

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> November 9, 2006 Time: 9:55AM	<b>Agenda Item No.:</b> 7
<b>Project Description:</b> Combined Development Permit ( <b>PLN050434/Kay</b> ) consisting of a Coastal Administrative Permit to allow the construction of a 2,298 sq. ft. single-family dwelling, a 528 sq. ft. detached garage, new septic system and domestic well with associated grading (546 cubic yards of cut and 213 cubic yards of fill); and a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat.	
<b>Project Location:</b> 5295 Starr Way, Royal Oaks	<b>APN:</b> 129-211-017-000
<b>Planning File Number:</b> PLN050434	<b>Name:</b> Kay, Marjorie
<b>Plan Area:</b> North County Land Use Plan	<b>Flagged and staked:</b> Yes
<b>Zoning Designation:</b> : RDR/5(CZ) [ Rural Density Residential, 5 acres per unit (Coastal Zone)]	
<b>CEQA Action:</b> Mitigated Negative Declaration	
<b>Department:</b> RMA - Planning Department	

### **RECOMMENDATION:**

Staff recommends that the Zoning Administrator adopt the Mitigated Negative Declaration (**Exhibit L**), approve the Combined Development Permit based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions (**Exhibit D**), and adopt the Mitigation Monitoring and Reporting Plan (**Exhibit C**).

### **SUMMARY:**

The proposed project was originally scheduled for hearing before the Zoning Administrator on February 9<sup>th</sup>, 2006 and determined categorically exempt under CEQA pursuant to Section 15303. In response to an inquiry and peer review letters received from Fenton & Keller (**Exhibit G**), legal representation for Owners concerned about “Fair Planning Practices” in Monterey County, the applicant requested that the Zoning Administrator table the item. The Zoning Administrator continued the hearing and directed staff to complete an Initial Study for the project. An Initial Study and Mitigated Negative Declaration were subsequently prepared and circulated for review from May 24<sup>th</sup>, 2006 through June 21<sup>st</sup>, 2006 and again from August 14<sup>th</sup>, 2006 through September 12<sup>th</sup>, 2006. Comments were received from Mr. David Sweigert of Fenton & Keller, the California Department of Fish and Game, Monterey Bay Unified Air Pollution Control District, Association of Monterey Bay Area Governments and the Central Coast Regional Water Quality Control Board (**Exhibits I and M**). Any impacts associated with the project have been mitigated to a less than significant level.

### **PROJECT OVERVIEW:**

The project entails the construction of a new single-story residence and detached two car garage, a new domestic well, storage tank, septic system and associated grading. Approximately 10.5 acres in size, the parcel is vegetated both by native and invasive species and has remained undeveloped since its creation through a minor subdivision in 1972. Staff’s review focused on consistency with LCP policies for the North County Area Land Use Plan in regard to the following issues: 1) visual resources, 2) water resources, 3) environmentally sensitive habitat, and 4) hazardous area development. This review determined that the project, as designed, sited, and mitigated will not have significant impacts on the environment and is consistent with the

applicable LCP policies contained in the North County Area Land Use Plan. No issues remain unresolved for this project. See **Exhibit B** for a detailed discussion.

**OTHER AGENCY INVOLVEMENT:**

- ✓ North County Fire Protection District
- ✓ Public Works Department
- ✓ Parks Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency
- ✓ Monterey County Sheriff
- ✓ Coastal Commission
- ✓ California Department of Fish and Game
- ✓ Association of Monterey Bay Area Governments
- ✓ California Regional Water Quality Control Board
- ✓ Monterey Bay Unified Air Pollution Control District

The above checked agencies and departments have reviewed this project. Conditions recommended by the Planning Department, North County Fire Protection District, Environmental Health, and the Water Resources Agency have been incorporated into the recommended conditions of approval (**Exhibit D**).

On December 5, 2005 the North County Coastal Land Use Advisory Committee (LUAC) (**Exhibit E**) recommended approval of the project by a 4-0 vote with one abstention. The LUAC did not express any concerns, or suggest any further recommendations for the project.

Note: The decision on this project is appealable to the Board of Supervisors (20.86.030) and the California Coastal Commission (20.86.080).

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September 22, 2006

cc: Zoning Administrator; Coastal Commission; North County Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Monterey County Sheriff; Bob Schubert; Carl Holm; Shandell Frank; Carol Allen; Klaus and Mari Kloeppel; Marjorie Kay; William Yeates; David Sweigert, Planning File PLN050434.

Attachments:	Exhibit "A"	Project Data Sheet
	Exhibit "B"	Detailed Project Discussion
	Exhibit "C"	Findings and Evidence
	Exhibit "D"	Recommended Conditions of Approval
	Exhibit "E"	LUAC meeting minutes
	Exhibit "F"	Project Plans
	Exhibit "G"	Fenton & Keller request and Peer Review Letters, January 27 <sup>th</sup> , 2006
	Exhibit "H"	Expert Response to Peer Review Letters, February 6 <sup>th</sup> and March 20 <sup>th</sup>
	Exhibit "I"	Comments Received on IS/MND (May 24 <sup>th</sup> – June 21 <sup>st</sup> , 2006)
	Exhibit "J"	Comment Letter from Mr. J. William Yeates, July 17 <sup>th</sup> , 2006
	Exhibit "K"	Comment Letter from David Sweigert, July 21 <sup>st</sup> , 2006
	Exhibit "L"	CEQA Documents (IS/MND August 14 <sup>th</sup> - September 12 <sup>th</sup> , 2006)
	Exhibit "M"	Comments Received on IS/MND (August 14 <sup>th</sup> – September 12 <sup>th</sup> , 2006)

This report was reviewed by Bob Schubert, Acting Planning and Building Services Manager

## EXHIBIT B

### DETAILED PROJECT DISCUSSION

PLN050434 (KAY)

Revised September 22, 2006

#### A. PROJECT SETTING AND DESCRIPTION

##### **Setting**

Approximately 10.5 acres in size, the subject property is roughly square in shape with the lowest elevation and longest side fronting Starr Way; highest elevations are located on the opposite side of the property and increase from southwest to northeast. The proposed home site is located near the southern corner of the property parallel to Starr Way. Adjacent uses include rural residential and agricultural. Currently vegetated by both native and invasive species, dominant plant communities located on the parcel

include: coast live oak forest, central maritime chaparral, and central coastal scrub. These plant communities are mostly in a natural state over much of the property. Central maritime chaparral is classified as sensitive habitat and occurs continuously along the highest ridgetop across the northeastern side of the property.



##### **Project Description**

The project consists of the construction of a 2,298 sq. ft. single-story residence, 528 sq. ft. detached two car garage, septic system, domestic well and 5,000 gallon storage tank. A majority of the development is proposed within the central coastal scrub plant community. However, the proposed driveway is located within 100-feet of several isolated individual Pajaro manzanitas. The project does not include the removal of any trees or sensitive habitat (e.g. Maritime chaparral) and development is not proposed on slopes greater than 25%.

#### B. ANALYSIS

##### **Development Standards**

The project is consistent with the applicable RDR zoning district development standards; including the following:

**Setbacks** Main structures require a minimum 30 feet (front), 20 feet (side), and 20 feet (rear). Accessory non-habitable structures (garage) require a minimum 50 feet (front), 6 feet (side) and 1 foot (rear). The proposed structures are set back at least 125 feet (front), 44 feet (side), and more than 6 feet (rear).

**Height** Allowed height measured from the average natural grade for a main structure is 30 feet and 15 feet for accessory structures. The residence is a one-story structure that measures 26 feet at the highest point, while the detached garage measures a maximum of 10 feet.

**Minimum Distance Between Structures** The minimum required distance between a main structure and an accessory structure is 10 feet. The proposed residence and detached garage are separated by approximately 75 feet.

Staff identified several possible issues related to the proposed project and its consistency with the North County Land Use Plan. Primary issues include environmentally sensitive habitat, visual resources, water resources, and hazardous area development as discussed below.

**Environmentally Sensitive Habitat** North County Land Use Plan Policy 2.3.2 (2), Environmentally Sensitive Habitats, requires that development adjacent to environmentally sensitive habitats be compatible with the long-term maintenance of the resource. According to the biological surveys conducted by Ed Mercurio dated November 6, 2004 and May 2, 2005 existing sensitive habitat on the property includes central maritime chaparral, specifically, Pajaro manzanita and Hooker's manzanita. While the majority of development on the property is sited more than 100 ft away from the boundaries of this plant community, several isolated individual Pajaro manzanitas will be approximately 90 ft from the proposed driveway and detached garage. According to the report the project will not affect any natural habitat consistent with existing circumstances. The remaining central maritime chaparral occurs continuously along the northeastern portion of the subject property on slopes greater than 25% where no development is proposed. As per Section 20.144.040 (B) (6) of the North County Coastal Implementation Plan, standard conditions of approval are included to ensure the habitat's long-term maintenance including the removal of non-native species and the recordation of a Scenic and Conservation Easement.

**Visual Resources** North County Land Use Plan Policies, Visual Resources 2.2.2 (4) and (5), require development to be sited on the least visually obtrusive portion of the parcel where existing topography and vegetation provide natural screening and tree removal and grading are minimized. The proposed structures are single-story and earth tone in color. The residence and garage are sited in the lowest portion of the parcel directly adjacent to Starr Way, and are screened by existing oak trees. Due to the natural topography of the area and the existing vegetation, the project will not be visible from a public viewing area including the waterways of Elkhorn Slough. Proposed grading will not cause structures or access roads to be visible from public viewing points and corridors.

As required by Section 20.144.030 (B) (5) of the North County Coastal Implementation Plan, conditions of approval will require landscape screening and restoration using native vegetation in order to enhance and protect the natural scenic character of the area.

**Water Resources** North County Land Use Plan Policy 2.5.3 (3) requires a permit for the construction of new wells or the intensification of use. The current policy within the North County Coastal area is to allow the construction of wells to serve single-family residences if those residences are proposed on legal lots of record. The subject parcel was legally created by a minor subdivision that was approved in 1972. Neither the Water Resources Agency nor the Environmental Health Division has expressed concerns regarding the quality or quantity of water necessary to serve this project. The project is not located within a watershed restoration area. As per the associated Geotechnical Report (Pacific Crest Engineering, 2005) soils within the project site are classified



as Aromas sand characterized by having a high potential for erosion. Standard conditions of approval have been applied to ensure that development does not occur on slopes greater than 25%, that the exposure of bare ground is minimal, and that the recommended actions discussed within the Geotechnical Report are implemented.

### **Hazardous Fire Conditions**

The project site is located in a high fire hazard zone and is heavily vegetated. North County Land Use Plan Policy 2.8.3 (C) (3) allows development to occur within these areas if no less hazardous portion of the site is suitable for development and if the development will not increase the threat of fire to the public. The project is located directly adjacent to Starr Way in the least forested area of the parcel. As per regulations contained in the North County Coastal Implementation Plan, the project was reviewed by the North County Fire Protection District and has been conditioned to ensure compliance with the above policy.

## **C. CEQA DETERMINATION**

### **Initial Study and Mitigated Negative Declaration**

Prior to the original February 9<sup>th</sup>, 2006 hearing date, it was suggested by evidence in the record (Fenton & Keller, January 27, 2006) that the project may potentially affect Biological Resources and Hydrology/Water Quality. An Initial Study and Mitigated Negative Declaration were completed and circulated from May 24<sup>th</sup>, 2006 to June 21<sup>st</sup>, 2006. Comments were received from Fenton & Keller, the Monterey Bay Unified Air Pollution Control District (MBUAPCD), and the California Department of Fish and Game. These comments and Staff's responses are attached as **Exhibit I**. Due to information received from the Department of Fish and Game regarding the presence of dusky-footed woodrat nests, the July 27<sup>th</sup>, 2006 Zoning Administrator hearing was continued to provide the applicant an opportunity to mitigate any possible impacts. A dusky-footed woodrat nest survey was completed by the biologist allowing staff to update and recirculate the Initial Study and Mitigated Negative Declaration from August 14<sup>th</sup>, 2006 to September 12<sup>th</sup>, 2006. Comments were received from the following agencies: The California Regional Water Quality Control Board, Association of Monterey Bay Area Governments (AMBAG), and the Monterey Bay Unified Air Pollution Control District. These comments are attached as **Exhibit M**. Potential impacts associated with the project have been mitigated to a less than significant level.

## **EXHIBIT C**

### **RECOMMENDED FINDINGS AND EVIDENCE**

**1. FINDING: CONSISTENCY** – The project, as described in Condition #1, and as conditioned, conforms to the policies, requirements and standards of the Local Coastal Program (LCP). The LCP for this site consists of the North County Area Land Use Plan, North County Area Coastal Implementation Plan (Part 2), Part 6 of the Coastal Implementation Plan, and Part 1 of the Coastal Implementation Plan (Title 20 Zoning Ordinance), which designates this area as appropriate for residential 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 project is located at 5295 Starr Way, Royal Oaks (Assessor's Parcel Number 129-211-017-000), North County Land Use Plan. The parcel is zoned Rural Density Residential, five (5) acre minimum per dwelling unit, Coastal Zone (“RDR/5 (CZ)”). The construction of a single family residence and detached garage are principally allowed uses in accordance with Section 20.16.040 A. Due to the proximity of environmentally sensitive habitat the project was reviewed in accordance with Section 20.16.030 E. The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 20, and is suitable for the proposed development.

(c) The Project Planner conducted an on-site inspection on July 26, 2005 and December 22, 2005.

(d) The North County Coastal Land Use Advisory Committee reviewed and recommended approval (4 - 0 vote) of the Combined Development Permit on December 5, 2005.

(e) The application, plans, and related support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development found in Project File PLN050434.

**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: Planning, North County Fire Protection District, Parks, Public Works, Environmental Health Division, Monterey County Sheriff, and Water Resources Agency, the California Department of Fish and Game, Monterey Bay Area Unified Air Pollution Control District, California Regional Water Quality Control Board, Coastal Commission, and the Association of Monterey Bay Area Governments. 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 biological, and geotechnical consultants indicated that there are not physical or environmental constraints that would indicate that the site is not suitable for the use propose. County staff concurs. The following reports have been prepared:

- Biological Survey of Kay Property (LIB060391) prepared by Ed Mercurio, Salinas, CA, November 6, 2004.
  - Spring check of Biological Resources on Kay Property (LIB060390) prepared by Ed Mercurio, Salinas, CA, May 2, 2005.
  - Dusky-footed Woodrat Survey (LIB060553) prepared by Ed Mercurio, Salinas, CA, July 28, 2006.
  - Geotechnical Investigation and Percolation Study for 5295 Starr Way (LIB060392) prepared by Pacific Crest Engineering Inc, Watsonville, CA, September 2005.
- (c) The project planner conducted site visits on July 26, 2005 and December 22, 2005.
- (d) Materials in Project File PLN050434.

**3. FINDING: ENVIRONMENTALLY SENSITIVE HABITAT-** The project as designed, conditioned, and mitigated is consistent with policies of the North County Land Use Plan concerning ESHA (Chapter 2.3).

- EVIDENCE:**
- (a) A Biological Survey was prepared by Ed Mercurio on November 6, 2004 and May 2, 2005 addressing the siting, design, and construction of the single family residence, detached garage, septic system, and domestic well. According to the reports, the property contains individuals representative of coast live oak forest, maritime chaparral, and central coastal scrub communities. Most of the development is located within the central coastal scrub community. A segment of the proposed driveway and detached garage are located approximately 90-feet away from several isolated individual Pajaro manzanitas. The remaining central maritime chaparral representatives exist along the highest ridgetop across the northeastern portion of the property where no development is planned. Tree removal is not included in the development application.
- (b) In order to further the policies and regulations of the North County Land Use Plan (2.3) and the North County Coastal Implementation Plan (20.144.040), standard Conditions of Approval will require the following: grading shall be the least amount necessary to support the development, invasive plant species will be required to be controlled and removed, and the implementation of tree and native habitat protection measures shall be employed during construction activities.
- (c) Mitigation Measures designed to reduce impacts to ESHA to a less than significant level include the following: recordation of a scenic and conservation easement on 4.31 acres of the property having slopes greater than 25 % and/or contain maritime chaparral; the planting of at least 15 one gallon Pajaro manzanita of local origin; protection of Pajaro manzanita individuals located close to the construction site; restoration recommendations within the central coastal scrub plant community shall be implemented according to the Biological Survey conducted by Ed Mercurio (November 6, 2004 and May 2, 2005), and within the 30 foot and 100 foot fire management areas the applicant shall protect chaparral habitat to the maximum extent possible by implementation of the fire management recommendations included in the Biological Survey conducted by Ed Mercurio which include maintenance trimming while precluding removal of any sensitive resources.
- (d) The North County Fire Protection District is currently enforcing defensible space to 30 feet this year and educating to 100 feet. However, trees and many perennial shrubs can remain within this defensible space.

Trees should be limbed up to 6 feet and shrubs such as rare, endangered and threatened plants, can remain but should have dead and dying material removed, leaving only healthy growth (Letter from Ed Mercurio outlining discussion with Fire Marshal Michael Roberson March 20<sup>th</sup>, 2006). Therefore, no significant impacts will occur as a result of fire maintenance activities to either Central maritime chaparral or Oak woodlands present on the property.

- (e) Proposed mitigation measures to protect and enhance central maritime chaparral and central coast scrub communities are adequate and acceptable to the California Department of Fish and Game (Jeff Cann, Associate Wildlife Biologist, Department of Fish and Game, June 20, 2006).

**4. FINDING: CEQA INITIAL STUDY/MITIGATED NEGATIVE DECLARATION –**  
On the basis of the whole record before the Zoning Administrator there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The mitigated negative declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:** (a) Initial Study. It was suggested by evidence contained in the record (Fenton & Keller, January 27<sup>th</sup>, 2006) that the project may potentially affect Biological Resources and Hydrology/Water Quality. Therefore, as requested by the applicant, Staff conducted an Initial Study and subsequent Mitigated Negative Declaration pursuant to CEQA. The Initial Study identified potentially significant effects to biological resources that could be mitigated to a less than significant level. The applicant has agreed to proposed mitigation measures that mitigate the effects to a point where clearly no significant effects would occur.
- (b) Mitigated Negative Declaration. A Mitigated Negative Declaration was filed with the County Clerk May 22<sup>nd</sup>, 2006, noticed for public review, and circulated to the State Clearinghouse from May 24<sup>th</sup>, 2006 to June 21<sup>st</sup>, 2006. Due to comments received from the Department of Fish and Game regarding the presence of dusky-footed woodrat nests located on the property, the Initial Study was amended to include mitigation measures to reduce potential impacts to the dusky-footed woodrat to a less than significant level. A Mitigated Negative Declaration was filed with the County Clerk on August 9<sup>th</sup>, 2006, noticed for public review, and circulated to the State Clearing House from August 14<sup>th</sup>, 2006 to September 12<sup>th</sup>, 2006. Among the studies, data, and reports analyzed as part of the environmental determination are the following:
    1. Biological Survey of the Kay Property, 5295 Starr Way, by Ed Mercurio (November 6, 2004 and May 2, 2005).
    2. Response to Jean Ferreira letter by Ed Mercurio regarding biological habitats and plant communities (March 20, 2006).
    3. Geotechnical Investigation and Percolation Study for 5295 Starr Way, by Pacific Crest Engineering Inc. (September 2005).
    4. Response to Landset letter by Pacific Crest Engineering, Inc. (February 6, 2006).
    5. Personal Communication with Tom Moss of Water Resources Agency and John Hodges of Environmental Health (May 4, 2006) addressing hydrogeologic concerns raised by Geoconsultants.



6. "2004 Air Quality Management Plan" and "CEQA Air Quality Guidelines, July 2004," prepared by the Monterey Bay Unified Air Pollution Control District.
7. Fugro West North Monterey County Hydrogeologic Study, October 1995.
8. North Monterey County Comprehensive Water Resources Management Plan. Monterey County Water Resources Agency and EDAW, Inc. January 2002.
9. Letter received from Ed Mercurio regarding discussions with Fire Marshal Michael Roberson in reference to defensible space and sensitive species, March 20, 2006.
10. Specific locations of Monterey dusky-footed woodrat nests that could be impacted by development on the Kay property, Ed Mercurio, July 28<sup>th</sup>, 2006.

The Zoning Administrator determines that although the project could have significant impacts, mitigation can reduce these potential impacts to a level of insignificance. Therefore, a Mitigated Negative Declaration is hereby adopted by the Zoning Administrator.

- (c) Mitigation Monitoring Program. 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. The applicant/owner must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan" as a condition of project approval.
- (d) Comments. During the Initial Study and Mitigated Negative Declaration circulation period (August 14<sup>th</sup> through September 12<sup>th</sup>, 2006), comment letters were received from the California Regional Water Quality Control Board, Monterey Bay Unified Air Pollution Control District, and the Association of Monterey Bay Area Governments. These comments were informational in nature and noted for the record.

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

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

**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 not indicated as part of any designated trails or shoreline access as shown in Figure 6, the Shoreline/Access Trails Map, of the North County 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) Staff site visits on July 26, 2005 and December 22, 2005.

**7. 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.

**8. FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

**EVIDENCE:** Section 20.86.030 and Section 20.86.080 of the Monterey County Zoning Ordinance (Title 20).

**EXHIBIT D**  
**RMA-PLANNING DEPARTMENT**  
**Condition Compliance and/or Mitigation Monitoring**  
**Reporting Plan**

**Project Name:** Kay, Marjorie

**File No:** PLN050434

**APNs:** 129-211-017-000

**Approved by:** ZONING ADMINISTRATOR **Date:** OCTOBER 12, 2006

*\*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		<p><b>PBD029 - SPECIFIC USES ONLY</b>            The Kay Combined Development Permit (PLN050434) consists of: 1) a Coastal Administrative Permit for the construction of a 2,298 sq. ft. one-story single family residence with a 528 sq. ft. detached garage, driveway, septic system, domestic well and grading (759 cubic yards cut/fill), and a 2) Coastal Development Permit for development located within 100-feet of environmentally sensitive habitat. The property is located at 5295 Starr Way, Royal Oaks (Assessor's Parcel Number 129-211-017-000), Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA-Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. <b>(RMA-Planning Department)</b></p>	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>
2		<p><b>PBD025 - NOTICE-PERMIT APPROVAL</b>  The applicant shall record a notice which states: "A permit (Resolution No. 050434) was approved by the Zoning Administrator for Assessor's Parcel Number 129-211-017-000 on November 9, 2006. The permit was granted subject to <u>29</u> conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA-Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA-Planning Department prior to issuance of grading and building permits or commencement of the use.  <b>(RMA-Planning Department)</b></p>	Proof of recordation of this notice shall be furnished to the RMA-Planning Department.	Owner/ Applicant	Prior to issuance of grading and building permits or start of use	
3		<p><b>PBD005 DEED RESTRICTION- FIRE HAZARD</b>  Prior to the issuance of a building permit the applicant shall record a deed restriction which states: "This parcel is located in a high fire hazard area and development may be subject to certain restrictions required as per Section 20.144.3100 of the North County Coastal Implementation Plan and per the standards for development of residential property.  <b>(RMA-Planning Department)</b></p>	Submittal of approved and recorded Deed Restriction to the RMA-Planning Department.	Owner/ Applicant	Prior to issuance of grading and building permits or start of use	
4		<p><b>PBD008-SCENIC AND CONSERVATION EASEMENT</b>  A 4.31 acres scenic and conservation easement shall be conveyed to the County over those portions of the property where Maritime Chaparral exists on slopes greater than 25 %. An easement deed shall be submitted to, and approved by the Director of the RMA-Planning Department prior to the issuance of grading or building permits.  <b>(RMA-Planning Department)</b></p>	<p>1) Submit recorded Scenic Conservation Easement for review and approval by the Director of the RMA-Planning Department.</p> <p>2) Conveyance to the County upon approval by the Board of Supervisors</p>	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	

<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>
5		<p><b>EROSION AND RUNOFF CONTROL-NON STANDARD</b></p> <p>Prior to the issuance of a grading or building permit, the applicant shall submit evidence that erosion and runoff control measures have been implemented in accordance with Monterey County's Erosion Control (Chapter 16.12) and Grading (Chapter 16.08) Ordinances. All cut and/or fill slopes exposed during the course of construction shall be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of the RMA-Planning Department. 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, as per the recommendations contained in the Geotechnical Investigation and Percolation Study by Pacific Crest Engineering, Inc. (September 2005). This program shall be approved by the Director of the RMA-Planning Department. (RMA-Planning Department)</p>	Submit evidence that erosion and runoff control measures have been implemented in accordance with Monterey County's Erosion Control (Chapter 16.12) and Grading (Chapter 16.08) Ordinances.	Owner/ Applicant	Prior to issuance of grading and building permits	
6		<p><b>PBD014-GRADING WINTER RESTRICTION</b></p> <p>No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of the RMA-Planning Department. (RMA-Planning Department)</p>	None	Owner/ Applicant	Ongoing	

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7		<p><b>PBD018(A) - LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY)</b></p> <p>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 Planning and Building Inspection 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 follow the recommendations contained in the Biological Survey prepared by Ed Mercurio, dated November 6, 2004. Additionally, the landscaping plan shall incorporate native trees and other indigenous vegetation for those areas disturbed by construction and for additional screening of structures. 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 RMA-Planning Department. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.</p> <p><b>(RMA-Planning Department)</b></p>	Submit landscape plans and contractor's estimate to RMA-Planning Department for review and approval.	Owner/ Applicant/ Contractor	At least three weeks prior to final inspection or occupancy	

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8		<p><b>PBD021-LIGHTING-EXTERIOR LIGHTING PLAN</b></p> <p>All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior 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 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 the approval of the Director of the RMA-Planning Department prior to the issuance of building permits.  <b>(RMA-Planning Department)</b></p>	Submit three copies of the lighting plan to the RMA-Planning Department for review and approval. Lighting shall be installed and maintained in accordance with approved plan.	Owner/ Applicant	Prior to issuance of building permits.	
9		<p><b>PBD028-RESTORATION OF NATURAL MATERIALS</b></p> <p>Upon completion of the development, the area disturbed shall be restored to a condition to correspond with the adjoining area, subject to the approval of the Planning Director. Plans for such restoration shall be submitted to and approved by the Director of the RMA-Planning Department prior to occupancy.  <b>(RMA-Planning Department)</b></p>	Submit restoration plans to RMA-Planning Department for review and approval.	Owner/ Applicant	Prior to occupancy	

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10		<p><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 required for the discovery. <b>(RMA-Planning Department)</b></p>	<p>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.</p>	<p>Owner/            Applicant/            Archaeologist</p>	<p>Ongoing</p>	
11		<p><b>PBD032(A) - TREE PROTECTION</b>            Trees which are located close to the construction site(s) 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 the RMA-Planning Department.  <b>(RMA-Planning Department)</b></p>	<p>Submit evidence of tree protection to RMA-Planning Department for review and approval.</p>	<p>Owner/            Applicant</p>	<p>Prior to issuance of grading and building permits</p>	
12		<p><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.</p>	<p>Submit evidence of tree protection to the RMA-Planning Department for review and approval.</p>	<p>Owner/            Applicant</p>	<p>Prior to Issuance of Grading and/or Building Permits</p>	



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		Said protection shall be demonstrated prior to issuance of grading or building permits subject to the approval of the Director of the RMA-Planning Department. <b>(RMA-Planning Department)</b>				
13		<b>PBD034 - UTILITIES - UNDERGROUND</b> All new utility and distribution lines shall be placed underground. <b>(RMA-Planning Department; Public Works)</b>	None	Owner/ Applicant	Ongoing	
14		<b>PBD036 - WATER TANK APPROVAL</b> The water tank shall be painted an earth tone color to blend into the area and landscaped (including land sculpturing and fencing, where appropriate), subject to the approval of the Director of the RMA-Planning Department, prior to the issuance of building permits. <b>(RMA-Planning Department)</b>	Submit proposed color of water tank and landscaping to the RMA-Planning Department for review and approval.	Applicant/ Owner	Prior to final inspection or occupancy	
15		<b>PBD042 – GRADING PERMITS REQUIRED</b> A grading permit is required for new private single family access driveways greater than fifty (50) feet in total length that require 100 cubic yards or more of earthwork. An over the counter (OTC) grading permit may be issued for new private single family access driveways greater than fifty (50) feet in total length that require less than 100 cubic yards of earthwork. <b>(RMA-Planning Department)</b>	If applicable, apply and receive the appropriate grading permit from Monterey County Building Department.	Engineer/ Owner/ Applicant	Prior to Issuance of Grading or Building Permits	

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16		<p><b>REMOVAL OF NON-NATIVE SPECIES- NON STANDARD</b>            Invasive plant species removal shall occur as identified in the Biological Survey. No new invasive species shall be planted on the property.  <b>(RMA-Planning Department)</b></p>	Include removal of non-native species on landscaping plan.	Owner/ Applicant/ Contractor	At least three weeks prior to final inspection or occupancy	
17		<p><b>PBD012 - FISH AND GAME FEE-NEG DEC/EIR</b>            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, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. <b>(RMA-Planning Department)</b></p>	The applicant shall submit a check, to the Director of the RMA-Planning Department, payable to the <i>County of Monterey</i> .	Owner/ Applicant	Within 5 working days of project approval	
18		<p><b>PBD022 - MITIGATION MONITORING PROGRAM</b>            The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement.  <b>(RMA-Planning Department)</b></p>	<ol style="list-style-type: none"> <li>1) Enter into agreement with the County to implement a Mitigation Monitoring Program.</li> <li>2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.</li> </ol>	Owner/ Applicant	Within 60 days after project approval or prior to issuance of grading and building permits, whichever occurs first.	

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19		<b>WR0045 WELL INFORMATION (WR)</b> Prior to the issuance of any grading or building permits, 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 well information to the Water Resources Agency for review.	Owner/ Applicant	Prior to issuance of grading or building permits	
20		<b>WR0003 DRAINAGE PLAN – RETENTION (WR)</b> The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention/retention facilities have been constructed in accordance with approved plans. <b>(Water Resources Agency)</b>	Submit a letter to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to final inspection	
21		<b>WR40 - WATER CONSERVATION MEASURES</b> The applicant shall provide the Water Resources Agency information on the well to: a map showing the well location and any available well logs/e-logs. <b>(Water Resources Agency)</b>	Submit well information to the Water Resources Agency for review.	Owner/ Applicant	Prior to final building permits	

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22		<p><b>WR0008 - COMPLETION CERTIFICATION (WR)</b></p> <p>Prior to final inspection, the applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention/retention facilities have been constructed in accordance with approved plans.</p> <p><b>(Water Resources Agency)</b></p>	Submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan.	Owner/ Applicant	Prior to final inspection	
23		<p><b>WR40 - WATER CONSERVATION MEASURES</b></p> <p>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:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol> <p><b>(Water Resources Agency)</b></p>		Owner/ Applicant	Prior to final building inspection	

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24		<p><b>FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD)</b></p> <p>Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of asphaltic concrete on 0.34 feet of aggregate base shall 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. (North County Fire Protection District)</p>	<p>1) Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <p>2) Applicant shall schedule fire dept. clearance inspection.</p>	Owner/ Applicant	<p>Prior to issuance of grading and building permits</p> <p>Prior to final building inspection</p>	
25		<p><b>FIRE021 - FIRE PROTECTION EQUIPMENT &amp; SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)</b></p> <p>The residence and detached garage shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (North County Fire Protection District)</p>	<p>1) Applicant shall enumerate as "Fire Dept. Notes" on plans.</p> <p>2) Applicant shall schedule fire dept. clearance inspection.</p>	Owner/ Applicant	<p>Prior to issuance of building permit</p> <p>Prior to final building inspection</p>	
26		<p><b>FIRE026 - ROOF CONSTRUCTION</b></p> <p>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 B roof construction. (North County Fire Protection District)</p>	<p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p>	Owner/ Applicant	<p>Prior to issuance of building permit.</p>	

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27		<p><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>(North County Fire Protection District)</b></p>	<p>1) Applicant shall enumerate as "Fire Dept. Notes" on plans.</p> <p>2) Applicant shall schedule fire dept. clearance inspection</p>	Applicant	Prior to issuance of building permit	
28		<p><b>EH8 - WELL CONSTRUCTION PERMIT</b>  Obtain a water well drilling permit from the Division of Environmental Health and construct the well.  <b>(Environmental Health)</b></p>	Submit the Well Completion Report to the Division of Environmental Health.	Applicant	Prior to issuance of a building permit	
29		<p><b>EH11 - SEPTIC SYSTEM DESIGN</b>  Submit plans for review and approval showing the location and design of the proposed septic system meeting the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB.  <b>(Environmental Health)</b></p>	Division of Environmental Health must approve plans. Applicant shall obtain a permit to install the septic system.	CA Licensed Engineer /Owner/ Applicant	Prior to issuance of building permit	

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	1	<p><b>Mitigation Measure #1:</b> The applicant shall plant within the disturbed area of the parcel, at least 15 one gallon Pajaro manzanita of local origin. The manzanita shall be planted at least 100 feet from any structure.</p>	<p><u>Monitoring Action #1A:</u> Submit photographic evidence of completed plantings to the Director of the RMA-Planning Department for review and approval.</p> <p><u>Monitoring Action #1B:</u> To ensure the survival of the Pajaro manzanita, monitoring shall be completed by a qualified biologist prior to the commencement of construction and include reports with photographs certifying the condition of the manzanita once within three months following completion of the development, once two years after completion of the development, and once five years after the completion of the development. At five years following completion of development at least 70 percent of plantings shall be surviving. If 70 percent of the plantings are not surviving then replanting and monitoring shall continue until compliance is achieved. If plantings fail within any of the timeframes the biologist shall recommend replantings and any replantings will re-start the monitoring action. Reports shall be submitted to the Director of the RMA-Planning Department for review.</p>			

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	2	<p><b>Mitigation Measure#2:</b> Pajaro manzanita located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by wrapping with protective materials, avoiding fill of any type against the base and avoiding an increase in soil depth at the feeding zone or drip line of the plants.</p>	<p><u>Monitoring Action #2:</u> Submit photos demonstrating compliance prior to issuance of building permits with a minimum of two follow up submissions to include just prior to final building permit sign off subject to the approval of the Director of the RMA-Planning Department.</p>			
	3	<p><b>Mitigation Measure #3:</b> Restoration recommendations within the central coastal scrub plant community shall be implemented according to the Biological Survey conducted by Ed Mercurio on November 6, 2004.</p>	<p><u>Monitoring Action #3A:</u> Include recommended planting(s) on landscape plan. Submit plan for review and approval by the Director of the RMA-Planning Department.</p> <p><u>Monitoring Action #3B:</u> To ensure the survival of the central coast scrub plant community, monitoring shall be completed by a qualified biologist prior to the commencement of construction and include reports with photographs certifying the condition of the community once within three months following completion of the development, once two years after completion of the development, and once five years after the completion of the development. At five years following completion of development at least 70 percent of plantings shall be surviving. If 70 percent of the plantings are not surviving then replanting and</p>			



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			<p>monitoring shall continue until compliance is achieved. If plantings fail within any of the timeframes the biologist shall recommend replantings and any replantings will re-start the monitoring action. Reports shall be submitted to the Director of Planning and Building Inspection for review.</p>			
	4	<p><b>Mitigation Measure #4 (SCENIC CONSERVATION EASEMENT):</b> A scenic conservation easement will be placed over the maritime chaparral habitat occurring on slopes greater than 25%, approximately 4.3 acres of the entire parcel.</p>	<p><u>Monitoring Action #4:</u> Prior to Issuance of Grading and Building Permits the applicant shall submit approved and recorded Scenic Conservation Easement to the RMA-Planning Department.</p>			

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	5	<p><b>Mitigation Measure #5 (NEST RELOCATION):</b>  A pre-construction survey shall be completed by a certified biologist to determine if the identified nests are active. Any active nests shall be avoided until late August to ensure that potential young of the year are raised and sufficiently mobile to relocate. The stick nests shall be disassembled prior to grading the site to give the animals time to relocate and avoid being harmed in the site clearing process.</p>	<p><u>Monitoring Action #5:</u> The pre-construction survey shall be submitted to the RMA-Planning Department for review. If nests are identified as active, construction and or grading activities will not be allowed until after late August. The applicant shall submit photos depicting any active nests prior to disassembling, and after disassembling is complete. The building envelope shall be monitored until development begins to ensure new nests are not built within the envelope area. The monitoring report shall be submitted to the RMA-Planning Department prior to the start of construction.</p>			
	6	<p><b>Mitigation Measure #6 (FIRE MANAGEMENT AREA):</b> Within the 30 foot and 100 foot fire management areas the applicant shall protect chaparral habitat to the maximum extent possible by implementation of the fire management recommendations included in the Biological Survey conducted by Ed Mecurio which include maintenance trimming while precluding removal of any sensitive resources.</p>	<p><u>Monitoring Action #6:</u> The owner shall minimize the trimming of Maritime chaparral to the minimum amount required by the North County Fire Protection District. The applicant shall also follow the recommendations for plant maintenance related to fire management contained in the Biological Survey conducted by Ed Mercurio on November 6, 2004 with special regard for the additional planting and monitoring of Pajaro manzanita.</p>			

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	7	<p><b>Mitigation Measure #7:</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.</p>	<p><u>Monitoring Action #7:</u> Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.</p>			