

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: January 31, 2008	Time: P.M	Agenda Item No.:
Project Description: Combined Development Permit consisting of 1) a Coastal Administrative Permit for the demolition of an existing 1,313 square foot two-story single family residence, and the construction of a 2,585 square foot two-story single family residence with a 1,255 square foot basement and a 552 square foot attached garage; 2) a Coastal Development Permit to allow development within a 750 foot cultural resources buffer zone; and 3) a Design Approval.		
Project Location: 26314 Ocean View Avenue, Carmel Point		APN: 009-442-001-000
Planning File Number: PLN070155		Name: James and Jill Himonas, Property Owners
Plan Area: Carmel Area Land Use Plan		Flagged and staked: Yes
Zoning Designation: MDR/2-D (18') (CZ) [Medium Density Residential, 2 units per acre, with a Design Control Overlay and 18' Maximum Height (Coastal Zone)]		
CEQA Action: Mitigated Negative Declaration		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Zoning Administrator:

- 1) Adopt the Mitigated Negative Declaration (**Exhibit H**) with the Mitigation Monitoring and Reporting Plan (**Exhibit D**); and
- 2) Approve the Combined Development Permit as described above, based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions of Approval (**Exhibit D**).

PROJECT OVERVIEW:

This project was continued from the Zoning Administrator hearing on January 10, 2008, per the request of the Planning Department, due to unanticipated work delays. The applicant proposes to demolish an existing single family residence, and construct a new single family residence on approximately the same footprint as the existing structure. This project is before the Zoning Administrator because it requires a conditional approval for development within a cultural resources buffer zone. See **Exhibit B** for a more detailed discussion of the project.

PUBLIC COMMENT:

One public comment letter was received regarding this project (**Exhibit I**).

OTHER AGENCY INVOLVEMENT:

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

The above checked agencies and departments have reviewed this project. Conditions recommended by the Carmel Highlands Fire Protection District, Public Works, the Water Resources Agency, and the Planning Department have been incorporated into the condition compliance reporting plan (**Exhibit D**).

Due to development not exempt from CEQA review and the potential for viewshed development, the project was referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review of applicable policies. The Carmel Highlands LUAC unanimously recommended approval, at a public hearing held on August 6, 2007 (**Exhibit G**).

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

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January 23, 2008

cc: Front Counter Copy, Zoning Administrator; Carmel Highlands Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Laura Lawrence, Acting Planning & Building Services Manager; Joseph Sidor, Planner; Carol Allen; James and Jill Himonas, Applicants; Doug Howe, Agent; Planning File PLN070155.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Discussion
	Exhibit C	Recommended Findings and Evidence
	Exhibit D	Recommended Conditions of Approval and Mitigation Monitoring and Reporting Plan
	Exhibit E	Vicinity Map
	Exhibit F	Site Plan, Floor Plan and Elevations
	Exhibit G	LUAC Minutes
	Exhibit H	Mitigated Negative Declaration
	Exhibit I	Comments on Mitigated Negative Declaration

This report was reviewed by Carl Holm, Assistant Director of the Planning Department.

EXHIBIT B

PROJECT DISCUSSION

The applicant proposes to demolish an existing single family residence, and construct a new single family residence on approximately the same footprint as the existing structure. The majority of the new construction will occur on the existing developed footprint. The proposed site coverage will increase by 380 square feet, from 1,313 square feet (23 percent) to 1,693 square feet (29 percent). The maximum allowed site coverage is 35 percent for parcels zoned medium density residential in the Carmel Area. The existing structure does not have a driveway connection to either adjacent street, so the proposed project includes construction of a new driveway connection to Stewart Way. The proposed Floor Area Ratio will increase by 921 square feet, from 1,664 square feet (29 percent) to 2,585 square feet (45 percent). The maximum allowed for this parcel is 45 percent. There is an additional floor area of 1,255 square feet that will be below the average natural grade and will only allow exterior access through the garage. Therefore, this square footage is not included in the floor area ratio maximum calculation. Applicable issues requiring further discussion follow:

Carmel Highlands Land Use Advisory Committee (LUAC): The Carmel Highlands LUAC, at its meeting on August 6, 2007, reviewed and unanimously recommended approval of PLN070155. The LUAC, in its hearing comments, stated that “Although the architectural design is modern in character, the colors and materials allow it to blend into this rustic site, in amongst the trees.” LUAC comments regarding exterior lighting and landscaping will be addressed through the Conditions of Approval for the project. There was no public comment at the LUAC hearing.

Height: The property includes a zoning restriction which limits the height of structures to 18 feet above average natural grade. The average natural grade for this parcel is 97.16 feet. The existing structure is approximately 18.45 feet above average natural grade. The existing structure’s second story was added prior to the mid-1980s, which make it legal non-conforming. The proposed structure height will be at 115.16 feet, or 18 feet above the average natural grade, which will bring the property into compliance with current zoning requirements. The applicant shall be required to provide verification of the height of the new structure (see Condition #8 at **Exhibit D**).

Visual Resources/Design Review: As outlined on Map A (General Viewshed) of the Carmel Area LUP, the project site is not within the Scenic Road viewshed. However, the property is immediately adjacent to the general viewshed area. Therefore, the applicable sections of the Carmel Area LUP were reviewed to ensure the project does not inadvertently impact the Scenic Road viewshed. From that perspective, the project is consistent with the subject policies. The development harmonizes with and is subordinate to the natural scenic character of the area (LUP Visual Resources Key Policy 2.2.2). The design of the proposed structure does not detract from the natural beauty of the public viewshed (LUP Policy 2.2.3.1), and shall be subordinate to and blended into the environment, using appropriate materials to that effect (LUP Policy 2.2.3.6). The project, as proposed, will use earth tones. The proposed design, colors, and materials will blend with the surrounding environment, and not detract from the general viewshed.

Cultural Resources: The project contains a Coastal Development Permit to allow development within a 750 foot cultural resources buffer zone, per Monterey County Zoning Ordinance Title 20, Part 4 (Coastal Implementation Plan for the Carmel Area Land Use Plan), Section 20.146.090.A.1 which requires a Coastal Development Permit for proposed development within 750 feet of known prehistoric cultural resource.

County records identify the project site is within an area of high sensitivity for cultural resources; therefore, a preliminary archaeological report was prepared for the property, and a historic interpretation was prepared for the existing structure. Although no historic cultural resources were identified for the property, the archaeological report identified the potential for impacts to prehistoric cultural resources during excavation activities. Due to this potential, the County prepared an Initial Study to assess the potential impacts and identify mitigation measures in order to avoid disruption of and/or ensure the recovery of any disturbed cultural resources, if any are found. With County required Conditions of Approval and Mitigations, impacts to prehistoric cultural resources would be mitigated to less than significant (see **Exhibit H**).

CEQA Review: Monterey County, as Lead Agency, prepared an Initial Study for this project (**Exhibit H**). The Initial Study was filed with County Clerk on November 26, 2007, and circulated for public review and comment from November 28 to December 28, 2007. During this public review period, the County of Monterey received comments from the Monterey Bay Unified Air Pollution Control District (**Exhibit I**), requesting the County add conditions regarding protection of air quality during demolition activities (see Condition #9 at **Exhibit D**). Since this is not an issue involving a potentially significant impact, this condition will satisfy the requirement for compliance with District Rule 439, Building Removals. The Initial Study focused on the issue of potential impacts to cultural resources. Findings conclude that with the proposed mitigation measures, all potential impacts will be reduced to a level less than significant. No unresolved issues remain.

EXHIBIT C

RECOMMENDED FINDINGS AND EVIDENCE

- 1. FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Carmel Area Land Use Plan (LUP), Monterey County Zoning Ordinance (Title 20) Part 1, and Monterey County Zoning Ordinance (Title 20) Part 4 (Coastal Implementation Plan for the Carmel Area), 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. As proposed, conditioned and mitigated, 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 26314 Ocean View Avenue (Assessor's Parcel Number 009-442-001-000), Carmel Area Land Use Plan, Coastal Zone. The parcel is zoned Medium Density Residential, 2 units per acre, with a Design Control District Overlay and an 18 foot maximum height, Coastal Zone ["MDR/2-D (18')(CZ)"], which allows the construction of a single family residence with a Coastal Administrative Permit. The project, as proposed, is consistent with the applicable zoning policies and restrictions.
- (c) The project planner conducted a site inspection on July 31, 2007, to verify that the project on the subject parcel conforms to the plans listed above.
- (d) Height: The property includes a zoning restriction which limits the height of structures to 18 feet above average natural grade. The average natural grade for this parcel is 97.16 feet. The existing structure is approximately 18.45 feet above average natural grade. The existing structure's second story was added prior to the mid-1980s, which make it legal non-conforming. The proposed structure height will be at 115.16 feet, or 18 feet above the average natural grade, which will bring the property into compliance with current zoning requirements. The applicant shall be required to provide verification of the height of the new structure (Condition #8).
- (e) Floor Area Ratio: The proposed Floor Area Ratio will increase by 921 square feet, from 1,664 square feet (29 percent) to 2,585 square feet (45 percent). The maximum allowed for this parcel is 45 percent. There is an additional floor area of 1,255 square feet that will be below the average natural grade and will only allow exterior access through the garage. Therefore, this square footage is not included in the floor area ratio maximum calculation.
- (f) Public Access: See Finding #7.
- (g) Visual Resources/Design Review: As outlined on Map A (General Viewshed) of the Carmel Area LUP, the project site is not within the Scenic Road viewshed. However, the property is immediately adjacent to the general viewshed area. Therefore, the applicable sections of the Carmel Area LUP were reviewed to ensure the project does not inadvertently impact the Scenic Road viewshed. From that

perspective, the project is consistent with the subject policies. The development harmonizes with and is subordinate to the natural scenic character of the area (LUP Visual Resources Key Policy 2.2.2). The design of the proposed structure does not detract from the natural beauty of the public viewshed (LUP Policy 2.2.3.1), and shall be subordinate to and blended into the environment, using appropriate materials to that effect (LUP Policy 2.2.3.6). The project, as proposed, will use earth tones. The proposed design, colors, and materials will blend with the surrounding environment, and not detract from the general viewshed.

- (h) Carmel Area LUAC: The project was referred to the Carmel Area LUAC for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application warranted referral to the LUAC because of the potential for development within the public viewshed and due to development not exempt from CEQA review. The Carmel Area LUAC, at its meeting on August 6, 2007, reviewed and unanimously recommended approval of PLN070155 (**Exhibit G** of the January 17, 2008, staff report). The LUAC, in its hearing comments, stated that “Although the architectural design is modern in character, the colors and materials allow it to blend into this rustic site, in amongst the trees.” LUAC comments regarding exterior lighting and landscaping will be addressed through the Conditions of Approval for the project (Conditions # 6 and # 7). There was no public comment at the LUAC hearing.
- (i) Cultural Resources: The project contains a Coastal Development Permit to allow development within a 750 foot cultural resources buffer zone, per Monterey County Zoning Ordinance Title 20, Part 4 (Coastal Implementation Plan for the Carmel Area Land Use Plan), Section 20.146.090.A.1 which requires a Coastal Development Permit for proposed development within 750 feet of known prehistoric cultural resource. County records identify the project site is within an area of high sensitivity for cultural resources; therefore, a preliminary archaeological report was prepared for the property, and a historic interpretation was prepared for the existing structure. Although no historic cultural resources were identified for the property, the archaeological report identified the potential for impacts to prehistoric cultural resources during excavation activities. Due to this potential, the County prepared an Initial Study to assess the potential impacts and identify mitigation measures in order to avoid disruption of and/or ensure the recovery of any disturbed cultural resources, if any are found. (See Finding #3)
- (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 PLN070155.

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 engineering, historical, and archaeological consultants did not identify physical or environmental constraints that would indicate the site is not suitable for the use proposed. County staff concurs. The following reports have been prepared:
 - i. “*Geotechnical Investigation with Geo-Seismic Analysis for New Single Family Home...*” (LIB070344), prepared by Soil Surveys, Inc., June 11, 2007.
 - ii. “*Preliminary Archaeological Report*” (LIB070345), prepared by Archaeological Consulting, April 30, 2007.
 - iii. “*Historic Preservation Museum Interpretation*” (LIB070343), prepared by Kent Seavey, April 10, 2007.
- (c) Staff conducted a site inspection on July 31, 2007, to verify that the site is suitable for this use.
- (d) Materials in Project File PLN070155.

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. The Initial Study identified the potential for impact to archaeological resources on the site, and the applicant has agreed to proposed mitigation measures that avoid or mitigate the effects to a less than significant level. Subsequently, a Mitigated Negative Declaration was prepared. The Initial Study reflects the independent judgment and analysis of the County, and is hereby incorporated by reference.
- (b) Mitigated Negative Declaration: A Mitigated Negative Declaration was filed with the County Clerk on November 26, 2007, noticed for public hearing and circulated to the State Clearing House from November 28, 2007, to December 28, 2007. Among the studies, data, and reports analyzed as part of the environmental determination are the following:
 - 1. Preliminary Archaeological Report, prepared by Archaeological Consulting, April 30, 2007.
 - 2. Historic Preservation Museum Interpretation, prepared by Kent Seavey, April 10, 2007.
 - 3. Geotechnical Investigation with Geo-Seismic Analysis for New Single Family Home...., prepared by Soil Surveys, Inc., June 11, 2007.

The County of Monterey is the custodian of these documents, which are located at the Resource Management Agency – Planning Department, 168 West Alisal Street, 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 less than significant level.

- (c) Comments were received from the Monterey Bay Unified Air Pollution Control District (MBUPCD) (see Exhibit I of the staff report dated January 23, 2007) requesting the County add conditions regarding protection of air quality (Condition #9). Since this is not an issue involving a potentially significant impact, this condition will satisfy the requirement for compliance with District Rule 439, Building Removals.

4. FINDING: **ENVIRONMENTAL DOCUMENT FEE** - Pursuant to Senate Bill (SB) 1535, all land development projects that are subject to environmental review are now subject to the California Department of Fish and Game (DFG) filing fees, unless the DFG 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 mapped 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 property is a 5,772 square foot lot in a heavily developed residential area. The lot is maintained in a landscaped condition.

(b) 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 (see Exhibit E of the staff report dated January 23, 2007).

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

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

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

EVIDENCE: (a) Preceding findings and supporting evidence.

(b) The application, project plans, and related support materials submitted by the applicant to the Monterey County RMA - Planning Department for the proposed development, found in Project File PLN070155.

7. FINDING: **PUBLIC ACCESS** – The project is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (Monterey County Zoning Ordinance, Section 20.70.050.B.4).

EVIDENCE: The proposed project is in conformity with the public access policies of Chapter 5 of the Carmel Area LUP, and Section 20.146.130 of the Monterey County Zoning Ordinance (Part 4 – Coastal Implementation Plan).
(a) Figure 3 (Public Access) of the Carmel Area LUP does not identify the area of this property for public access points or trails.
(b) Materials in Project File PLN070155.
(c) Site visits by the project planner on July 31, 2007.

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

EVIDENCE: (a) Board of Supervisors: Section 20.86.020 of the Monterey County Zoning Ordinance.
(b) California Coastal Commission: Section 20.86.080.A.3 of the Monterey County Zoning Ordinance, because the project involves conditional approval for development within a cultural resources buffer zone and is within 300 feet of a coastal bluff.

<p align="center">EXHIBIT D</p> <p align="center">Monterey County Resource Management Agency</p> <p align="center">Planning Department</p> <p align="center">Condition Compliance and/or Mitigation Monitoring Reporting Plan</p>	<p>Project Name: Himonas</p> <p>File No: PLN070155</p> <p>Approved by: Zoning Administrator</p> <p>APN: 009-442-001-000</p> <p>Date: January 31, 2008</p>
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Combined Development Permit (PLN070155) allows the demolition of an existing single family dwelling; and the construction of a 2,585 square foot two-story single family residence with a 1,255 square foot basement and a 552 square foot attached garage within a 750 foot cultural resources buffer area; and grading consisting of 660 cubic yards of cut and zero cubic yards of fill. The property is located at 26314 Ocean View Avenue (Assessor's Parcel Number 009-442-001-000), Carmel Area Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated.	

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		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 PLN070155) was approved by the Zoning Administrator for Assessor's Parcel Number 009-442-001-000 on January 31, 2008. The permit was granted subject to twenty (20) 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.		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	
4.		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	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.	

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)
		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 on-going evidence that tree protection measures are in place through out demolition, grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.	Owner/ Applicant/ Arborist	During demolition, grading, and 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	
5.		PD012(D) - LANDSCAPE PLAN AND MAINTENANCE - MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (SINGLE FAMILY DWELLING ONLY) 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 –	Submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to issuance of Building Permits	
			Submit one (1) set landscape plans of approved by the RMA – Planning Department, a Maximum Applied Water Allowance (MAWA) calculation, and a completed “Residential Water Release Form and Water Permit Application” to the Monterey County Water Resources Agency for review and approval.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to issuance of Building Permits	
			Submit the RMA – Planning Department approved landscape plans, a Maximum Applied Water Allowance (MAWA) calculation, and a completed	Owner/ Applicant/ Licensed Landscape	Prior to issuance of Building Permits	

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		Planning Department)	“ <u>Residential</u> Water Release Form and Water Permit Application” to the Monterey Peninsula Water Management District for review and approval.	Contractor/ Licensed Landscape Architect		
			Submit an approved water permit from the MPWMD to the RMA – Building Permit	Owner/ Applicant/ Licensed Landscape Contractor	Prior to issuance of Building Permits	
			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.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to 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	
6.		PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the	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.	

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		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	Prior to Occupancy / Ongoing	
7.		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	
8.		PD041 – HEIGHT VERIFICATION The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. The average natural grade for this parcel is 97.16 feet. (RMA – Planning Department and Building Services Department)	The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection	Owner/ Applicant	Prior to the issuance of grading or building permits	
			The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.	Owner/ Applicant/ Engineer	Prior to the final inspection	
9.		PDSP001 – AIR QUALITY EMISSION CONTROL The applicant shall ensure compliance with the air quality standards of District Rule 439, Building Removals, during all phases of demolition. The applicant shall implement work practice standards to limit particulate emissions from deconstruction or demolition of the existing structure. (RMA – Planning Department)	The applicant and demolition contractor shall implement the following work practice standards: 1) The structure shall be sufficiently wet prior to deconstruction or demolition and the debris reduction process.	Applicant / Owner / Contractor	Ongoing during demolition activities.	

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			<p>2) The structure shall be demolished inward, toward the building pad. Lay down of roof and walls shall be inward, and not away from the building.</p> <p>3) Commencement of deconstruction or demolition activities shall be prohibited when the peak wind speed exceeds 15 miles per hour.</p>			
10.		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. Responsible Land Use Department: Carmel Highlands Fire Protection District.	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or Owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection.	Applicant or Owner	Prior to final building inspection.	
11.		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	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

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		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. Responsible Land Use Department: Pebble Beach Community Services District.	Applicant shall schedule fire dept. clearance inspection.	Applicant or owner	Prior to final building inspection.	
12.		FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD) Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. Responsible Land Use Department: Carmel Highlands Fire Protection District	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or Owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection.	Applicant or Owner	Prior to final building inspection.	
13.		FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) The building(s) and attached garage(s) shall be fully	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

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		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. Responsible Land Use Department: Pebble Beach Community Services District.	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.	
14.		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. Responsible Land Use Department: Carmel Highlands Fire Protection District	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or Owner	Prior to issuance of building permit.	

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15.		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 grading or building permits.	
16.		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	

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17.		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.	
18.		PW0005 – ENCROACHMENT (STD DRIVEWAY) Obtain an encroachment permit from the Department of Public Works and construct a standard driveway connection to Stewart Way. (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	

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19.	1.	<p>PDSP001 - CULTURAL RESOURCES STOP WORK REQUIREMENT (MITIGATION)</p> <p>If archaeological resources or human remains are accidentally discovered during demolition or 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: <p>1. The Native American Heritage Commission is</p>	<p>The applicant and /or contractor shall stop work if any cultural resources or human remains are found during demolition or construction activities.</p> <p>The requirements of this measure shall be included as a note on all grading and building plans.</p>	Owner/ Applicant	Ongoing during demolition, excavation, grading, and construction activities.	

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		<p>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.</p> <p>2. The descendent identified fails to make a recommendation; or</p> <p>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> <p>(RMA - Planning Department)</p>				
20.	2.	<p>PDSP002 – CULTURAL RESOURCES SITE MONITORING (MITIGATION)</p> <p>An archaeological monitor shall be present during all phases of the project which could potentially alter the soil within the boundaries of the cultural resources site (e.g.; demolition, grading, pad construction, trenching, etc.). The monitor shall have the authority to temporarily halt work in order to examine any potentially significant cultural materials or features. If potentially significant cultural resources are discovered, work shall be halted in the area of the find until it can be evaluated and, if necessary, data recovery is conducted. The applicant shall retain a qualified archaeologist to monitor and ensure conduct of the requirements of the mitigation and monitoring plan. The overall goals of the mitigation and monitoring plan are to limit damage to the cultural resources site through avoidance; to oversee the demolition, grading, and construction activities; to</p>	The applicant shall submit the contracts with a Registered Professional Archeologist to the Director of the RMA – Planning Department for approval.	Owner/ Applicant per Archaeolo- gist	Prior to the issuance of a demolition permit.	

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		<p>ensure compliance with the mitigation and monitoring plan; and to conduct prehistoric cultural data recovery, analysis, reporting, and curation of any materials which are encountered during the project. Prior to issuance of a demolition permit, the applicant shall provide to the RMA-Planning Department a copy of the contractual agreement with a qualified archaeologist for review. The applicant shall also provide evidence of the presence of the archaeologist on-site during demolition of existing structures and new construction, and any measures necessary to be in place and in good order through construction. Photos shall be dated on a weekly basis (or as determined by the monitoring archaeologist) and submitted with a certification from the archaeologist. If additional mitigation measures are determined to be required, they shall be formulated and implemented by the monitoring archaeologist, after review and approval by the Planning Department.</p> <p>(RMA – Planning Department)</p>	<p>The applicant shall submit evidence of on-site monitoring during all phases of demolition, excavation, and new construction. Photos and archaeologist certification shall be submitted to the RMA – Planning Department.</p>	<p>Owner/ Applicant / Archaeolo- gist</p>	<p>Ongoing during all phases of demolition, excavation, and construction.</p>	