

## MONTEREY COUNTY ZONING ADMINISTRATOR

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| <b>Meeting:</b> May 31, 2007  | <b>Time:</b> 1:35 pm | <b>Agenda Item No.:</b> 2  |
| <b>Project Description:</b> Use Permit to rectify Code Enforcement Case CE040209 to allow development on slopes in excess of 30% for the construction of a 4,401 square foot, two-story single family dwelling with an attached 568 square foot two-car garage and 90 square feet of balconies; a septic disposal system; and grading approximately 1,200 cubic yards cut/ 980 cubic yards fill). |                      |  |
| <b>Project Location:</b> 154 San Benancio Road, Salinas   |                      | <b>Name:</b> Franklin D. Jr. White & Lucinda June White, Property Owners |
| <b>Planning File Number:</b> PLN060123  |                      | <b>APN:</b> 416-212-015-000  |
| <b>Plan Area:</b> Toro Area Plan  |                      | <b>Flagged and staked:</b> No  |
| <b>Zoning Designation:</b> "RC/40" [Resource Conservation, 40 acres per unit]   |                      |  |
| <b>CEQA Action:</b> Exempt per 15303 and 15304  |                      |  |
| <b>Department:</b> RMA - Planning Department  |                      |  |

### RECOMMENDATION:

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

### PROJECT OVERVIEW:

The subject 35.8-acre parcel is located southeast of the intersection of San Benancio Road and Highway 68 south of the Salinas city limits. Approval of this application will rectify outstanding Code Enforcement proceedings related to the rebuilding and expansion of an existing residence. In order to achieve compliance with the building code, a Use Permit is required pursuant to Monterey County Code to stabilize slopes exceeding 30% in front of and behind an existing residence. For a detailed Discussion see attached **Exhibit B**, Discussion.

### OTHER AGENCY INVOLVEMENT:

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

The above checked agencies and departments have reviewed this project. Conditions recommended by RMA – Planning Department, Salinas Rural Fire Protection District and Water Resources Agency have been incorporated into the Condition Compliance Reporting Plan (**Exhibit D**).

The project was not reviewed by the Toro Land Use Advisory Committee (LUAC). This application consists of a Use Permit to stabilize slopes exceeding 30% and rectifying related Code Enforcement activities for the reconstruction of an exiting residence. No new development on slopes exceeding 30% is requested in this application.

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

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May 9, 2007

cc: Zoning Administrator; Salinas Rural Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Laura Lawrence, Acting Planning and Building Services Manager; Elisa Manuguerra, Project Planner; Carol Allen, Zoning Administrator Hearing Secretary; Franklin D. Jr. White & Lucinda June White, Applicants; The Fletcher Company, Agents; Planning File PLN060123.

|              |           |   |
|--------------|-----------|---|
| Attachments: | Exhibit A | Project Data Sheet                              |
|              | Exhibit B | Discussion                                      |
|              | Exhibit C | Recommended Findings and Evidence               |
|              | Exhibit D | Recommended Condition Compliance Reporting Plan |
|              | Exhibit E | Violation Notice                                |
|              | Exhibit F | Site Plan, Elevations, Floor Plans              |

Laura Lawrence, Acting Planning and Building Services Manager, reviewed this report.

## **EXHIBIT B**

### **DISCUSSION**

#### *Environmental Setting and Location*

The subject 35.8-acre parcel is located southeast of the intersection of San Benancio Road and Highway 68 south of the Salinas city limits; within a small-unnamed canyon that branches to the southwest from the northwest-southwest San Benancio Canyon. The parcel boundaries follow the ridgelines on the east and west, and extend beyond the ridge top to the south. Vegetation includes a mix of chaparral, oak woodland and non-native grasses. Surrounding the residence and along the fire access road are several Monterey Pine trees. The property is situated within an area characterized by large rural residential parcels.

#### *Development on Slopes Exceeding 30%*

Development activities are requested in areas surrounding the reconstructed residence. The original residence was constructed; improvements to the residence require adherence to present health and safety regulations. The application requests on slopes exceeding 30% to provide the required building department requirements for the clearance area between the rear of the structure and the retaining wall. According to the Geotechnical report prepared for this parcel, 9 feet of fill will be placed at the front of the residence to create a 2:1 slope in order to facilitate a driveway and auto court at 15% grade. At the rear of the residence, approximately 9 feet of cut will be made to reduce the inclination of the existing slope descending toward the back of the residence to stabilize the slope.

#### *Tree Removal*

County code requires a Tree Removal Permit for or a Use Permit for the removal of protected oak trees. A protected oak tree is defined as “a tree six inches or more in diameter two feet above ground level” according to the regulations for the Preservation of oak and other protected trees as provided at Section 21.64.260 of the Monterey County Zoning Ordinance. Pursuant to these regulations, a Tree Assessment Forest Management Plan was prepared for this project by Frank Ono, Forester, Pacific Grove, CA, dated November 20, 2006 (Monterey County RMA – Planning Department, Library No. LIB070119). The project plans and Tree Assessment Forest Management Plan indicate that three mature Monterey Pine Trees and two oak tree clusters will be removed as a direct result of the proposed grading activities. The two oak tree clusters proposed for removal include oak clusters identified by the Tree Assessment Forest Management Plan as clusters #001 and 002. Cluster # 001 is a co-dominant cluster of native California live oak trees comprised of four 4” prongs and cluster # 002 is a co-dominant cluster of native California Live oak trees comprised of six 4” prongs. Condition No. 8 has been incorporated to require tree and root protection measures subject to additional recommendations by a certified arborist report as required by the recordation of a Notice of Report for the Tree Assessment Forest Management Plan prepared for this project. Potential impacts to the three oak tree clusters, Nos. 007, 008, and 009, have been addressed by requiring that a certified arborist be present during site disturbance as the base of these trees (Condition No. 8). While it not necessary pursuant to County Code, Staff is recommending that the applicants replace the two oak tree clusters proposed for removal with two 5-gallon oak trees because the parcel is large enough to accommodate the planting of two oak trees. In addition, the replacement of native oak trees is in keeping with General Plan Policy 7.2.2 which specifies that native and native compatible species, especially drought resistant species, shall be utilized to the extent possible in fulfilling landscaping requirements imposed as conditions of discretionary permits.

## *Code Enforcement*

The existing residence was constructed circa 1950. In 2002, after several months of construction without permits, the property owner came to the Building Department to inquire about securing building permits on September 3, 2002. A Building Permit, BP022137, was issued on September 9, 2002 to clear the code violations. Building Permit No. BP022137, allowed the rebuild of a 2,321 square foot single-family dwelling and an 1,854 square foot addition to single family dwelling to include a dining room, family room, walk in closet, sitting room, master bath, master bedroom and regular bedroom, and a 568 square foot attached garage with a 161 square foot covered porch.

Code Enforcement staff posted a Stop Work Order or Notice of Violation on April 26, 2004 for the rebuilding and addition to the single-family dwelling, attached garage, and covered porch without permits. Subsequently, Code Enforcement staff sent a letter via certified mail stating that the county intends to invoke administrative procedure should the violation continue to exist after November 30, 2004. The Violation Notice is attached as **Exhibit E**.

On May 4, 2005, the applicants applied for a building permit to allow the expansion of the existing residence. Building Permit No. BP051179 was issued on July 21, 2007 allowing a revision to Building Permit No. BP022137 for the expansion of the dining room and a 316 square foot addition to the existing single-family dwelling.

On February 16, 2006, the applicants applied for a grading permit to allow site grading for single-family dwelling and new public easement road (approx 775 linear foot) 3,621 cubic yards cut and 3,479 cubic yard fill. Grading Permit No. BP060063 was circulated for planning department review. County staff contacted the applicants in February of 2006 to inform them that the proposed grading improvements for slope stability would require a Use Permit for development on slopes exceeding 30% pursuant to County Code.

On March 13, 2006, the applicants applied for a building permit to add a new powder room, revise entry area, reduce entry porch, move the front wall 3 ft forward, addition of 8 windows, relocation of the fireplace, addition of tempered glass in bathroom no. 3, and change of sliding door to swing out type. Building Permit No. BP060558 was issued March 14, 2006.

Because none of these permits can be finalized and occupancy of the residence cannot be granted until the pending Code Enforcement Violation is cleared, the applicants requested a Use Permit for development on slopes exceeding 30% to stabilize the slopes in front of and behind the residence. On July 17, 2006, the applicants received the application materials for securing the Use Permit and applied for the permit on October 31, 2006.

In order to rectify their code enforcement activities, the applicants were required to revise the project to exclude the new public easement road of approximately 775 linear feet as requested under Grading Permit No. BP060063, which included 3,621 cubic yards cut and 3,479 cubic yards fill. It is the County's policy to preclude the issuance of any permits for proposed construction activities outside the scope of a violation until the violation itself is rectified. Planning staff requested that the applicant remove the proposed public easement road from the project because it was not a component of the project necessary to rectify the violation.

On January 1, 2006, the Building Department issued Grading Permit No. GP070047 which requests site grading, approximately 1,200 cubic yards cut and 980 cubic yards fill, to restore the site to pre-grading (natural) conditions and to relocate the existing ranch road away from the natural bowl area. This application requests a Use Permit for development on slopes exceeding 30% to stabilize existing slopes in front of and behind the residence. No activities are proposed outside the scope of what is needed to clear this property of the pending Code Enforcement violation.

### *Conclusions*

Approval of this Use Permit, PLN060123, and adherence to the conditions of approval rectifies pending Code Enforcement Case No. CE040209. As such, the subject property is consistent with all applicable County of Monterey policies and regulations and the pending Code Enforcement violation can be closed.

## **EXHIBIT C**

### **RECOMMENDED FINDINGS AND EVIDENCE**

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

**EVIDENCE:** (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

(b) The property is located at 154 San Benancio Road, Salinas, (Assessor's Parcel Number 416-212-015-000), Toro Area Plan. The parcel is zoned "RC/40" or Resource Conservation, 40 acres per unit. The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is therefore suitable for the proposed development.

(c) The project for a single-family dwelling with detached garage is a use allowed use in accordance with Section 21.36.030.A and is consistent with the development standards of Section 21.36.060.

(d) Development on slopes in excess of 30% is a use allowed pursuant to Section 21.64.230 subject to a Use Permit and substantial evidence that no alternative location for development exists. See Finding No. 3.

(e) The project was not reviewed by the Toro Land Use Advisory Committee (LUAC). This application consists of a Use Permit to stabilize slopes exceeding 30% and rectifying related Code Enforcement activities for the reconstruction of an exiting residence. No new development on slopes exceeding 30% is requested in this application.

(f) The project planner conducted a site inspection on July 13, 2006 to verify that the project on the subject parcel conforms to the plans listed above.

(g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN060123.

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

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

(b) Technical reports by outside biological, 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 propose. County staff concurs. The following reports have been prepared:

- i. A "Cultural Resources Survey Report" has been prepared for this parcel by Greenwood and Associates, Pacific Palisades, CA, dated

December, 2006 and is on record at the Monterey County RMA – Planning Department, Library No. LIB070117.

- ii. A “Geotechnical Engineering Report” has been prepared for this parcel by Earth Systems Pacific, Hollister, CA, dated January 16, 2007 and is on record at the Monterey County RMA – Planning Department, Library No. LIB070118.
  - iii. A Tree Assessment Forest Management Plan has been prepared for this parcel by Frank Ono, Forester, Pacific Grove, CA, dated November 20, 2006 and is on record at the Monterey County RMA – Planning Department, Library No. LIB070119.
- (c) According to the Toro Area Plan, the site is located in an area designated as having a VI or “very high” landslide and erosion, susceptibility and within an IV or “moderately high” seismic hazard zone. The geotechnical report prepared for this parcel accounts for these high hazards. Condition No. 5 has been incorporated requiring that a geotechnical certification be submitted to the Director of the RMA - Planning Department for review and approval prior to final building inspection.
- (d) Staff conducted a site inspection on July 13, 2006 to verify that the site is suitable for this use.
- (e) Materials in Planning File No. PLN060123.

**3. FINDING: DEVELOPMENT ON SLOPES IN EXCESS OF 30% -** Pursuant to Section 21.64.230.E.1.a of the Monterey County Zoning Ordinance (Title 21) staff finds there is no feasible alternative, which would allow development to occur on slopes less than 30%.

- EVIDENCE:**
- (a) Development activities are requested in areas surrounding the reconstructed residence. The original residence was constructed circa 1950. Improvements to the residence requires adherence to present health and safety regulations. The application requests development on slopes exceeding 30% to provide the required building department requirements for the clearance area between the rear of the structure and the retaining wall. According to the Geotechnical report prepared for this parcel, 9 feet of fill will be placed at the front of the residence development to create a 2:1 slope in order to facilitate a driveway and auto court at 15% grade. At the rear of the residence, approximately 9 feet of cut will be made to reduce the inclination of the existing slope descending toward the back of the residence.
  - (b) A “Geotechnical Engineering Report” has been prepared for this parcel by Earth Systems Pacific, Hollister, CA, dated January 16, 2007, Monterey County RMA – Planning Department Library No. LIB070118, supports that development is appropriate at this site given that the construction incorporates the report’s recommendations.
  - (c) The application, plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File No. PLN060123.
  - (d) Staff conducted an on-site inspection on July 13, 2006 to verify that no feasible alternative exists.

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

- EVIDENCE:** (a) California Environmental Quality Act (CEQA) Guidelines Section 15303 categorically exempts single-family dwellings.
- (b) California Environmental Quality Act (CEQA) Guidelines Section 15304 categorically exempts minor alteration to land.
- (c) According to the Toro Area Plan, the parcel is located within an area of “high” archeological sensitivity, Figure 13, and an area designated as having vegetation, which consists of woodlands and chaparral, Figure 11. No protected trees will be removed. Staff review of the application, plans, and related support materials indicates that the parcel is not located in an area of high environmental concern.
- (c) No adverse environmental effects were identified during staff review of the development application during a site visit on July 13, 2006.
- (d) See preceding and following findings and supporting evidence.

**5. FINDING: TREE REMOVAL** – The subject project minimizes tree removal in accordance with the applicable policies of the Toro Area Plan and the Monterey County Zoning Ordinance (Title 21).

- EVIDENCE:** (a) Section 21.64.260 of the Monterey County Zoning Ordinance defines a protected oak tree as “a tree six inches or more in diameter two feet above ground level”. Pursuant to these regulations, a Tree Assessment Forest Management Plan was prepared for this project by Frank Ono, Forester, Pacific Grove, CA, dated November 20, 2006 (Monterey County RMA – Planning Department, Library No. LIB070119).
- (b) The project plans and Tree Assessment Forest Management Plan indicate that three mature Monterey Pine Trees and two oak tree clusters, Nos. 001 and 002, will be removed as a direct result of the proposed grading activities. The two oak tree clusters proposed for removal include clusters comprised of four 4” prongs and six 4” prongs. Because these trees are not protected oak trees, by definition, no tree removal permit is required.
- (c) Potential impacts to the three other oak tree clusters, Nos. 007, 008, and 009, have been addressed in Condition No. 8 by requiring that a certified arborist be present during site disturbance as the base of these trees.
- (d) Toro Area Plan Policy 7.2.3 (T) specifies that the preservation of oak trees in Toro shall be promoted by discouraging the removal of healthy trees with diameters in excess of eight inches. The trees clusters slated for removal have 4” prongs.
- (e) General Plan Policy 7.2.2 specifies that native and native compatible species, especially drought resistant species, shall be utilized to the extent possible in fulfilling landscaping requirements imposed as conditions of discretionary permits. Condition No. 9 requires that the applicants replace the two oak tree clusters proposed for removal with two 5-gallon oak trees.

**6. FINDING: NO VIOLATIONS** - This Use Permit rectifies pending CE040209 thereby, 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. Approval of this application, PLN060123, and adherence to the conditions of approval rectifies Code Enforcement Case No. CE040209 for the rebuilding of a single-family dwelling, the addition to a single-family dwelling, reconstruction of the attached garage, and covered porch.



**EVIDENCE:** (a) The applicants have applied for this Use Permit for development on slopes exceeding 30% to comply with the regulations governing development on slopes and to complete the construction related activities required to clear Code Enforcement File No. CE040209

(b) According to the Toro Area Plan, the site is located in an area designated as having a VI or “very high” landslide and erosion, susceptibility and within an IV or “moderately high” seismic hazard zone. The geotechnical report prepared for this parcel accounts for these high hazards. Condition No. 5 has been incorporated requiring that a geotechnical certification be submitted to the Director of the RMA - Planning Department for review and approval prior to final building inspection.

(c) See preceding findings and evidence.

(d) Staff conducted a site inspection on July 13, 2006 to verify that 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 (Title 21).

(e) Application, plans, and related support materials found in Project File PLN060123.

**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:** Preceding findings and supporting evidence.

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

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

**Monterey County Resource Management Agency  
Planning Department  
Condition Compliance Reporting Plan**

**Date:** May 31, 2007

| 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.                  |               | <p><b>PD001 - SPECIFIC USES ONLY</b></p> <p>This Use Permit (PLN060123) rectifies Code Enforcement Case CE040209 and allows development on slopes in excess of 30% for the construction of a 4,401 square foot, two-story single family dwelling with an attached 568 square foot two-car garage and 90 square feet of balconies; a septic disposal system; and grading approximately 1,200 cubic yards cut/ 980 cubic yards fill). The property is located at 154 San Benancio Road, Salinas (Assessor's Parcel Number 416-212-015-000), Toro Area. 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 Resource Management Agency - 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>[Resource Management Agency (RMA) - Planning Department]</b></p> | Adhere to conditions and uses specified in the permit.  | Owner/<br>Applicant              | Ongoing unless otherwise stated |  |

| <i>Permit<br/>Cond.<br/>Number</i> | <i>Mitig.<br/>Number</i> | <i>Conditions of Approval and/or Mitigation Measures and<br/>Responsible Land Use Department</i>  | <i>Compliance or Monitoring Actions<br/>to be performed. Where applicable, a<br/>certified professional is required for action<br/>to be accepted.</i>  | <i>Responsible<br/>Party for<br/>Compliance</i> | <i>Timing</i>                           | <i>Verification<br/>of<br/>Compliance<br/>(name/date)</i> |
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| 2.                                 |                          | <b>PD002 - NOTICE-PERMIT APPROVAL</b><br>The applicant shall record a notice which states: "A permit (Resolution No. _____) was approved by the <b>Zoning Administrator</b> for Assessor's Parcel Number 239-011-023-000 on May 31, 2007. 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 Resource Management Agency - 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 the RMA - Planning Department.  | Owner/<br>Applicant                             | Prior to the issuance of grading permit |   |
| 3.                                 |                          | <b>PD003(A) – CULTURAL RESOURCES –<br/>NEGATIVE ARCHAEOLOGICAL REPORT</b><br>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/<br>Applicant/<br>Archaeo-<br>logist      | Ongoing                                 |   |
| 4.                                 |                          | <b>PD007 - GRADING-WINTER RESTRICTION</b><br>No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department. <b>(RMA – Planning Department and Building Services Department)</b>   | Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.   | Owner/<br>Applicant                             | Ongoing                                 |   |

| <i>Permit<br/>Cond.<br/>Number</i> | <i>Mitig.<br/>Number</i> | <i>Conditions of Approval and/or Mitigation Measures and<br/>Responsible Land Use Department</i>  | <i>Compliance or Monitoring Actions<br/>to be performed. Where applicable, a<br/>certified professional is required for action<br/>to be accepted.</i>  | <i>Responsible<br/>Party for<br/>Compliance</i>         | <i>Timing</i>   | <i>Verification<br/>of<br/>Compliance<br/>(name/date)</i> |
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| 5.                                 |                          | <b>PD009 - GEOTECHNICAL CERTIFICATION</b><br>Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report.<br><b>(RMA – Planning Department and Building Services Department)</b>  | Submit certification by the geotechnical consultant to the RMA – Building Services Department showing project's compliance with the geotechnical report.  | Owner/<br>Applicant/<br>Geotech-<br>nical<br>Consultant | Prior to<br>final<br>inspection   |   |
| 6.                                 |                          | <b>PD043 – GRADING PERMITS REQUIRED</b><br>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 and Building Services Department)</b>   | If applicable, apply and receive the appropriate grading permit from Monterey County RMA – Building Services Department.  | Owner/<br>Applicant/<br>Engineer                        | Prior to<br>the<br>issuance<br>of<br>grading<br>or<br>building<br>permits |   |
| 7.                                 |                          | <b>PD010 - EROSION CONTROL PLAN AND SCHEDULE</b><br>The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA – Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation, and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services.<br><b>(RMA - Planning Department and RMA - Building Services Department)</b> | An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.                                     | Owner/<br>Applicant                                     | Prior to<br>the<br>issuance<br>of grading<br>permits                      |   |
|                                    |                          |   | Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services. | Owner/<br>Applicant                                     | Ongoing   |   |

| Permit Cond. Number | Mitig. Number | Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department  | Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.   | Responsible Party for Compliance | Timing                                  | Verification of Compliance (name/date) |
|---------------------|---------------|--|---|----------------------------------|---|--|
|                     |               |  | Evidence of compliance with the Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department  | Owner/ Applicant                 | Prior to final inspection               |  |
| 8.                  |               | <b>PDSP001 – TREE AND ROOT PROTECTION - (NON-STANDARD)</b><br><br>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, approved by a certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of the RMA – Director of Planning. A certified arborist shall be present during site disturbance and / or construction related activities at the base of oak tree clusters # 007, 008, and 009. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by a certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. A certified forester or arborist shall prepare a report after site disturbance addressing success rates, corrective measures, monitoring, and maintenance. The report shall be submitted to the Planning Department for review and approval of the Director of Planning describing the site disturbance and / or construction related activities and the impacts to the base of oak tree clusters # 007, 008, and 009. <b>(RMA - Planning Department)</b> | Submit evidence of tree protection to the RMA - Planning Department for review and approval.  | Owner/ Applicant                 | Prior to the issuance of grading permit |  |
|                     |               |  | Submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.                  | Owner/ Applicant/ Arborist       | During grading                          |  |
|                     |               |  | Submit photos of the trees on the property to the RMA – Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required. | Owner/ Applicant                 | Prior to final building inspection      |  |

| <i>Permit<br/>Cond.<br/>Number</i> | <i>Mitig.<br/>Number</i> | <i>Conditions of Approval and/or Mitigation Measures and<br/>Responsible Land Use Department</i>   | <i>Compliance or Monitoring Actions<br/>to be performed. Where applicable, a<br/>certified professional is required for action<br/>to be accepted.</i>  | <i>Responsible<br/>Party for<br/>Compliance</i>  | <i>Timing</i>   | <i>Verification<br/>of<br/>Compliance<br/>(name/date)</i> |
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| 9.                                 |                          | <p><b>PDSP002 – TREE REPLACEMENT - (NON-STANDARD)</b></p> <p>That all oak trees removed as a result of the project be replaced at a 1:1 replacement ratio. That all oak trees removed shall be replaced in on-site areas suitable for supporting oak species as determined by a qualified resource ecologist. The minimum replacement size shall be 5 gallons. <b>(RMA – Planning Department)</b></p>  | The applicant shall provide evidence that tree planting has been successful.  | Owner/<br>Applicant  | Prior to final building inspection                              |   |
| 10.                                |                          | <p><b>PDSP001 - LANDSCAPE AND RESTORATION PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY) (NON-STANDARD)</b></p> <p>The site shall be landscaped. Areas disturbed during construction related activities shall be restored to a condition corresponding to the adjoining areas. Restoration activities shall be included in the landscaping plan. At least three (3) weeks prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. 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 include an irrigation plan. The plan 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></p> | Submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval.  | Owner/<br>Applicant/<br>Licensed<br>Landscape<br>Contractor/<br>Licensed<br>Landscape<br>Architect | At least three (3) weeks 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/<br>Applicant  | Ongoing   |   |
| 11.                                |                          | <p><b>PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN</b></p> <p>All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or</p>   | Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into  | Owner/<br>Applicant  | Prior to issuance of grading                                    |   |

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|                                    |                          | 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 lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. <b>(RMA – Planning Department)</b> | final building plans.  |   | permit                              |   |
|                                    |                          |   | The lighting shall be installed and maintained in accordance with the approved plan.   | Owner/<br>Applicant                             | Ongoing                             |   |
| 12.                                |                          | <b>PBD026 – NOTICE OF REPORT</b><br>Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Cultural Resources Survey Report" has been prepared for this parcel by Greenwood and Associates, Pacific Palisades, CA, dated December, 2006 and is on record at the Monterey County RMA – Planning Department, Library No. LIB070117. All development shall be in accordance with this report."<br><b>(RMA - Planning Department)</b>  | Proof of recordation of this notice shall be furnished to PBI.   | Owner/<br>Applicant                             | Prior to issuance of grading permit |   |
| 13.                                |                          | <b>PBD026 – NOTICE OF REPORT</b><br>Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Tree Assessment Forest Management Plan has been prepared for this parcel by Frank Ono, Forester, Pacific Grove, CA, dated November 20, 2006 and is on record at the Monterey County RMA – Planning Department, Library No. LIB070119. All development shall be in accordance with this report."<br><b>(RMA - Planning Department)</b>   | Proof of recordation of this notice shall be furnished to PBI.   | Owner/<br>Applicant                             | Prior to issuance of grading permit |   |
| 14.                                |                          | <b>PBD026 – NOTICE OF REPORT</b><br>Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical Engineering Report has been prepared for this parcel by Earth Systems Pacific, Hollister, CA, dated January 16, 2007 and is on record at the Monterey County RMA – Planning Department,  | Proof of recordation of this notice shall be furnished to PBI.   | Owner/<br>Applicant                             | Prior to issuance of grading permit |   |



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|  |                          | Library No. LIB070118. All development shall be in accordance with this report." ( <b>RMA - Planning Department</b> )  |  |   |  |   |
| <b>SALINAS RURAL FIRE PROTECTION DISTRICT CONDITIONS</b> |                          |  |  |   |  |   |
| 15.  |                          | <b><u>FIRE007 - DRIVEWAYS</u></b><br>Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the centerline of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. ( <b>Salinas Rural Fire</b> | Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.  | Applicant or owner                              | Prior to issuance of grading and/or building permit. |   |
|  |                          |  | Applicant shall schedule fire dept. clearance inspection   | Applicant or owner                              | Prior to final building inspection                   |   |



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|                                    |                          | <b>Protection District)</b>   |  |   |  |   |
| 16.                                |                          | <b>FIRE008 - GATES</b><br>All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. <b>(Salinas Rural Fire Protection District)</b>  | Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.  | Applicant or owner                              | Prior to issuance of grading and/or building permit. |   |
|                                    |                          |   | Applicant shall schedule fire dept. clearance inspection   | Applicant or owner                              | Prior to final building inspection                   |   |
| 17.                                |                          | <b>FIRE011 - ADDRESSES FOR BUILDINGS</b><br>All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers, and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial | Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.  | Applicant or owner                              | Prior to issuance of building permit.                |   |
|                                    |                          |   | Applicant shall schedule fire dept. clearance inspection   | Applicant or owner                              | Prior to final building inspection                   |   |

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|                                    |                          | occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. <b>(Salinas Rural Fire Protection District)</b>   |  |   |  |   |
| 18.                                |                          | <b>FIRE017 - DISPOSAL OF VEGETATION AND FUELS</b><br>Disposal, including chipping, burying, or removal to a landfill site approved by the local jurisdiction, of vegetation and debris caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to final clearance of the related permit. <b>(Salinas Rural Fire Protection District)</b>   | Applicant shall schedule fire dept. clearance inspection   | Applicant or owner                              | Prior to final building inspection                   |   |
| 19.                                |                          | <b>FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD)</b><br>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 chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. <b>(Salinas Rural Fire Protection District)</b> | Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.  | Applicant or owner                              | Prior to issuance of grading and/or building permit. |   |
|                                    |                          |  | Applicant shall schedule fire dept. clearance inspection   | Applicant or owner                              | Prior to final building inspection                   |   |
| 20.                                |                          | <b>FIRE021 - FIRE PROTECTION EQUIPMENT &amp; SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)</b><br>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  | Applicant shall enumerate as "Fire Dept. Notes" on plans.  | Applicant or owner                              | Prior to issuance of building permit.                |   |
|                                    |                          |  | Applicant shall schedule fire dept. rough sprinkler inspection   | Applicant or owner                              | Prior to framing inspection                          |   |

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|  |                          | 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>(Salinas Rural Fire Protection District)</b>  | Applicant shall schedule fire dept. final sprinkler inspection   | Applicant or owner                              | Prior to final building inspection                   |   |
| 21.                                      |                          | <b>FIRE026 - ROOF CONSTRUCTION (STANDARD)</b><br>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. <b>(Salinas Rural Fire Protection District)</b>   | Applicant shall enumerate as "Fire Dept. Notes" on plans.  | Applicant or owner                              | Prior to issuance of building permit.                |   |
| <b>WATER RESOURCES AGENCY CONDITIONS</b> |                          |  |  |   |  |   |
| 22.                                      |                          | <b>WR2 - STORMWATER CONTROL</b><br>The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Stormwater runoff from impervious surfaces shall be dispersed at multiple points, away from and below any septic leach fields, over the least steep available slopes, with erosion control at outlets. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. <b>(Water Resources Agency)</b> | Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.   | Owner/<br>Applicant/<br>Engineer                | Prior to issuance of any grading or building permits |   |
| 23.                                      |                          | <b>WR40 - WATER CONSERVATION MEASURES</b><br>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:<br>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  | Compliance to be verified by building inspector at final inspection.   | Owner/<br>Applicant                             | Prior to final building inspection/occupancy         |   |

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|                                    |                          | <p>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.</p> <p>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.</p> <p><b>(Water Resources Agency)</b></p> |  |   |               |   |