

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> September 27, 2007	<b>Time:</b> 1:45 P.M	<b>Agenda Item No.:</b> 4
<b>Project Description:</b> Administrative Permit and Design Approval for development within a Site Plan Review zoning district overlay or "S" district to allow the demolition of an existing one-story 1,180 square foot single family dwelling and the construction of a two-story 752 square foot single family dwelling and grading (less than 100 cubic yards); and variance for reduction in front-yard setbacks.		
<b>Project Location:</b> 28650 Robinson Canyon Road, Carmel Valley		<b>APN:</b> 416-025-010-000
<b>Planning File Number:</b> PLN060118		<b>Name:</b> Matty Matthews, Property Owner/Applicant
<b>Plan Area:</b> Carmel Valley Master Plan		<b>Flagged and staked:</b> Yes
<b>Zoning Designation:</b> Low Density Residential, 2.5 acres per unit with Design Control, and Site Plan Review zoning district overlays ("LDR/2.5-D-S")		
<b>CEQA Action:</b> Mitigated Negative Declaration		
<b>Department:</b> RMA - Planning Department		

### RECOMMENDATION:

Staff recommends that the Zoning Administrator:

- 1) Adopt a Mitigated Negative Declaration with the attached Mitigation Monitoring and Reporting Program (**Exhibit D**).
- 2) Approve the Administrative Permit and Design Approval (PLN060118/Matthews) based on the Findings and Evidence (**Exhibit C**) and subject to recommended Conditions (**Exhibit D**).

### PROJECT OVERVIEW:

The property is a triangular shaped, 1.78-acre parcel nestled within a creek canyon with steep slopes on the east and west side of the property on either side of the creek. Access is derived from Robinson Canyon Road via an unpaved 555-foot long common driveway. The applicant requests the demolition of the existing single-family dwelling, the construction a prefabricated two story single-family dwelling; and a Variance to allow a reduction of the front-yard setback from 30 to 5 feet along a private roadway easement. The variance to the front setback Site Development Standards is required in order to allow construction of the new residence within this existing building footprint. It is the only flat developable location on the site, which is approximately 800 square feet in size. An Initial Study/Mitigated Negative Declaration was circulated for public review. Impacts to geology/soils and hydrology and water quality will be mitigated to a less than significant level through erosion control measures as contained in the site specific Geotechnical Report. Impacts to hazards and hazardous materials will be mitigated to a less than significant level. No unusual circumstances, unresolved issues, or adverse environmental impacts were identified during project review. The project, as described and conditioned, is consistent will all applicable County of Monterey policies and regulations

### OTHER AGENCY INVOLVEMENT:

- ✓ Carmel Valley 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 Carmel Valley Fire Protection District, Public Works Department,

Environmental Health Division, Water Resources Agency, have been incorporated into the Condition Compliance and/or Mitigation Monitoring Reporting Plan (**Exhibit D**).

The project was referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review. The LUAC recommended approval of the project by a vote of 4-0 with one member absent conditioned upon the use of down-lit exterior lighting.

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

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September 11, 2007

cc: Zoning Administrator; Carmel Valley Fire Protection District; Public Works; Parks Department; Environmental Health Division; Water Resources Agency; Elisa Manuguerra, Planner; Laura Lawrence, Acting Planning & Building Services Manager; Matty Matthews, Property Owner; Representative; Noela Lubin, Neighbor; Project File PLN060118.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Discussion
	Exhibit C	Recommended Findings and Evidence
	Exhibit D	Recommended Conditions of Approval and Mitigation Monitoring and Reporting Plan
	Exhibit E	Design Approval Request Form
	Exhibit F	Carmel Valley LUAC Minutes, dated June 19, 2007
	Exhibit G	Initial Study / Mitigated Negative Declaration
	Exhibit H	Initial Study / Mitigated Negative Declaration Comment Letters
	Exhibit I	Site Plan, Floor Plans, and Elevations

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

## **EXHIBIT B DISCUSSION**

### **Project Site**

The project site is located approximately 6.5 miles east from the intersection of scenic Highway 1 and Carmel Valley Road and approximately one mile south of the intersection of Carmel Valley Road and Robinson Canyon Road. The property is a triangular shaped, 1.78-acre parcel nestled within a creek canyon with steep slopes on the east and west side of the property on either side of the creek. The site is accessed derived from Robinson Canyon Road via an unpaved 555-foot long common driveway, which bisects the property and provides access to 28650, 28656, and 28670 Robinson Canyon Road. The driveway crosses Robinson Creek via an existing concrete platform. The applicant requests:

- demolition of an existing 1,180 sq. ft. single-family dwelling;
- construction construct a prefabricated two story 768 sq. ft. single-family dwelling; and
- reduction of the front-yard setback from 30 to 5 feet along a private roadway easement.

The location of the existing residence is approximately 15 feet from the edge of Robinson Canyon Creek. The proposed residence includes a design feature, which will cantilever the creek side of the structure, thus relocating the direct footprint of the house further from the creek channel. The proposed site of the new residence is within the footprint of the existing residence therefore no vegetation, shrub, or tree removal is required. The variance to the front setback Site Development Standards is required in order to allow construction of the new residence within this existing building footprint. It is the only flat developable location on the site approximately 800 square feet on the entire parcel as development on the remainder of the parcel is restricted by the Robinson Canyon Creek, steep slopes, sensitive plant species, and highly erosive soils. The project will be served by an existing onsite well for water and a private septic system for sewage disposal.

### **Environmental Review / California Environmental Quality Act Compliance**

The property contains three sensitive plant communities: riparian woodland in a corridor alongside Robinson Creek, redwood forest, just off the creek corridor running through the middle of the property on a north – south line, and mixed oak woodland on higher slopes east and west of the creek corridor. The footprint of the existing residence occurs within the only area not heavily vegetated by one of these plant communities on the project site. The primary CEQA issues affected by the proposed project involve biological resources, hydrology and water quality, evidence supports the conclusion that impacts will be less than significant with mitigation incorporated.

### **Mitigation Measures**

To mitigate the physical impacts of the project, the following is a summary of the mitigation measures proposed:

- *Biological Resources:* To reduce impacts to biological resources as a result of the proposed residential development five mitigation measures have been proposed: 1) a pre-site disturbance survey shall be conducted by qualified biologist shall survey large trees proposed for removal to determine the presence or absence nesting raptors; 2) an erosion control plan and maintenance schedule shall be implemented to prevent potential erosion from draining into the Robinson Canyon Creek (Condition Nos. 30 & 11).
- *Geology/Soils:* In order to reduce impacts related to development with an area with a high erosion potential, the residence will be required to be built in conformance to the Uniform Building Code, which contains regulations to protect structures within active or

potentially active seismic areas. A standard condition of approval will require a geotechnical certification verifying that the structure was erected in conformance with the recommendations of the Geotechnical Engineer (Condition No. 10).

- *Hazards/Hazardous Materials:* To reduce impacts associated with be located with an “Extreme” fire hazard zone, the Carmel Valley Fire Protection District has recommended conditions of approval regarding fire safety through the installation and maintenance of: an emergency water supply and a fire hydrant/fire valve, vegetation/fuel disposal, fire sprinklers, 100-foot defensible space setback, fire sprinklers, smoke alarms, roof construction, that a sign shall be posted at the entrance to the bridge which states that the “Bridge Will Not Support the Load of Fire Apparatus” and that a deed restriction be placed on the property requiring that these conditions be maintained for the life of the structure and that all fire apparatus stop at the bridge, approximately 150’ from the residence (Condition Nos. 18-22 & 32).
- *Hydrology and Water Quality:* To reduce the impacts of surface runoff and accelerated erosion/sedimentation into the Robinson Canyon Creek a Mitigation Measure No. 2 which requires adherence to an established erosion control plan and schedule and prohibits grading during the winter months (Condition No. 31).

An Initial Study / Negative Declaration, filed on August 1, 2007, was circulated for public review until September 1, 2007. Three comment letters were received prior to the close of the comment period.

- *Monterey Bay Unified Air Pollution Control District (MBUAPCD)* – The Board commented on requirements for the demolition of structures. They note that they appreciate the incorporation of Condition No. 15, which requires that the applicant adhere to MBUAPCD Work Practice Standards
- *Department of Forestry and Fire Protection, San Benito-Monterey Unit* – The Department commented that the sign proposed to be placed at the Robinson Canyon Creek crossing be clarified to specify a maximum load capacity and that an adequate emergency water and fire sprinkler system be required.
- *Noela Lubin, an adjacent property owner (28660 Robinson Canyon Road).* Ms. Lubin commented on the potential health concerns regarding the keeping of livestock animals onsite and manure management. As such, Condition No. 17 has been incorporated requiring that this 1.78-acre parcel not keep more than four (4) of the aforementioned animals for any other purpose than a purpose residential in nature; no commercial boarding is allowed. Conditions Nos. 24, 25, and 26 have been incorporated to require that the applicant submit and implement a manure management plan to the Environmental Health Department.

### Conclusions

No unusual circumstances, unresolved issues, or adverse environmental impacts were identified during project review. The proposed single-family dwelling has been sited in the most appropriate location within the parcel’s boundary. The project, as described and conditioned, is consistent with all applicable County of Monterey policies and regulations. Therefore, staff recommends that the Zoning Administrator approve the Administrative Permit and Design Approval (Planning File No. PLN060188).

## **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 28650 Robinson Canyon Road, Carmel Valley (Assessor's Parcel Number), Carmel Valley Master Plan. The parcel is zoned Low Density Residential, 2.5 acres per unit with Design Control, and Site Plan Review Overlays ("LDR/2.5-D-S"). 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 is use allowed in the LDR zoning designation in accordance with Section 21.14.030.A and is consistent with the development standards of Section 21.14.060 Monterey County Zoning Ordinance (Title 21).

(d) Design Control or "D" zoning as provided at Chapter 21.44 of the Monterey County Zoning Ordinance (Title 21) requires design review of structures to assure the integrity of certain developments without imposing undue restrictions on private property. 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 protection of the public viewshed, neighborhood character, and the visually and structures in the Carmel Valley area. The Design Approval Request Form is attached to the September 27, 2007 Zoning Administrator Staff Report as Exhibit E.

(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 structures, additions, deposit or removal of materials.

(f) The project was referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review on June 19, 2006. The LUAC recommended approval of the project by a vote of 4-0 with one member absent conditioned upon the use of down-lit exterior lighting. The minutes are attached to the September 27, 2007 Zoning Administrator Staff Report as Exhibit F.

(g) The project planner conducted a site inspection on March 6, 2006, August 10, 2006, and March 3, 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 Planning File No. PLN060118.

**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, Carmel Valley 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, and geotechnical consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs. The following reports have been prepared:
    - i. A report entitled “Preliminary Cultural Resources Reconnaissance of portions of Assessor’s Parcel 416-025-010 in the unincorporated area of the County of Monterey, California” (LIB060274) was prepared by Susan Morley, M.A., Pacific Grove, CA, April 2006.
    - ii. A “Biological Assessment for Matthews property 28650 Robinson Canyon Road”, APN 416-025-010” (LIB060273) was prepared by Rana Creek Habitat Restoration, Carmel Valley, CA, May 5, 2006.
    - iii. A “Geotechnical Soils-Foundation & Geoseismic Report” (LIB060275) was prepared by Grice Engineering and Geology Inc., Salinas, CA, January 2006.
  - (c) Staff conducted a site inspection on March 6, 2006, August 10, 2006, and March 3, 2007 to verify that the site is suitable for this use.
  - (d) Materials in Planning File No. PLN060118.

**3. FINDING: CEQA (Mitigated Negative Declaration):** On the basis of the whole record before the Monterey County Zoning Administrator, there is no substantial evidence that the proposed project as designed, conditioned, and mitigated, will have a significant effect on the environment. The Initial Study / Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- (a) The proposed project is subject to environmental review due to the potential for significant environmental effects pursuant to CEQA Guidelines Section 15070 (Decision to Prepare a Negative or Mitigated Negative Declaration).
  - (b) Potentially adverse environmental effects were identified during staff review of the development application and site visits on March 6, 2006, August 10, 2006, and March 3, 2007
  - (c) Monterey County prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the office of the RMA - Planning Department and is hereby incorporated by reference (File No. PLN060118). All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. The Initial Study identified potentially significant effects relative to Biological Resources, Geology & Soils, Hazards / Hazardous Materials, and Hydrology & Water Quality. Substantial evidence supports the conclusion that impacts could not have a significant effect on the environment.

- (d) The Mitigated Negative Declaration was circulated for public review from August 1, 2007 to September 1, 2007.
- (e) The Monterey County RMA - Department of Planning, (located at 168 W. Alisal Street, 2<sup>nd</sup> Floor, Salinas, CA, 93901) is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based.
- (f) Evidence that has been received and considered includes the application, plans, materials, and technical reports, which are listed under Section IX (References) of the Initial Study / Mitigated Negative Declaration and contained in Planning File No. PLN060118.
- (g) For purposes of implementing Section 753.5 of Title 14, California Code of Regulations, the project may cause changes to the resources listed under Section 753.5. Therefore, payment of the Fish and Game fee is required.

**4. FINDING: CEQA (Comments):** Comments received on the project did not present substantial evidence of any unmitigated significant environmental effects.

**EVIDENCE:** (a) The Monterey Bay Unified Air Pollution Control District (MBUAPCD) commented on requirements for the demolition of structures. They note that they appreciate the incorporation of Condition No. 15, which requires that the applicant adhere to MBUAPCD Work Practice Standards.

(b) The Department of Forestry and Fire Protection, San Benito-Monterey Unit commented on the proposed mitigation for fire safety, specifically, the proposed signage requirement at the Robinson Canyon crossing and emergency water supply standards. The Department recommends that: 1) the Carmel Valley Fire Protection District requirement to install a sign stating that the bridge “does not support the load of fire apparatus” should be required to clarify maximum weight limits, vertical clearance limitations, one-way road and single lane conditions, which reflect the capability of the bridge; and 2) adequate emergency water supply be required in the form of the installation of a water storage tank (2,500 gallons minimum) and a fire sprinkler system. These recommendations have been considered and the Zoning Administrator finds: 1) the property owner has no ability to meet the requirements for bridges, as the property owner does not own the bridge and therefore cannot make improvements to it. The bridge lies within a road right away for which not agreement amongst the easement interest holders exists. 2) With respects to the Department’s comments regarding emergency water supply standards, the applicants are required to install a fire sprinkler system (see Condition No. 20) and a 5,000-gallon water tank is installed on-site allowing for adequate fire control.

(c) Noela Lubin, an adjacent property owner (28660 Robinson Canyon Road) commented on the potential health concerns regarding the keeping of livestock animals onsite and manure management. Pursuant to Section 21.16.030.K of the Monterey County Zoning Ordinance (Title 21) Animal husbandry and small livestock farming, is a principal use allowed provided that not more than one horse, mule, cow, or similar livestock shall be kept for each twenty thousand square feet of land area. As such, Condition No. 17 has been incorporated requiring that this 1.78-acre parcel not keep more than six (6) of the aforementioned animals for any other purpose than a purpose residential in nature; no commercial boarding is allowed. Conditions Nos. 24, 25, and 26 have been

incorporated to require that the applicant submit and implement a manure management plan to the Environmental Health Department.

(d) The aforementioned comments are attached to the September 27, 2007 Zoning Administrator Staff Report as Exhibit H.

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

**EVIDENCE:** 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.

- 6. 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.

- 7. 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).



<p align="center"><b>EXHIBIT C</b></p> <p align="center"><b>Monterey County Resource Management Agency</b></p> <p align="center"><b>Planning Department</b></p> <p align="center"><b>Condition Compliance and/or Mitigation Monitoring Reporting Plan</b></p>	<p><b>Project Name:</b> Matty Matthews</p> <p><b>File No:</b> PLN060118                      <b>APN:</b> 416-025-010-000</p> <p><b>Approved by:</b> RMA – Director of Planning                      <b>Date:</b> September 27, 2007</p>
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*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p><b>PBD029 - SPECIFIC USES ONLY</b></p> <p>This Administrative Permit and Design Approval (PLN060118) allows development within a Site Plan Review zoning district overlay or "S" district to allow the demolition of an existing one-story 1,180 square foot single family dwelling and the construction of a two-story 752 square foot single family dwelling and grading (less than 100 cubic yards); and variance for reduction in front-yard setbacks. The property is located at 28650 Robinson Canyon Road, Carmel Valley (Assessor's Parcel Number 416-025-010-000), Carmel Valley Master Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional 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/Applicant	Ongoing unless otherwise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
2.		<p><b>PBD025 - NOTICE-PERMIT APPROVAL</b></p> <p>The applicant shall record a notice which states: "A permit (<b>Resolution No.</b> _____) was approved by the RMA – Director of Planning for Assessor's Parcel Number 416-025-010-000 on September 27, 2007. The permit was granted subject to <b>32</b> conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of RMA - Planning Department prior to issuance of building permits or commencement of the use.</p> <p><b>(RMA - Planning Department)</b></p>	Proof of recordation of this notice shall be furnished to RMA - PD	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3.		<p><b>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</b></p> <p>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.</p> <p><b>(RMA - Planning Department)</b></p>	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeo- logist	Ongoing	
4.		<p><b>PD004 - INDEMNIFICATION AGREEMENT</b></p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend,</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</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the	

<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>
		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. <b>(RMA - Planning Department)</b>	Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.		issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable	
5.		<b>PD005 - FISH AND GAME FEE-NEG DEC/EIR</b> Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. <b>(RMA - Planning Department)</b>	The applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	Within 5 working days of project approval.	
			If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department.	Owner/ Applicant	Prior to the recordation of the final map, the start of use or the	

<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>
					issuance of building or grading permits	
6.		<p><b>PD006 - MITIGATION MONITORING PROGRAM</b></p> <p>The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. <b>(RMA - Planning Department)</b></p>	<p>1) Enter into agreement with the County to implement a Mitigation Monitoring Program.</p> <p>2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.</p>	Owner/ Applicant	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	
7.		<p><b>PD016 – NOTICE OF REPORT</b></p> <p>Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A "Biological Assessment for Matthews property 28650 Robinson Canyon Road" report has been prepared for this parcel by Rana Creek Habitat Restoration, Carmel Valley, CA, dated May 5, 2006 and is on record in the Monterey County RMA - Planning Department, Library No. LIB060273. All development shall be in accordance with this report." <b>(RMA – Planning Department)</b></p>	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.	
8.		<p><b>PD016 – NOTICE OF REPORT</b></p> <p>Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A "Geotechnical Soils-Foundation &amp; Geoseismic Report" report has been prepared for this parcel by Grice Engineering and Geology Inc., Salinas,</p>	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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		CA, dated January 2006 and is on record in the Monterey County RMA - Planning Department , Library No. LIB060275. All development shall be in accordance with this report." ( <b>RMA – Planning Department</b> )				
9.		<b>PD007 - GRADING-WINTER RESTRICTION</b> No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of 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/ Applicant	Ongoing	
10.		<b>PD009 - GEOTECHNICAL CERTIFICATION</b> Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. ( <b>RMA – Planning Department 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/ Applicant/ Geotech- nical Consultant	Prior to final inspection	
11.		<b>PD010 - EROSION CONTROL PLAN AND SCHEDULE</b> 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. ( <b>RMA - Planning Department and RMA - Building Services Department</b> )	Evidence of compliance with the 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	

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12.		<b>PD033 - RESTORATION OF NATURAL MATERIALS</b> 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. <b>(RMA – Planning Department)</b>	Submit restoration plans to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to commence -ment of use.	
13.		<b>PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN</b> All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The 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>	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.	
			The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Ongoing	
14.		<b>PD035 - UTILITIES - UNDERGROUND</b> All new utility and distribution lines shall be placed underground. <b>(RMA - Planning Department; Public Works)</b>	Install and maintain utility and distribution lines underground.	Owner/ Applicant	Ongoing	
15.		<b>PDSP001 - MBUAPCD WORK PRACTICE STANDARDS (NON-STANDARD)</b> The applicant shall adhere to the following MBUAPCD Work Practice Standards: 1) As necessary to prevent visible emissions, sufficiently wet the structure prior to removal. Continue wetting as necessary during active removal and the debris; 2) Demolish structure inward toward building pad. Lay down roof and walls so that	Applicant shall implement MBUAPCD Work Practice Standards during demolition activities.	Owner/ Applicant	During Demolition	



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		they fall inward and not away from the building; and 3) Commencement of removal activities are prohibited when the peak wind speed exceeds 15 miles per hour. <b>(RMA - Planning Department)</b>				
16.		<b>PD038 - WATER TANK APPROVAL</b> The water tank shall be painted an earth tone color to blend into the area and landscaped (including land sculpturing and fencing, where appropriate), subject to the approval of the Director of the RMA - Planning Department, prior to the issuance of building permits. <b>(RMA – Planning Department)</b>	Submit proposed color and siting of water tank and landscaping plans to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of grading or building permits	
			Provide evidence to the Director of the RMA - Planning Department that the water tank has been painted and the landscaping has been installed according to the plans approved by the RMA - Planning Department.	Owner/ Applicant	Prior to the final inspection or occupancy	
17.		<b>PDSP003 – ANIMAL HUSBANDRY AND SMALL LIVESTOCK FARMING (NON-STANDARD)</b> Pursuant to Section 21.16.030.K of the Monterey County Zoning Ordinance (Title 21) Animal husbandry and small livestock farming, is a principal use allowed provided, that not more than one horse, mule, cow, or similar livestock shall be kept for each twenty thousand square feet of land area. This 1.78-acre parcel shall not keep more than 4 of the aforementioned animals for any other purpose than a purpose residential in nature. No commercial boarding is allowed. <b>(RMA – Planning Department)</b>	Continuous condition requirement of the Monterey County Resource Management Agency - Planning Department	Owner/ Applicant	Continuous	
18.		<b>FIRE007 - DRIVEWAYS</b> Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8	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.	

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		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 b of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. <b>(Carmel Valley 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 (NON-STANDARD)</b> Remove combustible vegetation from within a minimum of 100 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of	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.	



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		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>(Carmel Valley Fire Protection District)</b>	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> The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. <b>(Carmel Valley Fire Protection District)</b>	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection	
			Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	
21.		<b>FIRE025 - SMOKE ALARMS – (SINGLE FAMILY DWELLING)</b> Where a household fire warning system or combination fire/burglar alarm system is installed in lieu of single-station smoke alarms required by the Uniform Building Code the alarm panel shall be required to be placarded as permanent building equipment. <b>(Carmel Valley Fire Protection District)</b>	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire alarm system acceptance test.	Applicant or owner	Prior to final building inspection	
22.		<b>FIRE028 - ROOF CONSTRUCTION - (CARMEL VALLEY FPD)</b> All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. <b>(Carmel</b>	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

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		<b>Valley Fire Protection District)</b>				
23.		<b>EHSP01 - DEED NOTIFICATION – SEPTIC SYSTEM</b> The applicant shall record a deed notification with the Monterey County Recorder for parcel 416-025-010-000 indicating that: (A) No further developments will be approved for the existing system, (B) Any repair or expansion of the septic system must have advanced treatment and disposal in compliance with Monterey County Code Chapter 15.20 or unless otherwise approved by the Director of Environmental Health. <b>(Environmental Health)</b>	Submit proposed wording and forms to be recorded to EH and P&BI for review and approval. Record deed notification.	Owner/ Applicant	Prior to Issuance of Building Permit	
24.		<b>EHSP002 – MANURE MANAGEMENT PLAN (NON-STANDARD)</b> Provide a Manure Management Plan to the Division of Environmental Health for review and approval. The Manure Management Plan shall address the volume of waste generated, method and time frame of continual disposal off-site, and necessary controls for vector, odor and waste run-off. <b>(Environmental Health)</b>	Submit two copies of the plan to the Division of Environmental Health for review and approval.	Owner/ Applicant/ Operator	Prior to issuance of building permit.	
25.		<b>EHSP003 – MANURE MANAGEMENT PLAN (NON-STANDARD)</b> The applicant shall manage the manure waste product generated by the keeping of livestock animals on-site in conformance with the Manure Management Plan that has been reviewed and approved by the Division of Environmental Health. <b>(Environmental Health)</b>	Comply with the plan approved by the Division of Environmental Health.	Owner/ Applicant/ Operator	Continuous condition.	
26.		<b>EHSP004 – MANURE MANAGEMENT PLAN (NON-STANDARD)</b> Applicant shall operate the facility in a manner consistent with public health and safety requirements. The keeping of livestock animals on-site shall be managed in a manner that does not create a public health nuisance. <b>(Environmental Health)</b>	Applicant shall operate the facility in a manner consistent with public health and safety requirements.	Owner/ Applicant/ Operator	Continuous condition.	

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27.		<p><b>WR40 - WATER CONSERVATION MEASURES</b></p> <p>The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:</p> <p>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.</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. <b>(Water Resources Agency)</b></p>	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	
28.		<p><b>WR43 - WATER AVAILABILITY CERTIFICATION</b></p> <p>The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. <b>(Water Resources Agency)</b></p>	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	

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29.		<b>WR45 - WELL INFORMATION</b> The applicant shall provide the Water Resources Agency information on the well to serve the project including a map showing the well location and any available well logs/e-logs. <b>(Water Resources Agency)</b>	Submit all applicable well information to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits	
<b>MITIGATION MEASURES</b>						
30.	1.	<b><u>Mitigation Measure # 1:</u></b> In order to mitigate impacts to nesting birds either directly or through habitat modifications, a survey for nesting birds shall be made if construction is to occur between February and August. The survey shall be made prior to ground disturbance, by a qualified biologist, to assure that there are no nesting birds on or near the property. If active nests are found and the qualified biologist determines that construction development activities would remove the nest or have the potential to cause abandonment, then those activities shall be avoided until the young have fledged as determined through monitoring of the nest. Once the young have fledged, development activities may resume. <b>(RMA - Planning Department)</b>	A report summarizing their findings and proposed mitigation measures shall be submitted to the Director of Planning. If no bats are found, then no further action is required.	Applicant / Qualified Biologist	Prior to issuance of building and/or grading permits	
			In the event that bats are found using these trees, the biological survey shall provide a list of proposed mitigations necessary to protect bat species	Applicant	Prior to site disturbance and and/or the use of heavy equipment to clear the site	
31.	2.	<b><u>Mitigation Measure #2:</u></b> In order to ensure there is no impact to the riparian habitat of Robinson Canyon Creek and the Central Coast Steelhead from siltation or streambank alteration from construction related	<b><u>Mitigation Monitoring Action #2:</u></b> Prior to the issuance of a grading or building permit, the applicant shall submit to the Director of Planning for	Owner/ Applicant	Prior to the issuance of a grading or building	

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		activities, the project will be required to adhere to the following requirements: 1) engineering recommendations contained in the site-specific geotechnical investigation prepared by Grice Engineering and Geology, Inc. (LIB060275); 2) erosion and runoff control measures contained in the County's Erosion Control (County Code Chapter 16.12) and Grading (County Code Chapter 16.08) Ordinance; 3) construction will not be permitted from December through June; and 4) preparation of an erosion control plan and maintenance schedule.	review and approval an erosion control plan and maintenance schedule in compliance with the engineering recommendations contained in the geotechnical investigation prepared by Grice Engineering (LIB060275) and erosion and control measures consistent with Chapter 16.08 and 16.12 of the Monterey County Code.		permit	
32.	3.	<b><u>Mitigation Measure #3:</u></b> In order to minimize impacts of wildland fire risk, the applicant shall adhere to conditions as required by the Carmel Valley Fire Protection District for project approval. The following conditions shall be implemented as part of project development: <ol style="list-style-type: none"> <li>The residence shall be constructed with a Class "A" roof and fire sprinkler system.</li> <li>The house number shall be posted at the driveway entrance and on the residence.</li> <li>A sign shall be posted at the entrance to the bridge which states that the "Bridge Will Not Support the Load of Fire Apparatus".</li> <li>An all weather surface shall be placed at the driveway entrance and at the turnaround at the residence for ambulances.</li> <li>One hundred feet of defensible space shall be provided around the proposed structured prior to construction including the trimming of tree limbs six inches from the ground and ten inches from the roof, removal of weeds, dry vegetation and combustible materials including animal manure.</li> <li>A deed restriction shall be placed on the property requiring that these conditions be maintained for</li> </ol>	<b><u>Mitigation Monitoring Action #3:</u></b> All conditions shall be noted on the final building plans, the deed restriction shall be placed on the property and a copy of the revised Title Report shall be submitted to the Director of Planning for review and approval prior to the issuance of a grading or building permit. In addition, the Fire Department must complete a final inspection of the property prior to issuance of a certificate of occupancy.	Applicant / Engineer	Prior to the issuance of a grading or building permit	
			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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		the life of the structure and that all fire apparatus stop at the bridge, approximately 150' from the residence. <b>(RMA – Planning Department and Carmel Valley Fire Protection District)</b>	Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	

END OF CONDITIONS