

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: September 13, 2007 Time: 1:30 P.M. Agenda Item No.: 2	
Project Description: Combined Development Permit consisting of: (1) a Use Permit and Design Approval to allow the construction of an attached one-story 850 square foot caretakers unit with a 300 square foot one-car carport, an 800 square foot deck, 78 square foot porch, 50 linear feet of retaining walls, and grading (less than 100 cu. yds); (2) an Administrative Permit to allow development within a Site Plan Review or "S" zoning district; (3) a Use Permit to allow the removal of 10 protected oak trees; and (4) a Use Permit to allow development on a slope exceeding 30% for the construction of the caretakers unit and the reconstruction of the existing driveway.	
Project Location: 25719 Carmel Knolls, Carmel	APN: 015-301-001-000
Planning File Number: PLN060089	Name: Joan R Winton TR (Foster), Property Owner
Plan Area: Carmel Valley Master Plan Area	Flagged and staked: Yes
Zoning Designation: LDR/1-D-S-RAZ [Low Density Residential, 1 acre per unit with Design Control, Site Plan Review, and Residential Allocation zoning district overlays]	
CEQA Action: Categorically Exempt per Section 15303 and 15304	
Department: RMA - Planning Department	

RECOMMENDATION:

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

PROJECT OVERVIEW:

See attached Exhibit B.

OTHER AGENCY INVOLVEMENT:

- ✓ Cypress 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 Cypress Fire Protection District and Public Works Department have been incorporated into the condition compliance reporting plan (**Exhibit D**).

LAND USE ADVISORY COMMITTEE REVIEW:

The project was reviewed by the Carmel Valley Land Use Advisory Committee (LUAC) on August 8, 2007 and they conducted an on-site inspection on August 20, 2007. The committee recommended denial of the project on August 20, 2007 with the recommendation that the project be redesigned to reduce the footprint. Minutes attached as **Exhibit G**.

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

Elisa Manuguerra, Associate Planner
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August 22, 2007

cc: Zoning Administrator; Cypress Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Laura Lawrence, Planning & Building Services Manager; Elisa Manuguerra, Project Planner; Carol Allen, Hearing Secretary; Applicants; Cindi Scarlet-Ramsey, Agent; Planning File PLN060089.

Attachments: Exhibit A Project Data Sheet
Exhibit B Project Overview
Exhibit C Recommended Findings and Evidence
Exhibit D Recommended Conditions of Approval
Exhibit E Letter of justification for caretaker unit dated June 28, 2007 and email dated August 1, 2007
Exhibit F Design Approval Request Form
Exhibit G Carmel Valley Land Use Advisory Committee Minutes for August 8, 2007 and August 20, 2007 meetings
Exhibit H Site Plan, Elevations, Floor Plans

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

EXHIBIT B DISCUSSION

Proposed Project

The subject residential project is proposed on a 0.526-acre lot within the Carmel Knolls area includes the following components:

- an attached one-story 850 square foot caretaker unit with one-car carport;
- an 800 square foot deck;
- 78 square foot porch;
- 50 linear feet of retaining walls;
- removal of 10 protected oak trees;
- development on slopes greater than 30%;
- reconstruction of the existing driveway; and
- grading (less than 100 cu. yds.)

Existing Residence



Caretaker unit proposed behind oak grove



Caretaker unit

The applicants are requesting a caretaker's unit to allow the applicant's mother an on-site housing opportunity. The mother is the currently the only occupant of the main house. She serves as the caregiver to her grandchildren. As provided by Section 21.064.030 of the Monterey County Zoning Ordinance, "the caretaker shall be employed principally on the lot for the purposes of care and protection of persons, plants, animals, equipment, or other facilities on-site." A letter justifying the caretaker unit request is attached as **Exhibit E**. The caretakers unit will be attached to the main house. Due to the size and topographical constraints of the property, meeting the setbacks for accessory non-habitable structures, as provided by the property's zoning, is not feasible. By connecting the caretaker unit to the main house via a covered walkway, the caretaker unit is required to meet the less restrictive setbacks for the main residence. Therefore, the caretaker unit, 20 feet in height, is compliant with the development standards for main residences within the LDR zoning designation. As such, staff finds that the intended use of the caretaker unit is consistent with Monterey County Code.

Tree Removal

The site supports a stand of Coast live oak under story and Monterey pine trees over story. According to the Forest Management plan prepared for this project by Frank Ono Consulting (LIB070304), the pine trees range in size from 30 to 40 inches in diameter at breast height (dbh) and the oak trees range from 4 to 22 inches dbh. Approximately 37 protected oak trees located on-site.

The application requests the removal of 10 protected oak trees as follows:

Size (dbh)	Fair	Poor	Total
6"-12"	3	5	8
13"-23"	2	-	2
24" +	-	-	-
Total	5	5	10

The proposed structure, driveway and parking area are sited in an effort of utilizing the pre-existing driveway that is cracking apart and failing. Alternate driveway locations would exceed the Fire Department's requirement of a maximum 15% slope for driveways and roads. Siting the proposed structure in other locations on-site could reduce the number of trees proposed for removal. However, those trees are healthy and thriving. Five of the 10 trees proposed for removal are small trees whose growth is suppressed by an overcrowded canopy and are overall in poor condition. Placing development at the proposed area on the property would enable the removal of trees that would most like need be removed in the near future. Considering the circumstances of the case, staff finds it appropriate to support the removal greater number trees in weak and poor condition rather than the removal of fewer vigorous, larger-sized trees. Moreover, the structure, where proposed, would pose the least significant visual impact from the road and adjacent properties.

Efforts to save large oaks include the incorporation of a 16-inch dbh oak tree within the patio area and the use of a post and grade beam construction design compatible with the trees and their root functions. Conditions of approval have been incorporated requiring that the applicants erect tree protection fencing during construction activities and replace the removed trees at a 1:1 replacement ratio prior to occupancy. See conditions No. 8 and 9.

Development on Slopes

It appears that the steep slope found on this parcel was created by the road improvements for the Carmel Knolls subdivision. The existing single-family dwelling is located on slopes exceeding 30%. There does not appear to be a developable area on slopes less than 30% suitable for the construction of the caretaker unit. The project proposes to minimize disturbance to the slope via use of a raised wood design supported by piers to minimizing development on slopes. The geotechnical report prepared for this project by Grice Engineering and Geology, Inc. (LIB070302) recommends that a drilled concrete caisson or helical pier foundation be utilized rather than a slab on grade foundation. Grading (less than 100 cu. yds.) appears to be appropriate given the proposed construction techniques and topography. Conditions have been incorporated requiring a geotechnical certification, implementation of erosion control measures, and restoration of natural materials. See conditions No. 6, 7, and 10.

Conclusions

The proposed residential development is consistent with the General Plan and applicable Zoning designations. The project design incorporates tree protection and minimizes disturbance to slopes exceeding 30%. The materials and color treatments chosen for the residence and improvements blend with the natural landscape and are in keeping with materials and treatment approved for other residences and structures in the Carmel Knolls subdivision area.

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, Carmel Valley Master Plan, 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 25719 Carmel Knolls, Carmel (Assessor's Parcel Number 015-301-001-000), Carmel Valley Master Plan Area. The parcel is zoned Low Density Residential, 1 acre per unit with Design Control, Site Plan Review, and Residential Allocation zoning district overlays (“LDR/1-D-S-RAZ”). 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 to construct a caretaker unit in addition to an existing single-family dwelling is use allowed in the LDR zoning designation in accordance with Section 21.14.040.C and is consistent with the development standards of Section 21.14.060 Monterey County Zoning Ordinance (Title 21). Due to the size and topographical constraints of the property, meeting the setbacks for accessory non-habitable structures, as provided by the property’s zoning, is not feasible. By connecting the caretaker unit to the main house via a covered walkway, the caretaker unit is required to meet the less restrictive setbacks for the main residence. Therefore, the caretaker unit, 20 feet in height, is compliant with the development standards for main residences within the LDR zoning designation.
 - (d) Design Control or “D” zoning requires design review of structures to assures the protection of the public viewshed, neighborhood character, and the visually integrity of certain developments without imposing undue restrictions on private property as provided at Chapter 21.44 of the Monterey County Zoning Ordinance (Title 21). The project design, materials, and color treatments chosen for the residence and improvements blend with the natural landscape and are in keeping with materials and treatment approved for other residences and structures in the Carmel Knolls area. The Design Approval application is attached to the August 30, 2007 Staff Report as Exhibit F.
 - (e) Site Plan Review or “S” zoning requires review of development in those areas of the County of Monterey where development, by reason of its location has the potential to adversely affect or be adversely affected by natural resources or site constraints, without imposing undue restrictions on private property. As provided by Section 21.45.040.C of the Monterey County Zoning Ordinance (Title 21), the subject Administrative Permit is required to allow the construction of an attached one-story 850 square foot caretaker unit with the 300 square foot one-car carport, 800 square foot

deck, 78 square foot porch, 50 linear feet of retaining walls, and grading (less than 100 cu. yds).

- (f) The project was reviewed by the Carmel Valley Land Use Advisory Committee (LUAC) on August 8, 2007 and they conducted an on-site inspection on August 20, 2007. The committee recommended denial of the project on August 20, 2007 with the recommendation that the project be redesigned to reduce the footprint. The minutes are attached as Exhibit G of the August 30, 2007 Staff Report.
- (g) The project planner conducted a site inspection on March 19, 2007 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 Project File PLN060089.

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, Cypress 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 archaeological, geotechnical, and forest management 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. “Preliminary Cultural Resources Reconnaissance” (LIB070303) prepared by Susan Morely M.A., Pacific Grove, CA dated April 1, 2007.
 - ii. “Geotechnical Soils-Foundation and Geoseismic” (LIB070302) prepared by Grice Engineering and Geology, Salinas, CA, dated April 2007.
 - iii. “Forest Management Plan” (LIB070304) prepared by Frank Ono Consulting, Pacific Grove, CA, dated February 21, 2007.
- (c) The site is located within a VI or “high” landslide and erosion susceptibility zone and within an III or “moderate” seismic hazard zone. The report prepared for this parcel by Grice Engineering and Geology, Salinas, CA, dated April 2007 (LIB070302) accounts for these high hazards. Condition No. 6 has been incorporated requiring that geotechnical certification be submitted to the Director of the RMA - Planning Department for review and approval prior to final building inspection.
- (d) According to Monterey County Resource Maps, the parcel is located within an area of “high” archeological sensitivity. A Preliminary Cultural Resources Reconnaissance Report was prepared by Susan Morely, M.A., Pacific Grove, CA, dated April 1, 2007 (LIB070303) for this project. The Resource Reconnaissance report prepared for this parcel concludes that “there is no surface evidence of potentially significant archeological resources on the project parcel,” and recommends that the proposed project should not be delayed for archeological reasons. Condition No. 3

has been incorporated requiring that work stop should any archeological resources or human remains be discovered during construction.

- (e) Staff conducted a site inspection on March 19, 2007 to verify that the site is suitable for this use.
- (f) Materials in Project File PLN060089.

3. FINDING: CARETAKER UNIT – In order to grant the Administrative Permit for the proposed caretaker unit, the Zoning Administrator shall make the following findings:

1. Pursuant to Section 21.64.030.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.
2. Pursuant to Section 21.64.030.D.2, the proposed project, as conditioned, is consistent and complies with the regulations for caretaker's units, as provided at Chapter 21.64 of the Monterey County Zoning Ordinance (Title 21).
3. Pursuant to Section 21.64.030.D.3, the proposed caretaker unit complies with all applicable requirements of the Low Density Residential with Design Control, Site Plan Review and Residential Allocation zoning district overlays ("LDR/1-D-S-RAZ") as provided at Chapters 21.14, 21.44, 21.45 and 21.52 of the Monterey County Zoning Ordinance (Title 21).
4. Pursuant to Section 21.64.030.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 project as described in the application and accompanying materials was reviewed by the Planning Department, Cypress Fire Protection District, Public Works Department, Environmental Health Division, and 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) The project for a caretaker unit is a use allowed use subject securing an Administrative Permit in accordance with the LDR zoning designation Section 21.14.040.C and is consistent with the development standards of Section 21.14.060 and the regulations for caretaker units as provided at Section 21.64.040.
 - (c) The project complies with the regulations for Design Control Zoning Districts in accordance with Chapter 21.44 of the Monterey County Zoning Ordinance (Title 21). Design Approval has been incorporated into the project. The Design Approval Request Form is attached to the August 30, 2007 Staff Report as Exhibit F.
 - (d) The project complies with the regulations for Site Plan Review Zoning Districts in accordance with Chapter 21.45 of the Monterey County Zoning Ordinance (Title 21). An Administrative Permit has been incorporated pursuant to Section 21.45.040.A and B, which requires an Administrative Permit for all development within a Site Plan Review Zoning District.

- (e) The application, plans, and related support materials were reviewed by the Environmental Health Department during Inter-Departmental Review (IDR) July 2, 2007 to July 25, 2007.
- (f) See Finding No. 8, Health and Safety.
- (g) Letter submitted by applicant, dated June 28, 2007 and email received August 1, 2007 justifying request for a caretaker unit (Exhibit E of August 30, 2007 Staff Report).
- (h) Staff conducted a site inspection on March 19, 2007 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.
- (i) Materials in Planning File No. PLN060089.

4. FINDING: TREE REMOVAL (Minimum Required and Adverse Environmental Impacts) – The project, as conditioned, is consistent with the regulations for Preservation of Oak and Other Protected Trees, Section 21.64.260.D of the Monterey County Zoning Ordinance (Title 21). As such, the proposed tree removal is the minimum required under the circumstances of the case and will not involve a risk of adverse environmental impacts.

- EVIDENCE:**
- (a) The proposed structure, driveway and parking area are sited in an effort of to utilize the pre-existing driveway that is cracking apart and failing. Alternate driveway locations would exceed the Fire Department’s requirement of a maximum 15% slope for driveways and roads.
 - (b) The site supports a stand of Coast live oak under story and Monterey pine trees over story. According to the Forest Management plan prepared for this project by Frank Ono Consulting (LIB070304), the pine trees range in size from 30 to 40 inches in diameter at breast height (dbh) and the oak trees range from 4 to 22 inches dbh. Approximately 37 protected oak trees located on-site. The application requests the removal of 10 protected oak trees as follows:

Size (dbh)	Fair	Poor	Total
6"-12"	3	5	8
13"-23"	2	-	2
24" +	-	-	-
Total	5	5	10

Five of the 10 trees proposed for removal are small trees whose growth is suppressed by an overcrowded canopy and are overall in poor condition. Placing development at the proposed area on the property would enable the removal of trees that would most like need be removed in the future. Siting the proposed structure in other locations on-site could reduce the number of trees proposed for removal. However, those trees are healthy and thriving. Considering the circumstances of the case, staff finds that siting the structure where proposed would present the least significant visual impact from the road and adjacent properties. In view of the health and number of the trees on the property, the structure is proposed over a small grove of weak and declining trees. Staff finds it appropriate to support the removal greater number of weak and poor condition rather than a smaller number of vigorous, larger-sized oak trees.

- (c) Efforts to save large oaks include the incorporation of a 16-inch dbh oak tree within the patio area and the use of a post and grade beam construction design compatible with the trees and their root functions.

- (d) Conditions of approval have been incorporated requiring that the applicants erect tree protection fencing during construction activities and replace the removed trees at a 1:1 replacement ratio prior to occupancy. See conditions No. 8 and 9.
- (e) Staff conducted an on-site inspection on March 19, 2007 to verify that the proposed tree removal plan is consistent with the site conditions.
- (f) 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 PLN060089.

5. FINDING: DEVELOPMENT ON SLOPES IN EXCESS OF 30% - The project, as conditioned, is consistent with the Regulations for Development on Slopes in Excess of 30%, Section 21.64.230 of the Monterey County Zoning Ordinance (Title 21). As such, there exists no feasible alternative which would allow development to occur on slopes less than 30%.

- EVIDENCE:**
- (a) The entire parcel is constrained by slopes exceeding 30 %.
 - (b) It appears that the steep slope found on this parcel was created by the road improvements for the Carmel Knolls subdivision. The existing single-family dwelling is located on slopes exceeding 30%. There does not appear to be a developable area on slopes less than 30% suitable for the construction of the caretaker unit. The project proposes to minimize disturbance to the slope by use of a raised wood design supported by piers to minimizing development on slopes. The geotechnical report prepared for this project by Grice Engineering and Geology, Inc. (LIB070302) recommends that a drilled concrete caisson or helical pier foundation be utilized rather than a slab on grade foundation. Grading (less than 100 cu. yds.) appears to be appropriate for the given the topography and proposed construction techniques. Conditions have been incorporated requiring a geotechnical certification, implementation of erosion control measures, and restoration of natural materials. See conditions No. 6, 7, and 10.
 - (c) The site is located within a VI or “high” landslide and erosion susceptibility zone and within an III or “moderate” seismic hazard zone. The report prepared for this parcel by Grice Engineering and Geology, Salinas, CA, dated April 2007 (LIB070302) accounts for these high hazards. Condition No. 6 has been incorporated requiring that 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 March 19, 2007 to verify that no feasible alternative exists for this project design.
 - (e) 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 Planning File No. PLN060089.

6. 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 small accessory structures such as caretaker units.
 - (b) California Environmental Quality Act (CEQA) Guidelines Section 15304 categorically exempts minor alteration to land.

- (c) According to Monterey County Resource Maps, the parcel is located within an area of “high” archeological sensitivity and an area of “very high” or VI landslide and erosion susceptibility. 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) See preceding and following findings and supporting evidence.
- (e) No adverse environmental effects were identified during staff review of the development application during a site visit on March 19, 2007.
- (f) Materials and documents in Planning File No. PLN060089.

7. 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.

8. 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.

9. 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).

EXHIBIT D
Monterey County Resources Management Agency
Planning Department
Condition Compliance Reporting Plan

Project Name: Joan R Winton TR (Foster)

File No: PLN060089

APN: 015-301-001-000

Approved by: Zoning Administrator

Date: September 13, 2007

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Combined Development permit (PLN060089) allows: (1) a Use Permit and Design Approval to allow the construction of an attached one-story 850 square foot caretaker unit with a 300 square foot one-car carport, an 800 square foot deck, 78 square foot porch, 50 linear feet of retaining walls, and grading (less than 100 cu. yds); (2) an Administrative Permit to allow development within a Site Plan Review or "S" zoning district; (3) a Use Permit to allow the removal of 10 protected oak trees; and (4) a Use Permit to allow development on a slope exceeding 30% for the construction of the caretakers unit and the reconstruction of the existing driveway. The property is located at (Assessor's Parcel Number 015-301-001-000), Carmel Valley Master Plan 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 RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Zoning Administrator for Assessor's Parcel Number 015-301-001-000 on September 13, 2007. The permit was granted subject to 25 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.		PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT 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. (RMA - Planning Department)	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	

<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>
4.		<p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	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	
5.		<p>PD007 - GRADING-WINTER RESTRICTION</p> <p>No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department. (RMA – Planning Department and Building Services Department)</p>	Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.	Owner/ Applicant	Ongoing	

<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>
6.		PD009 - GEOTECHNICAL CERTIFICATION Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA – Planning Department and Building Services Department)	Submit certification by the geotechnical consultant to the RMA – Building Services Department showing project’s compliance with the geotechnical report.	Owner/ Applicant/ Geotechnical Consultant	Prior to final inspection	
7.		PD010 - EROSION CONTROL PLAN AND SCHEDULE 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. (RMA - Planning Department and RMA - Building Services Department)	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/ Applicant	Prior to the issuance of grading and building 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/ Applicant	Ongoing	
			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.		PD011 – TREE AND ROOT PROTECTION 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. If	Submit evidence of tree protection to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of grading and/or building permits	
			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 Construction	

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		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. (RMA - Planning Department)	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 inspection	
9.		PDSP001 – TREE REPLACEMENT Prior to final inspection, the Owner/Applicant shall replace removed trees at a 1:1 replacement rate. Ten (10) oak trees of 5 gallon stock or larger shall be planted. Deep watering (more than two weeks apart) shall occur during the late spring, summer, and fall for the first two (2) years after planting in accordance with the recommendations as provided by Forest Management Plan prepared for this parcel by Frank Ono Consulting, dated February 21, 2007 which is on record in the Monterey County RMA - Planning Department, Library No. LIB070304. (RMA – Planning Department and Building Services Department)	Submit photos of the replacement trees on the property to the RMA – Planning Department after construction.	Owner/ Applicant/	Prior to final inspection	
10.		PDSP001 - RESTORATION OF NATURAL MATERIALS Upon completion of the development, the area disturbed shall be restored to a condition to correspond with the adjoining area, subject to the approval of the Director of the RMA - Planning Department. Plans for such restoration shall be submitted to and approved by the Director of the RMA - Planning Department prior to commencement of use. (RMA – Planning Department)	Submit restoration plans to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to final inspection.	
			Submit photos of restored areas to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to final inspection.	
11.		PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN 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	Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.	Owner/ Applicant	Prior to the issuance of building permits.	

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12.		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. (RMA – Planning Department)	The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to Occupancy/ Ongoing	
13.		PD016 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Preliminary Cultural Resources Reconnaissance report has been prepared for this parcel by Susan Morely M.A., Pacific Grove, CA dated April 1, 2007 and is on record in the Monterey County RMA - Planning Department , Library No. LIB070303. All development shall be in accordance with this report." (RMA – Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits.	
14.		PD016 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical Soils-Foundation and Geoseismic" report has been prepared for this parcel by Grice Engineering and Geology, Salinas, CA, dated April 2007 and is on record in the Monterey County RMA - Planning Department , Library No. LIB070302. All development shall be in accordance with this report." (RMA – Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits.	
15.		PD016 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Forest Management Plan has been prepared for this parcel by Frank Ono Consulting, dated February 21, 2007 and is on record in the Monterey County RMA - Planning Department, Library No.	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits.	

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		LIB070304. All development shall be in accordance with this report." (RMA – Planning Department)				
16.		<p>PD018 A – DEED RESTRICTION – CARETAKER UNIT (INLAND)</p> <p>The applicant shall record a deed restriction stating the regulations applicable to a caretaker unit as follows:</p> <ul style="list-style-type: none"> • Only one caretaker unit per lot shall be allowed. • The caretaker shall be employed principally on the lot for purposes of care and protection of persons, plants, animals, equipment, or other facilities on-site or on contiguous lots under same ownership. • The minimum lot size for establishment of a caretaker unit in areas not served by sewers shall be two acres. • Caretaker units shall not be subject to density requirements of the zoning district in which the lot is located. • The maximum floor area for a caretaker unit is 1,000 square feet on lots of 10 acres or less and 1,200 square feet on lots greater than ten acres. • A minimum of one covered off-street parking space shall be provided for the caretaker unit. • The caretaker unit shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect. • Subsequent subdivisions which divide a main residence from a caretaker unit shall not be permitted except where lots created meet minimum lot size and density requirements of the existing zoning. • Caretaker units are not permitted on any lot less than ten acres where a senior citizen unit exists. Senior citizen units may be converted to a caretaker unit, subject to an Administrative Permit. <p>(RMA – Planning Department)</p>	<p>Submit signed and notarized document to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the document shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Prior to the issuance of grading or building permits	
17.		<p>PD035 - UTILITIES - UNDERGROUND</p> <p>All new utility and distribution lines shall be placed underground. (RMA - Planning Department; Public Works)</p>	Install and maintain utility and distribution lines underground.	Owner/ Applicant	Ongoing	

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18.		<p>PD043 – GRADING PERMITS REQUIRED 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. (RMA – Planning Department and Building Services Department)</p>	If applicable, apply and receive the appropriate grading permit from Monterey County RMA – Building Services Department.	Owner/ Applicant/ Engineer	Prior to the issuance of grading or building permits	
19.		<p>FIRE011 - ADDRESSES FOR BUILDINGS 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 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. (Cypress Fire Protection District)</p>	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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20.		FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD) Remove combustible vegetation from within a minimum of 100 feet of structures or property line. 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. (Cypress Fire Protection District)	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	
21.		FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) 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. (Cypress Fire Protection District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection	
			Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	
22.		FIRE029 - ROOF CONSTRUCTION - (CYPRESS FPD & PEBBLE BEACH CSD) All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (Cypress Fire Protection District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
23.		PW0006 – CARMEL VALLEY The Applicant shall pay the Carmel Valley Master Plan Area Traffic Mitigation fee pursuant to the Board of Supervisors Resolution NO. 95-140, adopted September	Applicant shall pay to PBI the required traffic mitigation fee.	Owner/ Applicant	Prior to Building Permits Issuance	

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		12, 1995 (Fees are updated annually based on CCI). (Public Works)				
24.		WR40 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to: a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system. b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	
25.		WR43 - WATER AVAILABILITY CERTIFICATION 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. (Water Resources Agency)	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	

END OF CONDITIONS