2	7.6
LEVEL 3	11.7
TOTAL	29.8

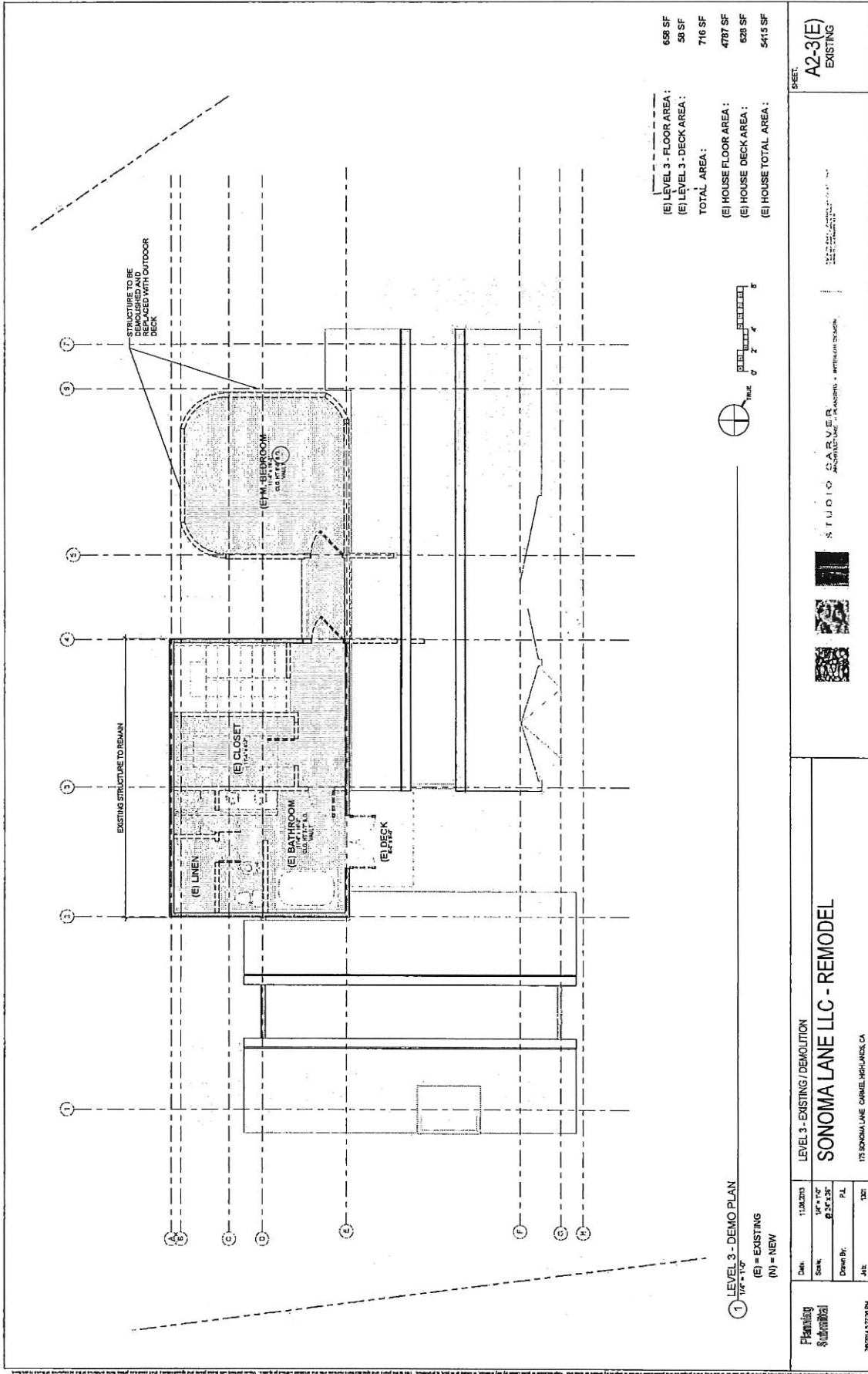
(P) LEVEL 3 - FLOOR AREA :	290 SF
(P) LEVEL 3 - DECK AREA :	375 SF
TOTAL AREA :	665 SF
(P) HOUSE FLOOR AREA :	4769 SF
(P) HOUSE DECK AREA :	877 SF
(P) HOUSE TOTAL AREA :	5646 SF



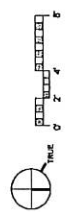
NOTE: 75% OF EXTERIOR WALLS TO REMAIN

Planning Architectural 3600 H STREET NW WASHINGTON, DC 20007	DATE: 11.03.2013 SCALE: 1/8" = 1'-0" DRAWN BY: PJA JOB: 1001	LEVEL 3 - PROPOSED <b>SONOMA LANE LLC - REMODEL</b> 175 SONOMA LANE GARME, NICHOLANDS, CA	SHEET: <b>A2-3</b> PROPOSED
	STUDIO GARVER ARCHITECTURE, INC. - INTERIOR DESIGN 1500 CALIFORNIA STREET, SUITE 200, OAKLAND, CA 94612		

Exhibit C  
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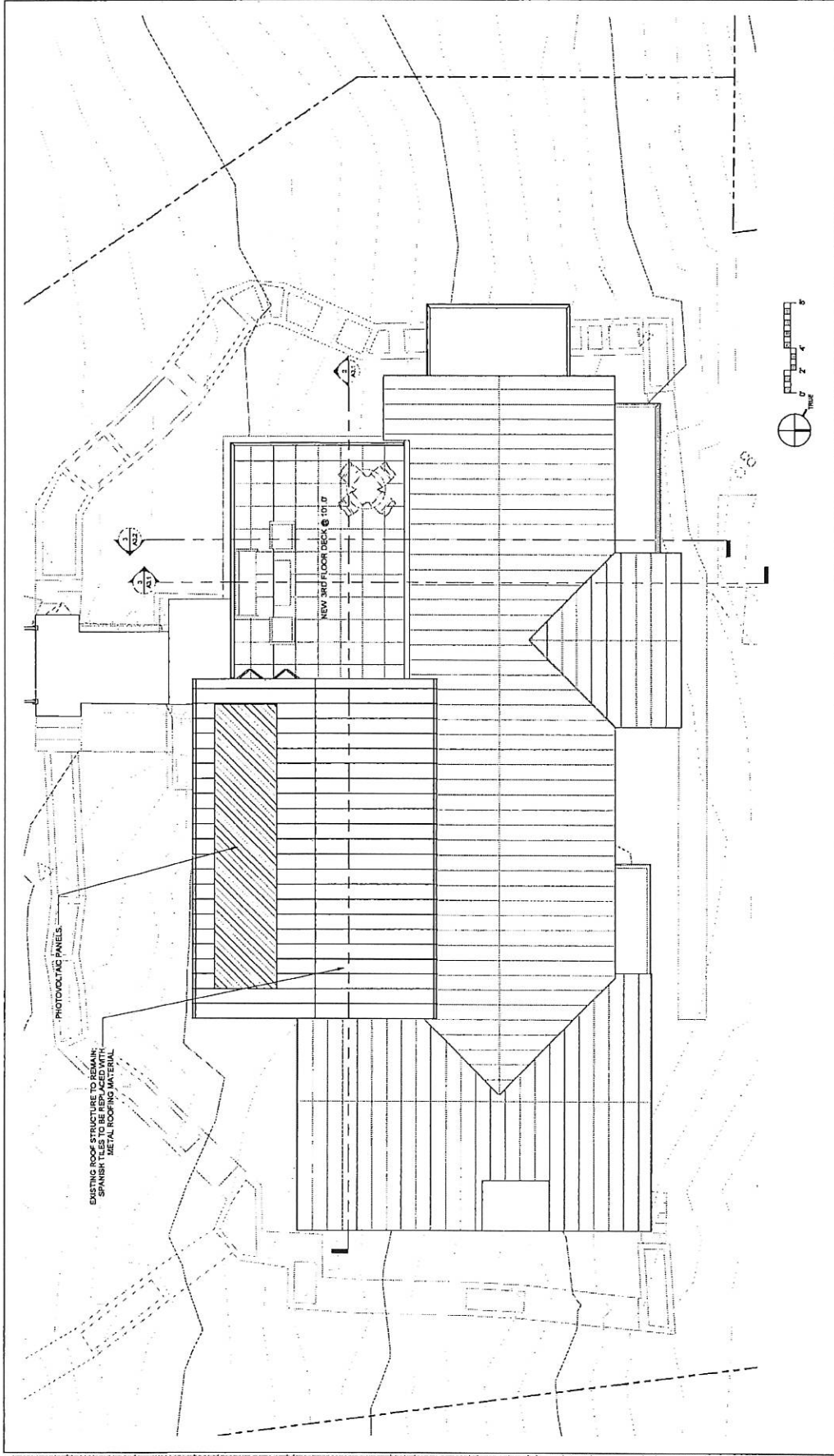


(E) LEVEL 3 - FLOOR AREA : 658 SF  
 (E) LEVEL 3 - DECK AREA : 58 SF  
 TOTAL AREA : 716 SF  
 (E) HOUSE FLOOR AREA : 4787 SF  
 (E) HOUSE DECK AREA : 628 SF  
 (E) HOUSE TOTAL AREA : 5415 SF



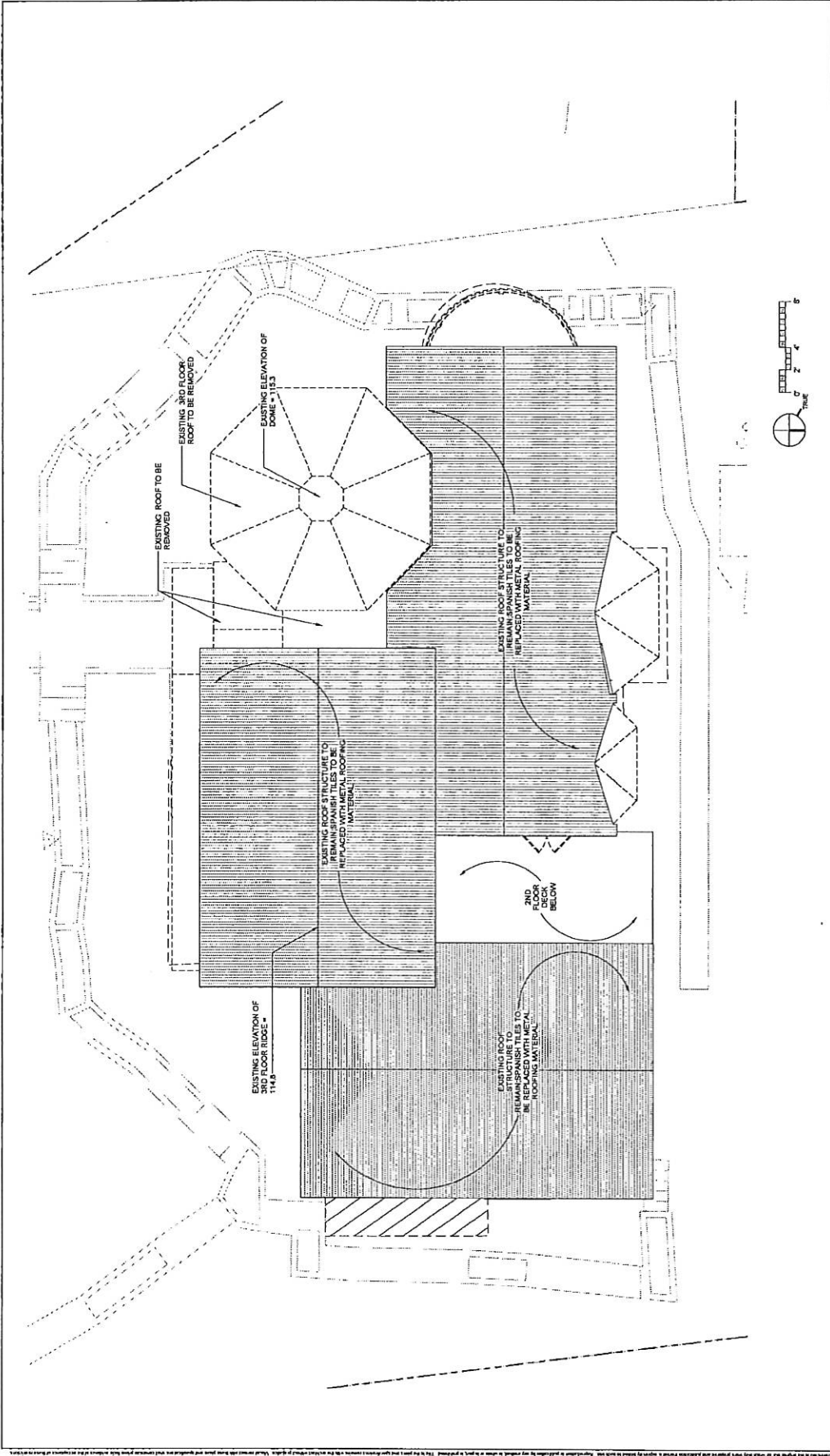
1 LEVEL 3 - DEMO PLAN  
 (E) = EXISTING  
 (N) = NEW

Planning Structural	Date: 11/02/20 Scale: 1/8" = 1'-0" Drawn By: JAL Job: 1001	LEVEL 3 - EXISTING / DEMOLITION <b>SONOMA LANE LLC - REMODEL</b> 175 SONOMA LANE, CUBBER, MICHIGAN, CA	SHEET: <b>A2-3(E)</b> EXISTING
	STUDIO CARVER ARCHITECTURE • MICHIGAN DESIGN		



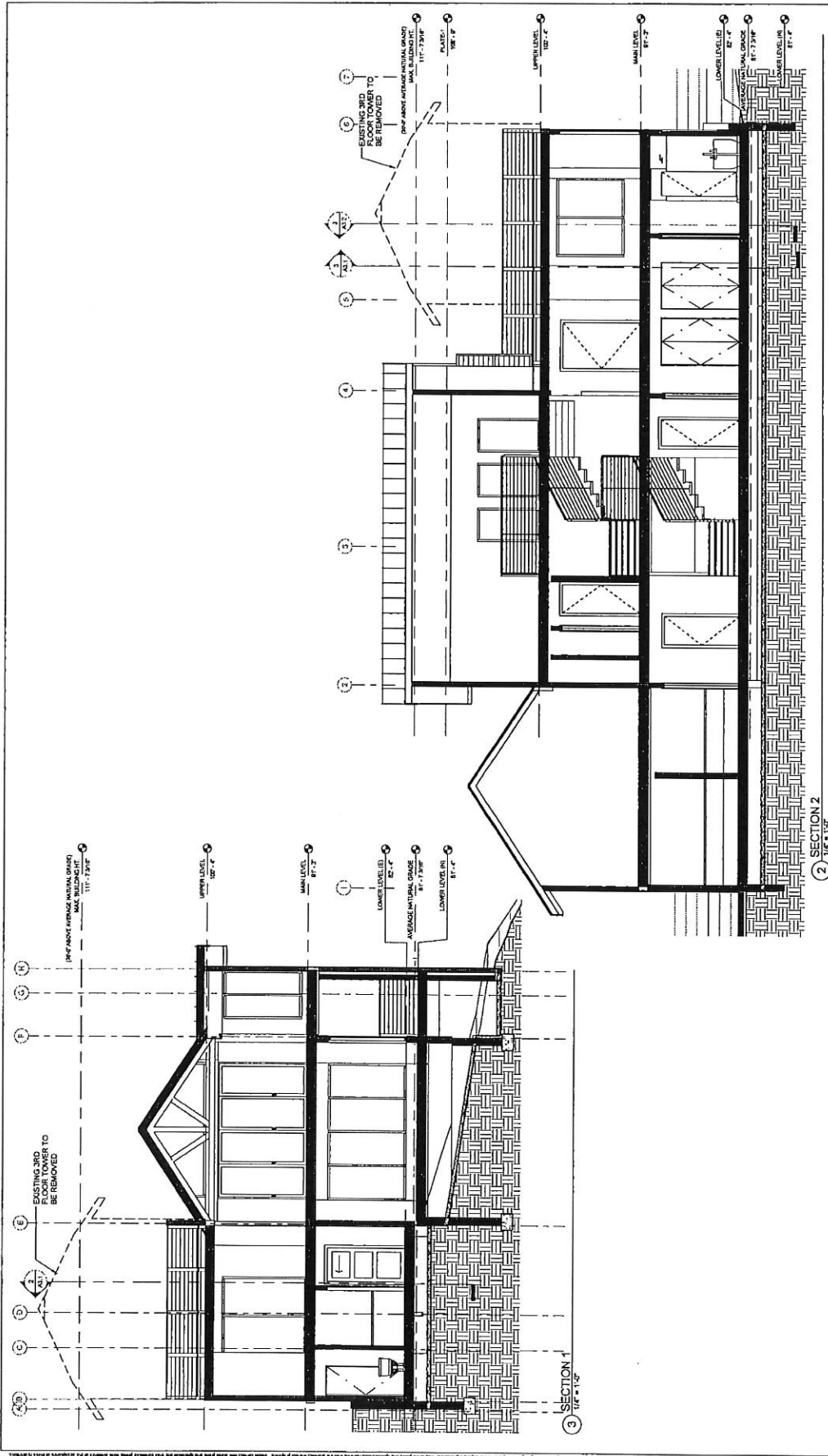
Planning 	Date: 11/03/2013 Scale: 1/8" = 1'-0" Drawn By: PJA Job: 1301	ROOF PLAN - PROPOSED <b>SONOMA LANE LLC - REMODEL</b> 175 SONOMA LANE, DAVENPORT, CA	SEE: <b>A2-4</b> PROPOSED
	STUDIO CARVER ARCHITECTURE • PLANNING • INTERIOR DESIGN		





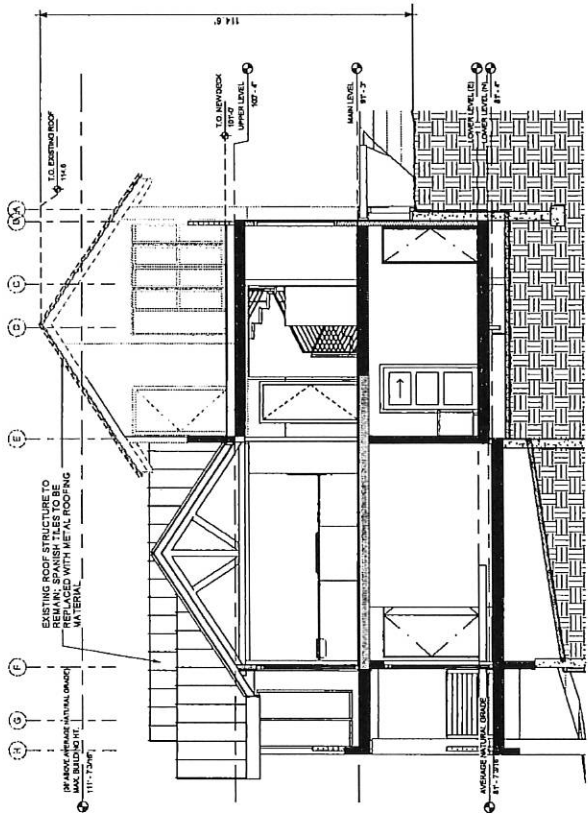
Planning Submittal 3/20/14 1:27:47 PM	Date: 11/03/13 Scale: 1/8" = 1'-0" Drawn By: TLL Job: 1301	EXISTING ROOF PLAN <b>SONOMA LANE LLC - REMODEL</b> 175 SONOMA LANE CARMEL HIGHLANDS, CA	SHEET: <b>A2-4(E)</b> EXISTING
	STUDIO GARDNER ARCHITECTURE • PLANNING • INTERIOR DESIGN 		

Exhibit C  
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Planning & Architectural 200714.12228 PM	Date: 11.08.2013 Scale: 1/8" = 1'-0" Drawn By: PJA Job: 1301	BUILDING SECTION <b>SONOMA LANE LLC - REMODEL</b> 175 SONOMA LANE GARIBOLI, IRELANDS, CA	SHEET: <b>A3.1</b>
	STUDIO C A R V E R ARCHITECTURE • PLANNING • INTERIOR DESIGN 1155 CALIFORNIA STREET, SUITE 200 SAN FRANCISCO, CA 94109		

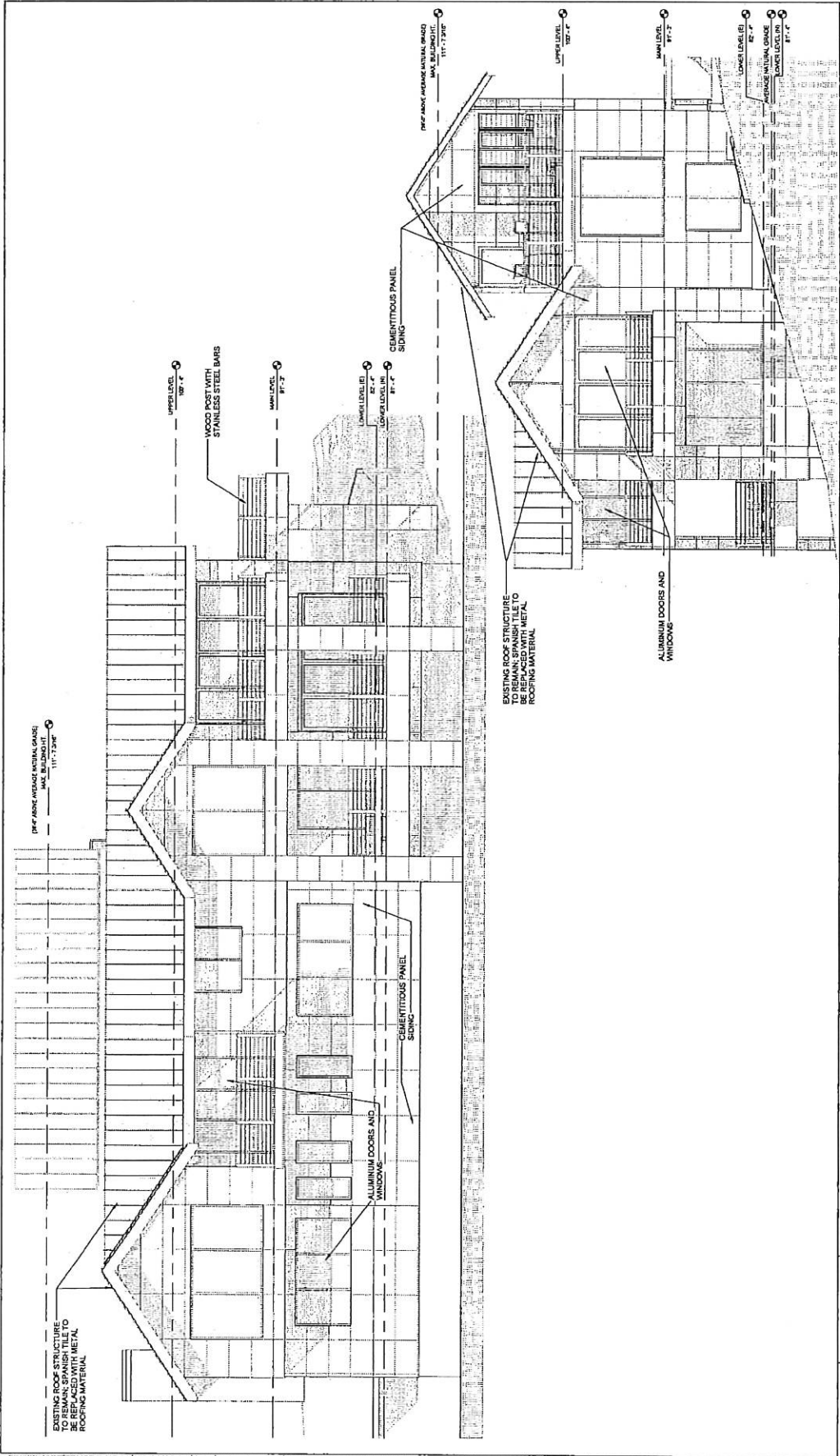
Exhibit C  
 Page A of 12 Pages



SECTION 3  
1/4" = 1'-0"

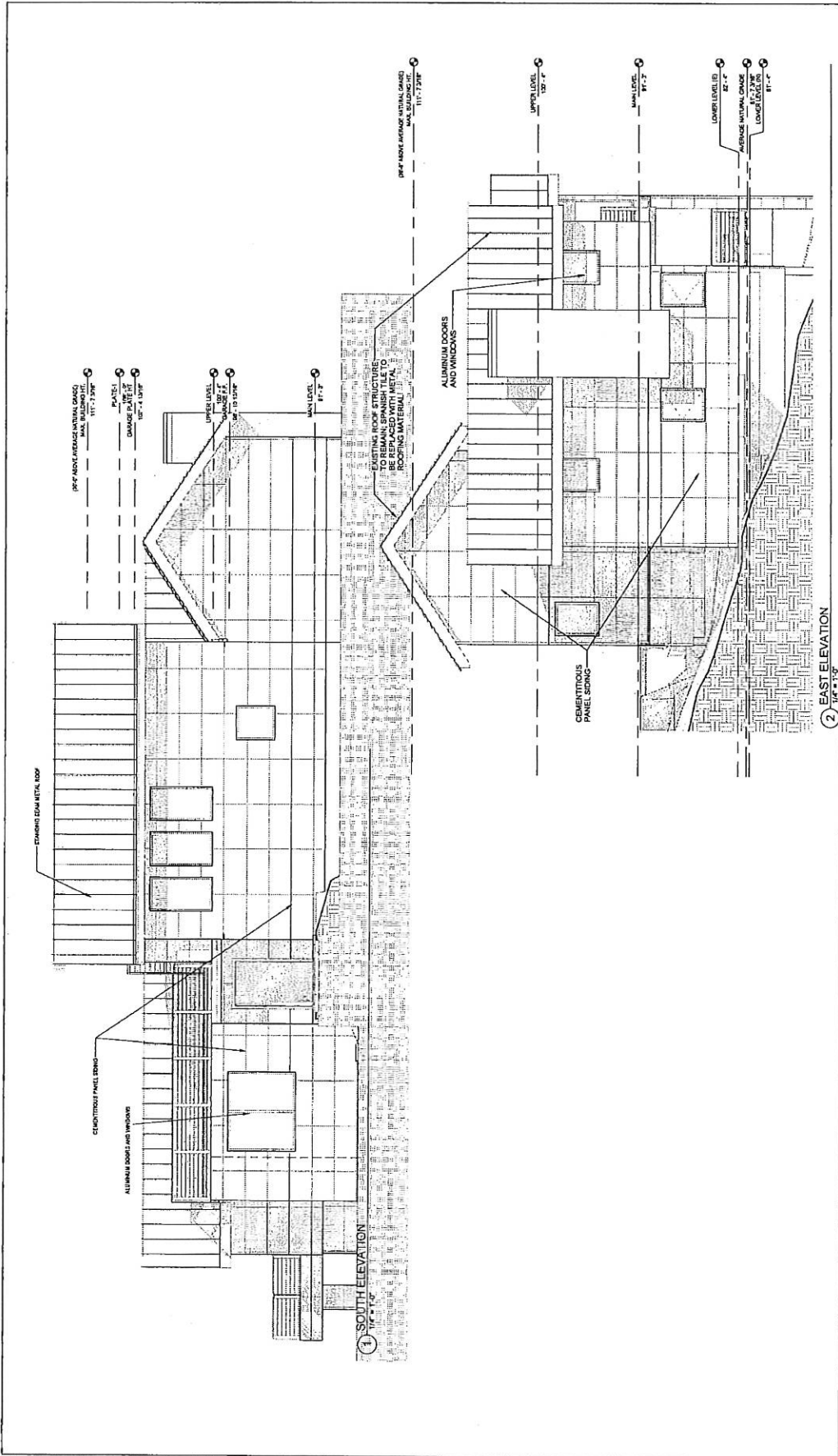
Planning Submittal 3/6/2014 1:28:13 PM	Date: 11/08/13 Scale: 1/4" = 1'-0" Drawn By: P.K. SJC	BUILDING SECTION <b>SONOMA LANE LLC - REMODEL</b> 175 SONOMA LANE CARMEL, CALIFORNIA, CA	SHEET <b>A3.2</b>
	STUDIO CASPER ARCHITECTURE PLANNING + INTERIORS DESIGN		

Exhibit C  
 Page 15 of 14 Pages

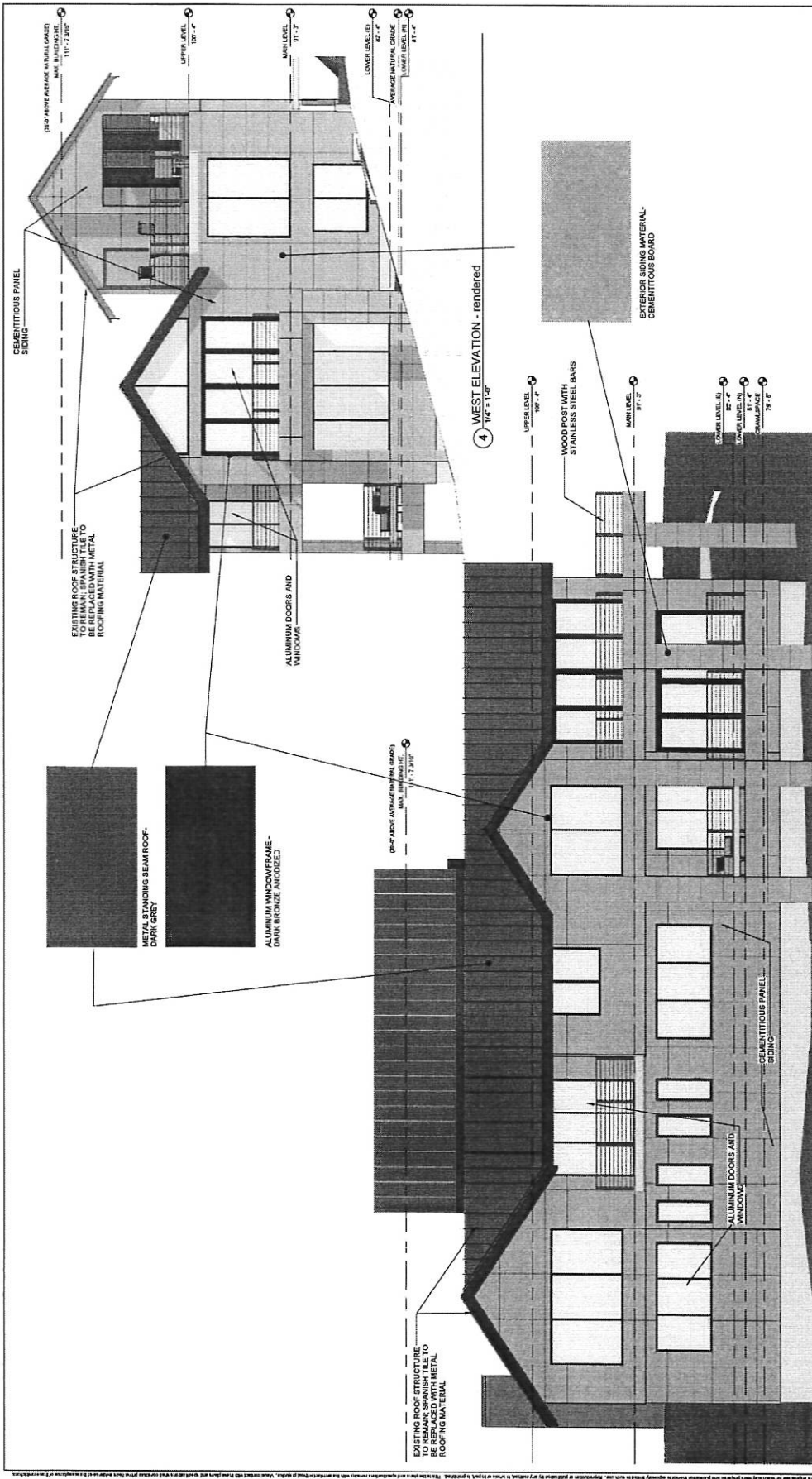


Planning Submitted 3/26/11 1:58:11 PM	DATE: 11/24/2013 SCALE: 1/8" = 1'-0" DRAWN BY: PJA JOB: 1001	EXTERIOR ELEVATIONS <b>SONOMA LANE LLC - REMODEL</b> 175 SONOMA LANE, CARMEL, CALIFORNIA, CA	SHEET: <b>A4.1</b>
	STUDIO: JASPER BLANKENBUSH + INTERIORS		

Exhibit C  
 Page 16 of 18 Pages



Planning Submittal 202011.12.10 PM	Date: 11.08.2013 Scale: 1/4" = 1'-0" Drawn By: P.L.	EXTERIOR ELEVATIONS <b>SONOMA LANE LLC - REMODEL</b> 175 SONOMA LANE CARROLL, HOLLANDS, CA	SHEET: <b>A4.2</b>
	Job: 1301	STUDIO CARVER ARCHITECTURE, PLANNING + INTERIOR DESIGN	



<b>1 NORTH ELEVATION - rendered</b> 1/4" = 1'-0"		<b>4 WEST ELEVATION - rendered</b> 1/4" = 1'-0"	
Date: 11.02.2013 Scale: 1/4" = 1'-0" Drawn By: P.L. Job: 1301	Date: 11.02.2013 Scale: 1/4" = 1'-0" Drawn By: P.L. Job: 1301	SHEET: <b>A4.3</b>	
EXTERIOR ELEVATIONS - RENDERED <b>SONOMA LANE LLC - REMODEL</b> 125 SONOMA LANE CARMEL, CALIFORNIA, CA		STUDIO CLAYFIELD ARCHITECTURE, PLANNING + INTERIORS	
Planning Submittal		11/02/2013 16:04:00 PM	

Exhibit D  
Vicinity Map

PLN130553

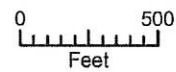
# CARMEL AREA



APPLICANT: SONOMA LANE LLC

APN: 241-311-005-000 & 241-311-006-000

FILE # PLN130553



2500' Limit 300' Limit Water City Limits

EXHIBIT D

PLANNER: MONTANO



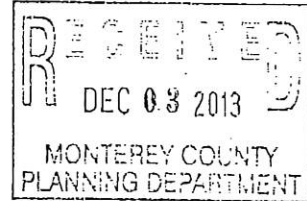
Exhibit E  
Advisory Committee Minutes (LUAC)

PLN130553

# Action by Land Use Advisory Committee

## Project Referral Sheet

Monterey County Planning Department  
 168 W Alisal St 2<sup>nd</sup> Floor  
 Salinas CA 93901  
 (831) 755-5025



Advisory Committee: **Carmel Unincorporated/Highlands**

Please submit your recommendations for this application by: **December 2, 2013**

**Project Title:** SONOMA LANE LLC  
**File Number:** PLN130553  
**File Type:** ZA  
**Planner:** MONTANO  
**Location:** 175 SONOMA LN CARMEL

*NON-CONFORMING  
 HEIGHT  
 SITE COVERAGE  
 SETBACK*

**Project Description:**

Combined Development Permit consisting of: 1) a Coastal Development Permit for a Lot Line Adjustment between two contiguous legal lots of record; Lot A 0.459 acres (Assessor's Parcel Number 241-311-006-000) and Lot B 0.327 acres (Assessor's Parcel Number 241-311-005-000) resulting in an equal exchange of 829 square feet to correct a non-conforming side setback for the residence; 2) a Variance to maintain legal non-conforming site coverage of 18% in order to relocate the deck; 3) a Coastal Administrative Permit to allow the development of a 120 square foot long access road (grading less than 100 cubic yards of cut and fill) and staging area located on parcel B; and 4) Design Approval to replace all exterior siding, doors, windows and roof: materials and colors of siding cementitious panel siding (gray), windows and doors to be replaced with dark bronze anodized aluminum framed windows and doors (aluminum), wood decks (natural redwood), railings (stainless steel) roof metal standing seam (dark grey). The contiguous properties are located west Highway 1 at 175 Sonoma Lane, Carmel (Assessor's Parcel Numbers 241-311-005-000 and 241-311-006-000), Carmel Area Land Use Plan, Coastal Zone.

Was the Owner/Applicant/Representative present at meeting? Yes  No   
*Patrick Hamaster (owner)  
 Matthew Porges (owner)  
 Pam Silkwood, Esq.*

Was a County Staff/Representative present at meeting? Anna Alvarez (Name)

**PUBLIC COMMENT:**

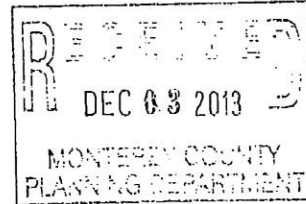
Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
<i>NO MEMBERS OF THE PUBLIC PRESENT.</i>			
			<i>EXHIBIT E PAGE 1 OF 2 PAGES</i>

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
GRAPING @ UNDEVELOPED PARCEL 'B', NON-COMPACTED FILL		NOT TEMPORARY, MUST BE ADDRESSED BY BLDG. DEPT. EROSION CONTROL MEASURES TO BE ENFORCED.
#1) EXT. MATERIALS: #2) GLOSS OF METAL ROOF COLOR S.S. RAIL		MATTG FINISH FOR ROOF TO REDUCE VISIBILITY. BRUSHED METAL TO REDUCE GLOSS.
#3) LANDSCAPING #4) LIGHTING @ EXT DECK		EXISTING TO REMAIN. DOWNGAST LIGHTING - NO VISIBLE LIGHT SOURCE.
#5) NO POSTED ADDRESS ?		ADDRESS MUST BE POSTED PER COUNTY CODE & FIRE DEPT.

ADDITIONAL LUAC COMMENTS

NONE



RECOMMENDATION :

Motion by: DON WALD (LUAC Member's Name)

Second by: JACK MCHESN (LUAC Member's Name)

- Support Project as proposed
- Recommend Changes (as noted above)
- Continue the Item

Reason for Continuance: \_\_\_\_\_

Continued to what date: \_\_\_\_\_

AYES: 5 : DAVIS, WALD, MCHESN, RAINOR, JESOLWIC

NOES: [Signature]

ABSENT: [Signature]

ABSTAIN: [Signature]

EXHIBIT E  
PAGE 2 OF 2 PAGES

Exhibit F  
Variance Justification Letter

PLN130553

# HORAN | LLOYD

ANTHONY T. KARACHALE  
STEPHEN W. DYER  
MARK A. BLUM  
JAMES J. COOK  
ELIZABETH C. GIANOLA  
JEROME F. POLITZER  
PAMELA H. SILKWOOD  
JACQUELINE M. PIERCE  
BIANCA KARIM

*Of Counsel*  
FRANCIS P. LLOYD  
DENNIS M. LAW  
SEAN FLAVIN

LAURENCE P. HORAN  
(1929-2012)

HORAN LLOYD  
A PROFESSIONAL CORPORATION  
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Pamela H. Silkwood, Esq.  
[psilkwood@horanlegal.com](mailto:psilkwood@horanlegal.com)  
Our File No. 5694.08

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January 29, 2014

## VIA E-Mail and Regular Mail

Ramon Montano, Project Planner  
Monterey County RMA  
Planning Department  
168 West Alisal Street, 2nd Floor  
Salinas, California 93901

**Re: 175 Sonoma Lane, Carmel Highlands, CA (APN 241-311-005; -006) - PLN130553  
Justification For Variance Request**

Dear Ramon:

This firm represents Sonoma Lane LLC for the above referenced project ("Project"). This letter provides justifications for the Project's variance request.

In accordance with Monterey County Code Section 20.78.040, variances will be granted based upon evidence to support the findings provided in bold below:

- 1. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this Title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.**

**Justification:** The northern portion of the subject parcel contains areas of 30% slopes, constraining the developable area. The Project proposes an equal exchange of area to maintain the same legal, nonconforming lot coverage. The exchange involves partial removal of an existing deck in exchange for a new deck. The exchange will not enlarge or extend the existing legal, nonconforming setbacks.

EXHIBIT F  
PAGE 1 OF 3 PAGES

Ramon Montano, Project Planner

January 29, 2014

Page 2

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Moreover, the intent of the limitation on lot coverage is to control the bulk and mass of structures in proportion to the size of the parcel. The proposed exchange would be barely noticeable from Sonoma Lane and will not add to the bulk or mass of the existing structure.

2. **That the variance not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.**

**Justification:** The existing nonconforming lot coverage has been legally established. The Project does not propose to increase the existing legal, nonconforming lot coverage.

Variances from the lot coverage requirement have been approved by Monterey County in the past for properties in the Carmel planning area, including the following:

- Variance approval through Resolution No. ZA010049 to allow nonconforming lot coverage of 17.1% for the property located at 180 Van Ess Way, Carmel Highlands (APN 241-311-014); and
- Variance approval through Resolution No. PC93178 to allow nonconforming lot coverage of 19% for the property located at 90 Yankee Point Dr., Carmel Highlands (APN 243-152-011).

Accordingly, no special privilege is granted to the property owner by approving the requested Variance.

3. **A Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.**

**Justification:** The Project proposes a remodel of an existing single family dwelling unit. This use is allowed pursuant to Monterey County Code Section 20.14.040.A, Principal Uses Allowed in the Low Density Residential (CZ) zoning district.

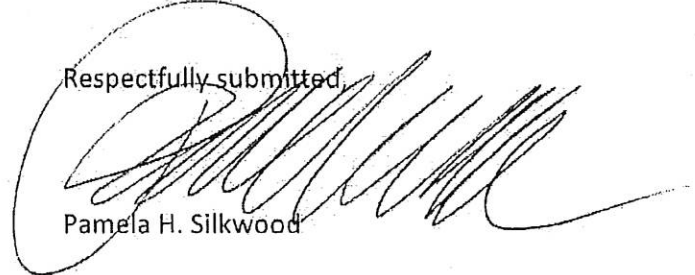
EXHIBIT A  
PAGE 2 OF 3 PAGES

Ramon Montano, Project Planner  
January 29, 2014  
Page 3

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Based on the foregoing, there is sufficient evidence to support the required findings to grant the requested variance. Please do not hesitate to contact me if you have any questions or require additional information.

Respectfully submitted,



Pamela H. Silkwood

PHS:mh  
Enclosures

Cc: Client  
4830-4116-6872, v. 1

EXHIBIT F  
PAGE 3 OF 3 PAGES

Exhibit G  
Biological Report

PLN130553





**CALIFAUNA**

Date: Wednesday, 19 March 2014

To: Pamela H. Silkwood, HORAN| LLOYD  
[psilkwood@horanlegal.com](mailto:psilkwood@horanlegal.com)

## BIOLOGICAL RESOURCES LETTER REPORT

Subject: Biological Review of 175 Sonoma Lane, Carmel, CA 03034

MoCo File No.: PLN 130553

Address: 175 Sonoma Lane, Pebble Beach. CA 93953 (Figure 1)

CA County: Monterey

APN: 241-311-005 & 006 (Figure 2)

Owner: Sonoma Lane LLC

Reference Material: Construction Management Plan (Carver Studio, 08 Nov 2013)

Map Coordinates: lat 36.492423°, lon -121.939296°

Map Datum: WGS84

Elevation Range (ASL): ~ 60 ft (210-150 ft)

Acreage (*affected/total*): ~ 0.786 ac

Settlement History: *R<sup>e</sup> San Jose y Sur Chiquito* (Mexican LG, 1839)

Environmental Setting: Moderate density development of hillside homes situated on steep slopes for ocean views;. Off-property, outbuildings and structures are scattered around small valley bottom; drainage to ocean is unnamed and runs between Wildcat Creek (N) and Malpaso Creek (S). Property at lower elevation (N) is electrified with series of upward pointed floodlights, whether operable?.

*Wildlife and Landscape Science for All of California*

*3158 Bird Rock Rd., Pebble Beach, CA 93953*

*[jbroke@mac.com](mailto:jbroke@mac.com) | (831) 224-8595*

**EXHIBIT 6**  
**PAGE 1 OF 10 PAGES**



Figure 1. State and local geographic context for subject property at 175 Sonoma Lane, Carmel, Monterey County, CA (99223).

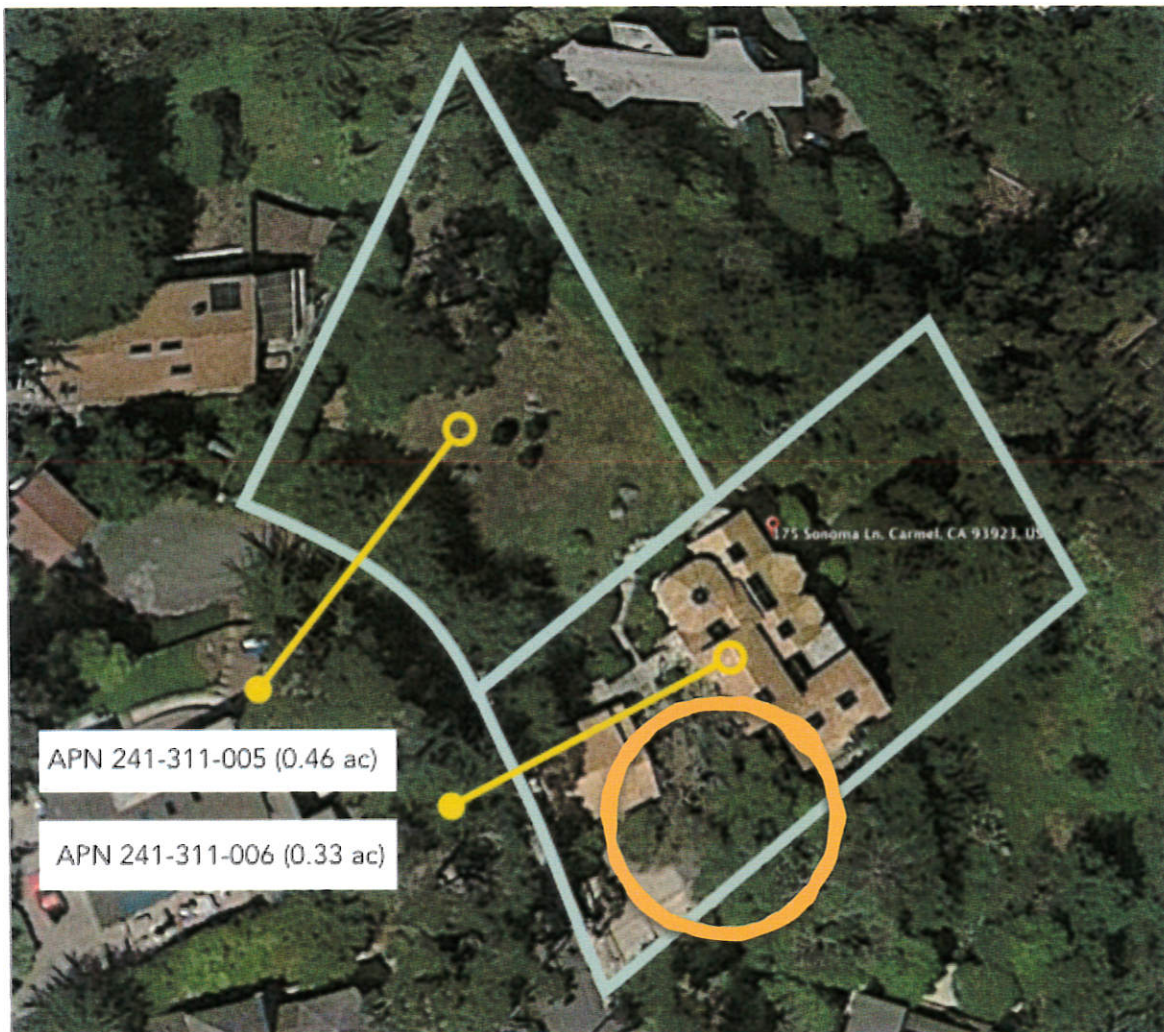


Figure 2. Aerial overlay of two assessor's parcels to convey the vegetative cover of the combined site. The orange circle corresponds to the oak stand discussed in this report *vis a vis* nesting Oak Titmouse (see insert, below).

## Existing Habitat & Vegetation

Where not already built, the hillside and slope cover is essentially all ruderal with familiar invasive nonnative plants dominating the local flora (below). The bottom of the draw (N) is densely covered with tall gum trees (<80-100 ft), believed to be *Eucalyptus globulus*; a number



of these (~ 10 pct) have been recently felled or cut after windfall. Undergrowth is commonly Blackwood (*Acacia melanoxylon*) and other acacias, all of which are in full-flower. French Broom (*Genista monspessulana*) is a dominant shrub in places, varying from Myoporum (*Myoporum laetum*), Pittosporum (*Pittosporum*

*tenuifolium?*), and the acacias. Monterey Pine (*Pinus radiata*) and Monterey Cypress (*Hesperocyparis macrocarpa*) are patchy on site and throughout this neighborhood; neither is native to this location.

Onsite, the single native tree is Coast Live Oak (*Quercus agrifolia*) which grows in dense stands to heights >35 ft — evidently where protected from salty winds (following insert). The property owner has planted several CLO saplings, all of which look well-sited and tended; it is the more appropriate tree species for the site. Elsewhere, native plants are secondary or incidental in mixed patches, with exception of the Coastal Manroot (*Marah oreganus*) and, of course, Western Poison Oak (*Toxicodendron diversilobum*). Also present are California Blackberry (*Rubus ursinus*), California Coffeeberry (*Frangula californica*), and California Lilac (*Ceanothus thrysiflorus*).



This singular stand of Coast Live Oaks is occupied by Oak Titmouse, that when nesting is a special-status species: Onsite nesting is expected but is not confirmed.



Additional prominent plant species are problematic invasives: These include English Ivy (*Hedera helix*), Bermuda Sorrel (*Oxalis pes-caprae*) and Pampas Grass (*Cortaderia selloana*).

### Special-status Resources

With one exception (Oak Titmouse [*Baeolophus inornatus*], below), requisite habitat for locally-confirmed special-status species<sup>1,2</sup>, plant or animal, is not available onsite, nor was any detected in the immediate developed neighborhood (Sonoma Lane). Sensitive plant communities are likewise absent. The developed and ruderal ecology of the area and its subpar vegetation rules out special status resources as are better known from Point Lobos and stretches of 17-Mile Drive in Pebble Beach, i.e., Cypress Point and Pescadero Point.

A search for evidence of regionally confirmed sensitive and special-status animals, e.g., Dusky-footed Woodrat (*Neotoma fuscipes luciana*, CSC), concluded the species' absence from the site - again with exception of Oak Titmouse. The woodrat, if present in the neighborhood, is just as likely to occupy the derelict outbuildings, and any opened attics and crawlspaces amongst the neighborhood homes as they are outdoor spaces (firewood stacks, brush piles and thickets).

Yankee Point presents suitable nesting habitat for two bird species of special concern that prefer North Coast Sage Scrub (California Thrasher [*Toxostoma redivivum*] and Wrentit [*Chamaea fasciata*]) and Coast Live Oak Woodland (Oak Titmouse): A good site and nexus to a larger stands of CSS and CLO occurs 150-200 ft S of the subject property, on the backside of that neighboring property. Nevertheless, the neighboring stands of CSS and CLO do not translate to quality habitat on the subject property, except that more local oak woodland does inure to the benefit of onsite woodland species.



The Oak Titmouse is a small perching bird that is a full-time resident of statewide and local oak woodlands. It is a California Species of Special Concern\* (CSC, per CA Department of Fish and Wildlife, CDFW), and a federal Species of Conservation Concern\* (BCC) per US Fish and Wildlife Service (USFWS). On 15 March 2014, and unsurprisingly, a single male Oak Titmouse was detected foraging and calling in the tops of the heavy oaks onsite, adjacent to Sonoma Lane. Although a second bird or nest was not found, nesting onsite or immediately close by, is expected and has not been refuted.

(\*) The Oak Titmouse is given as special-status (CSC, BCC) only whenever nesting (generally, March through July in Central California).

## Other Animal Species

Among *normal status* animal species, no birds of prey or the arboreal nests of local raptor species, were detected in the canopy of the planted cypress and eucalyptus stands, the latter as a favored habitat for Red-shouldered Hawk and Great Horned Owl. Potential nest cavities — i.e., for hole-nesting birds and bats - were virtually absent, likely because the wind-throw of decadent and senescent trees is high in the small coastal draw. However, onsite cavities may exist in the dense oak stands — not all would be visible from the ground.

Additional bird species that were observed on the site - or in its immediately vicinity - included Anna's Hummingbird (*Calypte anna*), House Finch (*Carpodacus mexicanus*), American Robin (*Turdus migratorius*), American Crow (*Corvus brachyrhynchos*), Mourning Dove (*Zenaida macroura*), Bushtit (*Psaltriparus minimus*), and Dark-eyed Junco (*Junco hyemalis*).

Scattered spoor revealed presence of Striped Skunk (*Mephitis mephitis*), Raccoon (*Procyon lotor*) and Gray Fox (*Urocyon cinereoargenteus*): Further, Virginia Opossum (*Didelphis virginiana*) are expected to occupy the neighborhood habitat.

Pacific Treefrogs (*Pseudacris regilla*) chorused from underneath a deck; and additional amphibians expected to be present include Santa Lucia Mountains Slender Salamander (*Batrachoseps luciae*), though none were found. Common reptiles that are likely present but not found include Coast Garter Snake (*Thamnophis elegans terrestris*) and Western Fence Lizard (*Sceloporus occidentalis*).

## Conclusion: Advice Regarding Biological Effects

The Oak Titmouse is a hardy bird that readily cohabits suburban and rural backyards, gardens and schoolyards where there is sufficient cover of mature and interbranching Coast Live Oak trees. Human activities underneath or in the vicinity of the birds' nest sites (typically woodpecker cavities in oak limbs) usually do not affect or dissuade the birds from their normal behaviors, including nesting. They are disturbed, however, by tree work such as limbing and branching, and by physical jostling or jolting of the nest tree and its limbs.

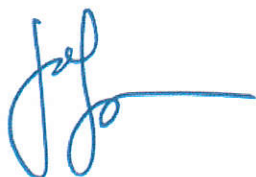
The risk of adversely affecting Oak Titmouse would arise from disturbing mature Coast Live Oaks inhabited by the nesting birds during its nesting period. From conservatively assuming or otherwise confirming that titmice were present and nesting (15 February through July), work actions that could affect the birds would be physical disturbance of the tree and limbs such as by sawing (e.g., limb removal) or repeated jolting (hitting with heavy equipment).

That said, I understand that oaks will not be removed from the area highlighted on the inserted photograph as part of the project, i.e., setting up the construction staging area. As such, the risk to harming the birds and nests will be obviated.

These same oaks should be protected during renovations to the house, particularly for any work scheduled during the bird nesting season. Adherence to a standard set of Best Management Practices to protect the oak trees from damage, as by human error and equipment mishaps, and unnecessary branching or trimming, will serve to protect the Oak Titmouse. For example, bright orange exclusion fence staked around the base of the trees (but not fastened to or wrapped around the tree trunk) and supervision by the project contractor/foreperson should suffice. Specifically, the trees and any stably connected portions that bear cavities, or woodpecker holes, should be preserved. *However*, rotted or loosed branching sections should be removed or treated per the directions of a professional arborist or forester, pursuant to legitimate considerations for human safety.

In sum, protection of the highlighted oaks from physical disturbance or damage will protect the welfare of nesting Oak Titmouse, if present. *Avoidance of mishaps with mature oak trees in the highlighted area during 15 February through July is called for: If during mid-February through July, it would be prudent to ask a qualified wildlife biologist to inspect the worksite and confirm protective measures prior to the work start.* Otherwise, the proposed project does not threaten to harm any special—status plant or animal species, or environmentally sensitive habitat area.

Signed,



Jeffrey B. Froke, Ph.D.  
Consulting Ecologist



1 Special-status species are those that are given one or more of the following rankings:

**FT – USA** - Threatened per the federal Endangered Species Act

**ST – State** - Threatened per the California Endangered Species Act

**BCC - USA - Birds of Conservation Concern:** “The goal of the *Birds of Conservation Concern 2008* report (USFWS 2008) is to accurately identify the migratory and nonmigratory bird species (beyond those already designated as Federally threatened or endangered) that represent our highest conservation priorities and draw attention to species in need of conservation action. We hope that by focusing attention on these highest priority species, this report will promote greater study and protection of the habitats and ecological communities upon which these species depend, thereby ensuring the future of healthy avian populations and communities” (USFWS). This report is available at: [http://library.fws.gov/Bird\\_Publications/BCC2008.pdf](http://library.fws.gov/Bird_Publications/BCC2008.pdf)

**CSC - CA Species of Special Concern.**

“A Species of Special Concern (CSC) is a species, subspecies, or distinct population of an animal [fish, reptile, amphibian, bird and mammal] native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- is extirpated from the State or, in the case of birds, in its primary seasonal or breeding role;
- is listed as Federally-, but not State-, threatened or endangered; meets the State definition of threatened or endangered but has not formally been listed;
- is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status;
- has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for State threatened or endangered status” (CDFW).

**FP - State Fully Protected:**

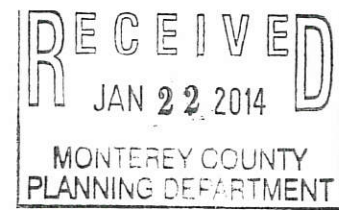
“The classification of Fully Protected was the State's initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction, but that were not listed as Threatened or Endangered. Locally, FP species are the White-tailed Kite (*Elanus leucurus*) and Mountain Lion (*Puma concolor*).

2 CNDDDB read-out for Point Sur and surrounding USGS 7.5 minute topographic quadrangles (15MR2014):

Big Sur AAABH01022 *Rana draytonii* California red-legged frog Threatened None SSC 2 Big Sur ABNKD06090 *Falco mexicanus* prairie falcon None None WL 3 Big Sur ABNUA01010 *Cypseloides niger* black swift None None SSC 4 Big Sur AFCHA0209H *Oncorhynchus mykiss irideus* steelhead - south/central California coast DPS Threatened None SSC 5 Big Sur AMAJF04010 *Taxidea taxus* American badger None None SSC 6 Big Sur ARAAD02030 *Emys marmorata* western pond turtle None None SSC 7 Big Sur CARA2631CA North Central Coast Fall-Run Steelhead Stream North Central Coast Fall-Run Steelhead Stream None None 8 Big Sur ILEPG2026 *Euphilotes enoptes smithi* Smith's blue butterfly Endangered None 9 Big Sur ILEPP2010 *Danaus plexippus* monarch butterfly None None 10 Big Sur ILARA17010 *Meta dolloff* Dolloff Cave spider None None 11 Big Sur NBMUS8Z010 *Dacryophyllum falcifolium* tear drop moss None None 1B.312 Big Sur PDAP1Z0D0 *Sanicula maritima* adobe sanicle None Rare 1B.113 Big Sur PDERI04260 *Arctostaphylos edmundsii* Little Sur manzanita None None 1B.214 Big Sur PDMAL0Q0B2 *Malacothamnus palmeri* var. *lucianus* Arroyo Seco bush-mallow None None 1B.215 Big Sur PDMAL110E0 *Sidalcea malachroides* maple-leaved checkerbloom None None 4.216 Big Sur PDONA050L0 *Clarkia jolonensis* Jolon *clarkia* None None 1B.217 Big Sur PDRAN0B0V0 *Delphinium hutchinsoniae* Hutchinson's larkspur None None 1B.218 Big Sur PDRAN0B1W0 *Delphinium umbraculorum* umbrella larkspur None None 1B.319 Big Sur PDSCR1K0D0 *Pedicularis dudleyi* Dudley's lousewort None Rare 1B.220 Big Sur PGPIN01030 *Abies bracteata* bristlecone fir None None 1B.321 Big Sur PMLIL0V0C0 *Fritillaria liliacea* fragrant fritillary None None 1B.222 Mt. Carmel AAAAA01180 *Ambystoma californiense* California tiger salamander Threatened Threatened SSC 23 Mt. Carmel AAABH01022 *Rana draytonii* California red-legged frog Threatened None SSC 24 Mt. Carmel ABPBXB0020 *Agelaius tricolor* tricolored blackbird None None SSC 25 Mt. Carmel AFCHA0209H *Oncorhynchus mykiss irideus* steelhead - south/central California coast DPS Threatened None SSC 26 Mt. Carmel ARAAD02030 *Emys marmorata* western pond turtle None None SSC 27 Mt. Carmel ARACF12100 *Phrynosoma blainvillii* coast horned lizard None None SSC 28 Mt. Carmel ILEPG2026 *Euphilotes enoptes smithi* Smith's blue butterfly Endangered None 29 Mt. Carmel PDAST3L080 *Ericameria fasciculata* Eastwood's goldenbush None None 1B.130 Mt. Carmel PDAST660C2 *Malacothrix saxatilis* var. *arachnoidea* Carmel Valley malacothrix None None 1B.231 Mt. Carmel PDBOR0V170 *Plagiobothrys uncinatus* hooked popcornflower None None 1B.232 Mt. Carmel PDMAL0Q0B1 *Malacothamnus palmeri* var. *involutus* Carmel Valley bush-mallow None None 1B.233 Mt. Carmel PDMAL110E0 *Sidalcea malachroides* maple-leaved checkerbloom None None 4.234 Mt. Carmel PDRAN0B0V0 *Delphinium hutchinsoniae* Hutchinson's larkspur None None 1B.235 Pfeiffer Point AAABH01022 *Rana draytonii* California red-legged frog Threatened None SSC 36 Pfeiffer Point ABNUA01010 *Cypseloides niger* black swift None None SSC 37 Pfeiffer Point AFCHA0209H *Oncorhynchus mykiss irideus* steelhead - south/central California coast DPS Threatened None SSC 38 Pfeiffer Point CARA2631CA North Central Coast Fall-Run Steelhead Stream North Central Coast Fall-Run Steelhead Stream None None 39 Pfeiffer Point IICOL4A010 *Coelus globosus* globose dune beetle None None 40 Pfeiffer Point ILEPP2010 *Danaus plexippus* monarch butterfly None None 41 Pfeiffer Point ILEPP2010 *Danaus plexippus* monarch butterfly None None 42 Pfeiffer Point PDERI04260 *Arctostaphylos edmundsii* Little Sur manzanita None None 1B.243 Pfeiffer Point PDONA050L0 *Clarkia jolonensis* Jolon *clarkia* None None 1B.244 Pfeiffer Point PDRAN0B0V0 *Delphinium hutchinsoniae* Hutchinson's larkspur None None 1B.245 Pfeiffer Point PGPIN01030 *Abies bracteata* bristlecone fir None None 1B.346 Pfeiffer Point PMLIL0V0C0 *Fritillaria liliacea* fragrant fritillary None None 1B.247 Point Sur AAABH01022 *Rana draytonii* California red-legged frog Threatened None SSC 48 Point Sur ABNDC04030 *Oceanodroma homochroa* ashy storm-petrel None None SSC 49 Point Sur ABNNB03031 *Charadrius alexandrinus nivosus* western snowy plover Threatened None SSC 50 Point Sur ABNNN12010 *Fratercula cirrhata* tufted puffin None None SSC 51 Point Sur ABNUA01010 *Cypseloides niger* black swift None None SSC 52 Point Sur AMAJF04010 *Taxidea taxus* American badger None None SSC 53 Point Sur IICOL4A010 *Coelus globosus* globose dune beetle None None 54 Point Sur ILEPG2026 *Euphilotes enoptes smithi* Smith's blue butterfly Endangered None 55 Point Sur ILEPP2010 *Danaus plexippus* monarch butterfly None None 56 Point Sur PDAST2E1Z1 *Cirsium occidentale* var. *compactum* compact cobwebby thistle None None 1B.257 Point Sur PDERI04260 *Arctostaphylos edmundsii* Little Sur manzanita None None 1B.258 Point Sur PDMAL110E0 *Sidalcea malachroides* maple-leaved checkerbloom None None 4.259 Point Sur PDRAN0B0V0 *Delphinium hutchinsoniae* Hutchinson's larkspur None None 1B.260 Soberanes Point AAABH01022 *Rana draytonii* California red-legged frog Threatened None SSC 61 Soberanes Point ABNDC04030 *Oceanodroma homochroa* ashy storm-petrel None None SSC 62 Soberanes Point AFCHA0209H *Oncorhynchus mykiss irideus* steelhead - south/central California coast DPS Threatened None SSC 63 Soberanes Point CTT37C20CA Central Maritime Chaparral Central Maritime Chaparral None None 64 Soberanes Point CTT83130CA Monterey Pine Forest Monterey Pine Forest None None 65 Soberanes Point ILEPG2026 *Euphilotes enoptes smithi* Smith's blue butterfly Endangered None 66 Soberanes Point ILEPP2010 *Danaus plexippus* monarch butterfly None None 67 Soberanes Point NBMUS7L090 *Tortula californica* California screw moss None None 1B.268 Soberanes Point PDERI040J1 *Arctostaphylos hookeri* ssp. *hookeri* Hooker's manzanita None None 1B.269 Soberanes Point PDERI04260 *Arctostaphylos edmundsii* Little Sur manzanita None None 1B.270 Soberanes Point PDMAL110E0 *Sidalcea malachroides* maple-leaved checkerbloom None None 4.271 Soberanes Point PDONA050L0 *Clarkia jolonensis* Jolon *clarkia* None None 1B.272 Soberanes Point PDPGN08470 *Eriogonum nortonii* Pinnacles buckwheat None None 1B.373 Soberanes Point PDRAN0B0V0 *Delphinium hutchinsoniae* Hutchinson's larkspur None None 1B.274 Soberanes Point PDROS1J0W0 *Rosa pinetorum* pine rose None None 1B.275 Soberanes Point PDSCR0J0P2 *Cordylanthus rigidus* ssp. *littoralis* seaside bird's-beak None Endangered 1B.176 Soberanes Point PGPIN040V0 *Pinus radiata* Monterey pine None None 1B.177 Soberanes Point PMORC1X070 *Piperia yadonii* Yadon's rein orchid Endangered None 1B.1

Exhibit H  
Executed Monitoring Agreement

PLN130553



# Frank Ono

International Society of Arboriculture Certified Arborist # 536

Society of American Foresters Professional Member 48004

1213 Miles Avenue

Pacific Grove CA, 93950

Telephone (831) 373-7086

Facsimile (831) 373-3783

## PROPOSAL/AGREEMENT FOR FORESTRY/ARBORIST SERVICES

THIS CONSULTING AGREEMENT (the "Agreement") made as of the Effective Date (hereinafter defined), by and between Frank Ono, Certified Arborist and Urban Forester, whose address is 1213 Miles Avenue, Pacific Grove, CA, and Sonoma Lane, LLC, whose address is 350 N Orleans St #2 N Chicago IL 60654.

### PRELIMINARY STATEMENT

The Client desires to retain the services of Consultant and Consultant desires to perform certain services for Client for the following project: Monitoring of Restoration for Sonoma Lane APN 241-311-005 as required by Monterey County Planning Department (the "Project"), which is located at 175 Sonoma Lane, Carmel CA, (the "Property").

### AGREEMENTS

In consideration of the mutual covenants and promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties hereto, the parties agree as follows:

The Consultant shall perform all services under this Agreement as an "independent contractor" and not as an employee or agent of Client. The Consultant is not authorized to assume or create any obligation or responsibility, express or implied, on behalf of, or in the name of, Client or to bind Client in any manner.

1. Services. The Consultant agrees to perform such consulting, advisory and related services (the "Services") to and for Client, including, but not limited to, the following initial and yearly assessments for vegetation restoration compliance for the following:

- 1.1 Insure the planting of replacement trees at sites as indicated on the planting map provided to the Monterey County is maintained and sustainable in accordance with the approved Forest Management Plan for this property (APN 241-311-005-000).
- 1.2 Annual reports shall be submitted to the Planning Department by March first of each year for a period of five years that the plan is in compliance in accordance with the recommendations of the previously approved Forest Management Plan. Inspections will occur on an annual basis, after which a report including photos will be submitted to Monterey County. In the event that replacement trees need to be replaced and re-established, they will be replaced with another additional Monterey pine/coast live oak and monitored for five years after replacement. During inspections if at any time conditions vary from the plan it will be identified in the report. Inspections will assess elements such as plant mortality, plant damage, status of exotic vegetation and possible needed plant replacement.

EXHIBIT H  
PAGE 1 OF 2 PAGES

Consultant shall be permitted to enter upon the Property [during normal business hours] for the purpose of completing the Services. The Client acknowledges that such Services to be provided to Client will not necessarily be performed by any particular person, however, it is anticipated that Frank Ono, will perform such Services and will be Client's primary contact person with respect to the Services.

2. Arborists Disclosure / Performance of Services.

2.1 Disclosure. Arborists are tree specialists, who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of the trees and attempt to reduce the risk of living near trees. Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Since trees are living organisms, conditions are often hidden within the tree and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specific period of time. Likewise, remedial treatments cannot be guaranteed. Trees can be managed but they cannot be controlled. To live near trees is to accept some degree of risk and the only way to eliminate all risk associated with trees is to eliminate all of the trees.

2.2 Performance of Services / No Warranty. Consultant shall (i) perform its services in a manner consistent with the standard of care and skill ordinarily exercised by members of the profession practicing under similar conditions in the geographic vicinity and at the time the services are performed, and (ii) use reasonable efforts to comply with all laws, rules and regulations of any governmental or regulatory agency applicable to the Services. No warranty, representation or guarantee, express or implied, is intended by this Agreement. Consultant is not responsible for the completion or quality of work that is dependent upon or performed by Client or third parties not under the direct control of Consultant or for their acts or omissions or for any damages resulting there from.

3. Term.

This Agreement shall commence on the Effective Date and shall continue for a period of 60 months (the "Term") (as extended from time to time), unless sooner terminated in accordance with the provisions of Section. This agreement may be renewed by Client upon expiration by providing notice to Consultant within ten (10) days prior to the expiration of the Term.

4. Compensation.

4.1 Consulting Fees. The Consultant shall submit to Client statements for the services performed for Client. The Client shall pay to Consultant consulting fees in accordance with the Fee Schedule attached hereto and made a part hereof as Exhibit A for the services actually performed and shown on such statement within thirty (30) days after receipt thereof. Notwithstanding the foregoing, the total costs for the Services described in Section 1 of this Agreement that will be performed during the 5-year Term shall be based on a and on a time and material basis (Exhibit A) not to exceed \$4500.00 without the prior written authorization of Client. A \$1,500 retainer fee is due prior to any Services performed by Consultant. The retainer fee shall be counted towards the \$4500 not to exceed amount.

4.2 Reimbursement of Expenses. The Client shall reimburse Consultant for all reasonable and necessary expenses incurred or paid by Consultant in connection with, or related to, the performance of the services under this Agreement. The Consultant shall submit to Client itemized statements of such expenses incurred in the previous month. The Client shall pay to Consultant amounts shown on each such statement within thirty (30) days. Notwithstanding the foregoing, the total amount of fees and expenses for the Services under this Agreement shall not exceed \$4500.00 without the prior written authorization of Client.

4.3 Interest / Collection. If any statement is thirty(30) days past due, interest shall accrue until paid in full at a rate equal to the lesser of the highest rate legally permitted by the Governing Law or one and one-half percent (1.5%) per month. Payment of interest shall not foreclose any other right that Consultant may have as a consequence of such late payment. In the event that Consultant is required to take legal action to collect unpaid amounts, and Consultant is successful in such action, Client shall reimburse all costs and reasonable attorney's fees incurred by Consultant in such collection.

4.4 Suspension of Performance. In addition to any and all other rights and remedies available to Consultant, in the event Client fails to pay Consultant in full for services rendered or expenses incurred when due hereunder, then upon not less than seven (7) days' written notice to Client, Consultant may suspend the performance of its services until such time as Client pays the outstanding amounts. Any such suspension of performance by Consultant shall not be construed to be a breach of its obligation to perform such services hereunder.

5. Termination.

Either party may terminate this Agreement at any time, without cause and for convenience, by giving 30 days' written notice to the other and appropriate notification to the County. In the event of such termination, Consultant shall (i) cease performing any and all services hereunder and/or incurring any new expenses (unless such services are reasonably necessary, as determined by Consultant, to clean up or remedy any unsafe condition on the Property) and (ii) be entitled to payment for services performed and expenses paid or incurred prior to the effective date of termination, subject to the limitations set forth in Sections 4.1 and 4.2.

6. Insurance.

Consultant hereby agrees to maintain in full force and effect at all times during the term of this Agreement policies of insurance in such types and amounts as are required by the Governing Law and/or customarily maintained by members of the profession practicing under similar conditions in the geographic vicinity and at the time the services are performed. Upon request, Consultant shall provide Client with appropriate certificates of insurance.

7. Ownership of Property and Trees.

Where the treatment, pruning and/or removal of trees is involved, it is Client's responsibility to advise Consultant of any issues with respect to property boundaries, property ownership, site lines, disputes between neighbors and other related issues. The Client acknowledges and agrees that Consultant may assume that any legal description of the Property or information provided to Consultant with respect to the foregoing is complete and accurate. Client hereby releases Consultant from liability and agrees to defend, indemnify and hold Consultant harmless from any and all claims, liabilities, damages or expenses arising, in whole or in part, from the foregoing, including without limitation, claims of negligence, trespass, and conversion.

8. Use of Reports.

Services provided under this Agreement, including all reports, information or recommendations prepared or issued by Consultant, are for the exclusive use of Client to submit to Monterey County for the Project specified herein. No other use is authorized under this Agreement. Client will not distribute or convey Consultant's reports or recommendations to any other person or organization other than those identified in the project description without Consultant's written authorization. Client hereby releases Consultant from liability and agrees to defend, indemnify and hold Consultant harmless from any and all claims, liabilities, damages or expenses arising, in whole or in part, from such unauthorized distribution.

9. Indemnification.

Each party will indemnify, defend and hold harmless the other party, its officers, directors, employees, and agents from and against any damages, penalties, costs, and expenses (including reasonable attorney fees) incurred by the other party in connection with any claims or actions by a third party relating to bodily injury or death of any person or damage to tangible personal property to the extent caused by the negligence or willful acts or omissions of the party that has the obligation to defend, indemnify, or hold harmless.

10. Limitation of Liability.

CLIENT UNDERSTANDS AND ACKNOWLEDGES THAT THE SERVICES PROVIDED HEREIN POSE CERTAIN RISKS TO CONSULTANT AND CLIENT. CLIENT FURTHER UNDERSTANDS AND ACKNOWLEDGES THAT THE AMOUNT OF RISK THAT CONSULTANT CAN ACCEPT IS TIED, IN PART, TO THE AMOUNT OF COMPENSATION RECEIVED FOR THE SERVICES RENDERED. CONSULTANT'S FEE FOR THE SERVICES OFFERED IS BASED ON CLIENT'S AGREEMENT TO LIMIT CONSULTANT'S LIABILITY. CLIENT FURTHER ACKNOWLEDGES THAT WERE IT NOT FOR THIS PROMISE TO LIMIT CONSULTANT'S LIABILITY, CONSULTANT'S FEE FOR SERVICES WOULD NEED TO BE INCREASED TO ADDRESS THE INCREASED RISKS. BASED THEREON, EXCEPT WITH REGARDS TO THE INDEMNIFICATION OBLIGATIONS, CLIENT AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY THE GOVERNING LAW, CONSULTANT'S TOTAL LIABILITY TO CLIENT FOR ANY AND ALL INJURIES, CLAIMS, LIABILITIES, LOSSES, COSTS, EXPENSES SHALL NOT EXCEED \$4500.00 OR THE AMOUNT OF CONSULTANT'S FEE, WHICHEVER IS GREATER. THIS LIMITATION OF LIABILITY SHALL APPLY TO CLIENT'S DIRECT CLAIMS AND CLIENT'S CLAIMS ARISING OUT OF THIRD PARTIES. THIS LIMIT APPLIES TO ALL SERVICES ON THIS PROJECT, WHETHER PROVIDED UNDER THIS OR SUBSEQUENT AGREEMENTS. CLIENT ACKNOWLEDGES AND AGREES THAT THIS LIMITATION OF LIABILITY PROVISION IS A SPECIFIC AND MATERIAL ASPECT OF THE AGREEMENT BETWEEN THE PARTIES AND THAT CONSULTANT WOULD NOT ENTER INTO THE TRANSACTION WITH CLIENT IF THIS PROVISION WERE NOT PART OF THEIR AGREEMENT.

11. Waiver of Damages.

Deleted.

12. Changed Circumstances.

If, during the course of performance of this Agreement, conditions or circumstances are discovered which were not contemplated by the parties hereto at the commencement of this Agreement, the party shall notify the other in writing of the newly discovered conditions or circumstances, and the parties shall renegotiate, in good faith, the terms and conditions of this Agreement. If amended terms and conditions cannot be agreed upon within thirty (30) days after receipt of such notice, either party may terminate this Agreement and Consultant shall be compensated in accordance with Section 4 hereof.

13. Mediation / Arbitration.

The parties agree to mediate any claims or disputes arising out of this Agreement, before initiating any litigation. The mediation shall be conducted by a mediation service acceptable to the parties. The parties shall make a demand for mediation within a reasonable time after a claim or dispute arises and the parties agree to mediate in good faith. In no event shall any demand for mediation be made after such claim or dispute would be barred by the Governing Law. Mediation fees would be shared equally. In the event that mediation does not resolve the issue, the parties agree to proceed through binding arbitration in accordance with the then prevailing rules of the American Arbitration Association. In connection with the foregoing, the prevailing party shall be entitled to payment by the non-prevailing party of its reasonable attorneys' fees and expenses as determined in the course of the proceeding. The prevailing party is the party who receives substantially the relief sought, whether by judgment, settlement or otherwise.

14. Remedies Cumulative.

Each right, power, and remedy under this Agreement or now or hereafter existing at law or in equity or by statute or otherwise shall be cumulative and concurrent. The exercise by Consultant or client of any one or more of such rights, powers or remedies shall not preclude the simultaneous or later exercise by Consultant or client of any other rights, powers or remedies.

15. Authority.

The parties hereto represent and warrant that they are each duly organized, validly existing, qualified to do business and in good standing under the laws of the State of California. The parties further represent that (i) they each have the power to execute and perform this Agreement; (ii) all necessary consents and approvals have been obtained; and (iii) the persons executing this Agreement on behalf of the respective party is duly empowered to bind said party and to perform its obligations hereunder. Each party will provide evidence of the power and authority of the person acting on its behalf promptly upon request therefore from the other party.

16. Force Majeure.

In the event that either party hereto shall be unintentionally or uncontrollably delayed, hindered or prevented from the performance of any act required hereunder by reason of labor difficulties, inability to procure materials, restrictive governmental laws or regulations, insurrection, war, acts of God, governmental delay, severely adverse weather conditions, or other reason of like nature not the fault of the party delayed in performing work or doing acts required under the terms of this Agreement, then performance of such act shall be excused for the period of the delay and the period for the performance of any such act shall be extended for the lesser of (i) one (1) year, or (ii) the time of such delay. If upon the expiration of the extension period the required performance remains unperformed, either party may at its option declare this Agreement null and void and in such event Purchaser's Deposit shall be returned to Purchaser and there shall be no further liability on the part of either party to the other.

17. Miscellaneous.

17.1 Notices. Any notice or demand required or permitted by or in connection with this Agreement shall be given in writing by certified or registered mail postage prepaid return receipt requested to the parties at the address set forth above or at such address as the parties may designate by written notice to the other in accordance with this Section. All notices shall be deemed to have been given and received on the date shown on the return receipt.



17.2 Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes all prior agreements and understandings, whether written or oral, relating to the subject matter of this Agreement.

17.3 Amendment. This Agreement may be amended or modified only by a written instrument executed by both Client and Consultant.

17.4 Governing Law. This Agreement shall be construed, interpreted and enforced in accordance with the laws of the State of California, without regard to principles of conflicts of law.

17.5 Partial Invalidity. If any provision of this Agreement shall for any reason be held invalid or unenforceable by any court, governmental agency or arbitrator of competent jurisdiction, such invalidity or unenforceability shall not affect any other provision, and this Agreement shall be construed as if such invalid or unenforceable provision had never been contained herein.

17.6 Waivers. No exercise or waiver, in whole or in part, of any right or remedy provided for in this Agreement shall operate as a waiver of any other right or remedy, except as otherwise herein provided. No delay on the part of any party in the exercise of any right or remedy shall operate as a waiver thereof.

17.7 No Third Party Beneficiaries. Nothing in this Agreement is intended to create a contractual relationship for the benefit of any third party. There are no intended beneficiaries of this Agreement except Consultant and Client.

17.8 Captions. The captions of the various sections of this Agreement are for convenience only and shall not in any manner be construed as modifying, amending or limiting the express terms or provisions hereof.

17.9 Counterparts. This Agreement may be executed in counterparts and all such counterparts, when assembled shall constitute a single instrument.


17.10. Effective Date. The effective date of this Agreement (the "Effective Date") shall be the latest date of execution set forth under the signatures of the parties below.

17.11 Expiration of Proposal. This Agreement represents an offer to perform services. If this offer is not accepted by returning a fully executed original of this Agreement to Consultant by January 1, 2013, the offer to perform services as described herein will expire and be deemed to have been revoked.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year set forth above.

CONSULTANT

CLIENT

  
\_\_\_\_\_  
Name: Frank Ono  
Title: Owner, Arborist  
Date: December 17, 2013

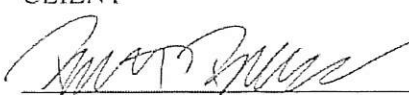
  
\_\_\_\_\_  
Name: Darrell Buckle  
Title: MANAGER  
Date: 1-21-2013

EXHIBIT A

The total costs for monitoring is not expected to be more than \$4500

Retainer	\$1500.00
Onsite inspection, tree assessment, meetings, and/or instruction:	\$150.00 /hour.
Monitoring of landscape progress or other:	\$100.00 /hour.
Travel Time:	\$100.00/ hour.
No time charged if on site time is 7 hours or more each day.	
One way charged if on site time is between 3 and 6.75 hours per day.	
Round trip is charged if on site time is less than 3 hours each day.	
Travel between locations on a project is all considered "on site."	
Travel is figured from the office or residence of the consultant, unless coming from a closer site.	
Report preparation time:	\$150.00 /hour.
Expenses:	Cost plus 20%
Clerical services, if used:	Cost plus 20%

Exhibit I  
Contractor's Construction Management Plan  
Outline

PLN130553

# HAMZA DESIGN & CONSTRUCTION INC

RE: 175 SONOMA LANE REMODEL PROJECT  
CONSTRUCTION MANAGEMENT PLAN

March 14, 2014

TO: MONTEREY COUNTY PLANNING COMMISSION,  
SONOMA LANE NEIGHBORS AND INTERESTED PARTIES

This letter is written to address the concerns that were addressed at the Planning Commission hearing regarding construction traffic and hours of operation during the remodel of 175 Sonoma Lane. It is our intent to work to minimize any inconvenience to the neighbors and to mitigate any traffic and safety issues regarding traffic movement on the narrow street.

A 'Construction Management Plan' has been prepared by Studio Carver Architects and was submitted as part of the project plans (Attachment 1). A more detailed plan will be submitted to the Monterey County Planning and Building Departments as well as the County Fire Department upon the discretionary approval by the Planning Commission. During the course of demolition and construction of the proposed remodel, Hamza Design & Construction will be adhering to these construction management guidelines to the best of our abilities.

We have become very aware of the difficulties neighbors have had in previous years with remodel projects with regard to street blockage especially for fire and safety vehicles. It is again our intent to avoid these issues with the creation of and adherence to these construction guidelines.

The designated 'staging' area on the adjacent vacant lot will be used for construction material storage and temporary trash storage. As the trash debris builds up on the lot, a debris dumpster will periodically be ordered and placed at the end of the cul-de-sac alongside the row of cypress trees and quickly be filled and removed. In this manner, the debris container will not be left for more than a couple days at a time as needed. This on street drop site has also been previously viewed and approved by Fire Chief Captain Mondragon. Construction material will be delivered either directly into the driveway or if not possible, placed at the debris box site and immediately moved to the staging area.

We will be requiring that all employees park their vehicles on Highway one and shuttle to the site, freeing up the need for street parking. The existing driveway near the garage area, past the gate, will be used for off street parking.

Work hours will be from 8:00 a.m. to 5:30: p.m. Monday – Saturday. No work will be performed on Sunday.

We will communicate with neighbors, as necessary, during the course of the construction and ask for neighbors' patience during this period.

Sincerely,

Nashwan Hamza

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**481 ELDORADO STREET, MONTEREY, CA. 93940**  
**(831) 656-0634 Office (831) 277-6268 [nhamza@comcast.net](mailto:nhamza@comcast.net) email**

# Exhibit J

## Correspondence from Fire Marshal

PLN130553

**Montano, Ramon x5169**

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**From:** psilkwood@horanlegal.com  
**Sent:** Monday, March 17, 2014 1:15 PM  
**To:** Montano, Ramon x5169  
**Subject:** FW: 175 Sonoma Lane Project (PLN 130553)

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**From:** Mondragon, Mark@CALFIRE [<mailto:Mark.Mondragon@fire.ca.gov>]  
**Sent:** Monday, March 17, 2014 10:51 AM  
**To:** [psilkwood@horanlegal.com](mailto:psilkwood@horanlegal.com)  
**Subject:** RE: 175 Sonoma Lane Project (PLN 130553)

Pam,

Unless there is extreme conditions I do not put conditions into the planning documents any more. It creates alot of other conditions of clearance at the end of construction.

I do put into the conditions module when I clear the PLN that the project must meet all fire codes and amendments.

I put those conditions on the building permit. So as long as the fire sprinkler requirement is on the building set of plans I am good with that.

Mark Mondragon  
Fire Marshal  
Cypress Fire Protection District  
Carmel Highlands Fire Protection District  
CAL FIRE  
W 831-624-2374  
C 831-594-1427  
F 831-624-2363

---

**From:** [psilkwood@horanlegal.com](mailto:psilkwood@horanlegal.com) [[psilkwood@horanlegal.com](mailto:psilkwood@horanlegal.com)]  
**Sent:** Wednesday, March 12, 2014 1:38 PM  
**To:** Mondragon, Mark@CALFIRE  
**Cc:** Montano, Ramon x5169; 'Patrick Buck'; Rob Carver ([Robert@studiocarver.com](mailto:Robert@studiocarver.com)); Novo, Mike x5192  
**Subject:** 175 Sonoma Lane Project (PLN 130553)

Good afternoon Chief Mondragon,

At today's Planning Commission hearing on the above referenced project, a neighbor (Dr. Rossen) and Commissioners expressed concerns that the Fire Agency did not include a condition of approval. As silly as this may sound, the project applicant requests that you add as a condition of approval a requirement to install fire sprinklers in the main structure that is proposed to be renovated. The project applicant was planning to install the sprinklers as required under the Building Code.

The hearing has been continued to March 26<sup>th</sup>; thus, we would appreciate a timely reply.

As always, thank you.

Regards,  
Pam

EXHIBIT 3  
PAGE 1 OF 1 PAGES