

MONTEREY COUNTY

PLANNING & BUILDING INSPECTION DEPARTMENT
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MONTEREY COUNTY PLANNING COMMISSION

Meeting: October 8, 2003 @ 11:00 a.m.	Agenda Item: 7
Subject: Combined Development Permit and Design Approval (PLN020392 - Kleissner) consisting of: a Coastal Administrative Permit to allow construction of a new detached 1,380 square foot 3-car garage for an existing house, a 420 square foot guesthouse attached to the proposed garage, and a fence along the south property line; a Coastal Development Permit for development in the Critical Viewshed; a Coastal Development Permit for development in a parcel with a positive archaeological report.	
Project Location: 35678 Highway 1, southwest of the Garrapata Creek bridge adjacent to the Pacific Ocean, Big Sur Area. Assessor's Parcel Numbers 243-231-013-000.	
Plan Area: Big Sur Coast (Coastal Zone)	Flagged and staked: Yes
Zoning Designation: Rural Density Residential	
CEQA Action: Mitigated Negative Declaration	
Date application deemed complete: June 6, 2003	
Department: Planning and Building Inspection	

RECOMMENDATION: Staff recommends that the Planning Commission:

- 1) Adopt a Mitigated Negative Declaration (**Exhibit D**) with a Mitigation Monitoring Program (**Exhibit E**).
- 2) Approve described project based on Findings and Evidence (**Exhibit B**) and subject to proposed Conditions (**Exhibit C**)

SUMMARY: The applicants request permits to develop a detached accessory structure that includes a 3-car garage and guesthouse located approximately 65 feet from the edge of the bluff. This project also includes a 5-foot tall fence along the south property line. Although the project is located within the critical viewshed, the Big Sur Coast Land Use Plan provides an exception for the Rocky Point Area.

The proposed project has been designed and sited to minimize their intrusion in the critical viewshed. Access will be provided through an existing driveway. Biological reports from 1997 and 2003 determined that a number of buckwheat plants within the proposed building site were overwhelmed with ice plant. The current property owners removed the ice plant and seeded an area of the property with several native plant species to mitigate this condition. Based on preliminary field observations, where potentially significant archaeological resources were found, further archaeological testing was performed. Testing consisted in the excavation of a single archeological unit in the proposed building footprint. The results of this excavation were used to develop mitigation measures to avoid potential impacts.

Staff prepared an initial study to assess potentially significant adverse environmental impacts from the proposed project. As summarized above, staff concluded that although potential impacts could occur in the areas of Aesthetics, Biological and Archeological Resources, proposed mitigation measures reduce these impacts to a less than significant level. Therefore staff recommends adopting a mitigated negative declaration for this project.

OTHER AGENCY INVOLVEMENT: The following agencies have reviewed the project and those that are checked (“✓”) have comments and/or recommended conditions:

- ✓ Water Resources Agency
Environmental Health Division
Public Works Department
Parks Department
- ✓ CDF @ Carmel Hills Station

All of these agencies have reviewed the project and recommended conditions (**Exhibit C**) where applicable. The Big Sur Land Use Advisory Committee heard the project on March 11, 2003 and recommended approval of the project by a vote of 5-0 (**Exhibit F**).

Lautaro Echiburú, Associate Planner
(831) 883-7530 echiburul@co.monterey.ca.us
August 14, 2003

This report reviewed by Carl Holm, AICP, Senior Planner

cc: Coastal Commission; Planning Commissioners; Big Sur Coast LUAC; County Counsel; Health Department; Public Works; CDF @ Carmel Hills; Monterey County Water Resources Agency; Housing and Redevelopment Office, Scott Hennessy; Dale Ellis; Alana Knaster; Jeff Main; Lautaro Echiburú; Kay Barrett; Applicant; Representative; Owners

Attachments:	Exhibit "A"	Overview of Proposed Action
	Exhibit "B"	Recommended Findings and Evidence
	Exhibit "C"	Recommended Conditions of Approval
	Exhibit "D"	Initial Study/Mitigated Negative Declaration
		1. Archaeology Reports
		2. Biology Reports
	Exhibit "E"	Mitigation Monitoring and Reporting Program
	Exhibit "F"	LUAC Recommendation (03/11/2003)
	Exhibit "G"	Project Plans

Notes: This project is appealable to the Board of Supervisors and the California Coastal Commission

**EXHIBIT “A”
OVERVIEW OF PROPOSED ACTION**

Project Location and Site Description

The project site is located on a rugged coastal bluff above the Pacific Ocean, at the south end of Garrapata State Beach (Figure 1). This area is known as Rocky Point along the Big Sur coast.

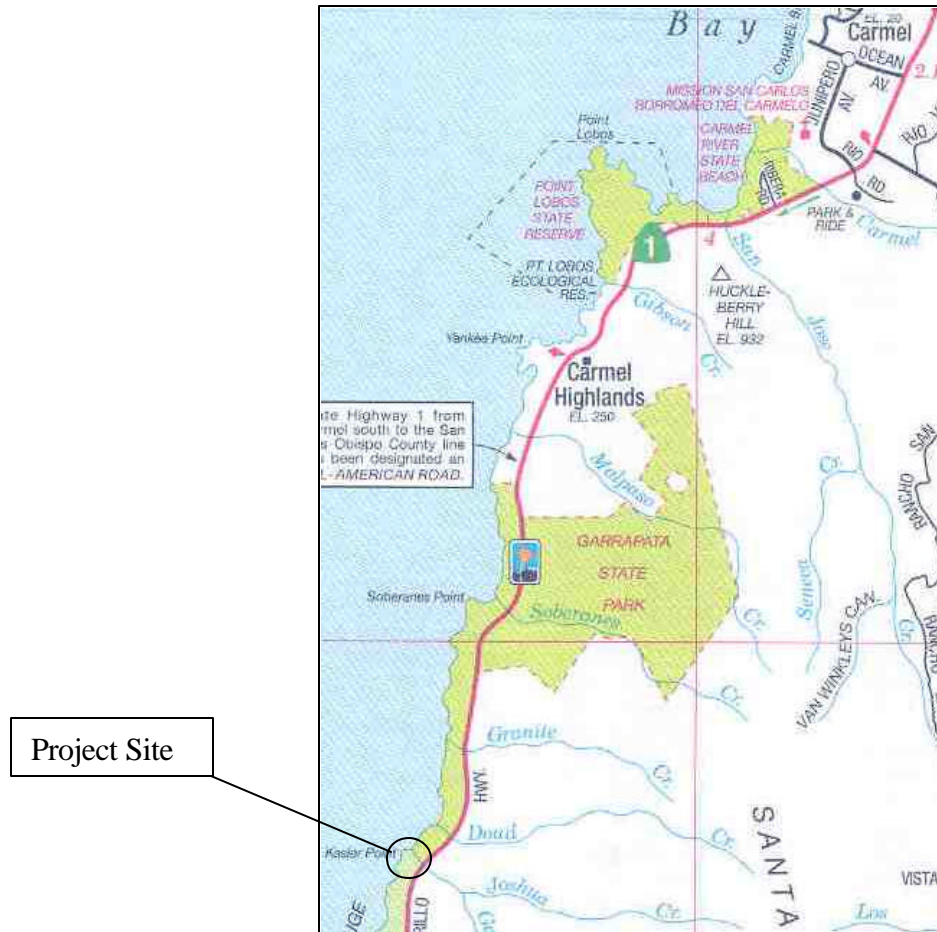
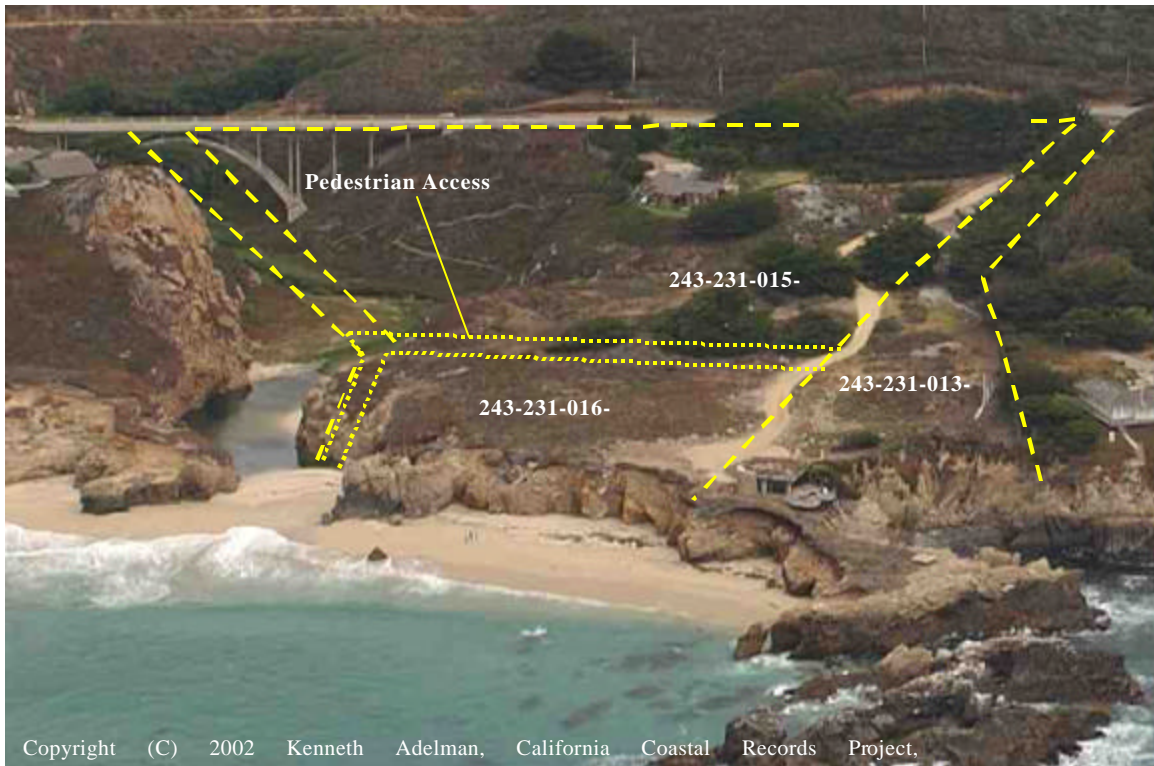


Figure 1

Access to the site is provided by a driveway located on the west side of Highway 1. This driveway also provides access to two adjoining properties (APNs 243-231-015-000 and 243-231-016-000) through a 15-foot driveway easement (Figure 2, next page). A private, non-developed, 10-foot pedestrian access easement exists between these two properties.

The property slopes down from Highway 1 to the existing house at a gradient of 5-10% and the area of the site where the proposed structures and driveway will be located is sparsely vegetated. According to a biology report prepared for the project, no sensitive plants exist within the project footprint (**Exhibit D**). No trees will be removed. The site is visible from State Highway 1. Surrounding land uses include State Highway 1, Garrapata State Beach, and residential parcels (Figure 2).



- - - - = Approximate location of property lines
 Figure 2

Project Description

The applicants request permits in order to construct a new detached 1,380 square foot 3-car garage with a 420 square foot guesthouse attached. This guesthouse would be located approximately 65 feet from the edge of the bluff and the garage portion would be approximately 80 feet from the bluff edge. This project also includes a request to replace an existing wooden fence with an approximately 5-foot tall, grape-stake fence along the south property line.

In accordance with the certified Big Sur Coast Local Coastal Plan, the project is subject to a Combined Coastal Development Permit. The Combined Development Permit includes a Coastal Administrative Permit for the garage and guesthouse, a Coastal Development Permit for development in the critical viewshed, and Coastal Development Permit for development on a parcel with a positive archaeological report.

Project Related Issues

Development in the Critical Viewshed

This project site is located in the Rocky Point Area of the highly scenic Big Sur Coast. Views of the coastal hills and bluffs, Pacific Ocean, and rock outcroppings are predominant in the area. The proposed garage/guesthouse and fence are located in the critical viewshed because they will be visible from nearby public vista points and public coastal access points along Highway 1.

The Big Sur Coast Land Use Plan (LUP) and Coastal Implementation Plan (CIP) provide standards for development in the critical viewshed which allow the preservation of Big Sur's scenic resources. LUP Key Policy 3.2.1 and Section 20.145.030 of the CIP prohibit development visible from Highway 1. However, the LUP and CIP provide for exceptions to the key policy (Section 3.2.5.F) for the Rocky Point area. This exception allows development of vacant parcels in the Rocky Point area is allowed pursuant to LUP Section 3.2.4. and CIP section 20.145.030.B.6, which establish development policies and standards for land not in the critical viewshed. The Planning and Building Inspection Department's interpretation of the LUP is that development on non-vacant Rocky Point area parcels is also allowed under the same guidelines provided that intrusion in the critical viewshed is minimized to the greatest extent feasible (**Exhibit H**).

Consequently, the proposed guesthouse and garage have been designed and sited to minimize their intrusion in the critical viewshed. Design characteristics include placing the structures around existing topographic features, planted roof, use of earth tone colors, and landscaping with native species. The height of the structure does not extend above any existing landforms so it would not block any ocean view. Since it is possible for new landscape trees or shrubs to grow to an extent that could adversely impact scenic resources, a mitigation measure has been included that limits height of newly planted trees and shrubs so as not to block views any more than the proposed structure (**Exhibits D & E – Mitigation Measure 1**). Accordingly, the proposed structures meet the policies and regulations for development in the Critical Viewshed contained in the Big Sur Coast Land Use Plan and Implementation Plan

The proposed fence will be constructed of natural, unpainted, wooden, grape stakes which is consistent with the rural character of Big Sur. A proposed fence height of 5-feet will not block any public views. In addition, the proposed materials are subordinate and blend with the surrounding environment. Therefore, staff concludes that the proposed fence meets the development policies and standards for this area.

Environmentally Sensitive Habitats

A biological survey was conducted on the property in 1997 by Jud Vandevere and Associates for a prior owner of the property. This report identified that the area where the proposed building is located contained numerous (42) individual dune buckwheat (*Eriogonum parvifolium*). This plant is a known host plant for the endangered Smith's blue butterfly. Given the dune buckwheat data contained in this 1997 report, a follow-up survey was requested to specifically address these plants.

In a September 24, 2002 letter, Jud Vandevere documented that during a July, 2000 field survey no Smith's blue butterflies were found and stated that the 1997 report was still applicable. In response to a staff question regarding what happened to these plants, an April 5, 2003 letter was submitted by Jud Vandevere (**Exhibit D**). This letter reports that following the 1997 survey, "*the buckwheat and other native plants on the site were overwhelmed by an extremely thick growth of sea fig, Carpobrotus chilensis.*" Consequently, no buckwheat plants were found within the proposed building site.

The April 2003 letter further states that following eradication of ice plant (sea fig), the current property owners seeded an area of the property with several native plant species including Dune Buckwheat, Lizard Tail, Beach Aster, Seaside Daisy, California Sagebrush, Mock Heather and Yarrow (**Exhibit F**). This area is away from the proposed construction area and according to the consulting biologist is now a “vast field” of dune buckwheat. Although it is possible that some of the original plants not displaced by ice plant invasion were removed during ice plant eradication, the plants themselves are not protected and this impact has been mitigated through the above mentioned planting. As such, the butterfly habitat has been restored and no further mitigation is required.

Adverse impacts to the Smith’s blue butterfly host plant *Eriogonum parvifolium* could occur during construction if equipment or construction activities encroach in the areas where these plants exist. In order to decrease potential impact to a less than significant level, a mitigation measure has been included that requires a pre-construction assessment of staging areas and buckwheat plants with County staff and a qualified biologist. Necessary protective measures identified during the pre construction assessment shall be implemented before any grading activities commence.

Archaeological Resources

Based on field observations and previous archaeological studies made on the property, the consulting archeologist determined on October 10, 2002 that the property contained archaeological deposits (**Exhibit D**). Following the recommendations by the consulting archaeologist, preliminary archeological testing was performed on May 29, 2003 to assess the nature, extent, and significance of the cultural deposit within the project site. The survey resulted in the excavation of a single archeological unit in the proposed building footprint. The results of the excavation have been used to evaluate the significance of the resources found and, if necessary, to develop mitigation measures to avoid potential impacts.

Preliminary results of the excavation were reported in a June 5, 2003 letter by Gary Breschini of Archaeological Consulting. Although laboratory processing of the materials recovered in the excavation had not been completed, the consultant determined that the proposed project could go forward as planned. However, given the nature of archeological resources in a highly sensitive area, where they may be discovered during construction activities, potential adverse impacts could occur during construction. In order to reduce these potential impacts to a less than significant level, a mitigation measure has been imposed on the project to ensure that an archaeological monitor be present during construction activities. Results of all laboratory processing and additional analyses will be presented in a Final Technical Report to be submitted prior to issuance of building permits.

CEQA Review

Pursuant to CEQA, staff prepared an initial study to assess the potential adverse environmental impacts from the proposed project. As described in the appropriate sections above, staff found that potentially significant adverse environmental impacts could occur from project implementation in the areas of

Aesthetics, Biological and Archeological Resources (**Exhibit D** and previous sections). However, proposed mitigation measures reduce these potential impacts to a less than significant level. Mitigation Measures (**Exhibit E**) include height limit on new landscaping, construction barriers for seacliff buckwheat plants, and a final archaeologist report.

A Mitigated Negative Declaration was prepared and filed with the County Clerk. The Initial Study/Mitigated Negative Declaration was circulated for public review through the State Clearinghouse between July 21, 2003 and August 21, 2003. At the time this staff report was completed, no comments were received from the public or reviewing agencies on the Initial Study.

EXHIBIT “B”
RECOMMENDED FINDINGS AND EVIDENCE

1. **FINDING: CONSISTENCY** - The Project, as conditioned is consistent with applicable plans and policies, Big Sur Coast Land Use Plan, Coastal Implementation Plan (Part 3), and the Monterey County Zoning Ordinance (Title 20) which designates this area as appropriate for residential development.

EVIDENCE:

- (a) PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the Big Sur Coast Land Use Plan and Coastal Implementation Plan (Part 3). PBI staff has reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 20) and has determined that the project is consistent with the Big Sur Coast Land Use Plan which designates this area as appropriate for residential development.
- (b) Project planner conducted on-site inspections on October 14, 2002, January 23, 2003, and September 9, 2003 to verify that the project on the subject parcel conforms to the plans listed above.
- (c) The parcel is zoned Rural Density Residential, 40 acres per unit, Design Control District, 14 Feet Height Limit, Coastal Zone [RDR/40-D(14)(CZ)].
- (d) The project for a guesthouse and garage is an allowed use in accordance with Sections 20.16.040. B and E. The project is in compliance with Site Development Standards for these districts in accordance with Sections 20.16.060 and 20.17.060.
- (e) **ROCKY POINT EXEMPTION.** Although the site is located within the critical viewshed, Policy 3.2.5.F allows vacant parcels in the Rocky Point Area to develop under Policy 3.2.4, which applies to development not within the critical viewshed. The Planning and Building Inspection Department’s interpretation of the LUP is that development on non-vacant Rocky Point area parcels is also allowed under the same guidelines provided that intrusion in the critical viewshed is minimized to the greatest extent feasible. The proposed guesthouse and garage have been designed and sited to minimize their intrusion in the critical viewshed. Design characteristics include placing the structures around existing topographic features, planted roof, use of earth tone colors, and landscaping with native species. The height of the structure and fence does not extend above any existing landforms so it would not block any ocean view. Since it is possible for new landscape trees or shrubs to grow to an extent that could adversely impact scenic resources, a mitigation measure has been included that limits height of newly planted trees and shrubs so as not to block views any more than the proposed structure.
- (f) **ENVIRONMENTALLY SENSITIVE HABITAT.** A biological survey was conducted on the property in 1997 by Jud Vandevere and Associates for a prior owner of the property. This report identified that the area where the proposed building is located contained numerous (42) individual dune buckwheat (*Eriogonum parvifolium*), which is a known host plant for the endangered Smith’s blue butterfly. In a September 24, 2002 letter, Jud Vandevere documented that during a July, 2000 field survey no Smith’s blue butterflies were found and an April 5, 2003 letter reports that following the 1997 survey, “*the buckwheat and other native plants on the site were overwhelmed by an extremely thick growth of sea fig,*

Carpobrotus chilensis.” Consequently, no buckwheat plants were found within the proposed building site. The April 2003 letter further states that following eradication of ice plant (sea fig), the current property owners seeded an area of the property with several native plant species including Dune Buckwheat, Lizard Tail, Beach Aster, Seaside Daisy, California Sagebrush, Mock Heather and Yarrow. Although it is possible that some of the original buckwheat plants not displaced by ice plant invasion were removed during ice plant eradication, the plants themselves are not protected and this impact has been mitigated through the above mentioned planting. As such, the butterfly habitat has been restored and no further mitigation is required.

- (g) **ARCHAEOLOGY.** An archeological survey identified that the parcel contains a portion of an archeological site. The building footprint was investigated further and the consulting archaeologist concluded that the site is of limited significance and is not unique. A mitigation measure requires that an archaeological monitor be present during excavation activities to ensure that no potential archaeological resources are impacted.
- (h) **LAND USE ADVISORY COMMITTEE:** The Big Sur Coast Land Use Advisory Committee recommended approval of the project by a vote of 5-0. LUAC meeting minutes dated March 11, 2003.
- (i) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN020392. Staff notes are provided in Project File PLN020392.

2. **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, and all zoning violation abatement cost, if any, have been paid.

EVIDENCE:

- (a) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on the subject property.

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

EVIDENCE:

- (a) The project was reviewed by Planning and Building Inspection, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and CDF-Carmel Hills. The respective departments and 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. The applicant has agreed to these conditions as evidenced by the application and accompanying materials.
- (b) Technical reports have been provided by consulting geotechnical engineers and geologists with recommended conditions and modifications that provide additional assurances regarding

project safety. “Geological Update Report - Proposed Guest House and Garage”, dated March, 2003 prepared by Geoconsultants, Inc.; “Geotechnical Update – Proposed Guest House and Garage”, dated March 7, 2003, prepared by Tharp & Associates. Reports are in Project File PLN020392.

4. **FINDING: SITE SUITABILITY** - The site is suitable for the use proposed.

EVIDENCE:

- (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and CDF Carmel Hills Fire District. Recommended conditions have been incorporated.
- (b) Technical reports by outside archaeology, geology and geotechnical consultants indicate that there are no physical or environmental constraints such as geologic or seismic hazard areas or similar areas that would indicate the site is not suitable for the use proposed. “Geological Update Report - Proposed Guest House and Garage”, dated March, 2003 prepared by Geoconsultants, Inc.; “Geotechnical Update – Proposed Guest House and Garage”, dated March 7, 2003, prepared by Tharp & Associates. Reports are in Project File PLN020392.
- (c) Staff conducted an on-site visit on October 14, 2002 and January 23, 2003 to verify that the site is suitable for this use.
- (d) Necessary public facilities are available and will be provided.

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

EVIDENCE:

- (a) The Monterey County Planning and Building Inspection Department prepared an Initial Study pursuant to CEQA. This Initial Study identified potentially significant impacts to aesthetics, archaeological, and biological resources. The applicant has agreed to proposed mitigation measures that reduce the effects to a point where clearly no significant impact would occur. The Initial Study is on file in the office of PB&I and is hereby incorporated by reference (PLN020392). All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval (Condition 3).
- (b) A Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation. Applicant must enter into an “Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval
- (c) Evidence that has been received and considered includes:
 - i) The application
 - ii) “*Biological Report* by Jud Vandevere and Associates, February 3, 1997; Letter by Jud Vandevere dated September 24, 2002 addressing adequacy of the 1997 Biological

Report; Letter by Jud Vandevere dated April 5, 2003 addressing dune buckwheat *Eriogonum parvifolium*; *Geotechnical Update* by Tharp and Associates, Inc, March 7, 2003; *Geological Update Report* by Geoconsultants, Inc., March 12, 2003; *Preliminary Cultural Resources Reconnaissance*. Archaeological Consulting, October 3, 1996; Updated report for the 1996 reconnaissance. Archaeological Consulting, October 2002; Letter by Archaeological Consulting regarding recommended mitigation measures. June 5, 2003.

- iii) staff reports that reflect the County's independent judgment
- iv) information and testimony presented during public hearings

These reports are on file in the offices of PBI (File Reference PLN020392) and are incorporated by reference herein.

- (d) Adverse impacts to the Smith's Blue butterfly could occur through impacts to seacliff buckwheat. These impacts have been reduced to a less than significant level through construction scheduling to avoid the butterfly's flight season and the implementation of temporary construction barriers and dust control.
- (e) Adverse impacts to the critical viewshed could occur if newly planted vegetation grew to a height that would block ocean views. This potential impact has been reduced to a less than significant level by requiring a height limit on new landscaping.
- (f) Given the nature of archeological resources in a highly sensitive area, where they may be discovered during construction activities, potential adverse impacts could occur during construction. In order to reduce these potential impacts to a less than significant level, a mitigation measure has been imposed on the project to ensure that an archaeological monitor be present during construction activities.
- (g) The mitigated negative declaration was circulated for public review from July 21, 2003 to August 19, 2003. No comments were received by the public or any reviewing agencies.

6. **FINDING: PUBLIC ACCESS** - The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

EVIDENCE:

- (a) The subject property is not described as an area where the Local Coastal Program requires access.
- (b) The subject property is designated as Priority 2 for shoreline access as shown in Figure 2, the Shoreline Access Plan, of the Big Sur Coast Land Use Plan.
- (c) Public access to Garrapata State Beach is available in the area through a designated access point and trail located directly north of the Garrapata Creek Bridge.
- (d) Staff site visit on October 14, 2002 and September 9, 2003.

7. **FINDING:** **APPEALABILITY** - The project is appealable to the Board of Supervisors and California Coastal Commission.

EVIDENCE:

- (a) Section 20.86.030 of the Monterey County Coastal Implementation Plan (Part 1).
- (b) Section 20.86.080 of the Monterey County Coastal Implementation Plan (Part 1).

EXHIBIT "C"

RECOMMENDED CONDITIONS OF APPROVAL

1. The subject Combined Development Permit consists of Coastal Administrative Permit to allow construction of a new detached 1,380 square foot 3-car garage for an existing house, a 420 square foot guesthouse attached to the garage and a grape stake fence along the south property line; a Coastal Development Permit for development in the Critical Viewshed; a Coastal Development Permit for development in a parcel with a positive archaeological report. The property is located at 35678 Highway 1 (Assessor's Parcel Number 243-231-013-000), southwest of the Garrapata Creek bridge adjacent to the Pacific Ocean, Big Sur Area, Coastal Zone. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use 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 Planning and Building Inspection. 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. **(Planning and Building Inspection)**

Prior to the Issuance of Grading and Building Permits:

2. The applicant shall record a notice which states: "A permit (Resolution # _____) was approved by the **Planning Commission** for Assessor's Parcel Number Assessor's Parcel Number **243-231-013-000** on **September 25, 2003**. The permit was granted subject to **18** conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**
3. The applicant shall enter into an agreement with the County to implement the Mitigation Monitoring and/or Reporting Plan in accordance with Section 21.08.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. The Mitigation Monitoring and/or Reporting Plan contained in the staff report as **Exhibit E** is hereby incorporated herein in its entirety by reference. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. **(Planning and Building Inspection)**
4. Pursuant to the State Public Resources Code, State Fish and Game Code and California Code of Regulations, the applicant shall pay a fee to be collected by the County of Monterey in the amount of **\$1,275**. **This fee shall be paid within five days of project approval**, before the

filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first. The project shall not be operative, vested or final until the filing fees are paid. **(Planning and Building Inspection, Fish and Game Code Section 711.4)**

5. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. 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 exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. **(Planning and Building Inspection)**
6. All cut and/or fill slopes exposed during the course of construction shall be covered, seeded with native grasses or otherwise treated to control erosion subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
7. The location, type and size of all antennas, satellite dishes, towers, and similar appurtenances shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
8. The applicant shall incorporate the recommendations from the Geological Update Report - Proposed Guest House and Garage”, dated March, 2003 prepared by Geoconsultants, Inc. and the “Geotechnical Update – Proposed Guest House and Garage”, dated March 7, 2003, prepared by Tharp & Associates, into the building permit plans. **(Planning and Building Inspection)**
9. Native trees which are located close to the construction site shall be protected from inadvertent damage from construction equipment by 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 shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
10. Prior to issuance of any grading or building permits, a road drainage and improvement plan shall be prepared by a registered civil engineer. **(Water Resources Agency)**
11. The existing driveway shall provide a turnout near the midpoint of the driveway. The turnout shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Prior to issuance of building permits, the applicant shall either demonstrate to the satisfaction of the Fire Department that an adequate turnout exists on the driveway or submit plans to the Fire Department for approval, showing the location and specifications of the proposed turnout. **(CDF Carmel Hills)**

12. This guesthouse with attached Group U occupancy requires an automatic fire sprinkler system due to the length of the driveway from fire department access. Fire sprinkler plans and specifications shall meet the provisions of NFPA 13-D (1999). At least four sets of plans and supporting documentation shall be submitted for review and approval prior to any work being done on the fire sprinkler system. **(CDF Carmel Hills)**
13. Sprinkler plans and documentation may be submitted directly to the plan reviewer **(CDF Carmel Hills)**:
Carmel Fire Protection Associates
P.O. Box 7168, Carmel-by-the-Sea
California 93921

Prior to Final Building Inspection/Occupancy:

14. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
 - a) All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
 - b) Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. **(Water Resources Agency & Planning and Building Inspection)**
15. The site shall be landscaped as follows:
 - a. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval.
 - b. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal.
 - c. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan.
 - d. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department.
(Planning and Building Inspection)

Continuous Permit Conditions:

16. If during the course of construction activity on the subject property, cultural, archaeological, historical, 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 it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society 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 the discovery. **(Planning and Building Inspection)**

17. All landscaped areas and replanted trees shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**
18. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**