

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> December 14, 2006	<b>Time:</b>	<b>Agenda Item No.:</b>
<b>Project Description:</b> Combined Development Permit consisting of: (1) a Coastal Administrative Permit and Design Approval for the demolition of the existing 8,794 square foot one-story single family dwelling with detached four-car garage, 621 square foot detached guesthouse, and 197 square foot shed and the construction of a 7,314 square foot split level two-story single family dwelling, a 796 square foot attached two-car garage, 1,220 square foot storage area/finished basement, 1,220 square foot unfinished basement, 287 square feet of covered porches, a 6,611 square foot driveway, 4,383 square feet of patios and several retaining walls; (2) a Coastal Development Permit and Design Approval for the construction of an 850 square foot Caretaker's Unit with a detached 576 square foot one-car garage, and grading (approx. 51 cu. yds. cut/ 49 cu. yds. fill); and (3) a Variance to exceed the Pescadero Watershed Development Standards.		
<b>Project Location:</b> 1551 Sonado Road, Pebble Beach		<b>APN:</b> 008-213-012-000
<b>Planning File Number:</b> PLN060228		<b>Name:</b> Peter and Dian Nielsen, Property Owners
<b>Plan Area:</b> Del Monte Forest Land Use Plan		<b>Flagged and staked:</b> Yes
<b>Zoning Designation:</b> "LDR/1.5-D (CZ)" [Low Density Residential, 1.5 acres per unit with a Design Control Zoning District overlay (Coastal Zone)]		
<b>CEQA Action:</b> Categorically Exempt per Section 15301 and 15303		
<b>Department:</b> RMA - Planning Department		

### RECOMMENDATION:

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

### PROJECT OVERVIEW:

The project consists of the demolition and construction of residential structures. The project, as described and conditioned, is consistent with all applicable County of Monterey policies, requirements, standards, and regulations. See attached Discussion (**Exhibit B**).

### OTHER AGENCY INVOLVEMENT:

- ✓ Pebble Beach Community Service District
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project. Conditions recommended by Planning Department, Pebble Beach Community Service District, and Water Resources Agency have been incorporated into the condition compliance reporting plan (**Exhibit D**).

### LUAC RECOMMENDATION:

The project was reviewed by the Del Monte Forest Land Use Advisory Committee (LUAC) on August 17, 2006. The LUAC recommended denial of the project by a vote of 0-4 (**Exhibit F**).

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

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October 25, 2006

cc: Zoning Administrator; Pebble Beach Community Service District; Public Works Department; Environmental Health Division; Water Resources Agency; Laura Lawrence, Acting Planning and Building Services Manager; Elisa Manuguerra, Planner; Carol Allen, Hearing Secretary; Peter and Dian Nielsen, Applicants; Craig Holdren, Architect; Rodger and Lou Dunn, Neighbor; Paul and Sonya Larisey, Neighbor; Planning File PLN060228.

Attachments: Exhibit A Project Data Sheet  
Exhibit B Discussion  
Exhibit C Recommended Findings and Evidence  
Exhibit D Recommended Conditions of Approval  
Exhibit E Design Approval Request Form  
Exhibit F Del Monte Forest Land Use Advisory Committee Referral Sheet  
Exhibit G Letter of Justification for a Caretaker's Unit  
Exhibit H Letter of Justification for a Variance  
Exhibit I Site Plan, Elevations, Floor Plans

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

## **EXHIBIT B DISCUSSION**

### Project Site and Proposed Action

The subject 2.04-acre parcel is zoned Low Density Residential, 1.5 units/acre with a Design Control District Overlay in the Del Monte Forest area of the Coastal Zone. The proposed construction activities require the following permits:

1. a Coastal Administrative Permit and Design Approval for the demolition of the existing one-story single family dwelling with detached garage, and guesthouse and the construction of a two-story single family dwelling with attached garage;
2. a Coastal Development Permit and Design Approval for the construction of an 850 square foot Caretaker's Unit with an detached 576 square foot one-car garage, and grading (approx. 51 cu. yds. cut/ 49 cu. yds. fill); and
3. a Variance to exceed the Pescadero Watershed Development Standards maximum allowable surface coverage of 9,000 square feet of structural and impervious surfaces.

These activities require the removal of one Acacia tree, one Manzanita, one fruit tree, and three Magnolia trees, none of which, are listed as protected species in the policies, requirements, or standards applicable to the Del Monte Forest area. The project, as proposed and conditioned, is consistent with all applicable policies, requirements, and standards applicable to the Del Monte Forest area.

### Caretaker's Unit

The Niensens request a Coastal Development Permit for the construction of a Caretaker's Unit to provide on-site full-time services to their property because they are not currently full-time residents of Pebble Beach. A letter justifying the Nielsen's request attached as **Exhibit G**. The proposed project is in conformance with polices of the Del Monte Forest Land Use Plan (LUP), specifically policy 78a, which encourages "the use of caretakers' accommodations as an appropriate means of providing affordable housing for caretaker, ranch hands, convalescent help, and domestic employees" and the Circulation element of the LUP, which encourages the separation of visitor and resident traffic. Furthermore, the structure is consistent with the development standards for Caretaker's Units including floor area, height, setbacks, and parking, as provided at Section 20.64.030 of the Monterey County Zoning Ordinance (Title 20) and Section 20.147.090.B.4 of the LUP. A condition of approval has been incorporated requiring that the Niensens record a deed restriction prohibiting the residential unit from being separately rented, let, or leased to other than the Caretaker whether compensation be direct or indirect

### Pescadero Watershed Development Standards

The Pescadero Watershed and smaller unnamed watersheds drain into the Carmel Bay. To minimize pollution, special development standards regarding structural and impervious surface coverage are required. According to the Pescadero Watershed Development Standards, "The maximum structural coverage is 5,000 square feet and the maximum impervious surface coverage is 4,000 square feet." The County, through the issuance of a Variance, has processed exceptions to the allowed structural and impervious surfaces coverage. This application requests a Variance to the Pescadero Watershed Development to allow 9,425 square feet of coverage to exceed the maximum 9,000 allowed. The proposed residence represents a 27% or 6,880 square feet net reduction of the surface coverage from the existing condition. The changes include: 1) the removal of 2,468 square feet of structural coverage, and 2) the removal of 4,412 square feet of impervious coverage, yielding a net reduction of 6,880 square feet. Table 1 summarizes the exiting and proposed conditions.

Table 1: Pescadero Watershed Comparison of Structural and Impervious Surface Coverage Summary

Coverage Limitation	Existing	Proposed	Reduction	Percent Decrease
<b>Structural (5,000 sq. ft.)</b>	9,612 sq. ft.	7,144 sq. ft.	-2,468 sq. ft.	26%
<b>Impervious (4,000 sq. ft.)</b>	15,693 sq. ft.	11,281 sq. ft.	-4,412 sq. ft.	28%
<b>Total (9,000 sq. ft.)</b>	25,305 sq. ft.	18,425 sq. ft.	-6,880 sq. ft.	<b>(27%)</b>

The proposed impervious surface is comprised of a 287 square feet porch, 4,383 square feet of patios, and 6,611 square feet of driveway and turnaround areas. The driveway is sloped approximately 19% and has been reduced from the existing condition. An impervious surface is preferred for the driveway because it is less likely to allow shifting, soil movement, and erosion over time. A letter justifying the Nielsen’s request for a Variance is attached as **Exhibit H**.

Variances to Pescadero Watershed Development Standards requires compliance with the following conditions of approval: 1) the applicant provide on-site retention of stormwater runoff subject to review and approval of the Director of Water Resources; 2) the applicants record a deed restriction prohibiting and changes to the approved pervious and impervious surface coverage square footage amounts as specified in this permit; and 3) that the pervious materials meet County standards.

Several variances in the vicinity have been granted to allow more than the combined maximum structural and impervious surface coverage of 9,000 square feet provided that there was a net reduction in the total coverage. These variances include McCallister/PLN060156 at 3319 Stevenson Drive, Greenan/PLN040705 at 1515 Bonifacio Road, and Griggs/PLN020361 at 3282 Stevenson Drive. While the project exceeds the Pescadero Watershed Development Standards, it does not exceed the Floor Area Ratio (FAR) requirement of 17.5%. FAR is designed to control the bulk of structural development. This application is consistent with previous residential development approvals within the Del Monte Forest area. Please refer Variance Findings Nos. 8, 9, and 10. Staff finds that proposed reduction of surface coverage implements the intent of the Pescadero Watershed Development Standards.

Del Monte Forest Land Use Advisory Committee Review (LUAC)

On June 6, 2004, the Board of Supervisors adopted the Monterey County Land Use Advisory Committee Procedures. Exhibit A of these procedures establishes guidelines for LUAC comment and recommendation for discretionary permits; accordingly, Section 1(b) requires review of projects involving Ridgeline/Viewshed Development Restrictions. The subject application is not located within a Visual Sensitivity or “VS” district nor is it restricted by a zoning maximum height as other high visual sensitive area of the County are. No Ridgeline/Viewshed Development Restrictions apply to the subject property. The site is however, located within an area identified as “Sensitive Areas” on county resource maps identifying Visual Sensitivity and Scenic Routes. As a courtesy, planning staff referred the Nielsen development application for LUAC review. On August 17, 2006, the Del Monte Forest Land Use Advisory Committee (LUAC) recommended denial of the project by a vote of 0-4 with no recommendation or conditions of approval (**Exhibit F**). Minutes from this meeting indicate that the LUAC primary concern is the deletion of private views. Staff has received several phone calls and letters from neighbors concerned with loosing their private views of Carmel Bay.

CEQA/Environmental Review

The project is subject to environmental review pursuant to the requirements of the California Environmental Quality Act. Accordingly, Section 15301 categorically exempts the demolition of single-family dwellings and Section 15303 categorically exempts the construction of a single-family dwelling in residential zones. No special conditions or unusual circumstances regarding adverse environmental impacts were identified during staff review and site inspection of the proposed development application.

**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, Del Monte Forest Land Use Plan, Coastal Implementation Plan (Part 5), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20), 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 at 1551 Sonado Road, Pebble Beach (Assessor's Parcel Number 008-213-012-000), Del Monte Forest Land Use Plan. The parcel is zoned Low Density Residential, 1.5 units/acre with a Design Control District Overlay in the Coastal Zone ("LDR/1.5-D(CZ)"). The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 20, and is therefore suitable for the proposed development.

(c) Design Control or "D" zoning requires the design review of structures to assure the protection of the public viewshed, neighborhood character, and the visually integrity of certain developments without imposing undue restrictions on private property. The project design is consistent with the existing residences and neighborhood.

(d) Section 20.14.060.F of the Monterey County Zoning Ordinance (Title 20) stipulates that the Floor Area Ratio (FAR) in the areas designated Low Density Residential, 1.5 acres per unit, of the Del Monte Forest shall be no greater than 17.5%. The proposed residential development shall yield a FAR of approximately 14.9% and is therefore in compliance with the 17.5% maximum FAR requirement.

(e) The project is consistent with the Forest and Soil Resources Development Standards pursuant to Section 20.147.050, of the Coastal Implementation Plan (Part 6). As such, a Coastal Development Permit is not required for the removal of one Acacia tree, one Manzanita, one fruit tree, and three magnolia trees.

(f) The project was reviewed by the Del Monte Forest Land Use Advisory Committee (LUAC) on August 17, 2006. The LUAC recommended denial of the project by a vote of 0-4.

(g) The project planner conducted a site inspection on April 18, 2006, May 8, 2006, and August 11, 2006 to verify that the project on the subject parcel conforms to the plans listed above.

(h) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Planning File No. PLN060228.

**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, Pebble Beach Community Service 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 archaeological, and geotechnical consultants indicated that there are no 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:
  - i. "Archeological Reconnaissance" (LIB060513) prepared by Archaeological Consulting, Salinas, CA, August 31, 2006.
  - ii. "Geotechnical Investigation for Nielsen Residence" (LIB060431) prepared by Pacific Crest Engineering Inc., Consulting Engineers, Watsonville, CA, August 2002.
- (c) Staff conducted a site inspection on April 18, 2006, May 8, 2006, and August 11, 2006 to verify that the site is suitable for this use.
- (d) Materials found in Planning File No. PLN060228.

**3. FINDING: CARETAKER'S UNIT HEALTH AND WELARE** - Pursuant to Section 20.64.030.D.1, the establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- (a) The project as described in the application and accompanying materials was reviewed by the Planning Department, Pebble Beach Community Service District, Public Works Department, and Environmental Health Division, the Water Resources Agency. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the county in general.
  - (b) Staff conducted a site inspection on April 18, 2006, May 8, 2006, and August 11, 2006 to verify that the project would not present adverse impacts to the general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
  - (c) Materials found in Planning File No. PLN060228.
  - (d) See Finding No. 13.

**4. FINDING: COMPLIANCE WITH CARETAKER'S UNIT REGULATIONS** – Pursuant to Section 20.64.030.D.2, the proposed project, as conditioned, is consistent, and complies with the regulations for Caretaker's Units, as provided at Chapter 20.64.030(C) of the Monterey County Zoning Ordinance (Title 20) and Section 20.147.090.B.4 of the Coastal Implementation Plan (Part 6).

- FINDING:**
- (a) The project for a Caretaker's Unit is a conditional use subject securing a Coastal Development Permit in accordance with Section 20.14.050.I and is consistent with the development standards of Section 20.14.060 and the regulations for Caretaker's Units as provided at Section 20.64.030. As such, condition of approval No. 16 has been incorporated requiring the applicant to record a Caretaker's deed restriction.
  - (b) Letter of Justification for a Caretaker's Unit dated July 24, 2006.
  - (c) Materials found in Planning File No. PLN060228.

**5. FINDING: CARETAKER'S UNIT COMPLIANCE WITH REGULATIONS -** Pursuant to Section 20.64.030.D.3, the proposed Caretaker's Unit complies with all applicable requirements of the Low Density Residential and Design Control ("LDR/1.5-D") zoning districts as provided at Chapters 20.14 and 20.44 of the Monterey County Zoning Ordinance (Title 20).

- EVIDENCE:**
- (a) The project for a Caretaker's Unit is a conditional use subject securing a Coastal Development Permit in accordance with Section 20.14.050.I and is consistent with the development standards of Section 20.14.060 and the regulations for Caretaker's Units as provided at Section 20.64.030. As such, condition of approval No. 16 has been incorporated requiring the applicant to record a Caretaker's deed restriction.
  - (b) Letter of Justification for a Caretaker's Unit dated July 24, 2006.
  - (c) The project complies with the regulations for Design Control Zoning Districts in accordance with Chapter 20.44 of the Monterey County Zoning Ordinance (Title 20).
  - (d) This project is in conformance with policies of the Del Monte Forest Land Use Plan (LUP), specifically policy 78a, which encourages "the use of caretakers' accommodations as an appropriate means of providing affordable housing for caretaker, ranch hands, convalescent help, and domestic employees" and the Circulation element of the LUP, which encourages the separation of visitor and resident traffic. Caretaker's Units are considered units of residential development for the purposes of calculating density in areas of new residential land uses planned in the Del Monte Forest LUP (Table A). Staff has determined that adequate density exists in the Del Monte Forest Planning Area for the proposed project based on staff's review of maximum allowed densities, current zoning designation, total acreages within each zoning classification, number of units allowed, number of buildable lots, number of existing vacant lots, the areas designated by Table and number of existing caretaker units. The project site is located with the Pebble Beach planning area of the Del Monte Forest LUP. As of June 16, 2006, the entire Del Monte Forest Area was capable of 875 additional units.
  - (e) Materials found in Planning File No. PLN060228.

**6. FINDING: CARETAKER'S UNIT SEWAGE DISPOSAL AND WATER SUPPLY** Pursuant to Section 20.64.030.D.4, adequate sewage disposal and water supply facilities exist or are readily available to the site, as approved by the Director of Environmental Health.

- EVIDENCE:**
- (a) The application, plans, and related support materials were reviewed by the Environmental Health Division during Inter-Departmental Review (IDR), July 27, 2006 to August 24, 2006.
  - (b) Materials found in Planning File No. PLN060228.

**7. FINDING: PESCADERO WATERSHED DEVELOPMENT STANDARDS –** The project is not consistent with Section 20.147.030.A.1 of the Coastal Implementation Plan (Part 5) which limits structural coverage to 5,000 square feet, including main and accessory structures, and limits additional impervious surface coverage up to 4,000 square feet. The County has allowed exceptions to this. The existing residence consists of 9,612 square feet of structural coverage and 15,693 square feet of impervious coverage for a combined total of 25,305 square feet. This application requests a reduction of 2,468 square feet of structural surface coverage and the reduction of 4,412 square feet of

impervious surface coverage from the existing condition. The proposed changes will result in a net reduction of 6,680 square feet of combined surface coverage, thereby, implementing the intent of the Pescadero Watershed Development Standards.

Pescadero Watershed Comparison of Structural and Impervious Surface Coverage Summary

Coverage Limitation	Existing	Proposed	Reduction	Percent Change
Structural (5,000 sq. ft.)	9,612 sq. ft.	7,144 sq. ft.	-2,468 sq. ft.	26%
Impervious (4,000 sq. ft.)	15,693 sq. ft.	11,281 sq. ft.	-4,412 sq. ft.	28%
<b>Total (9,000 sq. ft.)</b>	25,305 sq. ft.	18,425 sq. ft.	-6,880 sq. ft.	<b>(27%)</b>

**EVIDENCE:** (a) The project application, including the site plan, contained in file PLN060228 proposes structural coverage of approximately 7,144 square feet and impervious surface coverage of 11,281 square feet for a total of 18,425 square feet. Condition No. 7 has been incorporated requiring that the applicant submit verification of compliance with the approved pervious and impervious surface coverage square footage amounts prior to final inspection/occupancy.

(b) Letter of Justification for a Variance dated July 24, 2006.

(c) See Variance Findings No. 8, 9, and 10.

**8. FINDING: VARIANCE (Special Circumstances)** – Pursuant Monterey County Zoning Ordinance (Title 20), Section 20.78.040.A.1, because of special circumstances applicable to the subject property, including the size, shape, topography, location of the lot, or the surrounding area, the strict application of Title 20 is found to not deprive the subject property of privileges enjoyed by other property owners in the vicinity under an identical zoning classification.

**EVIDENCE:** (a) The intent of the Pescadero Watershed Development Standards is to limit the amount of stormwater runoff into Carmel Bay, thereby protecting an area of biological significance (Section 20.147.030.A.1.b of the Monterey County Coastal Implementation Plan, Part 5). Although, the proposed project exceeds the 5,000 square foot limit for structural coverage by 2,144 square feet and the 4,000 square foot limit for impervious surface coverage by 7,281 square feet, the proposed changes will result in a net reduction of 6,880 square feet of combined surface coverage. This reduction implements the intent of the Pescadero Watershed Development Standards. The project meets other zoning requirements regarding size and bulk (i.e. Floor Area Ratio), and lot coverage.

(d) Other property owners in the vicinity and under identical zoning classification have been afforded the same privileges sought by the property owner of this application (See Finding No. 9).

(e) Letter of Justification for a Variance dated July 24, 2006.

(f) Materials and documents in Planning File No. PLN060228.

**9. FINDING: VARIANCE (Special Privileges)** – Pursuant Monterey County Zoning Ordinance (Title 20), Section 20.78.040.A.2, the variance to exceed the allowable Pescadero watershed structural and impervious surface coverage shall not constitute a grant of privileges inconsistent with the limitations upon other property owners in the vicinity and zone in which such property is situated.

**EVIDENCE:** (a) There are at least 37 other instances where Variances have been granted to the Pescadero Watershed structural and/or impervious coverage limits for residential structures. Several residential projects have been granted similar



variances allowing the maximum coverage of 9,000 square feet to be exceeded when coverage amount of the existing condition is significantly reduced. These projects include: (1) the McCallister Variance (PLN060156) which approved 9,211 square feet of structural coverage and 5,833 square feet of impervious surface coverage in exchange of a 5,737 square foot net surface coverage reduction from the existing condition; (2) the Greenan Variance (PLN040705) which approved 6,062 square foot of structural coverage and 7,814 square feet impervious surface in exchange of a 7,481 net surface coverage reduction from the existing condition; and (3) Griggs Variance (PLN020361) which approved 7,069 square feet of structural coverage and 5,086 square feet of impervious surface coverage in exchange for the removal a 500 square foot of impervious surface with permeable pavers.

- (b) The Board of Supervisors' resolution 94-149 (Steakley) allowed a Variance to exceed the 5,000 square foot limit on structural coverage as long as stormwater runoff was controlled on site. The Board recognized that retaining stormwater on site and maintaining the combined structural and impervious surface coverage under the 9,000 square foot limit supported the intent of Section 20.147.030.A.1.b of the certified Coastal Implementation Plan, Part 5, regarding impervious coverage in the Pescadero watershed.
- (c) Letter of Justification for a Variance dated July 24, 2006.
- (b) Materials and documents in Planning File No. PLN060228.

**10. FINDING: VARIANCE (Authorized Use) -** Pursuant Monterey County Zoning Ordinance (Title 20), Section 20.78.040.A.3, the Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

**EVIDENCE:** The single-family dwelling and proposed modifications is an allowed use under the property's Low Density Residential zoning designation, Section 20.14.050.

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

- EVIDENCE:**
- (a) California Environmental Quality Act (CEQA) Guidelines Section 15301 categorically exempts the demolition of single-family dwellings.
  - (b) California Environmental Quality Act (CEQA) Guidelines Section 15303 categorically exempts the construction of single-family dwellings.
  - (c) According to Monterey County Resource Maps, the parcel is located within an area of "high" archeological sensitivity, Figure 8, an area designated as "natural areas," on Environmentally Sensitive Areas map, Figure 7. No protected trees will be removed. Staff review of the application, plans, and related support materials indicates that the project does not propose actions of high environmental concern. Development is largely contained in an already disturbed area of the property. There are no unusual circumstances related to the project or property.
  - (d) No adverse environmental effects were identified during staff review of the development application during a site visit on April 18, 2006, May 8, 2006, and August 11, 2006.
  - (e) See preceding and following findings and supporting evidence.

**12. FINDING: NO VIOLATIONS -** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable

provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

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

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

**EVIDENCE:** (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Pebble Beach Community Service 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) No adverse health and/or safety effects were identified during staff review of the development application during a site visit on April 18, 2006, May 8, 2006, and August 11, 2006.

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

**EVIDENCE:** (a) The subject property is not described as an area where the Local Coastal Program requires access.

(b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 15, the Recreational Facilities Map, and Figure 16, the Shoreline Access Map, of the Del Monte Forest Area Land Use Plan.

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

**EVIDENCE:** Section 20.86.030.A and 20.80.080.A.3 of the Monterey County Zoning Ordinance (Title 20).

<b>EXHIBIT D</b> <b>Monterey County Resource Management Agency</b> <b>Planning Department</b> <b>Condition Compliance Reporting Plan</b>	<b>Project Name:</b> Peter and Dian Nielsen <b>File No:</b> PLN060228 <b>APN:</b> 008-213-012-000 <b>Approved by:</b> Zoning Administrator <b>Date:</b> December 14, 2006
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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.*

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)
1.		<b>PBD029 - SPECIFIC USES ONLY</b> This Combined Development Permit (PLN060228) allows: (1) a Coastal Administrative Permit and Design Approval for the demolition of the existing 8,794 square foot one-story single-family dwelling with detached four-car garage, 621 square foot detached guesthouse, and 197 square foot shed and the construction of a 7,314 square foot split level two-story single family dwelling, a 796 square foot attached two-car garage, 1,220 square foot storage area/finished basement, 1,220 square foot unfinished basement, 287 square feet of covered porches, a 6,611 square foot driveway, 4,383 square feet of patios and several retaining walls; (2) a Coastal Development Permit and Design Approval for the construction of an 850 square foot Caretaker's Unit with an detached 576 square foot one-car garage, and grading (approx. 51 cu. yds. cut/ 49 cu. yds. fill); and (3) a Variance to exceed the Pescadero Watershed Development Standards. The property is located at 1551 Sonado Road, Pebble Beach (Assessor's Parcel Number 008-213-012-000), Del Monte Forest Land Use 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	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>
		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>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 008-213-012-000 on December 14, 2006. The permit was granted subject to <b>23</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 required for the discovery. ( <b>RMA - Planning Department</b> )	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	
4.		<b>PBD011 -EROSION CONTROL PLAN AND SCHEDULE</b> The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Soils Conservation Service, Water Resources	1. Evidence of compliance with the Erosion Control Plan shall be submitted to RMA - PD prior to issuance of building and grading	Owner/ Applicant	Prior to Issuance of Grading and	

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		Agency, and the Director of Planning and Building Inspection. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning Department. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation, dust during, and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning Department. <b>(RMA - Planning Department)</b>	permits.		Building Permits	
			2. Evidence of compliance with the Implementation Schedule shall be submitted to RMA - PD during the course of construction until project completion as approved by the Director of RMA – Planning Department.	Owner/ Applicant	Prior to Final Inspection	
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 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 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. <b>(RMA - Planning Department)</b>	Submit landscape plans and contractor's estimate to RMA - PD 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	

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6.		<p><b>PBD021 - LIGHTING – EXTERIOR LIGHTING PLAN</b></p> <p>All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The 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 RMA - Planning Department, prior to the issuance of building permits. <b>(RMA - Planning Department)</b></p>	<p>Submit three copies of the lighting plans to RMA - PD for review and approval.</p>	Owner/ Applicant	Prior to issuance of building permits.	
			<p>Construct and maintain lighting according to approved plan.</p>	Owner/ Applicant	Ongoing	
7.		<p><b>PBDSP01 – PESCADERO WATERSHED SURFACE COVERAGE (NON-STANDARD)</b></p> <p>This permit allows 7,144 square feet of structural coverage and 11,281 square feet of impervious coverage for a combined total of 18,425 square feet of surface coverage. All pervious pavers shall conform to the County standards of 40 percent or greater open pass-through area. At no time shall the material be replaced with an impervious material without the authorization and/or permit approval of the Monterey County Planning Department and the Pebble Beach Community Service District Fire Department. <b>(RMA - Planning Department)</b></p>	<p>Verification of compliance with the approved pervious and impervious surface coverage square footage amounts shall be submitted to RMA - PD prior to final inspection/occupancy.</p>	Owner/ Applicant	Prior to issuance of grading and building permits	
			<p>Adhere to approved pervious and impervious surface coverage square footage amounts specified in this permit.</p>	Owner/ Applicant	Ongoing unless otherwise stated	
8.		<p><b>PBDSP02 - DEED RESTRICTION –PERVIOUS SURFACES (NON-STANDARD)</b></p> <p>Prior to the issuance of a building permit the applicant shall record a deed restriction as a condition of project approval stating that “Patios, driveways, motor courts, walkways and other similar improvements shall be installed and maintained to meet the allowable 11,281 square foot impervious surface limitation of the Pescadero Watershed. At no time shall any material be replaced with any impervious material without the authorization and/or permit approval of the Monterey County Planning and Building Inspection Department.” <b>(RMA - Planning Department)</b></p>	<p>Submittal of approved and Recorded Deed Restriction to RMA – PD.</p>	Owner/ Applicant	Prior to Issuance of Grading / Building Permits	
			<p>Final Plan shall include engineering plans that clearly illustrates the impervious limitation is met and provides details, accepted by the Fire Department, that use of pavers as pervious surface meets a minimum 40% pass through criteria, subject to review and approval of the RMA – Planning and Building Departments.</p>		Prior to installation of pervious surface material.	

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			Call for an inspection to verify that the pervious structures have been installed as designed and approved by the RMA - Planning and Building Departments.		Prior to installation of pervious surface materials	
9.		<b>PBD013(A) - GEOTECHNICAL CERTIFICATION</b> Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. <b>(RMA - Planning Department)</b>	Submit certification by the geotechnical consultant to PBI showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotechnical Consultant	Prior to Final Building Inspection	
10.		<b>PBD014 - GRADING-WINTER RESTRICTION</b> No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. <b>(RMA - Planning Department)</b>	None	Owner/ Applicant	Ongoing	
11.		<b>PBD016 - INDEMNIFICATION AGREEMENT</b> 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	Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to PBI.	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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		property owner of any such claim, action, or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action, or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. <b>(RMA - Planning Department)</b>				
12.		<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 Planning and Building Inspection. <b>(RMA - Planning Department)</b>	Submit evidence of tree protection to PBI for review and approval.	Owner/ Applicant	Prior to Issuance of Grading and/or Building Permits	
13.		<b>PBD034 - UTILITIES - UNDERGROUND</b> All new utility and distribution lines shall be placed underground. <b>(RMA - Planning Department)</b>	None	Applicant/ Owner	Ongoing	
14.		<b>PBD026 – NOTICE OF REPORT</b> Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical Investigation report has been prepared for this parcel by Pacific Crest Engineering Inc., Consulting Engineers, Watsonville, CA, dated August 2002 and is on record in the Monterey County Planning and Building Inspection Department Library No. LIB060431. All development shall be in accordance with this report." <b>(RMA - Planning Department)</b>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of grading and building permits	



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15.		<b>PBD040 – HEIGHT VERIFICATION</b> The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of Planning and Building Inspection for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. <b>(RMA - Planning Department)</b>	1) The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection  2) The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of Planning and Building Inspection for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.	Owner/ Applicant  Engineer/ Owner/ Applicant	Prior to Issuance of Grading or Building Permits  Prior to Final Inspection	
16.		<b>PBDSP003 - CARETAKER UNIT - DEED RESTRICTION</b> The applicant shall record a deed restriction as a condition of project approval, stating that the Caretaker unit shall not be separately rented let, or leased to other than the caretaker whether compensation be direct or indirect. <b>(RMA - Planning Department)</b>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading / building permits or start of use.	
17.		<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>(Pebble Beach Community Service District)</b>	Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.  Applicant shall schedule fire dept. clearance inspection	Applicant or owner  Applicant or owner	Prior to issuance of grading and/or building permit.  Prior to final building inspection	
18.		<b>FIRE011 - ADDRESSES FOR BUILDINGS</b> All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy,	Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.	Applicant or owner		

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		<p>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 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>(Pebble Beach Community Service District)</b></p>	<p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p>		
19.		<p><b>FIRE021 - FIRE PROTECTION EQUIPMENT &amp; SYSTEMS - FIRE SPRINKLER SYSTEM</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 and completed prior to requesting a framing inspection. <b>(Pebble Beach Community Service District)</b></p>	<p>Applicant shall enumerate as “Fire Dept. Notes” on plans.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of building permit.</p>	
			<p>Applicant shall schedule fire dept. rough sprinkler inspection</p>	<p>Applicant or owner</p>	<p>Prior to framing inspection</p>	
			<p>Applicant shall schedule fire dept. final sprinkler inspection</p>	<p>Applicant or owner</p>	<p>Prior to final building inspection</p>	

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20.		<p><b>WR003 - DRAINAGE PLAN - RETENTION</b></p> <p>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. The plan shall include retention/percolation facilities to mitigate the impact of impervious surface stormwater runoff. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. <b>(Water Resources Agency)</b></p>	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ engineer	Prior to issuance of grading or building permits	
21.		<p><b>WR008 - COMPLETION CERTIFICATION</b></p> <p>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></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/ Engineer/ Contractor	Prior to final inspection	
22.		<p><b>WR040 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>1. 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>2. 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></li> </ol>	Submit evidence of compliance to WRA prior to final building inspection or occupancy.	Applicant	Prior to Final Building Inspection or Occupancy	

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23.		<p><b>WR043 - WATER AVAILABILITY CERTIFICATION</b></p> <p>The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. <b>(Water Resources Agency)</b></p>	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	