

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: September 27, 2007 Time: P.M	Agenda Item No.:
Project Description: Combined Development Permit consisting of: (1) a Coastal Administrative Permit and Design Approval to allow the demolition of a 5,768 square foot one-story single family dwelling and an attached two-car carport and allow the construction of a 7,412 square foot two-story single family dwelling with a 2,444 square foot basement and a 1,094 square foot attached four-car garage; (2) a Coastal Development Permit to allow the construction of an attached second story 850 square foot caretaker unit; (3) a Variance to exceed structural coverage required by the Pescadero Watershed; and (4) a Coastal Development Permit to allow the removal of four Monterey Pine and three oak trees.	
Project Location: 1502 Bonifacio Road, Pebble Beach	APN: 008-341-038-000
Planning File Number: PLN060308	Name: Christo & Sara Bardis, Property Owners
Plan Area: Del Monte Forest Land Use Plan	Flagged and staked: Yes
Zoning Designation: "LDR/1.5 (CZ) [Low Density Residential, 1.5 acres per unit (Coastal Zone)]	
CEQA Action: Categorically Exempt per Section 15302 and 15305 (a)	
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:

The subject property is a 1.747 acre parcel (Assessor's Parcel Number 008-341-038-000) located at 1502 Bonifacio Road, less than one mile east of Still Water Cove, Pebble Beach. The proposed project includes the demolition of a 5,768 square foot one-story single family dwelling and an attached two-car carport; the construction of a 7,412 square foot two-story single family dwelling with a 2,444 square foot basement and a 1,094 square foot attached four-car garage; the construction of an attached second story 850 square foot caretaker unit above the four-car garage; a Variance to exceed structural coverage required by the Pescadero Watershed and the removal of four Monterey Pine and three oak trees. A Coastal Development Permit is required demolition and rebuild of the single family dwelling pursuant to Section 20.14.040 Monterey County Zoning Ordinance (Title 20). The construction of a caretaker unit requires the approval of a Coastal Development Permit pursuant to Section 20.14.050.I of Title 20.

The proposed project complies with regulations of the applicable Land Use Plans and Coastal Implementation Plans (See Findings and Evidence in **Exhibit B**) for the rebuild of a single family dwelling and caretaker unit in accordance with Sections 20.14.060 and 20.64.030.C of Title 20. However, the project does not comply with the structural coverage limitations of the Pescadero Watershed, as set forth in Section 20.147.030.A.1 of the Del Monte Forest Coastal Implementation Plan and therefore requires a Variance.

The project will not have a potentially significant environmental impact and qualifies for a Categorical Exemption under CEQA pursuant to Section 15302 (rebuild of a single family dwelling) and 15303(e) (accessory structures). No issue remains unresolved for this project.

OTHER AGENCY INVOLVEMENT:

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

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

The project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review on July 2, 2007. The LUAC recommended approval with a vote of four to zero with one member absent. No conditions or comments were added.

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

Anna V Quenga

(831) 755-5175, quengaav@co.monterey.ca.us

August 9, 2007

cc: Zoning Administrator; Pebble Beach Community Services District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Laura Lawrence, Acting Planning & Building Services Manager; Anna V Quenga, Planner; Carol Allen; Chris and Sara Bardis, Owner; International Design Group, Agent; Planning File PLN060308.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Overview
	Exhibit C	Recommended Findings and Evidence
	Exhibit D	Recommended Conditions of Approval
	Exhibit E	Site Plan, Elevations, Floor Plans

This report was reviewed by Carl Holm, Acting Planning and Building Service Manager.

EXHIBIT A

Project Information for PLN060308

Project Title: **BARDIS CHRISTO D & SARA**

Location: 1502 BONIFACIO RD PEBBLE BEACH

Primary APN: 008-341-038-000

Applicable Plan: Del Monte Forest Land Use Plan

Coastal Zone: Yes

Permit Type: Combined Development Permit

Zoning: LDR/1.5-D (CZ)

Environmental Status:

Plan Designation: LOW DENSITY RES

Advisory Committee: N/A

Final Action Deadline (884):

Project Site Data:

Lot Size: 1.747 AC
Existing Structures (sf): 5,768
Proposed Structures (sf): 11,800
Total Sq. Ft.: 11,800

Coverage Allowed: 15%
Coverage Proposed: 11%
Height Allowed: 30'
Height Proposed: 28'
FAR Allowed: 17.5
FAR Proposed: 12%

Resource Zones and Reports:

Environmentally Sensitive Habitat: No
Biological Report #: N/A
Forest Management Rpt. #: LIB070013

Erosion Hazard Zone: MOD
Soils Report #: LIB070015

Archaeological Sensitivity Zone: HIGH
Archaeological Report #: LIB070014

Geologic Hazard Zone: UND
Geologic Report #: N/A

Fire Hazard Zone: HIGH

Traffic Report #: N/A

Other Information:

Water Source: CAL AM

Sewage Disposal (method): PUBLIC

Water Dist/Co: MPWMD

Sewer District Name: PBCSD

Fire District: PBCSD

Grading (cubic yds.): 0.0

Tree Removal: 4 PINE & 3 OAK

EXHIBIT B PROJECT OVERVIEW

Pescadero Watershed

The project is located within the Pescadero Watershed which development standards limit structural coverage to 5,000 square feet and impervious surface coverage to 4,000 square feet. The purpose of the limitation is to reduce the amount of storm water runoff into Carmel Bay, thereby, protecting an area of marine biological significance. The proposed rebuild of the single family dwelling will increase the current structural coverage from 5,768 to 5,912 square feet. However, the project also proposes to decrease the amount of impervious surface coverage from 8,066 square feet to 3,202 square feet. The reduction of impervious surface will be achieved by eliminating a portion of the driveway and converting the remaining asphalted area to permeable pavers (see Finding No. 8), reducing the amount of impervious surface by 4,864 square feet.

Coverage Limitation	Existing	Proposed for Removal	Proposed	Change
Structural (5,000 sq. ft.)	5,768 sq. ft.	5,768 sq. ft.	5,912 sq. ft.	Increase in 144 sq. ft.
Impervious (4,000 sq. ft.)	8,066 sq. ft.	8,066 sq. ft.	3,202 sq. ft.	Decrease in 4,864 sq. ft.
Total (9,000 sq. ft.)	13,834 sq. ft.	13,834 sq. ft.	8962 sq. ft	Decrease in 4,872 sq. ft.

This creates a total structural and impervious surface coverage of 8,962 square feet, having a net reduction of 4,872 square feet. Although the proposed project exceeds the structural coverage limitation, the site under the total amount of surface coverage (9,000 square feet) and will reduce the amount of surface runoff which is the intent of the Pescadero Watershed policy.

Additionally, the Monterey County Water Resources Agency has included conditions (Nos. 17 and 18) which require the installation and certification of a retention/percolation facility to mitigate the impact of impervious surface storm water runoff. This will insure that any runoff be kept on site and prevent storm water from entering into the Carmel Bay.

There have been several variances granted to exceed the structural coverage requirements in the Pescadero Watershed, and at least three have been found to be within 300 feet of the project site. The permits are listed in the table below.

APN No.	Planning File Number	Description
008-022-017-000	PLN980474 Dubelman	Demo detached garage and storage shed, 1 st story addition to single family dwelling, tree removal and variance to Pescadero Watershed.
008-022-026-000	PLN040120 Winston	Demo and rebuild of single family dwelling, tree removal and variance to Pescadero Watershed.
008-341-027-000	PLN010577 Oustman	Demo and rebuild of single family dwelling, development on slopes in excess of 30% and variance to Pescadero Watershed.
008-341-027-000	PLN050686 Oustman (Amendment to PLN010577)	Increase size of SFD from 7,824 to 10,380 sq. ft., increase amount of grading, altering development on 30% slope and increase structural coverage from 4,646 to 5,624 sq. ft. and decrease impervious surface from 2,494 to 1,059 sq. ft.

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 Certified Del Monte Forest Land Use Plan, the Del Monte Forest Coastal Implementation Plan (Part 5), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20), which designates this area as appropriate for residential development.

- EVIDENCE:**
- (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
 - (b) The property is located at 1502 Bonifacio Road (Assessor's Parcel Number 008-341-038-000), Del Monte Forest Land Use Plan. The parcel is zoned LDR/1.5-D (CZ) ["Low Density Residential, 1.5 acres per unit (Coastal Zone)"]. 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 proposed project includes the removal of four Monterey Pine and three oak trees. See Finding No. 6.
 - (d) The proposed project requests a variance to the structural coverage limits required by the Pescadero Watershed Policy. See Finding No. 8.
 - (e) The project planner conducted a site inspection on June 2, 2006 to verify that the project on the subject parcel conforms to the plans listed above.
 - (f) The subject property is a legal lot of record per the 1964 book as referenced as the Assessor's Map for the El Pescadero Rancho, lot 11A block 134 as described in Parcel B in book 1 of parcels page 119.
 - (g) The project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review on July 2, 2007. The LUAC recommended approval with a vote of 4 to 0 with 1 member absent. No conditions or comments were added.
 - (h) Section 20.64.040.D (Height and Setback Exceptions) of Title 20 allows fire escapes, in this case a light well, to extend into any side setback three feet. As the project is proposed, the light well encroaches into the side setback approximately 12 ½ feet. Therefore, a condition of approval (see Condition No. 16) requires that the building plans reflect conformance to Section 20.64.040.D and that the light well does not encroach more than three feet into the side yard setback.
 - (i) This project is in conformance with policies of the Del Monte Forest Land Use Plan (LUP), specifically policy 78a, which encourages "the use of caretakers accommodations as an appropriate means of providing affordable housing for caretakers, ranch hands, convalescent help, and domestic employees" and the Circulation element of the LUP, which encourages the separation of visitor and resident traffic. Caretaker Units are considered units of residential development for the purposes of calculating density in areas of new residential land uses planned in the Del Monte Forest (Table A). Staff has determined that adequate density exists in the Del Monte Forest Area for the proposed project based on staff's review of maximum allowed densities, current zoning designations, total

acreages within each zoning classification, number of units allowed, number of buildable lots, number of existing vacant lots, and number of existing caretaker units. The proposed project is outside the areas designated by Table A of the Del Monte Forest LUP for residential planned development densities. A condition requires the applicant to record a deed restriction that this unit will be maintained in accordance with these standards. (See Finding Nos. 12-14 and Condition No. 12)

- (j) The proposed caretaker unit will be constructed above the garage, resulting in a height of 28 feet. Section 20.62.040.K of Title 20 allows an accessory structure to have the same height limit of the main structure as long as it is attached; therefore, the proposed height of the caretaker unit is consistent with Title 20.
- (k) 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 PLN060308.

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

EVIDENCE: (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Pebble Beach Community Services 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, forester, 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:

(1) *“Preliminary Archaeological Reconnaissance” (LIB070014) prepared by Archaeological Consulting, Salinas, CA, June 26, 2006.*

(2) *“Forest Management Plan” (LIB070013) prepared by Frank Ono, Pacific Grove, CA July, 16, 2006*

(3) *“Geotechnical Soils Foundation and Geoseismic Report” (LIB070015) prepared by Grice Engineering and Geology, INC, Salinas, CA June 23, 2006.*

- (c) Staff conducted a site inspection on June 2, 2006 to verify that the site is suitable for this use.
- (d) Materials in Project File PLN060308.

3. 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 15302, categorically exempts the reconstruction of existing structures where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

(b) California Environmental Quality Act (CEQA) Guidelines Section 15303(e), categorically exempts the construction of accessory structures.

- (c) No adverse environmental effects were identified during staff review of the development application during a site visit on June 2, 2006.
- (d) See preceding and following findings and supporting evidence.

4. 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.

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

EVIDENCE: (a) The subject property has been conveyed a Water Entitlement of an additional .2 acre foot per year by the Pebble Beach Company.
(b) The Pebble Beach Community Services District is available to service the subject property and provide a sewage disposal facility.
(c) Preceding findings and supporting evidence.

6. FINDING: TREE REMOVAL – The subject project minimizes tree removal in accordance with the applicable goals and policies of the Del Monte Forest Land Use Plan (DMFLUP) and Coastal Implementation Plan (Part 5).

EVIDENCE: (a) Removal of trees that measure 12-inches or greater at breast height are required to be replaced on site at a 1:1 ratio by Section 20.147.050.D of Part 5. A Forest Management Plan, dated July 16, 2006, prepared by Frank Ono recommends that the four Monterey pine and three oak trees be replaced with eight Monterey pines and six oaks of local genetic stock and of five gallon stock or larger. Trees are to be planted in the east and west area of the driveway and at least eight feet apart. (See Condition Nos. 7 & 10)
(b) Policy No. 34 of the DMFLUP requires that retained trees located close to construction sites shall be protected from inadvertent damage by construction equipment. Measures for tree protection during construction have been incorporated as conditions and include tree protection zones, trunk protection, hand excavation and bridging roots. (See Condition No. 6)
(c) Policy No. 32 of the DMFLUP requires the review of forest plant associations, native soil cover, aesthetic values, as well as maintenance of the overall health of the stand when reviewing requests for tree removal. Potential impacts to native trees have been assessed in a Forest Management Plan, dated July 16, 2006 prepared by Frank Ono. The report concurs that there are no significant long term development related impacts anticipated to the native forest resources. No other special status plant species were observed within the proposed development area on the property. The ground cover consists of native and non-native plant species with limited undergrowth or plant associations. Tree removal will not cause the proposed structures to be exposed to the critical viewshed.

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

EVIDENCE: (a) The subject property is not described as an area where the Local Coastal Program requires access.
(b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 15, the Recreational Facilities Map, and Figure 16, the Shoreline Access Map, of the Del Monte Forest Area Land Use Plan.
(c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
(d) Staff site visit on June 2, 2006.

- 8. FINDING: PESCADERO WATERSHED POLICY** - The project is not consistent with Section 20.147.030.A.1 limiting structural coverage to 5,000 square feet, including main and accessory structures, but is consistent with the limitation of additional impervious surface coverage up to 4,000 square feet. The project as proposed meets the total limitation of 9,000 square feet for the Pescadero, Seal Rock Creek and Sawmill Gulch Watersheds and the smaller unnamed watersheds which drain into the Carmel Bay Area of Special Biological Significance.

EVIDENCE: (a) The project application, including the site plan, contained in file PLN060308 proposes an increase of structural coverage from 5,768 square feet to 5,912 square feet and a decrease of impervious surface coverage of 7,914 to square feet to 3,202 square feet. See the table below.

Coverage Limitation	Existing	Proposed for Removal	Proposed	Change
Structural (5,000 sq. ft.)	5,768 sq. ft.	5,768 sq. ft.	5,912 sq. ft.	Increase in 144 sq. ft.
Impervious (4,000 sq. ft.)	7,914 sq. ft.	7,914 sq. ft.	3,202 sq. ft.	Decrease in 4,712 sq. ft.
Total (9,000 sq. ft.)	13,682 sq. ft.	13,682 sq. ft.	8,962 sq. ft	Decrease in 4,568 sq. ft.

(b) The proposed total structural and impervious surface coverage is 8,962 square feet; however there is an overall reduction of 4,568 square feet, meeting the intent of the Pescadero Watershed Policy. Condition No. 16 requires submittal of specification requirements for permeable surfaces by a licensed soils engineer prior to the issuance of the building permit as well as conformity to the required specifications prior to the final of the building permit.

(c) See Variance Finding Nos. 9, 10 and 11.

- 9. FINDING: VARIANCE (Special Circumstances)** - Because of special circumstances applicable to the subject property, including the size, shape, topography, location of the lot, or the surrounding area, the strict application of Section 20.147.030.A.1.b of the Monterey County Coastal Implementation Plan is

found to deprive the subject property of privileges enjoyed by other property owners in the vicinity under an identical zoning classification.

- EVIDENCE:** (a) The intent of the Pescadero watershed coverage limitations (Section 20.147.030.A.1.b of the Monterey County Coastal Implementation Plan, Part 5) is to limit the amount of storm water runoff into Carmel Bay, thereby protecting an area of biological significance. Although the proposed project exceeds the amount of structural coverage by 144 square feet, the impervious surface coverage limitation is met (3,202 square feet) and the net amount of coverage is under the total amount required (9,000 square feet). The project as proposed has a net reduction of 4,568 square feet to the existing surface coverage. Therefore, reduced surface coverage will decrease the amount of surface runoff implementing the intent of the Pescadero watershed policy. The project meets all other zoning requirements regarding size and bulk (i.e. Floor Area Ratio), lot coverage and setbacks.
- (b) A condition has been added by the Water Resources Agency for a final drainage plan in order to conform to policies 1, 2, & 6 of the Del Monte Forest Land Use Plan, relating to drainage issues and addressing on-site and off-site impacts and retention facilities. (See condition Nos. 17 & 18)
- (c) Other property owners in the vicinity and under identical zoning classification have been afforded the same privileges sought by the property owner of this application (See Finding No.10).
- (d) The Board of Supervisors' resolution 94-149 (Steakley) allowed a Variance to exceed the 5,000 square foot limit on structural coverage as long as storm water runoff was controlled on site. The Board recognized that retaining storm water on site and maintaining the combined structural and impervious surface coverage under the 9,000 square foot limit supported the intent of Section 20.147.030.A.1.b of the certified Monterey County Coastal Implementation Plan, Part 5 regarding impervious coverage in the Pescadero watershed. The proposed project does not meet the 9,000 square foot limitation; however, it is in compliance with the intent of the section by greatly reducing impervious surfaces and retaining storm water on site.
- (e) Materials and documents in Project File No. PLN060308.

10. FINDING: VARIANCE (Special Privileges) - The variance to exceed the allowable Pescadero watershed structural and impervious surface coverage shall not constitute a grant of privileges inconsistent with the limitations upon other property owners in the vicinity and zone in which such property is situated.

- EVIDENCE:** (a) There are at least 39 other instances where Variances have been granted to the Pescadero Watershed structural development standards. Within 300 feet of the subject parcel, three residential projects have been granted similar variances, including the Winston development application (PLN040120) approved on January 13, 2005. This Winston application included the demolition of an existing single family dwelling and the increase from 4,935 to 6,809 square feet of structural coverage and the reduction of 6,670 to 2,191 square feet of impervious surface. This particular variance allowed the structural surface limit to be exceeded because it was in compliance with the intent of the Policy.

- (b) Within 300 feet of the subject parcel, at least three residential projects have been granted similar variances:

APN No.	Planning File Number	Description
008-022-017-000	PLN980474 Dubelman	Demo detached garage and storage shed, 1 st story addition to single family dwelling, tree removal and variance to Pescadero Watershed.
008-022-026-000	PLN040120 Winston	Demo and rebuild of single family dwelling, tree removal and variance to Pescadero Watershed.
008-341-027-000	PLN010577 Oustman	Demo and rebuild of single family dwelling, development on slopes in excess of 30% and variance to Pescadero Watershed.
008-341-027-000	PLN050686 (Amendment) Oustman	Increased size of SFD from 7,824 to 10,380 sq. ft., increased amount of grading, altering development on 30% slope and increase structural coverage from 4,646 to 5,624 sq. ft. and decrease impervious surface from 2,494 to 1,059 sq. ft.

- (c) Materials and documents in Project File No. PLN060308.

11. FINDING: VARIANCE (Authorized Use) – The Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

- EVIDENCE:** (a) Although the project proposes to exceed the 5,000 square foot structural coverage limit, it is in compliance with the overall limit of 9,000 square feet of surface coverage within the Pescadero Watershed. This meets the intent of the Policy, limiting the amount of runoff into the Carmel Bay.
- (b) The project for the rebuild of a single family dwelling and a proposed caretaker unit are allowed uses under the property's Low Density Residential designation pursuant to Section 20.14.050 of Title 20.

12. FINDING: CARETAKER UNIT - The establishment of the caretaker unit will not, under the circumstances of the particular application, 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. The proposed caretaker unit complies with all of the applicable requirements of Section 20.64.030(C) of the Monterey County Zoning Ordinance, Title 20. Adequate sewage disposal and water supply facilities exist or are readily available, as approved by the Director of Environmental Health

- EVIDENCE:** (a) Only one caretaker unit is proposed for this lot.
- (b) A condition of approval (condition No. 12) requires the recordation of a deed restriction which states that 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 the same ownership and that the unit shall not be separately rented, let or leased to other than the caretaker whether compensation be direct or indirect.
- (c) The project proposed a 4 car garage, one space shall count towards the minimum of 1 covered off-street parking space shall be provided for the caretaker unit.

- (d) The maximum floor area for a caretaker unit is 850 square feet. The project requests a caretakers unit of 850 square feet.
- (e) The proposed caretaker unit will be constructed above the garage, resulting in a height of 28 feet. Section 20.62.040.K of Title 20 allows an accessory structure to have the same height limit of the main structure as long as it is attached; therefore, the proposed height of the caretaker unit is consistent with Title 20.
- (f) The subject property has been conveyed a Water Entitlement of an additional .2 acre foot per year by the Pebble Beach Company.
- (g) The Pebble Beach Community Services District is available to service the subject property and provide a sewage disposal facility.

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

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

<p align="center">EXHIBIT D</p> <p align="center">Monterey County Resource Management Agency</p> <p align="center">Planning Department</p> <p align="center">Condition Compliance and/or Mitigation Monitoring Reporting Plan</p>	<p>Project Name: Bardis</p> <p>File No: PLN060308</p> <p>APNs: 008-341-038-000</p> <p>Approved by: Zoning Administrator</p> <p>Date: August 30, 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>
		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Combined Development Permit (PLN060308) allows the demolition of a 5,768 square foot one-story single family dwelling and an attached two-car carport and allows the construction of a 7,412 square foot two-story single family dwelling with a 2,444 square foot basement and a 1,094 square foot attached four-car garage; construction of an attached second story 850 square foot caretaker unit; a Variance to exceed structural coverage required by the Pescadero Watershed; and removal of three Oak and four Monterey Pine trees. The property is located at 1502 Bonifacio Road (Assessor's Parcel Number 008-341-038-000), Del Monte Forest Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department.</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>
		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 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 008-341-038-000 on August 30, 2007. The permit was granted subject to 24 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.	

<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>
3.		<p>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</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. (RMA - Planning Department)</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>PD009 - GEOTECHNICAL CERTIFICATION</p> <p>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)</p>	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	
5.		<p>PD010 - EROSION CONTROL PLAN AND SCHEDULE</p> <p>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</p>	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	

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		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)	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	
6.		SPD001 –TREE AND ROOT PROTECTION (NON STANDARD) 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 the Arborist and, in accordance with the required tree protection measures outlined in the report	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	During Construc- tion	

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		prepared for the project. Photographic evidence demonstrating compliance shall be submitted to the RMA Director of Planning Department and permits subject to the approval prior to issuance of building permits or grading permits. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by a certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits.(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	
7.		PD012(A) - LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY) The site shall be landscaped. At least three (3) weeks prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the	Submit landscape plans to include tree replacement in accordance with the Forest Management Plan dated July 16, 2006 (Library No. LIB070013), and contractor's estimate to the RMA - Planning Department for review and approval.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	At least three (3) weeks prior to final inspection or occupancy	

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		proposed landscaping materials and shall include an irrigation plan. The landscape plans shall include tree replacement in accordance with the Forest Management Plan, dated July 16, 2006, prepared by Frank Ono which recommends that the four Monterey pine and three oak trees be replaced with eight Monterey pines and six oaks of local genetic stock and of five gallon stock or larger. Trees are to be planted in the east and west area of the driveway and at least eight feet apart. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA – Planning Department)	All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.	Owner/ Applicant/	Ongoing	
8.		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 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)	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	

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9.		PD016 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "An Archaeological Reconnaissance Report has been prepared for this parcel by Archaeological Consulting, dated June 26, 2007 and is on record in the Monterey County RMA - Planning Department, Library No. LIB070014. 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.	
10.		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, dated July 16, 2006 and is on record in the Monterey County RMA - Planning Department, Library No. LIB070013. 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.	
			Tree Replacement in accordance with FMP shall be installed as referred to in Attachment 3 of the tree planting guide to be included in the Landscape Plan.	Owner/ Applicant	At least three (3) weeks prior to final inspection or occupancy	
11.		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 Report has been prepared for this parcel by Grice Engineering and Geology, Inc., dated June 23, 2006 and is on record in the Monterey County RMA - Planning Department, Library No. LIB070015. 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.	

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12.		<p>PD018 B – DEED RESTRICTION – CARETAKER UNIT (COASTAL)</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. The minimum lot size for establishment of a caretaker unit in the Carmel Planning Area shall be 40 acres. • Caretaker units shall not be subject to density requirements of the zoning district in which the lot is located, except in North County. In North County, caretakers units shall not be permitted on lots less than 5 acres if located in an area not served by public sewer systems. 	Submit signed and notarized document to the Director of RMA – Planning Department for review and signature by the County.	Owner/ Applicant	Prior to the issuance of grading or building permits	

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		<ul style="list-style-type: none"> • The maximum floor area for a caretaker unit is 850 square feet. • 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 10 acres where a senior citizen unit exists. Senior citizen units may be converted to a caretaker unit, subject to a Coastal Administrative Permit. (RMA – Planning Department)	Proof of recordation of the document shall be submitted to the RMA – Planning Department.	Owner/ Applicant	Prior to occupancy or commence-ment of use	
13.		PD035 - UTILITIES - UNDERGROUND All new utility and distribution lines shall be placed underground. (RMA - Planning Department; Public Works)	Install and maintain utility and distribution lines underground.	Owner/ Applicant	Ongoing	
14.		PD041 – HEIGHT VERIFICATION The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to	1) The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection	Owner/ Applicant	Prior to the issuance of grading or building permits	

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		the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (RMA – Planning Department and Building Services Department)	2) The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.	Owner/ Applicant/ Engineer	Prior to the final inspection	
15.		PD001 – COMPLIANCE WITH SIDE SETBACK (NON-STANDARD) Section 20.64.040.D (Height and Setback Exceptions) of Title 21 allows fire escapes, in this case a light well, to extend into any side setback three feet. As the project is proposed, the light well encroaches into the side setback approximately 12 ½ feet. Prior to the issuance of the Building permit, the applicant is required to submit plans that reflect conformance to Section 20.64.040.D and that the light well shall not encroach more than three feet into the side yard setback. (RMA – Planning Department and Building Services Department)	The applicant shall submit a revision to building permit No. BP071135 reflecting the modification to the proposed light well to the RMA - Building Services Department for review and approval. The revision shall show that the light well encroach no more than 3 feet into the side yard setback.	Owner/ Applicant/ Engineer	Prior to issuance of grading or building permits	
16.		PB002 – DRIVEWAY PAVERS – (NON-STANDARD) Pavers used to replace 4,950 square feet of the existing driveway shall be permeable and meet the specifications recommended by Soils Surveys Inc. (See letter dated December 1, 2005) The soils engineer shall check the subgrade soil after the existing pavement is removed in order to specify the subgrade treatment beneath the proposed permeable pavement. (RMA – Planning Department and Building Services Department)	The applicant shall include specifications recommended by a licensed soils engineer to meet the definition of a permeable surface for review and approval by the Director of RMA-Planning Department. The engineer shall note the condition of the subgrade soil once the existing asphalt is removed and include specific subgrade soil treatment beneath the proposed permeable pavement.	Owner/ Applicant/ Engineer	Prior to issuance of grading or building permits	

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			Submit a letter to the RMA-Planning Department stamped and signed by the soils engineer stating that the permeable pavers installed meet the required specifications.	Owner/ Applicant	Prior to the final inspection	
17.		WR3 - DRAINAGE PLAN - RETENTION The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. The plan shall include retention/percolation facilities to mitigate the impact of impervious surface stormwater runoff. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ engineer	Prior to issuance of grading or building permits	
18.		WR8 - COMPLETION CERTIFICATION The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention/retention facilities have been constructed in accordance with approved plans. (Water Resources Agency)	Submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan.	Owner/ Applicant/ Engineer/ Contractor	Prior to final inspection	

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19.		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	
20.		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	

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21.		FIRE007 - DRIVEWAYS Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the 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. (Pebble Beach Community Services 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.	

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22.		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. (Pebble Beach Community Services District)	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	
23.		FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD) Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks	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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		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. (Pebble Beach Community Services District)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
24.		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. (Pebble Beach Community Services 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	