

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: January 31, 2008. Time:	P.M.	Agenda Item No.:
Project Description: Continued from December 13, 2007 - Combined Development Permit consisting of (1) a Coastal Administrative Permit to allow for the construction of a new 2,950 square foot three-story single family dwelling with a 545 square foot attached garage and 990 cubic yards of cut for basement excavation; (2) a Coastal Development Permit for development within 750 feet of a known archaeological resource; and (3) a Design Approval.		
Project Location: 26327 Scenic Road, Carmel		APN: 009-442-013-000
Planning File Number: PLN060735		Name: Dale Skeen & JoMei Chang / Owners International Design Group / Agent
Plan Area: Carmel Land Use Plan		Flagged and staked: Yes
Zoning Designation: : Medium Density Residential (2 units per acre), Design Control, 18-foot height limit, Coastal Zone: MDR/2-D(18)(CZ)		
CEQA Action: Mitigated Negative Declaration (Revised November 2007)		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Zoning Administrator:

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

PROJECT OVERVIEW: The proposed project entails the construction of a new three-story single family dwelling with associated grading. Cut material will be transported off-site. The parcel is a vacant 4,700 square foot lot, located in an urban area on Carmel Point. Staff's review focused on consistency with the Local Coastal Plan (LCP) and California Environmental Quality Act (CEQA) policies. An Initial Study was prepared for the subject development and a Mitigated Negative Declaration was circulated. See Exhibit B for a more detailed discussion.

This project was heard by the Zoning Administrator on November 8, 2007. At the hearing the attorney (Mr. Hensen) for the neighbor (Mr. Sabih) provided a letter from a local architect, Ray Parks, containing an evaluation of the potential issues with the construction of the Skeen and Chang residence including, grading quantities, impacts due to the depth of the cut required for the lower level, ground water levels, Best Management Practices (BMP's), size and aesthetics of the proposed residence, and water availability. The Zoning Administrator continued the item to December 13, 2007 asking staff to address these issues.

The MND was revised to address comments received during the comment period and during the Zoning Administrator hearing on November 8, 2007. The main changes were to the Air Quality Section based on comments from the Monterey Bay Unified Air Quality Control District and Soils and Geology based on concerns raised at the hearing. A new Geotechnical Report that clarifying impacts and required mitigations such as temporary shoring was submitted and that information was included in the revised MND. Staff requested a continuance from the December 13, 2007 hearing in order to allow for the recirculation of the Mitigated Negative Declaration (MND) pursuant to Section 15073.5 of CEQA.

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 Carmel Highlands FPD, Public Works Department, and the Water Resources Agency have been incorporated into the condition compliance reporting plan (**Exhibit D**).

On May 21, 2007 the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) recommended approval on the project by a 5-0 vote (Exhibit G). The LUAC expressed concern regarding the rear elevation appearance and design of retaining walls. Members stated that the applicant should consider using some stone veneer on the rear of the house to help soften the appearance of the mass from the rear. There was discussion from neighbors regarding obstruction of view from the Thush property. See LUAC discussion in Exhibit B.

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

Craig Spencer, Assistant Planner
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January 31, 2007

cc: Zoning Administrator; Coastal Commission; Carmel Highlands Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Carl Holm Planning Services Manager; Craig Spencer, Planner; Carol Allen, Clerk; Dale Skeen & JoMei Chang, Applicants; International Design Group, Agent; Doc Etienne, Applicants Attorney; The Law Office of Michael Stamp, Neighbors Attorney; and Planning File PLN060735.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Discussion
	Exhibit C	Recommended Findings and Evidence
	Exhibit D	Recommended Conditions of Approval
	Exhibit E	Initial Study/Mitigated Negative Declaration
	Exhibit F	Site Plan, Elevations, Floor Plans
	Exhibit G	Land Use Advisory Committee Minutes
	Exhibit H	Comments from Public
	Exhibit J	Haro & Kasunich Geotechnical Investigation

This report was reviewed by Mike Novo, AICP, Planning Director and Carl Holm, AICP, Assistant Planning Director.

EXHIBIT B
DETAILED PROJECT DISCUSSION
PLN060735 (Skeen & Chang)

A. PROJECT SETTING AND DESCRIPTION:

Project Description

Dale Skeen & JoMei Chang own a vacant, 4,700 square foot parcel located on Scenic Road between Stewart Road and Ocean Avenue on Carmel Point approximately 200 feet from the Pacific Ocean. They propose to develop the site with a new 2,950 square foot three-story single family dwelling with a 545 square foot attached garage. Nine hundred ninety cubic yards of cut is proposed for garage, driveway, and basement excavation as well as new finished grades. Cut slopes will be supported by retaining walls along the driveway and along property lines. Retaining walls will be approximately three to four feet in height with the exception of the driveway retaining wall, which will be approximately 8.5 feet tall. The excess cut (990 cubic yards) will be exported from the site.

Entitlements required from this project include a Coastal Administrative Permit and Design Approval for the single family dwelling. A Coastal Development Permit is also required because the site is located within 750 feet of a known archaeological resource.

B. ANALYSIS

Development Standards

The project is consistent with the applicable MDR/2-D (18) (CZ) zoning district standards including setbacks, height, lot coverage, and floor area ratio (FAR). Since the garage and basement will be located entirely below grade without the benefit of natural light, they are not counted in the floor area ratio. Since the applicants are excavating down in order to create a third level in an area where building height has a special restriction, Condition 14 requires the applicant to verify the height so that it does not exceed the 18-foot height limit from the average natural grade. The average natural grade on this site has been established to be the 38.89 foot elevation. Based on this elevation, the proposed house would be approximately six (6) inches less than 18 feet tall at an elevation of 56.4 measured from the average natural grade.

Additionally the proposal was reviewed for consistency with the Carmel Land Use Plan and the Coastal Implementation Plan (Part 4). The property is located within a Medium Density Residential land use designation, which allows 2 units/acre and is suitable for the proposed use.

Local Coastal Policies (LCP)

Staff identified some site constraints at the project location identified in the Carmel Land Use Plan and other LCP policies. The primary areas of concern are Visual Resources, Archeological Resources, and Geological Hazards.

Visual Resources

The proposed building site is located on an existing parcel that is visible from Scenic Road, which is a designated scenic roadway. As noted above, the proposed residence meets the 18 foot height limit restriction required in the zoning district. The project is located on a currently vacant lot in a residential neighborhood. Surrounding parcels have been developed with other dwellings of similar size and character making up much of the view on the eastern side of Scenic Road and

from Carmel State Beach. The project will harmonize with the existing character of the neighborhood and scenery using natural earth-toned colors. The lighting will be required to meet the basic viewshed policy of minimum visibility through the Monterey County Planning Department's standard visually sensitive exterior lighting condition (Condition 10). The project building site is not located on the crest of a hill and would not result in ridgeline development. The proposed dwelling will not be visible from Point Lobos because of screening by existing residential dwellings and vegetation including trees.

The size, mass, bulk and location of the proposed dwelling was reviewed for consistency with the Carmel Land Use Plan and Coastal Implementation Plans Part 1 and 4. The project does not require any Variances and is similar in size and character to the surrounding dwellings, using appropriate earth-tone colors and materials (See Figure 1 below, materials contained in the project file, and Finding 1 –Exhibit C).

Archaeological Resources

Located on Carmel Point, the project is in an area that is known for its cultural resources. Pursuant to Section 20.146.090, an archaeological survey is required for development within a high archaeological sensitivity zone as mapped on current county resource maps. A Preliminary Cultural Resources Reconnaissance prepared by Archaeological Consulting, dated March 25, 1999, concluded that the project area contains a potentially significant archaeological resource. Staff requested an updated Archaeological Report for the current project. An updated report, dated January 17, 2007, by Archaeological Consulting indicates, based on testing performed in 1999 (which did not reveal significant resources) that construction should be allowed to proceed without further archaeological investigation; however, a possibility still exists that, during construction, previously unidentified or unexpected resources may be discovered. Due to this potential, an initial study was prepared and two mitigation measures are recommended (Key Policies 2.8.2). In order to assure that the project does not impact valuable archaeological resources, an archaeologist will be contracted with to monitor ground disturbing activities associated with the proposed construction (Policy 2.8.4.6 LUP).

Geological Hazards

This site is located in the unincorporated area of Carmel near the City of Carmel. Geology maps indicate that the project site is located near potentially active faults and is subject to seismic related shaking. Drainage and erosion control measures are required due to erodible soils at the site. Support of adjacent properties during excavation must be addressed due to the design, lower finish grades, and a basement in combination with the small lot size and proximity of neighboring structures (Key Policies 2.7.2).

A geotechnical and geological report was requested to identify and address an issues with developing a new, habitable structure near a potentially active fault (Policy 2.7.3.1 LUP). This report analyzed risks associated with the site location and characteristics including soils suitability, tendencies, and seismic effects. The engineer recommended design features and procedures to reduce the risks pertaining to soil suitability and support of adjacent structures. Proposed cut slopes near the property line were identified as a potential hazard, so the project was revised and a light well was eliminated leaving a four foot cut for retaining walls and new finish grade near the property line and a setback of five feet from the property line to the proposed basement excavation.

At the request of the Planning Department, the Geotechnical Engineer revisited the potential impact and prepared a follow up letter that states “As reviewed we find no reason for further site evaluation provided that Best Management Practices are utilized in the construction. Such methods will ensure that no significant impact will be incurred to adjacent properties due to the proposed construction.”

C. LUAC

The Carmel Land Use Advisory Committee (LUAC) had some concern regarding the appearance of the retaining walls. The retaining walls will be finished with stucco and their appearance will be consistent with colors and materials of the house. There was also discussion from the public at the hearing regarding the height of the structure relative to the view from a neighboring property. The neighbor requested that plate heights, specifically at the master bedroom closet and bathroom, be lowered to reduce the impact to their view. The agent for the owner agreed to make some changes at the hearing and the project was recommended for approval by a vote of five to zero (see public comment for more discussion).

D. PUBLIC COMMENT

Staff received two letters of concern from neighbors. In addition, letter a letter was submitted to the Zoning Administrator that included evaluation of the project by an architect Ray Parks. Public comments received have been reviewed and taken into consideration.

Height:

One letter directly relates to the LUAC hearing and the dialogue at that hearing regarding views and plate heights. A neighbor requested that plate heights be lowered to protect his view based on the staking and flagging that had been in place at the time of the LUAC hearing. Due to the change in height the project was re-staked to reflect the new proposal. At that time it was discovered that the original staking was lower than what was originally proposed. This error, even with the new reduction in height, demonstrated that the project was taller than originally staked. The staking has been corrected to reflect the actual revised height, which is within the allowed 18-foot height restriction. Staff evaluated this project in accordance with visual resource policies established in the Carmel Land Use Plan and Coastal Implementation Plan.

Staff researched an issue raised relative to the natural grade elevations. Monterey County records show that there was a Code Enforcement Case opened on the subject property in 2002 for stock piling of graded dirt from construction of the neighboring property (CE020075). This case was reviewed by the Monterey County Code Enforcement Staff who found the site was being used for stock piling of dirt. The dirt was removed from the property; the case was abated and closed. Planning staff also reviewed records pertaining to construction of the neighboring structure for average natural grade calculations. Review of the Planning and Grading files for the neighboring property (Ingemanson/PLN000654 and GP010252) shows similar grade changes at similar points of reference on both properties indicating that the grade was not significantly altered.. The actual natural grade was evaluated by Haro, Kasunich and Associates, Inc. to address comments received during review and hearing. In their report dated November 27, 2007 the average natural grade was calculated at 38.89 based on review of the previous reports and new subsurface investigations. Using the project engineer’s average natural grade calculations, the proposed residence is approximately six (6) inches under the 18 foot height limitation with a maximum ridge elevation of 56.89.

Setbacks/Variances

A letter voiced concerns regarding setbacks, objection to a Variance, archaeological resources, and water rights. Staff finds that no variances are required and all setbacks are met. The archaeological and water rights issues have been reviewed and evaluated in the Mitigated Negative Declaration attached.

Small Property:

Mr. Parks letter;

- 1) Recommends that a surveyor locate retaining walls on the adjacent properties prior to construction
- 2) Makes an assumption about the size of the structure relating to maximizing profits, and
- 3) States that determining the average natural grade would be guess work [due to placing fill dirt on the property].

The applicant hired a surveyor to complete a new survey showing the locations of the adjacent retaining walls that are, in one case, partially on the Skeen & Chang property.

Grading Plans

Mr. Parks indicated that, grading plans were not included in the plans submitted for review and, using the information provided, grading quantities were higher than the applicants estimates (990 cubic yards) indicating. The contention is that the cut would exceed 1,000 cubic yards up to as high as 1,500 cubic yards requiring a Coastal Development Permit.

Estimated grading quantities were provided by the project architect and engineer for planning review. These estimates are adequate for planning review but more detail would be necessary when plans are submitted to the Building Services Department. There is no substantial evidence that indicate the applicant's estimates are not adequate for this level of review. However, following the hearing on November 8, the applicant commissioned Benjamin Associates, Inc (Civil engineers) to produce a grading and drainage plan. The Civil Plans indicate that earthwork will be 990 cubic yards of cut and 0 fill validating the applicants estimates as adequate (See Exhibit F, sheet C-1.0).

Water:

At the Zoning Administrator hearing on November 8, 2007 concerns were raised regarding project impacts due to groundwater tables in the area, the magnitude of the cut, and effect on the neighbors property. Mr. Parks recommended that water availability for the project be researched. Staff previously noted that water for the site was bought at the Robles Del Rio auction.

Mr. Hensen, at the hearing, provided a portion of the settlement agreement resulting from litigation surrounding the Robles Del Rio auction, supporting his contention that the water credits for the property have expired. Staff researched the status of water availability at the site and found that under the terms of the settlement agreement resulting from the Robles Del Rio water credit auction and Board Resolution Number 00-373, the Skeen & Chang property is listed as a transferee on said settlement. The document requires initial approval from Monterey County, before the date of the agreement which was done for the site in question (Approval Resolution Number 00-258/Archer). Another stipulation in the settlement was that the applicant provided the County with a copy of a fully executed water use monitoring agreement. This has been done for the property in question, so staff finds that the applicants are in technical

compliance with the terms of the settlement agreement and water rights at the subject property and Assessor's Parcel Number 009-442-013-000 are valid. Furthermore, Condition 19 requires the applicant to obtain proof of water availability and submit it to the Water Resources Agency prior to issuance of permits.

Soils and Drainage:

A concern was raised regarding ground water levels at the site and how it relates to construction techniques, foundation engineering, and site drainage. Mr. Parks points out that the geotechnical evaluation indicates that standing groundwater was encountered at a depth of approximately 14 feet which could rise during a wet weather season. With subterranean development, this could create problems with construction methodology including the requirement to constantly pump water from the cut area to maintain workable conditions. Ground water can also create erosion and runoff hazards and an unstable situation for the foundation system.

Staff refers back to the soils investigation submitted for the project prepared by Grice Engineering and Geology Inc dated January 2007 and the follow up report prepared by Haro & Kasunich dated November 27, 2007. These geotechnical engineers are experts in soils and foundation construction and there is no engineering report that contradicts their conclusions. Both reports indicate that the project can be constructed with no physical impact to neighboring properties provided Best Management Practices are incorporated and the groundwater and erosion control measures can be accomplished in accordance with standard practices.

In the Grice report ground water levels were analyzed. The following provides clarification on criteria noted in Mr. Parks letter relative to ground water issues:

When - Mr. Parks indicates that soils testing were conducted during drought conditions; however, the report was done in January 2007. This timing is the middle of winter when the ground water levels are higher, so the analysis would be accurate. This is not to say that ground water levels could not rise during more intense wet weather.

Where - Three boring samples were taken at the site during the field investigation. Locations of these borings are found on page 21 of the Grice report. As described in the Grice report, one of the three borings, the one done near the front of where the proposed garage is located, encountered ground water at 14 feet, placing the free water at an elevation of approximately 25.5 feet based on the elevations shown on the site plan. The finished floor for the lower level of the proposed structure is shown on the architectural elevations at 26.1 feet based on the elevations shown on the site plan. According to the Haro & Kasunich report temporary and permanent runoff, erosion and sediment control at the site can satisfactorily be accommodated by following the requirements in the Monterey County Grading and Erosion Control Ordinances. The report also indicates that "If water is encountered in foundation excavations, concrete can still be poured via the Tremmie process, which being heavier, displaces and purges the water out of the excavation. Engineered drainage plans were then submitted to the Planning Department shortly after the Haro & Kasunich report (Exhibit F).

These recommendations are described further in the Initial Study prepared for the project and have been incorporated as conditions of approval (Conditions 7, 11, & 15).

Retaining Walls

Neighbors contend that “The proposal requires a high level of construction sophistication, beyond most residential contractor’s ability, in order to construct such deep retaining walls without undermining the adjacent properties structures and/or mature trees such as the large Cypress tree on the Sabih property.” Relating to this issue is a concern regarding integrity of the engineering and construction of retaining walls on the Skeen & Chang property relative to support of structures, soils and trees on the neighboring property.

Staff had the geotechnical engineer evaluate potential impacts to the neighboring structure. As stated in the staff report and the Initial Study a letter from Grice Engineering dated July 24, 2007 was submitted stating that; “Such methods [Best Management Practices] will ensure that no significant impact will be incurred to adjacent properties due to the proposed construction.” The applicant following the November 8, 2007 hearing acquired the geotechnical services of Haro & Kasunich to provide answers for the questions raised while at the same time getting a second geotechnical opinion. The Haro & Kasunich letter dated November 27, 2007 evaluated the proposed project and addressed issued raised at the Zoning Administrator hearing. The Haro & Kasunich report clarified the need for temporary shoring during basement excavation as part of the Best Management Practices including how the shoring can be accomplished. The shoring can be constructed by a licensed contractor under the supervision of a geotechnical engineer. The report states at the end of the discussion on ‘BMP’s and shoring’ that, “If the contractor and designers follow Best Management Practices the neighboring properties will not be impacted.”

Permanent retaining walls will be required to accommodate and support loads from structures, soils, and vegetation on adjacent properties. Walls will be designed by a structural engineer according to current practices.

Guard Rails

The project is terraced with retaining walls. Mr. Parks points out that there may be a requirement to install a minimum three foot tall guardrail where the fall exceeds thirty inches to prevent individuals from falling. These guardrails are not shown on the plans and they will have a significant visual impact at the site.



Staff consulted the Building Department and worked with the applicant to address the need for guardrails at the site. The California Building Code Section 509.1 requires guardrails where there is a residential use on a surface elevated more than 30 inches above grade. In response, the applicant has made minor changes to reduce graded changes where possible and is now proposing to continue fencing from where the neighbors fence abuts to there property around the front of the property to the driveway. This fence will match the existing neighbor’s fence which is hidden by shrubs (Figure 1).

E. CEQA DETERMINATION

Initial Study and Mitigated Negative Declaration

Potential Impacts to archeological resources, geology and soils were identified in the project review. According to the Carmel Land Use Plan all development with known archaeological resources shall be subject to environmental assessment (20.146.090 C.1). Therefore, an Initial Study and Mitigated Negative Declaration was prepared and circulated. Comments received have been addressed below and discussion of the issues is provided in Section B of this report (above).

Comment 1: The Initial Study is inadequate and an Environmental Impact Report is required.

Response 1: An Initial Study was prepared for the proposed project that identified potential impacts. Technical reports provided by experts found impacts to be less than significant or that they can be mitigated to a level of insignificance. No substantial evidence or fair argument has been provided that indicates an EIR would be required.

Based on information submitted during the comment period for the first Initial Study and comments and documents received after the close of the comment period staff determined that the Initial Study needed to be revised to include more detailed accounts of potential impacts and mitigation measures required to reduce those impacts to a less than significant level. Pursuant to Section 15073.5 of CEQA the Initial Study was revised and re-circulated for comment. The main changes were to Air Quality Impacts and the inclusion of a mitigation measure to require temporary shoring in order to reduce geology and soils impacts to a less than significant level.

Comment 2: The County's Notice of Completion (NOC) was sent to the State Clearing House with the wrong description.

Response 2: The project description on the NOC for the revised MND was actually the description of the neighboring property (Thush) development prepared several months earlier. An error was made by Staff by not changing the description to reflect this project. Staff contacted the State Clearing House staff and spoke to Mr. Scott Morgan who did not feel, having all other information correct, that this created a review problem for the State Clearing House and no refilling was necessary. An email that included the corrected project description was sent to Mr. Morgan so that the file could be updated.

Comment 3: Dates of the plans attached to the MND do not reflect revision dates.

Response 3: Staff has received several revisions to the original plans throughout the review process based on staff's comments and to address concerns from the neighbors. At one point revised elevations were submitted showing a small decrease in the plate height at the master bedroom. Some of the revised plans submitted for the project, including site plan changes, did not reflect a revised date from the designer. However, the plans attached to the initial study reflect the design analyzed in the initial study. Therefore, the document that was circulated is accurate and the analysis reflects these plans.

Comment 4:

Engineered Drainage plans were not attached to the MND and there is an inconsistency between the Haro, Kasunich report, which calls for sediment control and drainage off site and the discussion on erosion control in the Initial Study, which calls for on site retention.

Response 4: Discussion in the MND relative to drainage and erosion control were based on policies contained in the Coastal Implementation Plan Part 4 Section 20.146.050.E.4. Section VI.6.b of the initial study contains a discussion identifying the need for erosion control and drainage plans. CEQA Hydrology and Water Quality impact analysis in the checklist asks if the project would, substantially alter drainage in a manner that would result in flooding or substantial erosion or siltation, create or contribute runoff water which would exceed the capacity of existing drainage facilities, or otherwise substantially degrade water quality. There is no evidence that any of these situations exist.

The source reference, to support the less than significant impact finding, included plans and materials contained in the project file and this file was made available to the public upon request. Reference is made to the engineered drainage plans submitted for the proposed project, which address drainage during and after construction (see Soil and Drainage discussion in Section B above). These plans in conjunction with engineering reports provide sufficient data to make conclusions regarding potential impacts and mitigation. More detailed plans will be required with the building plans (Condition 8), and no technical evidence has been provided to refute the engineer's conclusions.

Comment 5: The structure does not meet the height requirement due to a discrepancy between the natural grade and the existing grade, the bulk, mass, and visibility of the structure, and the potential for archaeological resources.

Response 5: Height, bulk and mass are development standards that are evaluated above in Section B of this report. Visual and archaeological resources are addressed in the Land Use Plan, and are also discussed in Section B above.

Comment 6: The MND fails to evaluate the project's impacts on existing public recreational facilities.

Response 6: No designated trails are located within the project area; however, people generally walk along Scenic Road. In response, Condition 15 requires the project to incorporate all Best Management Practices to minimize disruption to through traffic during construction, including a staging area.

Conclusion

This report provides clarification and amplification as to the issues addressed in the initial study and raised by neighbors. Contentions and comments contained in letters submitted have been addressed, and no new impacts were determined to exist and no new impacts were identified as a result of this analysis. Staff finds in light of the comments that the Revised Mitigated Negative Declaration is sufficient and that with these clarifications, the initial study does not need to be re-circulated and no EIR is required.

EXHIBIT C
RECOMMENDED FINDINGS AND EVIDENCE
PLN060735 (Skeen & Chang)

1. **FINDING:** **CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Carmel Land Use Plan, The Coastal Implementation Plan Part 4, and the Monterey County Zoning Ordinance (Title 20), which designates this area as appropriate for development.

EVIDENCE: (a) Plan Conformance 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. Communications were received during the course of review of the project indicating possible inconsistencies with the text, policies, and regulations in these documents. These comments were considered and the project was found to be consistent with the above mentioned criteria given the evidence in the record.

(b) Zoning Consistency. The project is located on a 4,700 square foot vacant lot located at 26327 Scenic Road, Carmel (Assessor's Parcel Number 009-442-013-000), Carmel Land Use Plan area, Coastal Zone. Zoning for this lot is MDR/2-D(18)(CZ), which allows the first single family dwelling per legal lot of record (Section 20.12.040.A) subject to a Coastal Administrative Permit in each case. Therefore, the property is suitable for development of a new single family home. Site development standards including setbacks, height, building site coverage, and floor area ratio are all met.

(c) Site Visit The project planner conducted a site inspection on August 1, 2007 to verify that the project on the subject parcel conforms to the project plans. Minor modifications have been made to the plans including revised elevations to reduce the plate height at the master bedroom and to the site plan to clarify retaining wall heights, fences, and guardrails. The current plans and project design are attached hereto as Exhibit F.

(d) Visual Resources As designed, conditioned, and mitigated the project is consistent with the Carmel Coastal Implementation Plan policies (CIP part 4) dealing with viewshed from Scenic Road (20.146.030 CIP part 4). Surrounding properties are developed with dwellings of similar size and character making up much of the view on the eastern side of Scenic Road. The project will harmonize with the existing character of the neighborhood and scenery using natural earth toned colors (Policy 2.2.3.6 LUP). Condition 10 is a standard condition to require visually sensitive exterior lighting (Policy 2.2.3.10.d LUP). The project building site is not located on the crest of a hill and would not result in ridgeline development (Policy 2.2.3.10.a LUP). The proposed dwelling is within the 18 foot height limit from average natural grade (determined to be the 38.89 elevation) required by the parcel's zoning. The new dwelling will be visible from Carmel Stat beach and Scenic Road within a setting consisting of established residential dwellings of similar character.

(e) Geology & Soils. The site is within 1/8 mile of a potentially active fault and the design includes a garage and basement space to be contained

entirely below grade. A geological and geotechnical investigation was prepared for the project by Grice Engineering (Policy 2.7.3.1 LUP). Follow up letters were provided to address potential impacts to neighboring properties due to close proximity of retaining walls to the property lines. A separate report was submitted, prepared by Haro, Kasunich, and Associates, Inc to address concerns and requirements not addressed in the Grice Report. The depth of grading and the small lot size required that potential impacts to neighboring structures be mitigated. It was found that compliance with the reports and the implementation of mitigation for temporary shoring would adequately protect the residence of the proposed structure and neighboring structures. Conditions and Mitigation requiring conformance to the report, temporary shoring, and best management practices have been incorporated (Condition #'s 11, 15, & 25).

- (f) Drainage & Erosion Control Geotechnical and Geological Reports submitted for the proposed residence indicate that due to the depth of the cut required for the basement and garage, ground water may be encountered during construction activities. A drainage plan was submitted for the proposed project prepared by a registered Civil engineer that requires groundwater encountered in the excavated area be pumped to a sediment trap and then into an on-site detention basin. If standing water is encountered during basement excavation the foundation can still be poured using the Tremmie process that displaces water that can be filtered through the construction drainage system. Excavated dirt will be exported from the site to a location permitted to receive fill material. The grading department, soils engineer, and conditions of approval require compliance with the approved drainage plans (Condition #'s 8, 15, & 17).
- (g) Archaeological Resources An archaeological survey was required for development due to its location in a high archaeological sensitivity zone as mapped on current county resource maps (Section 20.146.090 CIP). A Preliminary Cultural Resources Reconnaissance prepared by Archaeological Consulting, dated March 25, 1999, concluded that the project area contains potentially significant archaeological resources. An updated Archaeological Report, dated January 17, 2007, by Archaeological Consulting indicates, based on testing performed in 1999 (which did not reveal significant resources), that construction should be allowed to proceed without further archaeological investigation; however, a possibility still exists that, during construction, previously unidentified or unexpected resources may be discovered. Mitigation measures reduce potential impacts to archaeological resources to a less than significant level by requiring an archaeological monitor during earth disturbing (Condition #'s 3 & 24).
- (h) Water Availability Water for the subject property was purchased from Robles Del Rio. Under the terms of the settlement agreement resulting from the Robles Del Rio water credit auction the subject property (Assessor's Parcel Number 009-442-013-000) is listed as a transferee on said settlement. This settlement requires initial approval from Monterey County, before the date of the agreement, which has been done for the subject property (Approval Resolution Number 00-258/Archer). Another

stipulation in the settlement was to provide the County with a copy of a fully executed water use monitoring agreement, which also has been completed. Therefore, the subject property complies with the terms of the settlement agreement and water rights at the subject property (Assessor's Parcel Number 009-442-013-000) remain valid. Furthermore, Condition 19 requires the applicant to obtain proof of water availability and submit it to the Water Resources Agency prior to issuance of permits.

- (i) LUAC The project was referred to the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) for review. On May 21, 2007 the LUAC reviewed and recommended approval (5-0 vote) of the Combined Development Permit raising minor concerns with the appearance of the retaining walls. The retaining walls will be finished with stucco consistent with the color and material samples submitted for the proposed dwelling.
- (j) Application 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 PLN060735.

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. County staff concurs. The following reports have been prepared:
 - *“Preliminary Cultural Resources Reconnaissance” (LIB070152) prepared by Archaeological Consulting, Salinas, CA, March 25, 1999 and follow up reports dated September 29, 1999 and January 17, 2007.*
 - *“Geotechnical and Geological Hazards Report” (LIB070151) prepared by Grice Engineering, Inc., Salinas, CA, dated January 2007 and follow up letter dated July 24, 2007.*
 - *“Geotechnical Response to Four Specific County Questions” (LIB070652) prepared by Haro, Kasunich and Associates, Inc. dated November 27, 2007.*
 - (c) Staff conducted a site inspection on August 1, 2007 to verify that the site is suitable for this use.
 - (d) The Skeen & Chang property (APN: 009-442-013-000) is a legal lot of record created by Carmel-By-The-Sea Addition Number 7 in 1908 and is zoned for residential use.
 - (e) Materials in Project File PLN060735.

3. FINDING: CEQA INITIAL STUDY/MITIGATED NEGATIVE DECLARATION: -
On the basis of the whole record before the Zoning Administrator there is no substantial evidence that the proposed project as designed, conditioned, and

mitigated will have a significant effect on the environment. The mitigated negative declaration reflects the independent judgment and analysis of the County.

EVIDENCE: (a) Initial Study. The Resource Management Agency – Planning Department prepared an initial study pursuant to CEQA that reflects the independent judgment and analysis of the County. This Initial Study identified the potential for impacts to archaeological resources, air quality, and geology and soils on the site. The applicant has agreed to mitigation measures that avoid or mitigate the effects to a less than significant level. Therefore, a Mitigated Negative Declaration was prepared and is hereby incorporated by reference.

(b) Mitigated Negative Declaration (Original). A Mitigated Negative Declaration was filed with the County Clerk on September 24, 2007, noticed for public hearing and circulated to the State Clearing House from September 24, 2007 to October 24, 2007. Among the studies, data, and reports analyzed as part of the environmental determination are the following:

1. Preliminary Cultural Resources Reconnaissance of Assessor's Parcel Number 009-442-013-000, Carmel, by Mary Doane B.A and Trudy Haverst, RPA (March 25, 1999), Including follow up letters prepared by Gary Breshini, Ph.D. (September 29, 1999 and January 17, 2007).
2. Geotechnical and Geological Hazards Report for the proposed residence, 26327 Scenic Road, by Grice Engineering and Geology Inc. (January 2007).

The County of Monterey is the custodian of these documents, which are located at the Resource Management Agency – Planning Department 168 West Alisal 2nd floor, Salinas, California. Analysis of impacts in the Initial Study determined that although the project could have significant impacts, by incorporating standard conditions of approval required by County Code and recommended mitigation measures, potential impacts of the proposed project can be reduced to a level of insignificance.

Based on information submitted at the Zoning Administrator hearing on November 8, 2007 the MND was revised and re-circulated for public comment (See Evidence c below).

(c) Mitigated Negative Declaration (Revised) Following the comment period and the Zoning Administrator hearing on November 8, 2007, changes were made to the Mitigated Negative Declaration which required that the MND be re-circulated pursuant to Section 15073.5 of CEQA. On December 5, 2007 a new Mitigated Negative Declaration was filed with the County Clerk, noticed for public hearing, and circulated to the State Clearing House from December 7, 2007 to January 7, 2008. Changes from the original document were mainly to the Air Quality analysis and the Geologic and Soils analysis where a mitigation measure was added based on the geotechnical report submitted November 27, 2007 prepared by Haro, Kasunich, and Associates, Inc. Among the new studies, data, and reports analyzed as part of the environmental determination are the following:

1. Response to Four Specific Questions, prepared by Haro, Kasunich, & Associates Inc. dated November 27, 2007.

2. Civil Improvements, prepared by Benjamini Associates, Inc. dated November 2007.

- (d) Comments were received from neighbors objecting to the proposed project based on the height of the proposed structure relative to the average natural grade calculations, the size, bulk, and mass of the proposed structure, potential impacts to archaeological resources. Comments suggested that the initial study is inadequate and that an Environmental Impact Report should be prepared. Finding 1 above addresses how the project is consistent with the Land Use Plan policies as well as development standards in the Coastal Implementation Plan. Other comments contend that the MND prepared for the project is inadequate citing concerns with the description on the Notice of Completion, project plans attached to the MND, inconsistency with the engineer's report and the MND on the drainage discussion, lack of specifics on the design of drainage facilities and the temporary shoring technique, grading quantities, natural grade calculations, stability of neighboring structures, impacts of construction equipment on Scenic Road, and water supply. These issues have been address in the staff report and revised MND. All potential impacts have been identified with supporting data from technical experts. Mitigation measures are included reduce impacts to a less than significant level.
- (e) Conclusion. There is no substantial evidence in the record that suggest that the project would have a significant effect on the environment or that the mitigations suggested are inadequate to reduce potential impacts to a less than significant level. Potential Impacts were identified that were mitigated or conditioned to reduce impacts to a less than significant level. A revised MND along with the staff report provides clarification and amplification as to the issues and comments, and no new impacts were determined to exist and no new impacts were identified as a result of this analysis. Staff finds in light of the comments that the Revised Mitigated Negative Declaration is sufficient and that with these clarifications, the initial study does not need to be re-circulated and no EIR is required.

4. FINDING: FISH AND GAME ENVIRONMENTAL DOCUMENT FEES –

Pursuant to Senate Bill (SB) 1535 all land development projects that are subject to environmental review are now subject to the filing fees, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. The project is not required to pay the fee.

- EVIDENCE:** (a) The proposed site does not contain any environmentally sensitive habitat areas. The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species or have a substantial adverse effect on any riparian habitat or other sensitive natural community. The parcel is a 4,700 square foot lot surrounded by residential use that contains non-native grasses that have been mowed and maintained.
- (b) The Department of Fish and Game (DFG) was asked to consider a determination of “no effect” on fish and wildlife resources for the proposed development on the form prescribed by DFG. The “no effect” determination was approved by DFG and is attached hereto in Exhibit E.

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

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

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

EVIDENCE: Preceding findings and supporting evidence.

7. **FINDING: 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. 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) Scenic Road is a public County right-of-way serving through traffic. No designated trails are located within the project area; however, pedestrians frequently walk, jog, or ride along Carmel State Beach. In response, Condition 14 requires the project to incorporate all Best Management Practices to minimize disruption to through traffic during construction, including a staging area.

(e) Staff site visit on August 1, 2007.

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

EVIDENCE: (a) Section 20.86.030 of the Monterey County Coastal Implementation Plan - Part 1 (Board of Supervisors).

(b) The project may be appealed to the California Coastal Commission pursuant to Section 20.86.080 of the Monterey County Coastal Implementation Plan - Part 1 because projects located within 750 feet of known archaeological resources are subject to a Coastal Development Permit.

EXHIBIT D Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: <u>Dale Skeen & Jo Mei Chang</u> File No: <u>PLN060735</u> APNs: <u>009-442-013-000</u> Approved by: <u>Zoning Administrator</u> Date: <u>January 31, 2008</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.		PBD029 - SPECIFIC USES ONLY This Combined Development permit (PLN060735) consists of 1) A Coastal Administrative Permit to allow the construction of a new 2,950 square feet three-story single family dwelling with a 545 square feet attached garage, grading totaling 990 cubic yards of cut and construction of approximately 300 linear feet of retaining walls; 2) a Coastal Development Permit for development within 750 feet of a known archaeological resource; and 3) Design Approval. The property is located at 2327 Scenic Drive, Carmel (Assessor's Parcel Number 009-442-013-000), Carmel Area 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 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. (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.		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. 060735) was approved by the Zoning Administrator for Assessor's Parcel Number 009-442-013-000 on January 31, 2008. The permit was granted subject to 25 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of 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 RMA - PD	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
3	1	<p>PD003(B) – CULTURAL RESOURCES – POSITIVE ARCHAEOLOGICAL REPORT</p> <p>If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken:</p> <p>There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <p>The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and</p> <p>If the coroner determines the remains to be Native American:</p> <ul style="list-style-type: none"> - The coroner shall contact the Native American Heritage Commission and the RMA – Planning Department within 24 hours. - The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costonoans/ Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent. - The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, or - Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance: 	The applicant shall submit the contracts with a Registered Professional Archeologist and a Registered Professional Anthropologist to the Director of the RMA – Planning Department for approval.	Owner/ Applicant per archaeolo- gist or anthropol- ogist	Prior to the issuance of grading or building permits	

<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>
		<ol style="list-style-type: none"> 1. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission. 2. The descendent identified fails to make a recommendation; or 3. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner. <p>(RMA - Planning Department)</p>	The requirements of this condition shall be included as a note on all grading and building plans, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final map.	Owner/ Applicant	Prior to the issuance of grading or building permits	

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

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
6		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 mitigation monitoring agreement. (RMA - Planning Department)	1) Enter into agreement with the County to implement a Mitigation Monitoring Program. 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.	Owner/ Applicant	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	
6		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	
7		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	

<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>
8		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	
			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	

<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>
9		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 inspection or occupancy	
			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	
10		PD014(B) – LIGHTING – EXTERIOR LIGHTING PLAN (VISUAL SENSITIVITY DISTRICT/ RIDGELINE DEVELOPMENT) 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. Exterior lights shall have recessed lighting elements. Exterior light sources that would be directly visible from when viewed from a common public viewing area, as defined in Section	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.	

<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>
		21.06.195, are prohibited. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)	The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Ongoing	
11		PD016 – NOTICE OF REPORTS (GEOLOGY) Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical and Geological Hazards Report has been prepared for this parcel by Grice Engineering and Geology, Inc., dated January 2007 Library No. LIB070151 with a supplement letter prepared by Grice Engineering and Geology Inc., dated July 24, 2007 and a Geotechnical response to Four Specific Questions, prepared by Haro, Kasunich, and Assoc. Inc. dated November 27, 2007 (LIB070652). All development shall be in accordance with these reports." (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.	
12		PD016 – NOTICE OF REPORTS (ARCHAEOLOGY) Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "An Archaeology Report has been prepared for this parcel by Archaeological Consulting, dated January, 17 2007 Library No. LIB070152. 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.	

<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>
13		PD035 - UTILITIES - UNDERGROUND All new utility and distribution lines shall be placed underground. (RMA - Planning Department; Public Works)	Install and maintain utility and distribution lines underground.	Owner/ Applicant	Ongoing	
14		PD041 – HEIGHT VERIFICATION The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to 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 act as a point of reference to determine the structures building height (not to exceed 18 feet) from the average natural grade determined to be at the 38.89 elevation based on the project survey grade elevations. 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	

<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>
15		PDSP001-BEST MANAGEMENT PRACTICES (BMP'S) The permittee shall submit activity reports for the project that describes the construction methodology including dust control, hours of operation, staging areas to avoid traffic impacts, conformance with reports prepared for the subject parcel, and contains other measures to ensure that there are minimum impacts to the people working, residing and visiting the area. If during construction potentially harmful impacts to the adjacent properties or the neighborhood are identified work shall be stopped at the site (other than corrective measures) and the RMA-Planning Department shall be contacted to assess the situation and formulate appropriate action. (RMA-Planning Department)	Submit an activity report to the RMA-Planning Department for review and approval, including photographs and activity logs where applicable, that document how Best Management Practices and recommended mitigations measures will be followed.	Owner/ Applicant/ Contractor	Prior to the issuance of grading or building permits	
			Submit a construction activity report including photographs and activity logs where applicable that document how Best Management Practices were implemented and followed during construction and grading activities.	Owner/ Applicant/ Contractor	Prior to final inspection or occupancy	
16		PW0005 – ENCROACHMENT (STD DRIVEWAY) Obtain an encroachment permit from the Department of Public Works and construct a standard driveway connection to Ocean View Avenue. (Public Works)	Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupancy or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.	Owner/ Applicant	Prior to Building / Grading Permits Issuance	
17		WR1 - DRAINAGE PLAN 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. 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	

<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>
18		WR40 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to: a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system. b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	
19		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	

<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>
20		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. <i>Carmel Highlands Fire District.</i>	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	
21		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.	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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		Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. <i>Carmel Highlands Fire District.</i>	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
22		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. <i>Carmel Highlands Fire District.</i>	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	
23		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. <i>Carmel Highlands Fire District.</i>	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

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24	2	PDSP002 – ARCHAEOLOGICAL MONITORING (MITIGATION) The contractor shall sign and record an agreement created by an Archaeologist informing them of the potential for incidental impacts and requirements to contract the archaeologist for monitoring during earth disturbing activities associated with new construction on the parcel, such as grading, foundation excavations, etc. The monitor shall have the authority to temporarily halt work in order to examine any potentially significant cultural materials or features. (RMA – Planning)	The applicant shall provide the Director of Planning with a copy of a recorded agreement containing recommendations for protection of incidental impacts to potentially significant resources including any measures necessary to be in place and in good order through construction and the requirement of an Archaeological monitor on site during earth disturbing activities.	Owner/ Contractor / Archaeologist	Prior to issuance of grading or building permits	
			The applicant shall provide evidence of the presence of the Archaeologist on-site during demolition of existing structures and earth disturbing activities.	Owner/ Contractor / Archaeologist	Prior to final grading inspection	
25	3	PDSP003 – TEMPORARY SHORING (MITIGATION) In order to reduce potential impacts to neighboring structures temporary shoring shall be installed according to plans approved by the Building Department and under the direct supervision of a licensed geotechnical engineer, along with the archaeological monitor. The engineer shall have the ability to make adjustments as	Prior to issuance of grading or building permits the owner or applicant shall submit temporary shoring plans, designed by a licensed geotechnical engineer, to the RMA Building Department for review and approval.	Owner/ Contractor / Engineer	Prior to issuance of grading or building permits.	

<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>
		necessary to provide maximum protection of life and surrounding structures. The shoring shall remain in place in working order during foundation excavation and construction and shall be removed when cleared by the engineer. (RMA - Planning Department and RMA - Building Services Department)	During construction of the temporary shoring, a licensed engineer shall observe and make recommendations where necessary to ensure proper construction of the shoring and support of adjacent structures [combined with observation from a registered archaeologist (see mitigation measure 1)].	Owner/ Contractor / Engineer/ Archaeologist	During construction of the temporary shoring	
			Upon completion of the shoring and prior to foundation excavation the owner or applicant shall submit a letter from the engineer certifying that the shoring has been adequately constructed.	Owner/ Contractor / Engineer	Prior to foundation excavation	