

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> October 12, 2006    Time: 9:35 A.M	<b>Agenda Item No.:</b> 2
<b>Project Description:</b> Combined Development Permit consisting of: 1) Use Permit for development on slopes in excess of 30%; 2) Variance to encroach into front yard setback; Design Approval for new single-story residence of 3,172 square feet with an attached 612 square foot garage at basement level, covered porch, decks and retaining walls; Removal of two (2) 10-inch in diameter oak trees.	
<b>Project Location:</b> 26535 Covey Lane, Salinas	<b>APN:</b> 416-447-002-000
<b>Planning File Number:</b> PLN060213	<b>Name:</b> Jeffery H and Rosemary L Evers, Property Owner
<b>Plan Area:</b> Toro Area Plan	<b>Flagged and staked:</b> Yes
<b>Zoning Designation:</b> "LDR/5-D" [Low Density Residential, 5 acres per unit with Design Control] and "RC/40-VS" [Resource Conservation, one unit per 40 acres and Visual Sensitivity District overlay].	
<b>CEQA Action:</b> Categorically Exempt per Section 15303(a)	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

Staff recommends that the Zoning Administrator approve the Combined Development Permit based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions (**Exhibit D**).

### PROJECT OVERVIEW:

See Exhibit B.

### OTHER AGENCY INVOLVEMENT:

- ✓ Salinas Rural Fire Protection District
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project. Conditions recommended by Salinas Rural FPD, Environmental Health Division and the Water Resources Agency have been incorporated into the condition compliance reporting plan (**Exhibit C**).

The project was referred to the Toro Land Use Advisory Committee (LUAC) for review on August 14, 2006. The Toro LUAC unanimously recommended approval of the project.

Note: The decision on this project is appealable to the Planning Commission.

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October 2, 2006

cc: Zoning Administrator; Salinas Rural Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Laura Lawrence, Planning & Building Services Manager; Nadia Amador, Planner; Carol Allen; Jeffrey and Rosemary Evers, Applicants; Planning File PLN060213.

Attachments: Exhibit A      Project Data Sheet  
                  Exhibit B      Project Overview  
                  Exhibit C      Recommended Findings and Evidence  
                  Exhibit D      Recommended Conditions of Approval  
                  Exhibit E      Site Plan, Elevations, Floor Plans  
                  Exhibit F      Applicant's Use Permit and Variance Justification Letters

This report was reviewed by Laura Lawrence, Planning and Building Service Manager.

## **EXHIBIT B PROJECT OVERVIEW**

The project is for a Combined Development Permit consisting of a Variance for the reduction of front yard setback requirements and a Use Permit for development on slopes in excess of 30 percent for the construction of a new 3,172 sq. ft. single-story residence with an attached 612 square foot garage at basement level. The Variance request is to modify the required setback from 30 feet to 7 feet pursuant to Section 21.72.020 and the Use Permit is to allow development on slopes of 37.5% and 50% pursuant to Section 21.64.230.C of the of the Monterey County Zoning Ordinance Title 21. The project also involves the removal of two (2) 10- inch in diameter oak trees that are located within the footprint area of the proposed single family residence. The water source is from the McGuire Mutual Water System and a septic system will installed for their sewage disposal method. The grading amount for this development will consist of 1,300 cubic yards of cut and 200 cubic yards of fill.

The subject property is a vacant 4.5 acre legal lot of record established in June of 1978 as part of a minor subdivision (MS-76-197), recorded in Volume 12, Parcel Maps, Page 122. Due to the parcel's site constraints, such as an abundance of oak trees and slope issues, the parcel was recorded with a building envelope. The building envelope is approximately .8 of an acre and the remainder of the 4.5 acre lot is under Scenic Easement. The parcel has a dual zoning of LDR/5-D and RC/40-VS. The LDR/5-D encompasses approximately 3/4 of the parcel's area with only about 1/4 of the area under RC/40-VS. The building envelope is located within in the "LDR" zoning district.

### Variance

Section 21.72.040 of the Monterey County Zoning Ordinance, Title 21 requires that certain findings must be made in order to grant a variance. These findings include: a) the existence of special circumstances making the strict application of code requirements to deprive the subject property of privileges enjoyed by other properties in the vicinity; b) that the granting of a variance does not constitute a grant of special privileges inconsistent with the limitations upon the other properties in the vicinity and zone in which such property is situated; and c) that a variance shall be granted for a use or activity not authorized by the zoning regulations governing the parcel or property.

Staff has found that special circumstances exist on the subject property which code requirements, in this case setback requirements, deprive the parcel of privileges enjoyed by other properties in the vicinity. The special circumstance is the parcel is constrained by steep slopes, vegetation and shape that, even if the residence is constructed inside the established building envelope, the building envelope does not meet front setback requirements. The building envelope begins where Covey Lane's right-of-way ends, meaning there is no setback between the edge of the road right-of-way and the building envelope. Covey Lane is a 30-foot wide right-of-way and it runs through the middle of the subject property. The narrow and rectangular building envelope does not lend itself to meet the required setbacks. Given these building constraints, the applicants have presented the most feasible residential design.

Staff has found that the granting of this variance does not constitute a grant of special privileges inconsistent with the limitations upon the other properties in the vicinity and zone in which such property is situated. Variances have been granted to parcels with similar circumstances regarding size, topography and shape in residential zoning classifications within the vicinity of the subject parcel. Those projects are: PLN040265-Hayes; PLN010384- Hernandez; ZA05363-Green; and ZA05086-Hunter. The Hayes variance involved the reduction of front yard and side yard setbacks for the construction of a guesthouse. The Hernandez variance involved the reduction of front yard setbacks for the addition to an existing single family residence. The

Green and Hunter variances involved the reduction of front yard and rear yard setbacks for the construction of a single family residence. All of these parcels are within the Toro Area Plan.

The parcel has a dual zoning of LDR/5-D and RC/40-VS. The proposed residence, which will be constructed within the established building envelope, is located within in the “LDR” zoning district. A single family dwelling is an allowed use pursuant to Section 21.14.030.A. of the Monterey County Zoning Ordinance Title 21.

### 30% Slope

Section 21.64.230.E.1 of the Monterey County Zoning Ordinance, Title 21 requires that certain findings must be made in order to grant a Use Permit for development on slopes in excess of 30%. These findings include: a) that there is no feasible alternative which would allow development to occur on slopes of less than 30%; or b) that the proposed development better achieves the goals, policies, and objectives of the Monterey County General Plan and applicable area plan than other development alternatives.

Staff has found that no other development alternatives exist for the proposed development. The single family residence will be constructed within the building envelope, which is constrained by slopes in excess of 30 percent. A scenic easement exists outside the building envelope.

Furthermore, the proposed location of the home, although sections of it are proposed in areas in excess of 30%, better achieves the goals, policies, and objectives of the Monterey County General Plan and the Toro Area Plan. By keeping the home to a single-story and 17 feet in height, it is also less visible from San Benancio Road.

### Tree Removal

The proposed house location and design will minimize the number oak tree removal by only removing two 10-inch oaks. The building envelope has approximately 18 oak trees. 16 out of the 18 trees are located in the southern half of the building envelope’s area. The proposed residence will be constructed in the northern half of the building envelope where the remaining 2 oaks are located. These two 10-inch oaks are in the footprint area of the proposed residence.

Section 21.64.230. D.2 of the Monterey County Zoning Ordinance, Title 21 requires that a tree removal permit must be approved by the Director of Planning for the removal of three or less protected trees per lot in a one-year period. Staff has found that the removal of the two 10-inch oaks is the minimum required under the circumstances of the case. The removal of the trees will not involve a risk of adverse environmental impacts such as soil erosion, water quality, ecological impacts, noise pollution, air movement or wildlife habitat.

Section 21.64.230. D.4 of the Monterey County Zoning Ordinance, Title 21 requires that as a consideration of the granting of the tree removal permit, the applicant shall be required to replace each removed protected tree on a one-to-one ratio. In this situation, a condition of approval has been incorporated to replace each of the removed oak trees on a one-to-one ratio with a 5-gallon oak of the same specie. The location of the replacements shall be subject to the discretion of the arborist, landscape architect, landscaping contractor or similarly qualified licensed person in order to assure that the location is adequate for the long-term health of the new and existing trees.

Based on the above discussion and staff review of the site conditions, staff believes that the necessary findings can be made for the granting of this Combined Development Permit and therefore recommends that the project be granted subject to the proposed conditions of approval.

## **EXHIBIT C**

### **RECOMMENDED FINDINGS AND EVIDENCE**

1. **FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Toro Area Plan, Toro Area Plan Inventory and Analysis, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for development.

**EVIDENCE:** (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. 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 on Covey Lane (Assessor's Parcel Number 416-447-002-000), Toro Area Plan. The parcel is zoned Low Density Residential, 5 acres per unit with Design Control or "LDR/5-D" and Resource Conservation, one unit per 40 acres and Visual Sensitivity District overlay or "RC/40-VS". The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is therefore suitable for the proposed development.

(c) The project planner conducted a site inspection on April 11, 2006 to verify that the project on the subject parcel conforms to the plans listed above.

(d) The Dunroamin Subdivision Planning File No. MS-76-197 allowed the division of an 18.5-acre parcel into four parcels. The subject parcel is one of these four parcels.

(e) The project was referred to the Toro Land Use Advisory Committee (LUAC) for review on August 14, 2006. The Toro LUAC unanimously recommended approval of the project.

(f) 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 PLN060213.

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

**EVIDENCE:** (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Salinas Rural Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- (b) Technical reports by outside geological and geotechnical consultants indicated that there are not physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs. The following reports have been prepared:

1) *"Geotechnical Soils-Foundation and Geological Hazards Report for the proposed Evers Residence Lot 2- Covey Lane"* (LIB060294) prepared Grice Engineering and Geology Inc, Salinas, CA, February 2006.

2) *"Percolation and Groundwater Study with Septic Recommendations for the Evers Residence Lot 2- Covey Lane"*

(LIB060295) prepared by Grice Engineering and Geology Inc, Salinas, CA, February 2006.

- (c) An Archaeological Policy Compliance Waiver was granted on June 16, 2006 by Lynne Mounday, Staff Archaeologist based on a staff field check verifying that no artifacts or archaeological sites exist on the property. Furthermore, the Initial Study prepared for the original minor subdivision application (MS-76-197) determined that the project would not “significantly affect the historical or archaeological site or its setting”.
- (d) Monterey County GIS indicates that no environmentally sensitive habitat or species exist on the subject property.
- (e) Staff conducted a site inspection on April 11, 2006 to verify that the site is suitable for this use.
- (f) Materials in Project File PLN060213.

3. **FINDING: CEQA (Exempt)** - The project is categorically exempt from environmental review.

- EVIDENCE:**
- (a) California Environmental Quality Act (CEQA) Guidelines Section 15303(a), categorically exempts one single-family residence or a second dwelling unit in a residential zone.
  - (b) No adverse environmental effects were identified during staff review of the development application during a site visit on April 11, 2006.
  - (c) See preceding and following findings and supporting evidence.

4. **FINDING: 30% SLOPES-** There is no feasible alternative which would allow development to occur on slopes of less than 30% or that the proposed development better achieves the goals, policies, and objectives of the Monterey County General Plan and applicable area plan than other development alternatives.

- EVIDENCE:**
- (a) The subject property is a vacant 4.5 acre legal lot of record established in June of 1978 as part of a minor subdivision (MS-76-197). Due to the subject parcel’s site constraints, such as an abundance of oak trees and slope issues, the parcel was recorded with a building envelope. The proposed residence, driveway and retaining walls are all placed within the building envelope.
  - (b) The building envelope has a rectangular shape of approximately 75 feet in width by 200 feet in length. The proposed house is of a slender rectangular shape and shallow depth as it conforms to the unique shape of the building envelope. The building envelope also has slopes in excess of 30% and approximately 17 oak trees. The residence and improvements are proposed on the easterly side of the building envelope in order to avoid disturbance to several oak trees and disturbance on steeper slopes. Since the building envelope has slope issues, there is no feasible alternative which would allow the development to occur on slopes of less than 30%.
  - (c) The proposed development, although on slopes in excess of 30%, better achieves the goals, policies, and objectives of the Monterey County General Plan and applicable area plan than other development alternatives. Given these building constraints, the applicants have presented the most feasible residential design. The proposed house location and design will minimize the number oak tree removal by only removing two 10-inch oaks. In keeping the home at a single-story and 17 feet in height, it also minimizes any visual impact when viewed from San Benancio Road.

**5. FINDING: SPECIAL CIRCUMSTANCES-** 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.

**EVIDENCE:** (a) The subject property is a 4.5-acre parcel with an established building envelope. The building envelope was created due to the parcel's site constraints, such as an abundance of oak trees and slope issues. Nevertheless, the building envelope has developmental constraints as well, such as slopes in excess of 30%, multiple oak trees and a restrictive depth. The building envelope is of rectangular shape measuring approximately 200 feet in length by 75 feet in depth. The building envelope begins where Covey Lane's right-of-way ends, meaning there is no setback between the edge of the road right-of-way and the building envelope. The residence is proposing a 7' 0" front setback from the edge of the road right-of-way (Covey Lane). The strict application of the 30 foot front-yard setback requirements per the "LDR" zoning designation would allow for a very narrow residence in order to fit into an already restricted building envelope. Furthermore, the strict application of the 30 foot front setback requirement would place the residence into areas of higher slopes than currently proposed. Therefore, the strict application of the Title will deprive the owner of developing a single family residential unit similar to other units in the vicinity and under the same zoning designation.

(b) Materials in Project File PLN060213.

**6. FINDING: NOT A GRANT OF SPECIAL PRIVILEGE-** 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.

**EVIDENCE:** (a) Single-family units similar to the proposed residence can be developed or already exist on parcels in the immediate vicinity of the project site and under the same zoning designation.

(b) Variances to yard setback requirements have been approved for parcels with similar circumstances regarding size, topography and shape in residential zoning classifications within the vicinity of the subject parcel: PLN040265-Hayes; PLN010384- Hernandez; ZA05363-Green; and ZA05086-Hunter. These variances were granted for reductions to front yard, side yard or rear yard setbacks in the Toro Area Plan.

(c) Materials in Project File PLN060213

**7. FINDING: THIS USE IS AUTHORIZED IN THIS ZONING-** 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 the property.

**EVIDENCE:** (a) The parcel has a dual zoning of LDR/5-D and RC/40-VS. The building envelope is located within in the "LDR" zoning district. A single family dwelling is an allowed use pursuant to Section 21.14.030.A of the Monterey County Zoning Ordinance Title 21.

(b) Staff conducted a site visit on April 11, 2006.

(c) Materials in Project File PLN060213.

8. **FINDING: TREE REMOVAL** – The project includes a Tree Removal Permit for the removal of two Oak trees in accordance with the applicable policies of the Toro Area Plan and the Monterey County Zoning Ordinance (Title 21). The Required Findings in order to grant the permit for tree removal have been met.

**EVIDENCE:** (a) Toro Area Plan Policy 7.2.3 (T) states, “The preservation of oak trees in Toro shall be promoted by discouraging removal of healthy trees with diameters in excess of eight inches” and Section 21.64.260.C.1 of the Monterey County Zoning Ordinance Title 21 states, “No oak or madrone tree six inches or more in diameter shall be removed in the North County Area Plan or Toro Area Plan areas without approval of the permit(s) required in Subsection 21.64.260.D.” Although the project proposes to remove two 10-inch oaks that are situated in the footprint area of the proposed residence, the applicant has demonstrated that the residence has been sited to minimize the removal of native trees as much as possible. The proposed residence is to be built within an established building envelope and any changes to the footprint of the house would impact additional oak trees.

(b) Pursuant to Section 21.64.260.D.2 of the Monterey County Zoning Ordinance Title 21, removal of three or less protected trees may be approved by the Director of Planning in a one-year period, subject to an administrative Tree Removal Permit.

(c) A condition of approval has been incorporated for the replacement of each removed oak tree on a one-to-one ratio.

(d) Measures for tree protection during construction have been incorporated as conditions which include tree protection zones, trunk protection, hand excavation and bridging roots.

(e) The removal will not involve a risk of adverse environmental impacts.

9. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County’s zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

**EVIDENCE:** (a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.

10. **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) Preceding findings and supporting evidence.

11. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Planning Commission.

**EVIDENCE:** Section 21.80.040.B. of the Monterey County Zoning Ordinance (Title 21).



<b>EXHIBIT D</b> <b>Monterey County Resource Management Agency</b> <b>Planning Department</b> <b>Condition Compliance and/or Mitigation Monitoring</b> <b>Reporting Plan</b>	<b>Project Name: Evers</b> <b>File No: PLN060213</b> <b>Approved by: Zoning Administrator</b>	<b>APNs: 416-447-002-000</b> <b>Date: October 12, 2006</b>
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*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<b>PBD029 - SPECIFIC USES ONLY</b> This Combined Development Permit (PLN060213) allows: 1) Use Permit for development on slopes in excess of 30%; 2) Variance to encroach into front yard setback; Design Approval for new single-story residence of 3,172 square feet with an attached 612 square foot garage at basement level, covered porch, decks and retaining walls; Removal of two (2) 10-inch in diameter oak trees. The property is located at 26535 Covey Lane, Salinas (Assessor's Parcel Number 416-447-002-000), Toro Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		permits are approved by the appropriate authorities. <b>[Resource Management Agency (RMA) - Planning Department]</b>				
2.		<b>PBD025 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit ( <b>Resolution No.</b> _____) was approved by the Zoning Administrator for Assessor's Parcel Number 416-447-002-000 on October 12, 2006. The permit was granted subject to <b>21</b> conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of RMA - Planning Department prior to issuance of building permits or commencement of the use. <b>(RMA - Planning Department)</b>	Proof of recordation of this notice shall be furnished to RMA - PD	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3.		<b>PBD030 - STOP WORK - RESOURCES FOUND</b> If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the 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	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeologist	Ongoing	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		required for the discovery. <b>(RMA - Planning Department)</b>				
4.		<p><b>PBD016 - INDEMNIFICATION AGREEMENT</b></p> <p>The property owner agrees as a condition and in consideration of the 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. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to</p>	Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA-Planning Department.	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable.	

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		cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless.. <b>(RMA - Planning Department)</b>				
5.		<b>PBD018(A) - LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY)</b> The site shall be landscaped. At least 60 days prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA Planning Department for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning Department. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. <b>(RMA-Planning Department)</b>	Submit landscape plans and contractor's estimate to the RMA-Planning Department for review and approval.	Owner/ Applicant/ Contractor	At least 60 days prior to final inspection or occupancy.	
			All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.	Owner/ Applicant	Ongoing	
6.		<b>PBDSP001 (NON-STANDARD) LIGHTING – EXTERIOR LIGHTING PLAN</b> All exterior lighting shall be unobtrusive, downlit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site	Submit three copies of the lighting plans to the RMA- Planning Department for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	

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		glare is fully controlled. Exterior lights shall have recessed lighting elements. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. <b>(RMA-Planning Department)</b>	Construct and maintain lighting in accordance with approved plans.	Owner/ Applicant	Ongoing	
7.		<b>PBDSP002 (NON-STANDARD) – GEOTECHNICAL SOILS-FOUNDATION AND GEOLOGICAL HAZARDS REPORT CERTIFICATION</b> Prior to final inspection, the geologic consultant shall provide certification that all development has been constructed in accordance with the above entitled report as presented by Grice Engineering and Geology Inc. (Library No. LIB060294). <b>(RMA-Planning Department)</b>	Submit certification by the geologic consultant to PBI showing project's compliance with the geotechnical soils-foundation and geological hazards report.	Owner/ Applicant/ Geological Consultant	Prior to Final Building Inspection.	
8.		<b>PBDSP003 (NON-STANDARD)- OAK TREE REPLACEMENT</b> Prior to final inspection, applicant shall be required to replace the two oak trees to be removed on a one-to-one ratio with a 5-gallon oak of the same specie. The location of the replacements shall be subject to the discretion of the arborist, landscape architect, landscaping contractor or similarly qualified licensed person in order to assure that the location is adequate for long-term health of the new and existing trees. <b>(RMA-Planning Department)</b>	Submit verification to the RMA-Planning Department demonstrating that the trees have been replaced and have survived.	Owner/ Applicant/ Arborist/ Landscape Architect/ Landscape Contractor	Prior to Final Building Inspection.	

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9.		<b>PBD032(B) – TREE AND ROOT PROTECTION</b> Trees which are located close to the 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 shall be demonstrated prior to issuance of building permits subject to the approval of the Director of RMA- Planning Department. <b>(RMA-Planning Department)</b>	Submit evidence of tree protection to the RMA-Planning Department for review and approval.	Owner/ Applicant	Prior to Issuance of Grading and/or Building Permits.	
10.		<b>WR2 - STORMWATER CONTROL</b> The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Stormwater runoff from impervious surfaces shall be dispersed at multiple points, away from and below any septic leach fields, over the least steep available slopes, with erosion control at outlets. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. <b>(Water Resources Agency)</b>	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer	Prior to issuance of any grading or building permits.	
11.		<b>WR40 - WATER CONSERVATION MEASURES</b> 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	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection occupancy.	

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		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. <b>(Water Resources Agency)</b>				
12.		<b>WR45 - WELL INFORMATION</b> The applicant shall provide the Water Resources Agency information on the well to serve the project including a map showing the well location and any available well logs/e-logs. <b>(Water Resources Agency)</b>	Submit all applicable well information to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits.	
13.		<b>EHSP001 (NON-STANDARD)</b> Installation of the engineered wastewater disposal system shall conform to the Percolation and Groundwater Study submitted by Grice Engineering on February 27, 2006. The design and installation of the curtain drain to protect the leaching pits shall be constructed in accordance with the septic system site plan submitted by Grice Engineering dated February 27, 2006. All leaching pits shall be installed at initial construction as shown on the septic system site plan. The septic system on this parcel shall conform to the regulations found in Chapter 15.20 of the Monterey County Code, and <u>Prohibitions</u> of the Basin Plan, RWQCB. <b>(Environmental Health)</b>	Division of Environmental Health must approve plans.	CA Licensed Engineer /Owner/ Applicant	Prior to issuance of building permits.	

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14.		<p><b>FIRE007 - DRIVEWAYS</b>            Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.  <b>(Salinas Rural Fire District)</b></p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of grading and/or building permit.</p>	
			<p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p>	<p>Prior to final building inspection.</p>	



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15.		<b>FIRE008 - GATES</b> All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. <b>(Salinas Rural Fire District)</b>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.	
16.		<b>FIRE011 - ADDRESSES FOR BUILDINGS</b> 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 and visible 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	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
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		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. <b>(Salinas Rural Fire District)</b>				
17.		<b>FIRE016 - SETBACKS</b> All parcels 1 acre and larger shall provide a minimum 30-foot setback for new buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, alternate fuel modification standards or other requirements may be imposed by the local fire jurisdiction to provide the same practical effect. <b>(Salinas Rural Fire District)</b>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.	
18.		<b>FIRE017 - DISPOSAL OF VEGETATION AND FUELS</b> Disposal, including chipping, burying, or removal to a landfill site approved by the local jurisdiction, of vegetation and debris caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to final clearance of the related permit. <b>(Salinas Rural Fire District)</b>	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.	
19.		<b>FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS)</b> Remove combustible vegetation from within a minimum of 59 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys.	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or	

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		Additional fire protection or firebreaks approved by the Reviewing Authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. <b>(Salinas Rural Fire District)</b>			building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.	
20.		<b>FIRE022 - FIRE PROTECTION EQUIPMENT &amp; SYSTEMS - FIRE SPRINKLER SYSTEM - (HAZARDOUS CONDITIONS)</b> The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor completed prior to requesting a framing inspection. Due to substandard access, or other mitigating factors, small bathroom(s) and open attached porches, carports, and similar structures shall be protected with fire sprinklers. <b>(Salinas Rural Fire District)</b>	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection.	
			Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection.	

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21.		<p><b>FIRE027 - ROOF CONSTRUCTION - (VERY HIGH HAZARD SEVERITY ZONE)</b>  All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. <b>(Salinas Rural Fire District).</b></p>	Applicant shall enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of building permit.	