

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: December 13, 2007 Time: 1:45 PM	Agenda Item No.: 4
Project Description: Combined Development Permit consisting of: 1) Use Permit for “after-the-fact” development on slopes in excess of 30 percent, which also requires restoration on subject property in order to clear violation CE060165; and new development on slopes in excess of 30 percent in order to expand the existing single family residence and caretaker unit; 2) Administrative Permit to legalize the illegal conversion of a barn into a 480 square foot caretaker unit in order to clear violation CE060165; and 3) Tree Removal Permit for the “after-the-fact” removal of one (1) tri-trunk, 10-inch oak tree to clear violation CE060165. The project also involves associated retaining walls and grading of 200 cubic yards of cut and 180 cubic yards of fill.	
Project Location: 51270 Pine Canyon Rd, King City, CA	APN: 221-171-048-000
Planning File Number: PLN060442	Name: Jonathan & Lucy Livne, Property Owners
Plan Area: Central Salinas Valley Area Plan	Flagged and staked: No
Zoning Designation: : “LDR/B-6-UR” [Low Density Residential, Building Site Zoning District, Urban Reserve Zoning District]	
CEQA Action: Mitigated Negative Declaration	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Zoning Administrator:

1. Adopt the Mitigated Negative Declaration with the Mitigation Monitoring and Reporting Plan (**Exhibits D and E**); and
2. Approve the Combined Development Permit based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions and Mitigations (**Exhibit D**).

PROJECT OVERVIEW:

The project is of residential nature and it consists of legalizing un-permitted development in slopes in excess of 30 percent which requires restoration, proposed new development on slopes in excess of 30 percent, legalizing an un-permitted caretaker unit and legalizing the un-permitted removal of one (1) tri-trunk 10-inch oak tree. Staff’s review focused on consistency with the Monterey County Zoning Ordinance, Title 21, the Central Salinas Valley Area Plan policies and the California Environmental Quality Act (CEQA) regulations. An Initial Study was prepared for the project and a Mitigated Negative Declaration was circulated. See **Exhibit B** for a more detailed discussion.

OTHER AGENCY INVOLVEMENT:

- ✓ California Dept. of Forestry, South County
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency
- ✓ Monterey Bay Unified Air Pollution Control District

The above checked agencies and departments have reviewed this project. Conditions recommended by Water Resources Agency, CDF-South County and the Environmental Health Division have been incorporated into the condition compliance reporting plan (**Exhibit D**).

The project was not referred to a Land Use Advisory Committee (LUAC) for review because no LUAC exists for this area.

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

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November 21, 2007

cc: Front Counter Copy, Zoning Administrator; California Dept. of Forestry, South County; Public Works Department; Environmental Health Division; Water Resources Agency; Monterey Bay Unified Air Pollution Control District; City of King; Laura Lawrence, Planning & Building Services Manager; Nadia Amador, Planner; Valerie Migotti, Code Enforcement Officer; Carol Allen, Jonathan & Lucy Livne, Applicants; Roger Cornejo, Architect, Agent; Planning File PLN060442.

Attachments: Exhibit A Project Data Sheet
Exhibit B Project Discussion
Exhibit C Recommended Findings and Evidence
Exhibit D Recommended Conditions of Approval/Mitigation Measures
Exhibit E Initial Study/Mitigated Negative Declaration
Exhibit F Site Plan, Elevations, Floor Plans
Exhibit G Caretaker Unit Justification Letter from Applicants
Exhibit H 30% Slope Justification Letter from Applicants
Exhibit I Photographs of Site Conditions (Debris Material on Hillsides)

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

EXHIBIT B PROJECT DISCUSSION

Setting

The project is located at 51270 Pine Canyon Road (Assessor's Parcel Number 221-171-048-000), King City and within the Central Salinas Valley Area Plan. The property is located approximately 4 miles west of City of King city limits. The property is accessed through Oak Hills Road, a private road, off of Pine Canyon Road. The subject property is a 3.58 acre parcel located in the Compton Subdivision, recorded under Volume 14, Cities and Towns, Page 38.

The site is designated as Low Density Residential with a Building Site Coverage Zoning District and an Urban Reserve Zoning District (LDR/B-6-UR). The subject property and its immediate vicinity are of residential nature.

Although the gross acreage of the parcel is 3.58 acres, the parcel is located on an upward slope, heavily constrained by hillsides with three terraced flat areas. The bottom terrace has an existing one-story single family dwelling. The second terrace has a single-story 1,596 square foot barn. The barn has been illegally converted to a 480 square foot caretaker unit, a two-car garage and gardening room. The upper terrace has an existing 480 square feet storage building. The terraced areas are located near the center of the parcel.

Project Description

Several improvements have been made on the property without proper permits. The project's components are:

- A Use Permit for "after-the-fact" development (grading of 180 cubic yards of cut and 200 cubic yards of fill) on slopes in excess of 30 percent for construction of a 140 linear feet retaining wall and for proposed minor new development on slopes in excess of 30 percent in order to expand the existing single family residence including the construction of a connecting breezeway between the existing single family dwelling and the illegally converted caretakers unit. Due to the unauthorized grading activity, which resulted in debris pushed down the hillside and onto a neighboring property, hillside restoration on slopes greater than 30% is required on two off-site locations;
- An Administrative Permit to legalize the as-built conversion of a portion of a barn into a caretakers unit of 480 square feet; and
- An "after-the-fact" Tree Removal Permit for a (removed) tri-trunk 10-inch coast live oak.

The project also involves legalizing additional work that was done without the benefit of building permits. This work does not require a planning approval as it is only ministerial. This includes:

- Conversion of a portion of a barn to a two-car garage (adjacent to the "as-built" caretaker unit);
- Conversion of a portion of a barn to a 220 square foot gardening room; and
- "As-built" wood retaining wall, constructed outside of the 30 percent slope area, for the purpose of retaining stock-pile grading material.

The applicant also proposes to expand the existing single family residence from 2,500 square feet to 6,431 square feet, by adding footprint and a second story addition. The applicant proposes to connect the second story portion of the proposed single family dwelling addition to the second terraced area, in order to have walking accessibility between the caretaker and single family residence. In order for this to be achieved, a connecting breezeway would be built which will involve very minor encroachment on the existing slope in excess of 30%. Also, in order to stabilize the slope in excess of 30% between the terraced areas (the illegal excavation that occurred), a block retaining wall of approximately 140 linear feet will be constructed.

Analysis

Development Standards- Although illegal activity occurred on the property, the project is consistent with applicable LDR/B-6-UR zoning district standards including, setbacks, height and lot coverage, subject to the approval of this Combined Development Permit. The property has a lot coverage limitation of 25% and the subject permit proposed a total of 4.3% lot coverage. Height for the proposed addition to the existing single family residence is 28 feet in height and the allowable maximum height is 30 feet. The existing 1,596 square foot barn converted into a 480 square foot caretaker unit, attached 2-car garage and gardening room meet the height standards for accessory habitable and unhabitable structures. All development meets the proper front, side and rear setbacks.

Caretaker Unit- A Caretaker Unit is an allowed unit per the Low Density Residential Zoning District, subject to an Administrative Permit pursuant to Monterey County Code Section 21.14.040.C. The “as-built” caretaker unit is consistent with the development standards of Section 21.14.060 and the regulations for caretaker units as provided at Section 21.64.030. The subject caretaker unit consists of a 480 square foot attached unit, illegally converted from a portion of barn. The Administrative Permit would bring the “as-built” caretaker unit in compliance with all zoning regulations.

Tree Removal- The project includes an “after-the-fact” Tree Removal Permit for the removal of one oak tree in accordance with the applicable policies of the Monterey County Zoning Ordinance (Title 21). The Required Findings in order to grant the permit for tree removal have been met. The subject 10-inch, tri-trunk oak tree removed was the minimum required under the circumstances of the case. There are no other oaks in close proximity to the proposed residential expansion area. The Initial Study prepared for the project found that the removal of the oak tree did not cause soil erosion, lessen water quality, increase noise pollution, cause a degree of air movement velocity or have an impact on wildlife habitat. In order to reduce any ecological impacts to a less than significant level, the Initial Study recommended oak tree replacement on a 3-for-1 basis. This Mitigation Measure has been incorporated and accepted by the applicant. The applicant shall replace the removed oak tree with 3 coast live oaks that shall be monitored by a qualified botanist for a period of three years or until the trees are successfully established.

Development in Slopes in Excess of 30%- The project includes a Use Permit to legalize illegal grading on slopes in excess of 30 percent and new minor development in excess of 30 percent slopes, as conditioned and mitigated, the development, is consistent with the Regulations for Development on Slopes in Excess of 30%, Section 21.64.230 of the Monterey County Zoning Ordinance (Title 21). As such, there exists no feasible alternative which would allow development to occur on slopes less than 30% and that the “after-the-fact” permit for development on slopes of 30% would better achieve the goals, policies and objectives of the Monterey County General Plan and other development alternatives. See the evidence in Finding 7 in **Exhibit C**.

CEQA Determination

An Initial Study was prepared pursuant to CEQA. The Initial Study identified potential impacts to the following environmental factors: *Aesthetics*, *Biological Resources*, *Geology and Soils* and *Hydrology and Water Quality*.

- *Aesthetics*- The placement of construction debris on adjacent hillside slopes, in excess of 30%, degraded the existing visual character of the area (see **Exhibit I**). The previously undisturbed hillsides are scarred by concrete fill that is eroding towards fences and roads. Removal of all fill material from the hillsides and restoration of the disturbed areas are required to reduce the aesthetic impacts to a less than significant level. Therefore, Mitigation Measures #1-“Fill Removal” and #2- “Restoration Plan” (see **Exhibits D and E**) have been implemented.
- *Biological Resources*- The placement of construction debris on the hillsides also impacted native grasses and plants. Mitigation Measure #2 (stated under *Aesthetics*), requiring restoration of the hillsides, will also restore the native grasses and plants. The un-permitted construction and grading activities that occurred on-site also resulted in the removal of one (1) 10-inch, tri-trunk oak tree. Mitigation Measure #3- “Tree Replacement” (see **Exhibits D and E**), requires that a 3-for-1, in kind replacement is done and that the replacement oaks be monitored by a qualified botanist for a period of three years or until the trees are successful. With the implementation of Mitigation Measures #2 and #3, the biological impacts would be reduced to a less than significant level.
- *Geology and Soils*- The Soils Engineering Investigation prepared by Landset Engineers identified several mitigation measures to ensure stability of the existing facilities, proposed facilities and slope stability. Disturbed soils are highly erodible on the site and strict erosion measures are necessary to ensure slope stability. Mitigation Measure #4- “Soils Report Verification” (see **Exhibits D and E**) requires that a qualified soils consultant verify that all recommendations in the Soils Engineering Investigation have been implemented. Mitigation Measure #5- “Erosion Control Plan” (see **Exhibits D and E**) requires that a Sedimentation and Erosion Control Plan be prepared by a qualified individual to address existing erosion hazards and future potential erosion problems. The plan shall include measures for both the on-site and off-site disturbed areas and both short and long-term solutions. The implementation of these mitigation measures would reduce the geology and soils impacts to a less than significant level.
- *Hydrology and Water Quality*- Although no streams or rivers on the project, the site’s drainage was altered. To ensure erosion does not cause significant impacts following the removal of off-site fill, the applicant is required to prepare and implement a Sedimentation and Erosion Control Plan. Implementation of Mitigation Measure #5- “Erosion Control Plan” (see **Exhibits D and E**), shall reduce the hydrology and water quality impacts to a less than significant level.

The applicant has agreed to proposed mitigation measures. The MND was filed with the County Clerk on October 8, 2007, noticed for public hearing and circulated to the State Clearinghouse from October 9, 2007 to November 7, 2007. No public comments were received during the public review period of October 9, 2007 to November 7, 2007.

EXHIBIT C

RECOMMENDED FINDINGS AND EVIDENCE

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

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

(b) The property is located at 51270 Pine Canyon Road, King City, CA (Assessor's Parcel Number 221-171-048-000), Central Salinas Valley Area Plan. The parcel is zoned Low Density Residential, Building Site Zoning District, Urban Reserve Zoning District "LDR/B-6-UR", which allows for residential development. Therefore, the property is suitable for the proposed development.

(c) The project involves "after-the-fact" permits in order to legalize development of slopes in excess of 30 percent, the conversion of portion of a barn to a caretaker unit and after-the-fact Tree Removal Permit for the removal of one oak tree. The project also involves minor new development on slopes in excess of 30 percent slopes in order to place a bridge/breezeway addition between the existing single family dwelling and the illegally converted caretaker unit. The abovementioned uses are allowed in accordance with the "LDR" Zoning District, Section 21.14.040.C, Section 21.64.230, and Section 21.64.260 of the Monterey County Zoning Ordinance (Title 21). See Finding No. 1, 6, 7, and 8.

(d) A Caretaker Unit is an allowed unit per the Low Density Residential Zoning District, subject to an Administrative Permit pursuant to Monterey County Code Section 21.14.040.C. Furthermore, the built caretaker unit meets the applicable standards of Monterey County Code Section 21.64.030. See Finding No. 8.

(e) A Use Permit is required for development on slopes exceeding 30% pursuant to Section 21.64.230 of the Monterey County Zoning Ordinance (Title 21). See Finding No. 7.

(f) A Tree Removal Permit is required for the removal of up to three protected oak trees pursuant to the regulations for the Preservation of Oak and Other Protected Trees, Section 21.64.260 of the Monterey County Zoning Ordinance (Title 21). See Finding No. 6.

(g) The project planner, code enforcement and grading staff conducted a site inspection on January 11, 2007 to analyze the scope of the project and to verify that the project on the subject parcel conforms to the plans listed above. The project includes proposed minor development in areas of 30 percent slope in order to construct a bridge addition between the proposed second story addition to the existing residence and the caretaker unit (converted without proper permits and clearances), bringing into compliance illegal residential related development activity, such as unpermitted grading in areas of 30 percent slopes, the illegal conversion of

portion of a barn into a 480 square foot caretaker unit and the unpermitted removal of one (1) multi-trunk, 10-inch oak tree. By virtue of this permit and with the “after-the-fact” conditions of approval and mitigation measures, the project will conform to the plans listed above.

- (h) The Compton Subdivision (Volume 14, Cities and Towns, Page 38) created 5 lots of record. The subject parcel is one of these five lots.
- (i) The project was not referred to a Land Use Advisory Committee (LUAC) for review because no LUAC exists for this area.
- (j) 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 PLN060442.

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, RMA- Grading Department, California Department of Forestry- South County, Public Works, Environmental Health Division, Water Resources Agency, Monterey Bay Unified Air Pollution Control District. 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 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 Archaeological Reconnaissance of Assessor’s Parcel Number 221-171-048-000*” (LIB060639) prepared by Archaeological Consulting, Salinas, CA, October 2006.
 - ii. “*Soil Engineering Investigation for the Livne Residence Addition (APN 221-171-048)*” (LIB060638) prepared by Landset Engineers, Inc., Salinas, CA, October 2006.
- (c) The project planner, code enforcement and grading staff conducted a site inspection on January 11, 2007 to verify that the site is suitable for this use. As designed, conditioned, and mitigated the site is suitable for the proposed project.
- (d) Materials in Project File PLN060442.

3. FINDING: CEQA- INITIAL STUDY/MITIGATED NEGATIVE DECLARATION – On the basis of the whole record before the Zoning Administrator there is no evidence that the proposed project as designed, conditioned, and mitigated will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

EVIDENCE: (a) Proposed project was subject to environmental review pursuant to CEQA Section 15070(b) (1) and (2) which states that a public agency shall prepare a mitigated negative declaration for a project subject to CEQA when the initial study identified potentially significant effects, but:

- 1) Revisions in the project plans or proposals made by or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects occur; and

- 2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.
- (b) Potentially adverse environmental effects were identified during staff review of the project.
 - (c) Initial Study. The Resource Management Agency-Planning Department prepared an initial study pursuant to CEQA. All project changes required to avoid or mitigate the effects to a point less than significant level have been incorporated to the project and/or are made conditions of approval. The Initial Study identified potential impacts to the following environmental factors: *Aesthetics, Biological Resources, Geology and Soils and Hydrology and Water Quality*. Substantial evidence supports the conclusion that impacts will be less than significant with the mitigations incorporated. The initial study reflects the independent judgment and analysis of the County. The initial study is on file in the office of the RMA-Planning Department and is incorporated herein by reference.
 - (d) Mitigated Negative Declaration. A Mitigated Negative Declaration was filed with the County Clerk on October 8, 2007, circulated for public review to the State Clearinghouse from October 9, 2007 to November 7, 2007.
 - (e) The RMA-Monterey County Planning Department (located at 168 West Alisal Street, 2nd Floor, Salinas, CA) is the custodian of the documents and other materials that constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based.
 - (f) Comments. No public comments were received during the public review period of October 9, 2007 to November 7, 2007.
 - (g) A Mitigation Monitoring and Reporting Plan (MMRP) has been prepared and is designed to ensure compliance with conditions and that mitigation measures are monitored and reported during project implementation. The applicant must enter into an "Agreement to Implement a MMRP" as a condition of approval.
 - (h) The project is subject to Department of Fish and Game filing fees per State Legislature enactment of Senate Bill (SB) 1535, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. To be considered for determination of "no effect" on fish and wildlife resources, development applicants must submit a form requesting such determination to the Department of Fish and Game.
 - (i) Application, plans, materials and technical reports which are listed under *Section IX (References)* of the Initial Study and contained in the project file PLN060442.

4. FINDING: VIOLATIONS - The subject property is not in compliance with all rules and regulations pertaining to zoning uses, grading and building requirements and regulations. Violations exist on the property. Any zoning violation abatement costs are required to be paid. Code Enforcement case (CE060165) is open on the subject property for the development in slopes in excess of 30%, illegal conversion of barn to caretaker unit, garage and garden room, retaining walls, removal of one (1) oak tree and grading without the benefit of permits.

EVIDENCE: (a) The project planner, code enforcement and grading staff conducted a site inspection on January 11, 2007 to analyze the scope of the project and the existing violations.

(b) Approval of this Combined Development Permit, subject to recommended conditions of approval and mitigation measures, will clear the violations cited under CE060165.

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 project will bring into conformance illegal grading activity that occurred, including but not limited to: development in slopes in excess of 30% and placement of construction debris on the hillsides that may cause accelerated erosion. Approval of this Combined Development Permit, subject to recommended conditions of approval and mitigation measures, will bring the “after-the-fact” development into compliance.
(b) Present and proposed development shall be completed in accordance with the technical reports prepared for the project.
(c) Preceding findings and supporting evidence.

6. **FINDING: TREE REMOVAL** – The project includes an “after-the-fact” Tree Removal Permit for the removal of one oak tree in accordance with the applicable policies of the Monterey County Zoning Ordinance (Title 21). The required findings in order to grant the permit for tree removal have been met.

EVIDENCE: (a) Monterey County Code Section 21.64.260.C.4 states, “*No oak tree six inches or more in diameter two feet above ground level may be removed in any other area of the County of Monterey designated in the applicable area plan as Resource Conservation, Residential, Commercial or Industrial without approval of the permit(s) required in Subsection 21.64.260.D.*” A 10-inch, tri-trunk oak tree was removed without the benefit of a Tree Removal Permit. According to the applicants, they removed the 10-inch oak tree for the expansion of their home. The oak was not located in the footprint of the expansion area, but it was located in close proximity of the proposed single family dwelling addition. Per Subsection 21.64.260.D of the Monterey County Code, a Tree Removal Permit is required, subject to the following required Findings:

i. The tree removal is the minimum required under the circumstances of the case; and

ii. The removal will not involve a risk of adverse environmental impacts such as:

- a. Soil Erosion;*
- b. Water Quality;*
- c. Ecological Impacts;*
- d. Noise Pollution;*
- e. Air Movement;*
- f. Wildlife Habitat*

The subject 10-inch, tri-trunk oak tree removed was the minimum required under the circumstances of the case. There are no other oaks in close proximity to the proposed residential expansion area. The Initial Study prepared for the project found that the removal of the oak tree did not cause soil erosion, lessen water quality, increase noise pollution, cause a degree of air movement velocity or have an impact on wildlife habitat. In

order to reduce any ecological impacts to a less than significant level, the Initial Study recommended that oak tree replacement on a 3-for-1 basis occurs. This Mitigation Measure has been incorporated and accepted by the applicant. The applicant shall replace the removed oak tree with 3 coast live oaks that shall be monitored by a qualified botanist for a period of three years or until the trees are successfully established.

- (b) Measures for tree protection during construction have been incorporated as conditions and include tree protection zones, trunk protection, hand excavation and bridging roots.
- (c) Staff conducted an on-site inspection on January 11, 2007 to verify that the proposed tree removal plan is consistent with the site conditions.

7. FINDING: SLOPES IN EXCESS OF 30 PERCENT- The project includes a Use Permit to legalize illegal grading on slopes in excess of 30 percent and new minor development in excess of 30 percent slopes. As conditioned and mitigated, the development, is consistent with the Regulations for Development on Slopes in Excess of 30%, Section 21.64.230 of the Monterey County Zoning Ordinance (Title 21). As such, there exists no feasible alternative which would allow development to occur on slopes less than 30% and that the “after-the-fact” permit for development on slopes of 30% would better achieve the goals, policies and objectives of the Monterey County General Plan and other development alternatives.

EVIDENCE: (a) Better Achieves Goals, Policies and Objectives (addressing the illegal grading). The applicants engaged in illegal grading activity on the subject 3.58 acre site located at 51270 Pine Canyon Road, in the King City area. Although the gross acreage of the parcel is 3.58 acres, the parcel is located on an upward slope, heavily constrained by hillsides and with three terraced flat areas. The bottom terrace has an existing one-story single family dwelling. The second terrace has a single-story 1,596 square foot barn. The barn has been illegally converted to a 480 square foot caretaker unit, a two-car garage and gardening room. The upper terrace has an existing 480 square feet storage building. The grading involved excavating on the lower terraced area where the existing single family dwelling is situated. The excavation was done on a 30% slope area in order to expand the existing single family dwelling and build a retaining wall. The grading estimates have been calculated at approximately 200 cubic yards of cut and 180 cubic yards of fill. As a result of the illegal grading activities, the applicants deposited the debris (or fill material) down two hillside areas (see Exhibit I of the December 13, 2007 Zoning Administrator Staff Report).

(b) Mitigation Measure No. 1, 2, 4 and 5 (See Exhibit D of the December 13, 2007 Zoning Administrator Staff Report) involve removal of fill material from the hillsides and site disturbed (hillsides) to be re-stored to its natural state, a restoration plan of those areas, submittal of a “Sedimentation and Erosion Control Plan” to address existing erosion hazards and future potential problems. Although, un-permitted development on slopes in excess of 30% occurred on-site, the incorporation of the abovementioned Mitigation Measures will address the impacts the illegal grading caused and the site will be restored to the maximum extent possible, better achieving the goals, policies and objectives of the Monterey County General Plan.

- (c) No Feasible Alternative (addressing the new proposed minor development on slopes in excess of 30%)- As explained in evidence (a) above, the subject parcel is located on an upward slope with three flat terraces of limited sizes for expansion purposes. The difference in elevation between the first terrace (house) and the second terrace (barn/caretaker unit) is approximately 13 feet. The applicant also proposes to expand the existing single family residence by adding footprint and a second story addition. In order to have walking accessibility between the caretaker and single family residence, the applicant proposes to connect the second story portion of the proposed single family dwelling addition to the second terraced area, by construction of a breezeway. This will involve very minor encroachment on the existing slope in excess of 30%. Also, in order to stabilize the slope in excess of 30% between the terraced areas (the illegal excavation that occurred), a block retaining wall of approximately 140 linear feet will be constructed. The block retaining wall is a necessary in order to stabilize the un-permitted grading activity between the terraces. Conditions No. 8, 16, and 33 (MM#3) have been incorporated requiring a geotechnical certification, restoration of natural materials, and native landscaping. Considering the size and shape of the constrained parcel, the location of existing structures and the site conditions caused by the illegal grading activity, there is no feasible alternative which would allow development to occur on slopes of less than 30%.
- (d) The site is not located in an area of high seismic activity, but the Soils Engineering Investigation prepared by Landset Engineers (dated October 2006), identified several mitigation measures to ensure stability of the existing facilities, proposed facilities, and slope stability. Disturbed soils are highly erodible on the site and strict erosion control measures are necessary to ensure slope stability. Mitigation Measure No. 4 and 5 have been incorporated in order to reduce impacts to less than significant.
- (e) Planning, Code Enforcement and Grading staff conducted a site inspection on January 11, 2007 to verify that no feasible alternative exists for this project design and that the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan than other development alternatives.
- (f) The application, plans, and related support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development found in Planning File No. PLN060442.

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

1. Pursuant to Section 21.64.030.D.1, the establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
2. Pursuant to Section 21.64.030.D.2, the proposed project, as conditioned, is consistent and complies with the regulations for caretakers units, as provided at Chapter 21.64 of the Monterey County Zoning Ordinance (Title 21).

3. Pursuant to Section 21.64.030.D.3, the proposed caretaker unit complies with all applicable requirements of the Low Density Residential, Building Site Zoning District, Urban Reserve Zoning District “LDR/B-6-UR” as provided at Chapters 21.14, 21.42, and 21.50 of the Monterey County Zoning Ordinance (Title 21).
4. Pursuant to Section 21.64.030.D.4, adequate sewage disposal and water supply facilities exist or are readily available to the site, as approved by the Director of Environmental Health.

- EVIDENCE:**
- (a) The project as described in the application and accompanying materials was reviewed by the RMA-Planning Department, South County- California Department of Forestry, Public Works Department, Environmental Health Division, and the Water Resources Agency. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the county in general.
 - (b) The project for a caretaker unit is a use allowed use subject securing an Administrative Permit in accordance with Section 21.64.030.C and is consistent with the development standards of Section 21.14.060 and the regulations for caretaker units as provided at Section 21.64.030. The subject caretaker unit consists of a 480 square foot attached unit, illegally converted from a portion of barn. The Administrative Permit would bring the “as-built” caretaker unit in compliance with all zoning regulations.
 - (c) Letter justifying caretaker unit request, dated October 26, 2006 attached as Exhibit G of the December 13, 2007 Zoning Administrator Staff Report.
 - (d) The application, plans, and related support materials were reviewed by the Environmental Health Department during the Inter-Departmental Review (IDR) period from November 3, 2006 to December 4, 2006.
 - (e) Staff conducted a site inspection on January 11, 2007 to verify that the project would not present adverse impacts to the general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
 - (f) Materials in Planning File No. PLN060442.

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

EVIDENCE: Section 21.80.040.B. Monterey County Zoning Ordinance, Title 21.

EXHIBIT D Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: Livne File No: PLN060442 Approved by: Zoning Administrator	APN: 221-171-048-000 Date: December 13, 2007
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		PD001 - SPECIFIC USES ONLY This is a Combined Development Permit (PLN060442) consisting of : 1) Use Permit for “after-the- fact” development on slopes in excess of 30 percent, which also requires restoration on subject property in order to clear violation CE060165; and new development on slopes in excess of 30 percent in order to expand the existing single family residence and caretaker unit; 2) Administrative Permit to legalize the illegal conversion of a barn into a 480 square foot caretaker unit in order to clear violation CE060165; and 3) Tree Removal Permit for the “after-the-fact” removal of one (1) tri-trunk 10-inch oak tree to clear violation CE060165. The project also involves associated retaining walls and grading of 200 cubic yards of cut and 180 cubic yards of fill. The property is located at 51270 Pine Canyon Rd, King City, CA (Assessor’s Parcel Number 221-171-048-000), Central Salinas Valley Area 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. Any use or construction not in substantial conformance with the terms	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

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		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 221-171-048-000 on December 13, 2007. The permit was granted subject to 36 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use	
3.		PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional	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	Owner/ Applicant/ Archaeologist	Ongoing	

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		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)	to develop proper mitigation measures required for the discovery.			
4.		<p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable	

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		shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)				
5.		<p>PD005 - FISH AND GAME FEE-NEG DEC/EIR Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning Department)</p>	<p>The applicant shall submit a check, payable to the <i>County of Monterey</i>, to the Director of the RMA - Planning Department.</p> <p>If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i>, to the Director of the RMA - Planning Department.</p>	Owner/ Applicant	Within 5 working days of project approval	
6.		<p>PD006 - MITIGATION MONITORING PROGRAM The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed</p>	<p>1) Enter into agreement with the County to implement a Mitigation Monitoring Program.</p> <p>2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.</p>	Owner/ Applicant	Within 60 days after project approval or prior to the issuance of grading and building permits,	

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		mitigation monitoring agreement. (RMA - Planning Department)			whichever occurs first	
7.		PD007 - GRADING-WINTER RESTRICTION 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)	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	
8.		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	
9.		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	An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.	Owner/ Applicant	Prior to the issuance of grading and building permits	
			Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.	Owner/ Applicant	Ongoing	

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		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 Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department	Owner/ Applicant	Prior to final inspection	
10.		PD011 – TREE AND ROOT PROTECTION Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by a certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of the RMA – Director of Planning. If 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 evidence of tree protection to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of grading and/or building permits	
			Submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.	Owner/ Applicant/ Arborist	During Construction	
			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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11.		<p>PD012(F) - LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY)</p> <p>The site shall be landscaped. Prior to the issuance of building permits, 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)</p>	<p>Submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval.</p>	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to issuance of Building Permits	
			<p>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.</p>	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to Occupancy	
			<p>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.</p>	Owner/ Applicant	Ongoing	
12.		<p>PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN</p> <p>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</p>	<p>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.</p>	Owner/ Applicant	Prior to the issuance of building permits	
			<p>The lighting shall be installed and maintained in accordance with the approved plan.</p>	Owner/ Applicant	Prior to Occupancy/ Ongoing	

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		the issuance of building permits. (RMA – Planning Department)				
13.		<p>PD016 – NOTICE OF REPORTS</p> <p>Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:</p> <ol style="list-style-type: none"> 1. "A Soil Engineering Investigation for the Livne Residence Addition (APN 221-171-048) report has been prepared for this parcel by Landset Engineers, Inc, dated October 2006 and is on record in the Monterey County RMA - Planning Department , Library No. LIB060638. 2. “ A Preliminary Archaeological Reconnaissance of Assessor’s Parcel 221-171-048 has been prepared by Archaeological Consulting, dated October 2006 . <p>All development shall be in accordance with these reports." (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	
14.		<p>PD018 A – DEED RESTRICTION – CARETAKER UNIT (INLAND)</p> <p>The applicant shall record a deed restriction stating the regulations applicable to a caretaker unit as follows:</p> <ul style="list-style-type: none"> • Only one caretaker unit per lot shall be allowed. • The caretaker shall be employed principally on the lot for purposes of care and protection of persons, plants, animals, equipment, or other facilities on-site or on contiguous lots under same ownership. • The minimum lot size for establishment of a caretaker unit in areas not served by sewers shall be two acres. • Caretaker units shall not be subject to density requirements of the zoning district in which the lot is located. 	<p>Submit signed and notarized document to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the document shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Prior to the issuance of grading or building permits	
				Owner/ Applicant	Prior to occupancy or commencement of use	

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		<ul style="list-style-type: none"> • The maximum floor area for a caretaker unit is 1,000 square feet on lots of 10 acres or less and 1,200 square feet on lots greater than ten acres. • A minimum of one covered off-street parking space shall be provided for the caretaker unit. • The caretaker unit shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect. • Subsequent subdivisions which divide a main residence from a caretaker unit shall not be permitted except where lots created meet minimum lot size and density requirements of the existing zoning. • Caretaker units are not permitted on any lot less than ten acres where a senior citizen unit exists. Senior citizen units may be converted to a caretaker unit, subject to an Administrative Permit. <p>(RMA – Planning Department)</p>				
15.		<p>PD027 - DEBRIS REMOVAL Prior to the issuance of a building permit, recordation of a final map or parcel map or initiation of the use, applicant shall cause to be removed from the property all junk, including scrap metals, scrap materials, dismantled or wrecked vehicles or machinery, garbage, debris or similar materials. (RMA – Planning Department)</p>	Proof of compliance shall be submitted to RMA - Planning Department prior to issuance of building permits.	Owner/ Applicant	Prior to the issuance of grading and building permits	
16.		<p>PD033 - RESTORATION OF NATURAL MATERIALS Upon completion of the development, the area disturbed shall be restored to a condition to correspond with the adjoining area, subject to the approval of the Director of the RMA - Planning Department. Plans for such restoration shall be submitted to and approved by the Director of the RMA - Planning Department prior to commencement of use. (RMA – Planning Department)</p>	Submit restoration plans to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to commencement of use	

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17.		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	
18.		PDSP002-CODE ENFORCEMENT CASE – CE060165 (NON-STANDARD) The subject property is under violation of the zoning, grading and building ordinances. Code Enforcement Case No. CE060165 is currently pending. The portion of the zoning violations will be abated with the granting of this Combined Development Permit (PLN060442), but the grading and building violations per CE060165, may require the issuance of ministerial permits. The applicant shall be required to apply for any necessary building and or grading permits in order to bring the parcel into full compliance of the zoning, building and/or grading codes.	Apply for any necessary grading and or building permits in order to resolve any outstanding ministerial violations of the grading and or building codes.	Owner/ Applicant/ Engineer	Prior to final building inspection	
19.		WR2 - STORMWATER CONTROL The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Stormwater runoff from impervious surfaces shall be dispersed at multiple points, away from and below any septic leach fields, over the least steep available slopes, with erosion control at outlets. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (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 any grading or building permits	
20.		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:	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	

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		<p>a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.</p> <p>b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)</p>				
21.		<p>EH11 - SEPTIC SYSTEM DESIGN Submit plans for review and approval showing the location and design of the proposed septic system meeting the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. (Environmental Health)</p>	Division of Environmental Health must approve plans. Applicant shall obtain a permit to install the septic system.	CA Licensed Engineer /Owner/ Applicant	Prior to filing the final parcel map or issuance of building	
22.		<p>FIRE002 - ROADWAY ENGINEERING The grade for all roads shall not exceed 15 percent. Where road grades exceed 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 length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than 100 feet. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. Roadway turnarounds shall be required on dead-end roads in excess of 150 feet of</p>	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 for each phase of development.	Applicant or owner	Prior to final building inspection	

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		surface length. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (CDF-South County)				
23.		<p>FIRE007 - DRIVEWAYS</p> <p>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</p>	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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		of the "T" shall be a minimum of 60 feet in length. (CDF-South County)				
24.		FIRE008 - GATES All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (CDF-South County)	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	
25.		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	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

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		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. (CDF-South County)				
26.		FIRE014 - EMERGENCY WATER STANDARDS - FIRE PROTECTION WATER SUPPLY - (SINGLE PARCEL) For development of structures totaling less than 3,000 square feet on a single parcel, the minimum fire protection water supply shall be 4,900 gallons. For development of structures totaling 3,000 square feet or more on a single parcel, the minimum fire protection water supply shall be 9,800 gallons. For development of structures totaling more than 10,000 square feet on a single parcel, the reviewing authority may require additional fire protection water supply. Other water supply alternatives, including ISO Rural Class 8 mobile water systems, may be permitted by the fire authority to provide for the same practical effect. The quantity of water required by this condition shall be in addition to the domestic demand and shall be permanently and immediately available. (CDF-South County)	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	
27.		FIRE015 - FIRE HYDRANTS/FIRE VALVES A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire	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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		apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. (CDF-South County)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
28.		FIRE016 - SETBACKS All parcels 1 acre and larger shall provide a minimum 30-foot setback for new buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, alternate fuel modification standards or other requirements may be imposed by the local fire jurisdiction to provide the same practical effect. (CDF-South County)	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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29.		FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS) 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 fire protection or firebreaks approved by the Reviewing 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. (CDF-South County)	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	
30.		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. (CDF-South County)	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	
31.		FIRE027 - ROOF CONSTRUCTION - (VERY HIGH HAZARD SEVERITY ZONE) All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (CDF-South County)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit	

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MITIGATION MEASURES						
32.	MM#1	<u>AESTHETICS- (FILL REMOVAL)</u> The off-site fill shall be removed from the hillsides and the disturbed area shall be returned to its natural state.	The applicant/agent shall remove all deposited fill material from the two affected hillside locations and the disturbed areas shall be returned to its natural state.	Owner/ Applicant	Prior to issuance of any grading, restoration, or building permits	
			The applicant/agent shall contact the assigned Planner or Land Use Technician (LUT) at the RMA-Planning Department in order to schedule a site visit of the property in order for Staff to determine that the fill material has been removed. The Planner or LUT shall perform a coordinated site visit with the assigned Code Enforcement Officer and Grading Inspector in order to fully evaluate the site and site conditions. The removal of debris material (fill) must be to the satisfaction of RMA-Planning and Building staff.	Owner/ Applicant	Prior to final of any grading, restoration, or building permits	
33.	MM#2	<u>AESTHETICS- (RESTORATION PLAN)</u> A restoration plan shall be prepared for the off-site disturbed areas. The restoration plan shall be prepared by a qualified botanist/biologist and shall contain remediation measures to be implemented following removal of placed fill. The hillsides shall be stabilized and the slopes shall be revegetated with native grasses	Submit an application for restoration permit with required plans and materials to the RMA-Director of Planning and the RMA-Director of Building Services for review and approval. The grading/restoration plan shall be prepared by qualified	Owner/ Applicant	Prior to issuance of any grading, building permits	

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		and plants as determined by a qualified restoration specialist.	botanist/biologist and shall contain remediation measures to be implemented following the removal of the placed fill on the two affected hillsides. The hillsides shall be stabilized and the slopes shall be revegetated with native grasses and plants as determined by a qualified restoration specialist.			
			A certification statement from the qualified restoration statement shall be submitted to the RMA-Director of Planning and the RMA-Director of Building Services ensuring that the restoration was done in accordance to the approved Restoration Plan.	Owner/ Applicant	Prior to final inspection of the restoration plan	
34.	MM#3	<u>BIOLOGICAL RESOURCES- (TREE REPLACEMENT)</u> Prior to final inspection, the applicant shall replace on-site three (3) coast live oak trees. The trees shall be monitored by a qualified botanist for a period of three years or until the trees are successfully established. The trees shall be protected from foraging species (caged) and watered according to species specifications.	The applicant shall submit a verification letter, in conjunction with the Landscaping Plans, from a qualified botanist that the location of the replacement coast live oaks indicated in the Landscaping Plan (See Condition No. 11- PDSP001-Landscape Plan and Maintenance), is an adequate location. The Landscaping Plans and verification letter from the qualified botanist, shall be submitted as indicated under Condition No. 11.	Owner/ Applicant	Prior to final building inspection	
			The trees shall be monitored by a qualified botanist for a period of three years of the planting of the trees or until the trees are successfully established. Within six months of the planting of	Owner/ Applicant	For a period of three years from the planting of the trees or	

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			the trees, a qualified botanist shall address the state of the trees and prepare a report with his/her observations and conclusions. It the report, the botanist shall state if the trees have been successfully established, or if they require further monitoring, in which case, the botanist shall establish the timing of the next review.		until the trees are successfully established in the opinion of the qualified botanist	
35.	MM#4	<u>GEOLOGY/SOILS- (SOILS REPORT VERIFICATION)</u> The applicant shall provide verification from Landset Engineers or another qualified consultant that all recommendations in the Soils Engineering Investigation for the project have been implemented.	The applicant shall submit certification by Landset Engineers or another qualified consultant that all recommendations in the Soils Engineering Investigation for the project have been implemented. The certification shall be submitted to the RMA-Director of Planning and the RMA- Director of Building Services for review and approval.	Owner/ Applicant	Prior to final building and grading inspections	
36.	MM#5	<u>GEOLOGY/SOILS AND HYDROLOGY/WATER- (EROSION CONTROL PLAN)</u> The applicant shall provide a Sedimentation and Erosion Control Plan prepared by a qualified individual to address existing erosion hazards and future potential erosion problems. The plan shall include measures for both the on-site and off-site disturbed areas and both short and long-term solutions.	The applicant shall submit a Sedimentation and 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 issuance of building and grading permits	

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			Comply with the recommendations of the Sedimentation and Erosion Control Plan during the course of construction and until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.	Owner/ Applicant	During construction/ Ongoing	