

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: September 27, 2007 Time:	Agenda Item No.:
Project Description: Combined Development Permit consisting of: 1) Demolition of a portion of an existing 2,205 square foot, two story single family dwelling; 2) A Coastal Administrative Permit to construct a 3,598 square foot two story addition over the remaining 656 square feet of the original residence; and a 656 square foot attached two car garage; 3) A Coastal Development Permit to allow development on slopes in excess of 30% and 4) A Coastal Development Permit to remove three Monterey Pines ranging in size from 10 inches to 42 inches in diameter;.	
Project Location: 24876 Pescadero Road, Carmel	APN: 009-122-019-000
Planning File Number: PLN070016	Owner: John & Eileen King Applicant: Claudio Ortiz, Design Group
Plan Area: Carmel Area Land Use Plan	Flagged and staked: Yes
Zoning Designation: “MDR/2-D (CZ)” [Medium Density Residential, 2 units per acre with Design Control,, Coastal Zone]	
CEQA Action: Categorically Exempt per Section §15301, (e) (2) (A) Class 1	
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 project site is a 0.3-acre parcel zoned Medium Density Residential, 2 units per acre with Design Control, Coastal Zone (“MDR/2-D”) within the Carmel Woods area. The front, approximant 60 feet of the site is relatively flat. Past that point, going towards the rear of the lot, the slope quickly changes downward. Due to the small area beyond the required 20’ setback a portion of the development is proposed on slopes in excess of 30%. The footprint of the proposed development has been previously disturbed. The proposed residence is an allowed use under Title 20, Coastal Implementation Plan Part 1, Section 20.12.040 and conforms to the site development standards under section 20.12.060. The project cannot be seen from any public viewing areas; therefore, staff determined that the tree removal would not have significant impacts on the public viewshed. The proposed tree removal is consistent with the recommendations made in the Forest Management Plan (FMP) prepared for the project and the policies of the Carmel Coastal Implementation Plan Part 4 (CIP).

Staff finds the project is categorically exempt from CEQA review pursuant to §15301, (e) (2) (A) Class 1. The project consists of the partial demolition of an existing 2,205 square foot, one story single family residence and the construction of a 4,254 (total) square foot two-story addition over the remaining 656 square feet of the original residence. The project will require the removal of three Monterey Pines tress. Two of the trees are considered landmark Monterey Pines. 15301, (e) (2) (A) Class 1 exempts additions to existing structures. The tree removal is permissible with a coastal development permit as the minimum required under the circumstances. The FMP concludes the development would not have a significant effect to existing forest resources. As designed and conditioned, staff finds that the proposed project is consistent with the LCP policies and can be categorically exempt from CEQA.

See attached Discussion (EXHIBIT B)

EXHIBIT A

OTHER AGENCY INVOLVEMENT:

- ✓ Carmel Highlands Fire Protection District
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency
- ✓ California Coastal Commission

The above checked agencies and departments have reviewed this project. Conditions recommended by the RMA-Planning Department and the Carmel Highlands Fire Protection District have been incorporated into the conditions of approval (**Exhibit D**).

The project was referred to the Carmel Area Land Use Advisory Committee for review on September 4, 2007. The project was referred to the Carmel Area Land Use Advisory Committee (LUAC) for review on September 4, 2007, and recommended approval (vote 4 to 1)

Note: The decision on this project is appealable to the Board of Supervisors (20.86.030) and the California Coastal Commission (20.86.080).

Ramon A. Montano, Assistant Planner
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August 14, 2007

Cc: Zoning Administrator; Carmel Highlands Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Coastal Commission; Carl Holm, Interim Planning Services Manager; Ramon A. Montano, Project Planner; Carol Allen; Connie Mendoza; John & Eileen King; Claudio Ortiz, Planning File PLN070016.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Discussion
	Exhibit C	Recommended Findings and Evidence
	Exhibit D	Recommended Conditions of Approval
	Exhibit E	Land Use Advisory Committee (LUAC) minutes
	Exhibit F	Project Site Plan, Floor Plan, and Elevations

This report was reviewed by Mike Novo; Interim Director Planning Department

EXHIBIT B
DISCUSSION
PLN070016/King

A. INTRODUCTION

Background:

The property is located at 24876 Pescadero Road, Carmel (Assessor's Parcel Number 009-122-019-000); per the Carmel Land Use Plan, within the Coastal Zone. The project site is a 0.3-acre parcel within the Carmel Woods area. The property is zoned Medium Density Residential, 2 units per acre with Design Control, Coastal Zone ("MDR/2-D"). The front, approximately 60 feet of the site is relatively flat. Past that point, going towards the rear of the lot, the slope quickly changes downward. Due to the small area beyond the required 20 foot setback a portion of the development is proposed on slopes in excess of 30%. The residence is currently considered Legal Non-Conforming only to setbacks. The entire east side of the structure is currently in the front setback. For that reason the project was designed to maximize the existing disturbed areas farther to the rear of the developed portions of the property. Removing the large portion of structure from the front setback moved the proposed structure towards the rear of the lot which then placed the development onto a small portion of 30% slopes. The proposed structure utilized as much of the 87 foot wide lot area as possible before moving towards the rear of the lot to minimize the impact to the slopes in excess of 30%. Staff finds the project as proposed meets the intent of Monterey County Coastal Implementation Plan, Title 20, Part 1, Section 20.64.230 based on substantial evidence, that:

- The project as designed utilizes all the available developable area on the site therefore no feasible alternatives that would allow the development as proposed to occur on slopes of less than 30% because
- The project as proposed better achieves the goals, policies, and objectives of the Monterey County Local Coastal Program than other development alternatives which would require the removal of additional protected vegetation resources.

The project will require the removal of two protected landmark Monterey pines and one 10 inch planted redwood. The removal of the three trees will allow the proposed residence to be moved farther into the side areas of the lot. Placing the residence on the site as proposed would allow the reconstructed residence to conform to the front setback requirements of site development standards in the Monterey County Coastal Implementation Plan Title 20 Part 1 Section 20.12.060.

Project Description:

The project consists of the partial demolition of an existing 2,205 square foot, non-conforming one story single family residence and the construction of a 4,254 (total) square foot two-story addition over the remaining 656 square feet of the original residence. Proposed development is located within existing disturbed area. The subject project proposes new additions consisting of:

- 2,743 square foot main floor; and
- 855 square foot second story

The residence will be reconstructed with 656 square feet of the previous residence's foundation. This will minimize the total amount of new foundation work.

Entitlements:

Monterey County Code requires the following entitlements for the project:

1. A Coastal Administrative Permit to allow the demolition of 2,205 square feet of the existing residence (§20.147.030.A.1 CIP);

2. A Coastal Administrative Permit and Design Approval to replace more than 50% of the original structure, considered a new residential structure (§20.12.040 (A.) CIP);
3. Coastal Development Permit to allow development on slopes in excess of 30% (§20.64.230 CIP);
4. Coastal Development Permit to allow the removal of trees or other major vegetation (§20.146.060 (A.) 1. CIP)

B. PROJECT ANALYSIS

Non Conformity:

County tax records indicate that the structure was legally constructed in 1920 at 24876 Pescadero Road, Carmel (Assessor's Parcel Number 009-122-019-000). However the front half of the structure was located within the setback from the recorded road right of way. For that reason the structure is considered non-conforming. No variance was sought by the applicant as it was determined that findings could not be made which would support a recommendation to approve an exception to allowing the residence to remain in the front setback.

Archaeological Report:

An Archaeological report was prepared for the property the project is not located within 750 feet of a known archaeological resource, nor were there any archaeological resources identified at the site. The report concludes that no surface evidence of historic archaeological resources was seen in the project area; therefore, the project should not be delayed. This report recommended the standard archaeological condition, see condition number 3.

Development on slopes in excess of 30%:

The proposed structure was designed in a manner to utilize as much as possible of the existing footprint of the original residence. To maintain the correct front setback the structure would need to be moved towards the rear of the property. This required a portion of the proposed structure to be located onto slopes in excess of 30%. Given the width of the lot and the small area available for the proposed structure it was determined that the project as proposed would need to intrude on a small portion of the sloped areas towards the rear of the property

Tree Removal:

The Carmel CIP requires a Coastal Development Permit for the removal of trees and other major vegetation. The project proposes the removal three protected trees two Monterey Pines ranging in size from 24 to 42 inches including a 10 inch planted redwood tree. The CIP addresses the removal of non-native, planted trees by exempting their removal from the requirement of a coastal development permit. The three trees proposed for removal are directly related to development impacts. The removal of the two Landmark (24 and 42 inch DBH) Monterey Pines and the one 10 inch Redwood were determined to be the minimum required under the circumstances based on structure size and lot configuration. 60 percent of the lot is constrained by slopes in excess of 30% and protected trees. Because of setback requirements only 3,778 square feet of developable area remains open. for that reason the project as designed would require the structure to utilize as much of the side areas of the property in order to minimize the impacts to the site by utilizing as much of the developable area towards the front of the property. The projects proposed tree removal is the minimum required for the development and minimizes the potential impacts to the site. The projects proposed tree removal will not result in an increase in visibility from major public view points and viewing corridors.

A Forest Management Plan was prepared by Forest City Consulting dated August 28, 2007. It concludes that there are no significant long term development related impacts anticipated to the

native forest resources due to the poor condition of the two landmark pine trees. Environmental considerations for potential impact to surrounding native trees was assessed in the report including forest plant associations, native soil cover, aesthetic values, as well as maintenance of the overall health of the trees.. Although the Monterey Pines and redwood are considered sensitive vegetation in the Land Use Plan (LUP), the one redwood was found to be planted,. The Monterey Pines and Redwoods are not located in areas identified by the LUP as significant stands of Monterey pines or redwood forest; therefore, no significant impacts were identified from the removal of the proposed trees. The Monterey pine forest is currently listed on the CNPS List as 1B, sensitive habitat; the lot is not densely forested in the area of the proposed development which is sighted in an urbanized area of the county. Forest resources are limited in the area of development therefore because the forester found the trees to be in poor health and due to the low ratio of the number of trees on the lot against the number of trees proposed for removal the forester concluded that the removal of the two protected trees would not significantly impact the surrounding forest habitat. A condition of approval has been recommended to assure compliance with the recommendations in the Forest Management Plan (Condition #7)

CEQA:

The project is categorically exempt from environmental review. California Environmental Quality Act (CEQA) Guidelines Section 15301, (e) (2) (A) Class 1, categorically exempts additions to existing structures provided that the project will not result in an increase of more than 10,000 square feet and all public services and facilities are available. The project will result in a project of 3,598 square feet. The site has all public services as an existing residence is simply being replaced. The site has all the utilities, infrastructure, and is served by public agency services for Fire, Sheriff, Library, and Social Services. Based on information and materials provided, plus site visits, staff finds that this project has no unresolved issues relative to tree removal, archaeological, or biological resources. Proposed development will be located within an existing disturbed area and the partial demolition of the existing 2,205 square foot structure will not result in an increase of more than 4,254 square feet.

EXHIBIT C
RECOMMENDED FINDINGS AND EVIDENCE
PLN070016/King

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, certified Monterey County Local Coastal Program (LCP). The LCP for this site consists of the Carmel Area Land Use Plan, Coastal Implementation Plan (Part 4), and the Coastal Implementation Plan Appendices (Part 6); Monterey County Coastal Implementation Plan (Part 1) or 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 the application. 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 24876 Pescadero Road, Carmel (Assessor's Parcel Number 009-122-019-000) Carmel Land Use Plan, Coastal Zone. Medium Density Residential/ two (2) unit per acre with Design Control Overlay, in the Coastal Zone ("MDR/2-D (CZ)"). The project includes the partial demolition of an existing 2,205 square foot, two story single family dwelling; construction of a 4,254 (total) square foot two story residence over the remaining 656 square feet of the original residence. The project as proposed will require development on slopes in excess of 30% and the removal of three Monterey Pines ranging in size from 10 inches to 42 inches in diameter. The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 20 and is therefore suitable for the proposed development.
- (c) On June 6, 2007, the owner submitted an application requesting to allow the demolition of a two-story single family dwelling with an attached two-car garage and covered patio. Pursuant to Section 20.12.040.A. this proposal is considered principally allowed upon securing a Coastal Administrative Permit.
- (d) The project is consistent with the following development standards as required by Section 20.12.060 of the Monterey County Zoning Ordinance (Title 20) for those areas designated Medium Density Residential, 2 units per acre
- Height Allowed height measured from the average natural grade for a main structure is 30 feet. The proposed residence is a two-story structure that measures approximately 30 feet at the highest point.
 - Setbacks Main structures require a minimum setback of 20 feet (front), 5 feet (side), and 10 feet (rear). The parcel will be accessed by a private driveway that intersects Shafter Way. The front setback is located approximately 20 feet from the edge of the private right-of-way, 5 feet, from both the side property lines and approximately 77 feet from the rear property line.
 - Development Density Maximum density allowed within the MDR/2 zoning district is two units per acre. The parcel is approximately 13,610.5 square feet or 0.4 acres.

- Building Site Coverage Maximum allowed building site coverage within the MDR zoning designation is 35%, as proposed the project maintains site coverage of 20.5% and Floor Area Ratio (FAR) of 31.3 percent
- (e) The project planner conducted a site inspection in June, 2007 to verify that the project on the subject parcels conforms to the plans listed above.
- (f) The project was referred to the Carmel Area Land Use Advisory Committee (LUAC) for review on September 4, 2007, and recommended approval (vote 4 to 1) with the following conditions:
 1. The LUAC recommended that the stairwell attached to the garage could be moved forward in order to clear the side property line.
 2. Require the front porch not extend into the front setback any more than is allowed under the site development standards exceptions (Chapter 20.62 of the CIP Part 1).

Additionally the LUAC expressed concern over the project with regard to the size of the structure as well as concern over the potential for cast off light from the structure. The LUAC's recommendations are incorporated into the project. Staff address the LUAC concerns over the portion of the structure intruding into the front setbacks. The structure's design, colors, and materials were found to be consistent with similar structures in the surrounding area. The lighting issue will be addressed when the lighting plan is submitted by ensuring full conformance with all applicable policies.
- (g) The application, project plans, and related support materials submitted by the applicant to the Monterey County RMA - Planning Department for the proposed development, found in Project File PLN070016.

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 Highlands Fire Protection District, Public Works, Environmental Health Division, and the 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 geological consultants indicated that there are not physical or environmental constraints that would indicate that the site is not suitable for the use proposed.
 - (c) Carmel Highlands Fire Protection District has included a condition of approval (Condition No. 15) requiring defensible space that involves removing combustible vegetation from within a minimum of thirty feet of the proposed structure, including removing tree limbs six feet up from ground. This requirement is consistent with recommendations made in the FMP and will not require the removal of biologically sensitive plant or animal species.
 - (d) Technical reports by outside consultants include an Archaeological Report, Geological Report and Forest Management Plan. The reports indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs. The following reports have been prepared:

I "Preliminary Cultural Resources Reconnaissance" (LIB070301) prepared by Archaeological Consulting, Salinas, CA, September 30, 1992 and follow up report dated June 29, 2006.

II “Geotechnical Report” (LIB070300) prepared by Soils Survey Inc. Salinas, CA, dated January 07, 2003.

III “Forest Management Plan” (LIB070407) prepared by Frank Ono Forester, Pacific Grove California. The report is dated August 28, 2007.

- (e) Staff conducted a site inspection in June, 2007 to verify that the site is suitable for this use.
- (f) Materials in Project File PLN070016.

3. FINDING: 30 PERCENT SLOPE WAIVER – The proposed development, as designed, better achieves the goals, policies, and objectives of the Carmel Land Use Plan policies and regulations in Title 20 (Monterey County Coastal Implementation Plan Part 1 Section 20.64.230) regarding development on slopes in excess of 30 percent.

EVIDENCE: (a) The project site is a 0.3-acre parcel within the Carmel Woods area. This property is zoned Medium Density Residential, 2 units per acre with Design Control, Coastal Zone (“MDR/2-D”). The front, approximant 60 feet of the site is relatively flat. Past that point, going towards the rear of the lot, the slope quickly changes downward. The proposed development will meet setbacks.

(b) The front of the existing structure is located within the front setback line. Due to the limited flatter area, the proposed structure will be re-sited to meet the site development standards. The structure will be widened to minimize the impact to the areas in excess of 30 percent and to avoid additional tree removal. If the structure were moved farther into the property it would require greater disturbance to the slopes at the rear of the property and the removal of additional trees. This is inconsistent with the CIP policy to minimize the amount of tree removal. Therefore, for the reasons stated above staff finds that the allowing the small area of 30 percent slope to be disturbed as a result of the development better achieves the goal, policies, and objectives of the CIP to minimize impacts to recourses including development on slopes in excess of 30 percent as well as meet the required site development standards which the project as proposed will.

(c) Geotechnical Report” (LIB070300) prepared by Soils Survey Inc. Salinas, CA, dated January 07, 2003. The report concludes that, “The project soil and site conditions are suitable for the proposed building and additions and new garage with the recommendations made herein”. Condition number 5 require that a letter verifying certifying that the structure was constructed in conformance with the Geotechnical reports reconditions for the proposed residence.

4. FINDING: TREE REMOVAL – The subject project minimizes tree removal in accordance with the applicable goals and policies of the Carmel Land Use Plan and Coastal Implementation Plan (Part 4).

EVIDENCE: (a) The project includes a Coastal Development Permit for the removal of two Landmark Monterey Pine (24and 42 inch DBH) trees including one redwood. The one 10 inch Redwood was determined by the forester and the property owner to be a planted tree. Therefore, the tree is exempt from a Coastal Development Permit:

(b) A Coastal Development Permit for the removal of tree and other major vegetation is required (Section CIP 20.146.060.A). The proposed removal is directly related to development impacts. The trees proposed to be removed

cannot be seen from public viewing areas; therefore, this action would not result in the exposure of structures in the public viewshed area.

- (c) Removal of protected trees that measure 12-inches or greater DBH are required to be replaced on site at a 1:1 ratio (Section 20.146.060.D 6 of the CIP). There are three trees that must be replaced. The Forest Management Plan recommends this ratio and this has been incorporated in the conditions of approval (Conditions #7)
- (d) Forest Management Plan prepared by Forest City Consulting dated August 28, 2007. The project proposes the removal two protected Monterey Pines ranging from 24 to 42 inches in diameter. The report concludes that there are no significant long term development related impacts anticipated to the native forest resources due to the poor condition of the two pine trees. Environmental considerations of potential impact to native trees was assessed in the report include review of forest plant associations, native soil cover, aesthetic values, as well as maintenance of the overall health of the trees (20.146.060 D. 4). Although the redwood is considered sensitive vegetation in the CLUP this tree proposed for removal was found to be planted therefore not indigenous or naturally occurring to the site.
- (e) Monterey County standard conditions of approval have been implemented for protection of surrounding trees during construction including tree protection zones and trunk protection as required by the FMP see (Condition #7).
- (f) A Monterey County standard condition of approval has been implemented requiring the applicant to record a notice stating that a Forest Management Plan has been prepared (Condition #9) and any tree removal shall be in accordance with the approved plan (Condition #7).

5. FINDING: CEQA (Exempt): - The project is categorically exempt from environmental review. California Environmental Quality Act (CEQA) Guidelines Section 15301 (e) (2) (A), Class 1, categorically exempts additions to existing structures provided that the project will not result in an increase of more than 10,000 square feet and all public services and facilities are available.

EVIDENCE: (a) The project proposes an increase of more than 10,000 square feet and all public services and facilities are available. The project will result in a project of 3,598 square feet. The site has all public services as an existing residence is simply being replaced. The site has all the utilities, infrastructure, and is served by public agency services for Fire, Sheriff, Library, and Social Services. Based on information and materials provided, plus site visits, staff finds that this project has no unresolved issues relative to tree removal, archaeological, or biological resources. Proposed development will be located within an existing disturbed area and the partial demolition of the existing 2,205 square foot structure will not result in an increase of more than 4,254 square feet.

(b) Potential impact to native trees was assessed in Forest Management Plan prepared by Forest City Consulting dated August 28, 2007. The project proposes the removal of 2 protected Monterey Pines ranging from 24 to 42 inches diameter.

(c) Landmark trees are those trees which are 24 inches or more in diameter when measured at breast height or a tree which is visually significant, historically significant, exemplary of its species, or more than 1000 years old. The two landmark trees proposed for removal are not located within a scenic area nor exemplary of its species. The Forester and the determined that the trees

proposed for removal are in poor condition and recommended that the trees be removed for safety reasons.

- (d) A Botanical Assessment was not required for the project because the site survey conducted by staff confirmed that the site is currently developed and has had a significant amount of site disturbance. The proposed structure will not significantly extend outside of the footprint of the existing residence. The site contains non-native plant species (with the exception of the pine trees and the one redwood), the site contained limited undergrowth or plant associations in the areas surrounding the site. No other special status plant species were observed on site. Staff confirmed that the site or the area proposed for development contained no environmentally sensitive habitat nor was the property located within a habitat area identified in the Carmel Land Use Plan. The Monterey Pine forest is currently listed on the CNPS List as 1B a sensitive habitat. However, the lot is not densely forested, and is located in a built out area, and will remove tree trees on a lot that has trees. The two sensitive plant species, Monterey Pines and Redwoods are not located in areas identified by the CLUP as significant stands of Monterey pines or redwood forest. Therefore, no significant impacts were identified from the removal of the proposed trees. A standard condition of approval has been implemented to assure compliance with the recommendations in the Forest Management Plan (Condition #7)
- (e) A geotechnical report was prepared for the project because the site is located within 660 feet of a potentially active fault. The report deemed the project suitable for the proposed development provided the recommendations in the report are followed. No significant impacts were identified as a result of the implementation of the engineer's recommendations. A standard condition of approval has been implemented to assure compliance with the report (Condition #5)
- (f) The Archaeological report prepared for the project deemed the project suitable for the proposed project provided the recommendations in the report are followed. No significant impacts were identified. A standard condition of approval has been implemented to assure compliance with the report (Condition #2)
- (g) Technical reports prepared for this project determined that there are no significant long term development related impacts anticipated to the native forest resources and as such there are no unique circumstances that would require further CEQA review.

I "Preliminary Cultural Resources Reconnaissance" (LIB070301) prepared by Archaeological Consulting, Salinas, CA, September 30, 1992 and follow up report dated June 29, 2006.

II "Geotechnical Report" (LIB070300) prepared by Soils Survey Inc. Salinas, CA, dated January 07, 2003.

III "Forest Management Plan" (LIB070407) prepared by Frank Ono Forester, Pacific Grove California. The report is dated August 28, 2007.

- (h) No potential adverse environmental effects were identified during staff review of the development application and materials or during the site visit in June, 2007. The site is not visible from any designated scenic corridor or public viewing areas.
- (i) No unusual circumstances were found to exist that would cause a potential significant environmental impact to occur.
- (j) See preceding and following findings and supporting evidence.

(m)Materials in project file PLN060709.

6. **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 3, the Shoreline Access/Trails Map, of the Carmel 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 in June, 2007.

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

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

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

EVIDENCE: Preceding findings and supporting evidence.

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

EVIDENCE: (a) Sections 20.86.020 and 20.86.030 of the Monterey County Zoning Ordinance (Title 20).
(b) In accordance with Section 20.86.080 of the Monterey County Zoning Ordinance (Title 20) the project may be appealed to the California Coastal Commission because the project is located between the sea and the first through public road paralleling the sea and includes the granting of a conditional use.

Exhibit D Resource Management Agency - Planning Department Condition Compliance & Mitigation Monitoring and Reporting Plan	Project Name: <u>King</u> File No: <u>PLN070016</u> APN: <u>009-122-019-000</u> Approval by: <u>Zoning Administrator</u> Date: <u>September 27, 2007</u>
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
1.		PD001 - SPECIFIC USES ONLY This Combined Development Permit consists of: 1) Partial demolition of an existing 2,205 square foot, two story single family dwelling; 2) A Coastal Administrative Permit and Design Approval to construct a 3,598 square foot two story residence with an attached two car garage over the remaining 656 square feet of the original residence; 3) A Coastal Development Permit to allow development on slopes in excess of 30%, and 4) A Coastal Development Permit to remove three Monterey Pines ranging in size from 10 inches to 42 inches in diameter. The property is located at 24876 Pescadero Road, Carmel (Assessor's Parcel Number 009-122-019-000) Carmel Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation 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. (Resource Management Agency RMA - Planning Department)	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>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	

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3.		<p>PD002 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: "A permit (Resolution 060709) was approved by the Zoning Administrator for Assessor's Parcel Number 009-122-019-000 on September 27, 2007. The permit was granted subject to <u>22</u> 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)</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.	
4		<p>PD007 - GRADING-WINTER RESTRICTION</p> <p>No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department. (RMA – Planning Department and Building Services Department)</p>	Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.	Owner/ Applicant	Ongoing	

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5		PD009 - GEOTECHNICAL CERTIFICATION Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA – Planning Department and Building Services Department)	Submit certification by the geotechnical consultant to the RMA – Building Services Department showing project’s compliance with the geotechnical report.	Owner/ Applicant/ Geotechnical Consultant	Prior to final inspection	
6		PD010 - EROSION CONTROL PLAN AND SCHEDULE The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA – Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)	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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7		<p>PDSP001 – NON STANDARD TREE ROOT PROTECTION</p> <p>Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection shall be approved by the Forester and be in accordance with Management Measures 1 through 11 listed in the FMP prepared for the project. Photographic evidence demonstrating compliance shall be submitted to the RMA Director of Planning and subject to approval prior to issuance of building permits or grading permits.</p> <p>If there is any potential for damage, all work must stop in the area, and a report with recommendations for mitigation measures to remove the potential for damage, shall be submitted by a certified Forester or 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 prior to the issuance of grading or building permits. .(RMA - Planning Department)</p>	Submit photographic evidence that tree protection measures are in place through out grading and construction phases to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of grading and/or building permits	
			Submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.	Owner/ Applicant/ Arborist	During Construction	
			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	

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8		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 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)	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	
			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	
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: <i>A Forest Management Plan was (LIB070407) prepared by Frank Ono, Forester, Pacific Grove, California. The report is dated August 28, 2007. Is on record in the Monterey County RMA - Planning Department . All development shall be in accordance with this report.</i> (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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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: " <i>A Preliminary Cultural Resources Reconnaissance was (LIB070301) prepared by Archaeological Consulting, Salinas, CA, September 30, 1992 and follow up report dated June 29, 2006.</i> Is on record in the Monterey County RMA - Planning Department. 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.	
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: " <i>A Geotechnical Report was (LIB070300) prepared by Soils Survey Inc. Salinas, CA, dated January 07, 2003.</i> Is on record in the Monterey County RMA - Planning Department. 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		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 proposed landscaping materials and shall include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA – Planning Department)	Submit landscape plans 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 inspectio n or occupanc y	
			All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.	Owner/ Applicant	Ongoing	

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13		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	
14		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	

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15		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	
16		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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17		<p>WR40 - WATER CONSERVATION MEASURES</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 recirculation system.</p> <p>b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices.</p> <p>(Water Resources Agency)</p>	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	

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18		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	
19		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. (Carmel Highlands Fire Protection District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. Applicant shall schedule Fire Dept. clearance inspection	Applicant or Owner Applicant or Owner	Prior to issuance of building permit. Prior to final building inspection	

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20		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 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 Planning Director. (Carmel Highlands Fire Protection District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. Applicant shall schedule Fire Dept. clearance inspection	Applicant or owner Applicant or Owner	Prior to issuance of grading and/or building permit. Prior to final building inspection	
21		FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (Carmel Highlands Fire Protection District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection	
			Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	
22		FIRE029 - ROOF CONSTRUCTION - (CYPRESS FPD & PEBBLE BEACH CSD) All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (Carmel Highlands Fire Protection District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

END OF CONDITIONS

ATTACHED EXHIBITS

