

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: January 31, 2008	Time: P.M	Agenda Item No.:
Project Description: Coastal Administrative Permit for the demolition of an existing 5,544 square foot two-story single family residence, detached garage, and guesthouse, and the construction of a 7,216 square foot two-story single family residence with an attached 484 square foot garage; Design Approval; and a Waiver for a Coastal Development Permit to allow the removal of five trees.		
Project Location: 1480 Oleada Road, Pebble Beach (Pescadero Watershed)		APN: 008-331-014-000
Planning File Number: PLN070511		Name: Joe and Holly Hughes, Property Owners
Plan Area: Del Monte Forest Land Use Plan		Flagged and staked: Yes
Zoning Designation: : LDR/1.5-D (CZ) [Low Density Residential, 1.5 acres per unit with Design Control Overlay (Coastal Zone)]		
CEQA Action: Categorically Exempt per Section 15302		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Zoning Administrator: 1) approve the Coastal Administrative Permit and Design Approval as described above, and 2) approve the Waiver for a Coastal Development Permit, based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions (**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. This project is before the Zoning Administrator due to a high level of neighbor interest and due to the recommendation for denial of the Del Monte Forest Land Use Advisory Committee (LUAC). See **Exhibit B** for a more detailed discussion of the LUAC's comments.

The applicant proposes to demolish an existing single family residence and accessory structures, and reconstruct a single family residence on approximately the same footprint as the existing structures. The project site is located within the Pescadero Watershed, which limits structural coverage to 5,000 square feet and impervious coverage to 4,000 square feet (Section 20.147.030, CIP, Part 5). The project, as proposed, will bring the property into compliance with the Pescadero Watershed standards. Overall, the project will result in a net reduction of 5,413 square feet of total coverage, from the existing 13,468 square feet to the proposed 8,055 square feet. See **Exhibit B** for a more detailed discussion of the Pescadero Watershed. In addition, the property is located in the area identified on the Del Monte Forest Land Use Plan (LUP) Visual Resources Map (Figure 2C) as visible area from Point Lobos; however, due to existing tree screening, the project site is not visible from Point Lobos. See **Exhibit B** for a more detailed discussion of Visual Resources.

PUBLIC COMMENT:

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

OTHER AGENCY INVOLVEMENT:

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

The above checked agencies and departments have reviewed this project. Conditions recommended by the Pebble Beach CSD, the Water Resources Agency, and the Planning Department have been incorporated into the condition compliance reporting plan (**Exhibit D**).

Due to the potential for viewshed development, the project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review of applicable policies. The Del Monte Forest LUAC unanimously recommended denial, at a public hearing held on November 15, 2007 (**Exhibit G**). See **Exhibit B** for a more detailed discussion of the LUAC's comments.

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

Joseph Sidor, Associate Planner
(831) 755-5262, SidorJ@co.monterey.ca.us
January 16, 2008

cc: Front Counter Copy, Zoning Administrator; Pebble Beach Community Services (Fire Protection) District; Public Works Department; Environmental Health Division; Water Resources Agency; Laura Lawrence, Acting Planning & Building Services Manager; Joseph Sidor, Planner; Carol Allen; Joe and Holly Hughes, Applicants; Ben Frombgen, Agent; Planning File PLN070511; Chuck Hansen; Brad and Laura Niebling.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Discussion
	Exhibit C	Recommended Findings and Evidence
	Exhibit D	Recommended Conditions of Approval
	Exhibit E	Vicinity Map
	Exhibit F	Site Plan, Floor Plan and Elevations
	Exhibit G	LUAC Minutes
	Exhibit H	Public Comment Letter (1)
		- Brad and Laura Niebling, dated January 4, 2008

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 accessory structures, originally constructed in 1965, and reconstruct a single family residence with attached garage. The majority of the new construction will occur on the existing developed footprint, including paved areas. The new structure will be approximately 25 feet above average natural grade, which remains 5 feet below the allowed maximum height of 30 feet. Applicable issues requiring further discussion follow:

Pescadero Watershed: The project site is located within the Pescadero Watershed. As proposed, the project will bring the property into compliance with the Pescadero Watershed standards of no more than 5,000 square feet of structural coverage and 4,000 square feet of impervious coverage (Section 20.147.030, Coastal Implementation Plan, Part 5). Overall, the project will result in a net reduction of 5,413 square feet of total coverage, from the existing 13,468 square feet to the proposed 8,055 square feet. The existing structural coverage of 5,545 square feet will be reduced to 4,995 square feet (550 square foot net reduction). The existing impervious surface coverage of 7,923 square feet will be reduced to 3,060 square feet (4,863 square foot net reduction).

Tree Removal:

The application also contains a request for a waiver of a Coastal Development Permit for the removal of five trees, three Monterey pine and two Coast Live oak. The trees proposed for removal are either planted (the two oaks) or dead (the three Monterey pine), as confirmed by technical reports submitted with the permit application and site visits by the staff planner. Although oaks are native to the area, staff finds the subject trees were planted because the age of the trees is consistent with the age of the residence and other mature landscape features, they are dissimilar to all other oaks on the property. In addition, research determined the oak trees were not planted as part of any tree replacement plan. The three Monterey pine pose a substantial risk to any existing or proposed development. In addition, LUP Policy #36 directs that residential development shall be sited and designed to minimize tree removal. Staff confirms that the removal of the proposed oaks is the least amount necessary for the proposed development. None of the trees proposed for removal will increase the structural visibility within the public viewshed.

Scenic and Visual Resources: The property is located in the area identified on the Del Monte Forest Land Use Plan (LUP) Visual Resources Map (Figure 2C of the LUP) as visible from the Point Lobos. The policies of the Del Monte Forest LUP direct that placement and design of new development not injure the visual integrity of the area with regard to the public viewshed. Therefore, staff conducted a site visit on November 20, 2007, to assess the potential viewshed impacts of the project from the Point Lobos State Reserve and Carmel Beach.

Point Lobos Viewshed Determination: Based on the site visit, the existing and proposed structures are not and will not be visible from Point Lobos due to existing tree screening. Staff attempted to identify the project site from two separate prominent viewing points along the northern border of the reserve, Cannery Point (Whalers Cove) and North Point. Neither the project site nor the orange netting were visible from these locations using unaided vision. Even with the use of binoculars, the project site and netting were not visible. Furthermore, none of the trees proposed for removal will increase the structural visibility within the public viewshed from Point Lobos.

Carmel Beach Viewshed Determination: The existing structures are not clearly visible from the Carmel Beach area using unaided vision; however, using binoculars the structures are

visible. As proposed, the new residence would be larger than the structures it is replacing. However, this will not result in an increase of the visible bulk or mass in the viewshed due to circumstances specific to this project site. The project site at 1480 Oleada Road is in line with and below an existing structure on the adjacent lot at 1484 Oleada Road. When constructed, the building mass of the new residence at 1480 Oleada Road will not extend beyond the visible bounds of the building mass of the structure at 1484 Oleada Road, and will appear to blend with the existing structure at 1484 Oleada Road. This will result in a reduction of the visible bulk within the viewshed from Carmel Beach, using both unaided vision and/or binoculars. Lastly, the trees proposed for removal will not increase the structural visibility within the public viewshed from Carmel Beach.

Del Monte Forest Land Use Advisory Committee (LUAC): The Del Monte Forest LUAC, at its meeting on November 15, 2007, reviewed and unanimously recommended denial of PLN070511. Following are the areas of concern cited by the LUAC for recommending denial: Design, Height, Construction Materials, Plan Quality, Modern Appearance, Exterior Lighting, Landscaping, Privacy and View Interruption (i.e., of the neighbors).

Design/Construction Materials/Modern Appearance: Staff has reviewed the application materials submitted for the project review, and is satisfied with the quality and content of the materials. The plans and materials submitted provide sufficient detail to evaluate the consistency of the proposal with applicable policies. The proposed structural design has been reviewed by staff, and staff is again satisfied that the project as proposed is consistent with the applicable policies of the LUP. LUP Policy #55 directs new structures be designed to harmonize with the natural setting and not be visually intrusive, and LUP Policy #56 directs that structures be subordinate to and blended into the surrounding environment using appropriate materials to that effect. The proposed design and materials will blend with the surrounding environment, and the existing and proposed landscape screening will further obscure the view of structures from both the public and private viewshed. The LUAC commented that the proposed residence does not “conform to the existing character of the neighborhood.” Based on staff site visits on October 4 and November 20, 2007, the neighborhood area in question does not appear to have a consistent character or architectural style. Also, the project site is not located within a designated historical district.

Height: The height of the proposed structure will be 25 feet above average natural grade, 5 feet below the maximum allowed of 30 feet.

Lighting: The issue of exterior lighting will be addressed through the imposition and implementation of Condition # 8 (**Exhibit D**).

Landscaping: The issue of landscaping will be addressed through the imposition and implementation of Condition #7 (**Exhibit D**).

View Interruption: The loss of view by the neighbors is not an issue addressed by current policy within the Del Monte Forest Land Use Plan or Coastal Implementation Plan, Part 5.

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, Del Monte Forest Land Use Plan (LUP), Monterey County Zoning Ordinance (Title 20) Part 1, and Monterey County Zoning Ordinance (Title 20) Part 5 (Coastal Implementation Plan for the Del Monte Forest), 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 and conditioned, no conflicts were found to exist. Comments were received from the Del Monte Forest Land Use Advisory Committee (LUAC) indicating potential inconsistencies with the policies in these documents. The LUAC's comments are discussed in detail at paragraph (h) below. No other 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 1480 Oleada Road (Assessor's Parcel Number 008-331-014-000), Pebble Beach Sub-Planning Area, Del Monte Forest Land Use Plan, Coastal Zone. The parcel is zoned Low Density Residential, 1.5 units per acre, with a Design Control District Overlay ("LDR/1.5-D"), which allows the construction of a single family residence with a Coastal Administrative Permit. Therefore, the property is suitable for the proposed development.
- (c) The project planner conducted site inspections on October 4 and November 20, 2007, to verify that the project on the subject parcel conforms to the plans listed above.
- (d) Pescadero Watershed: The project site is located within the Pescadero Watershed, which limits structural coverage to 5,000 square feet and impervious coverage to 4,000 square feet (Section 20.147.030, CIP, Part 5). The project, as proposed, will bring the property into compliance with the Pescadero Watershed standards. The existing structural coverage of 5,545 square feet will be reduced to 4,995 square feet (550 square foot net reduction). The existing impervious surface coverage of 7,923 square feet will be reduced to 3,060 square feet (4,863 square foot net reduction). Overall, the project will result in a net reduction of 5,413 square feet of total coverage, from the existing 13,468 square feet to the proposed 8,055 square feet.
- (e) Tree Removal: The project includes a Coastal Waiver to allow the removal of two planted oak and three dead Monterey pine trees in accordance with the applicable policies of the Del Monte Forest LUP and the Monterey County Zoning Ordinance (Title 20, Part 5). (See Finding #6)
- (f) Public Access. See Finding #7.
- (g) Scenic and Visual Resources: The property is located in the area identified on the Del Monte Forest Land Use Plan (LUP) Visual Resources Map (Figure 2C of the LUP) as visible from the Point Lobos. The policies of the Del Monte Forest LUP direct that

placement and design of new development not injure the visual integrity of the area. Staff conducted a site visit on November 20, 2007, to assess the potential viewshed impacts of the project from the Point Lobos State Reserve and Carmel Beach.

- 1) Point Lobos: Based on the site visit, the existing and proposed structures are not and will not be visible from Point Lobos due to existing tree screening, even after the proposed tree removal. Staff attempted to identify the project site from two separate prominent viewing points along the northern border of the reserve, Cannery Point (Whalers Cove) and North Point. Neither the project site nor the orange netting were visible from these locations using unaided vision. Even with the use of binoculars, the project site and netting were not visible. Furthermore, none of the trees proposed for removal will increase the structural visibility within the public viewshed from Point Lobos.
 - 2) Carmel Beach: The existing structures are not clearly visible from the Carmel Beach area using unaided vision; however, using binoculars the structures are visible. As proposed, the new residence would be larger than the structures it is replacing. However, this will not result in an increase of the visible bulk or mass in the viewshed due to an unusual circumstance specific to this project site. The project site at 1480 Oleada Road is in line with and below an existing structure on the adjacent lot at 1484 Oleada Road. When constructed, the building mass of the new residence at 1480 Oleada Road will not extend beyond the visible bounds of the building mass of the structure at 1484 Oleada Road, and will appear to blend with the existing structure at 1484 Oleada Road. This will result in a reduction of the visible bulk within the viewshed from Carmel Beach, using both unaided vision and/or binoculars. Lastly, the trees proposed for removal will not increase the structural visibility within the public viewshed from Carmel Beach.
- (h) Del Monte Forest LUAC: The project was referred to the Del Monte Forest Land Use Advisory Committee (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. The Del Monte Forest LUAC, at its meeting on November 15, 2007, reviewed and unanimously recommended denial of PLN070511 (**Exhibit G** of the January 16, 2008, staff report). Following is a list of the areas of concern cited by the LUAC for recommending denial: Design, Height, Construction Materials, Plan Quality, Modern Appearance, Exterior Lighting, Landscaping, Privacy and View Interruption (i.e., of the neighbors).
- 1) Design/Construction Materials/Modern Appearance: Staff has reviewed the application materials submitted for the project review, and is satisfied with the quality and content of the materials. The plans and materials submitted provide sufficient detail to evaluate the consistency of the proposal with applicable policies. The proposed structural design has been reviewed by staff, and staff is again satisfied that the project as proposed is consistent with the applicable policies of the LUP. LUP Policy #55 directs new structures be designed to harmonize with the

natural setting and not be visually intrusive, and LUP Policy #56 directs that structures be subordinate to and blended into the surrounding environment using appropriate materials to that effect. The proposed design and materials will blend with the surrounding environment, and the existing and proposed landscape screening will further obscure the view of structures from both the public and private viewshed. The LUAC commented that the proposed residence does not “conform to the existing character of the neighborhood.” Based on staff site visits on October 4 and November 20, 2007, the neighborhood area in question does not appear to have a consistent character or architectural style. Also, the project site is not located within a designated historical district.

- 2) Height: The height of the proposed structure will be 25 feet above average natural grade, 5 feet below the maximum allowed of 30 feet.
 - 3) Lighting: The issue of exterior lighting will be addressed through the imposition and implementation of Condition # 8.
 - 4) Landscaping: The issue of landscaping will be addressed through the imposition and implementation of Condition #7.
 - 5) View Interruption: The loss of view by the neighbors is not an issue addressed by current policy within the Del Monte Forest Land Use Plan or Coastal Implementation Plan, Part 5.
- (i) 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 PLN070511.

2. FINDING:

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

EVIDENCE:

- (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Pebble Beach Community Services (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, biological, 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*” (LIB070464), prepared by Haro, Kasunich, and Associates, September 2007.
 - ii. “*Preliminary Cultural Resources Reconnaissance*” (LIB070465), prepared by Susan Morley, M.A., August 2007.
 - iii. “*Biological Assessment*” (LIB070560), prepared by Fred Ballerini, October 22, 2007.
 - iv. “*Tree Resource Evaluation*” (LIB070559), prepared by Maureen Hamb, November 1, 2007; with Addendum (LIB080006), November 30, 2007.
- (c) Staff conducted site inspections on October 4 and November 20, 2007, to verify that the site is suitable for this use.

(d) Materials in Project File PLN070511.

3. **FINDING:** **CEQA (Exempt)** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.
- EVIDENCE:** (a) California Environmental Quality Act (CEQA) Guidelines Section 15302, categorically exempts the replacement or reconstruction of existing structures where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.
- (b) No adverse environmental effects were identified during staff review of the development application during a site visits on October 4 and November 20, 2007.
- (c) See preceding and following findings and supporting evidence.
4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.
- EVIDENCE:** Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.
5. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
- EVIDENCE:** (a) 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 PLN070511.
6. **FINDING:** **TREE REMOVAL** – The project includes a Tree Removal Waiver for the removal of two planted oak trees and three dead Monterey pine trees in accordance with the applicable policies of the Del Monte Forest Land Use Plan and the Monterey County Zoning Ordinance (Title 20) Part 5. The required findings in order to grant the waiver for tree removal have been met.
- EVIDENCE:** (a) The Monterey County Zoning Ordinance Title 20, Part 5 (Coastal Implementation Plan for the Del Monte Forest Land Use Plan), Sections 20.147.050.A.1.a. and 1.b. state an exception (i.e., waiver) to the requirement for a tree removal permit may be granted if the tree removed is planted or an immediate hazard. The trees proposed for removal are two planted oak trees and three dead Monterey pine trees, as confirmed by the technical reports submitted for the project and by site visits. Although oaks are native to the area, staff finds the subject trees were planted because the age of the trees is consistent with the age of the residence and other mature landscape features, they are

dissimilar to all other oaks on the property. In addition, research determined the oak trees were not planted as part of any tree replacement plan. The following technical reports have been prepared: “*Tree Resource Evaluation*” (LIB070559), prepared by Maureen Hamb, November 1, 2007; with Addendum (LIB080006), November 30, 2007.

- (b) The removal will not involve a risk of adverse environmental impacts.
- (c) LUP Policy #36 and Section 20.147.050.D.4 CIP direct that residential development shall be sited and designed to minimize tree removal. Staff confirms that the removal proposed is the least amount necessary for the proposed development.
- (d) The proposed tree removal will not result in additional exposure of the structures in the viewshed. Confirmed by staff site visits.
- (e) Site visits conducted by the project planner on October 4 and November 20, 2007.

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). The proposed project is in conformity with the public access policies of Chapter 5 of the Del Monte Forest LUP, and Section 20.147.130 of the Monterey County Zoning Ordinance (Part 5 – Coastal Implementation Plan).

EVIDENCE:

- (a) Figure 15 (Recreational Facilities) of the Del Monte Forest LUP does not identify the area of this property for public access points or trails.
- (b) Materials in Project File PLN070511.
- (c) Site visits by the project planner on October 4 and November 20, 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 of the Monterey County Zoning Ordinance.

<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: Spindletop Exploration (Hughes)</p> <p>File No: PLN070511 APN: 008-331-014-000</p> <p>Approved by: Zoning Administrator 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 Coastal Administrative Permit, Design Approval and Coastal Waiver (PLN070511) allows the demolition of an existing single family dwelling, detached garage, and guesthouse; the construction of a 7,216 square foot single family residence with a 484 square foot attached garage; the removal of five trees; and grading consisting of 900 cubic yards of cut and 900 cubic yards of fill. The property is located at 1480 Oleada Road (Assessor's Parcel Number 008-331-014-000), Del Monte Forest Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. 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.	

<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>
		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 PLN070511) was approved by the Zoning Administrator for Assessor's Parcel Number 008-331-014-000 on January 31, 2008. The permit was granted subject to seventeen (17) conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.		PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeologist	Ongoing	

<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	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable	

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5.		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	
6.		PD011 – TREE AND ROOT PROTECTION Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by a certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of the RMA – Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by a certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning Department)	Submit evidence of tree protection to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of grading and/or building permits.	
			Submit on-going evidence that tree protection measures are in place through out 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	
7.		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	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	

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		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 one (1) set landscape plans of approved by the RMA – Planning Department, a Maximum Applied Water Allowance (MAWA) calculation, and a completed “ <u>Residential</u> 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 “ <u>Residential</u> Water Release Form and Water Permit Application” to the Monterey Peninsula Water Management District for review and approval.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to issuance of Building Permits	
			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	Owner/ Applicant	Ongoing	

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			continuously maintained in a litter-free, weed-free, healthy, growing condition.			
8.		PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)	Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.	Owner/ Applicant	Prior to the issuance of building permits.	
			The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to Occupancy / Ongoing	
9.		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	
10.		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)	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	Owner/ Applicant/ Engineer	Prior to the final inspection	

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			the building permit.			
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 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 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.	
12.		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.	
13.		FIRES001 – SHUT OFF SIGNAGE FOR SOLAR PANELS The solar panels shall have shut off instructions posted for use by emergency personnel.	Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.	Applicant or Owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. clearance inspection.	Applicant or Owner	Prior to final building inspection.	

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

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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	
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.	