

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: September 25, 2008. Time: 1:30 P.M	Agenda Item No.: 1
Project Description: Combined Development Permit consisting of: 1) A Coastal Development Permit and Design Approval to allow a 105 square foot addition and interior remodel (stairway, bathroom, powder room, living room, and kitchen) of an existing legal nonconforming residence; and 2) A Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat (Monterey Spine flower, Coastal Dune habitat, and Coastal wetland).	
Project Location: 1153 The Dunes, Pebble Beach	APN: 008-021-008-000
Planning File Number: PLN060238	Name: Del Monte Forest Foundation, Property Owner International Design Group Inc., Agent
Plan Area: Del Monte Forest Land Use Plan	Flagged and staked: Yes
Zoning Designation: RC-D (CZ) [Resource Conservation, with a Design Control Overlay (Coastal Zone)].	
CEQA Action: Categorically Exempt per Section 15301 (e)	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Zoning Administrator approve the Combined Development Permit based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions (**Exhibit D**).

PROJECT OVERVIEW:

The existing single family dwelling is known as both the Casita de Lemos after Dr. Pedro Lemos, and the Ginger Bread House as it resembles depictions of a cottage from the fairytale Hansel and Gretel. The house is multi-colored with a very steep roof pitch constructed between 1941 and 1944 as a temporary living quarters during construction of the main house (which was never completed). The existing structure currently provides a small studio located above a two-car garage and storage area that does not share internal circulation with the studio. The proposed development includes the demolition of 360 square feet and addition of 465 square feet for a net addition of 105 square foot to an existing 1,242 square foot, historic residence. The proposed addition/remodel would include an internal stairway leading to two new bedrooms on the lower level.

The existing dwelling has been determined to be historically significant under State and Federal criteria mostly due to its association with Dr. Lemos. The proposed addition was brought to the Historic Resource Review Board (HRRB) for review and recommendation. The HRRB found that the proposed addition is consistent with the Secretary of Interior Standards for the treatment of historic structures, as conditioned, and unanimously recommended approval of the project by a vote of 3-0. Additionally, the structure is also located in an environmentally sensitive native dune habitat that contains wetlands, Monterey Pine trees, Monterey Spineflower, and potential habitat for legless lizards. The proposed addition extends approximately five feet beyond the existing footprint of the dwelling, into a disturbed area of the backyard. The addition will not directly affect any of the sensitive habitat listed above, provided some avoidance measures are incorporated as conditions of approval. The house and addition is visible from 17 Mile Drive.

The project was found to be categorically exempt from the California Environmental Quality Act (CEQA), per Section 15301, class 1. See Exhibit B for a more detailed discussion.

OTHER AGENCY INVOLVEMENT:

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

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

On May 15, 2008 the Del Monte Forest Land Use Advisory (LUAC) voted 4 to 0 to approve the project as proposed, stating that they were pleased to see the unique exterior preserved.

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

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September 17, 2008

cc: Front Counter Copy; Zoning Administrator; Pebble Beach Community Services District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Laura Lawrence, Planning Services Manager; Craig Spencer, Planner; Carol Allen, Del Monte Forest Foundation, Applicants; International Design Group Inc., Agent; Planning File PLN060238.

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 Historic Report
Exhibit I HRRB Resolution
Exhibit J Biological Report

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

EXHIBIT B
PROJECT DISCUSSION
PLN060238 (Del Monte Forest Foundation)

I. PROJECT SETTING AND DESCRIPTION:

Setting

The 1-acre project site is located east of 17 Mile Drive on The Dunes Road in Pebble Beach. The site is predominantly an undeveloped dune habitat that transitions to Monterey Pine Forest on the eastern edge of the property. A small 1,242 square foot, two-story, single family residence is located on the southern edge of the property, just off The Dunes access road that leads to Spyglass Golf Course. The existing house stands out in appearance from the overall architectural character of Pebble Beach and the immediate vicinity, with a high pitched roof, rolling out at the eaves with a painted concrete tile roof. Adjacent to the residence is a partial foundation where the main dwelling was planned for construction. Originally, the existing structure was built as a temporary living quarters and

Project Description

The project consists of the demolition of 360 square feet and addition of 465 square feet to an existing 1,242 square foot residence for a net total addition of 105 square feet. The existing dwelling contains a two-car garage on the first floor with two separate attached storage areas behind it and a studio style living area on the second floor. Each area (the garage, the living area, and both storage areas) do not share internal circulation and must be accessed from the outside. The proposed remodel addition would remove the two rear storage areas on the first floor, create an internal stairway from the second floor to the first floor and provide two new bedrooms on the lower level. No grading is required for the project and the footprint will extend only four feet, nine inches beyond the edge of the existing footprint at the rear of the dwelling.

II. ANALYSIS

Development Standards

The site is designated for conservation of sensitive resources in the Coastal Zone (RC-D(CZ)). The existing house is non-conforming as to front setback and is located approximately one foot from the front property line at its nearest point. The proposed addition conforms to the setback requirements and all other site development standards.

Visual Resources

The Del Monte Forest Land Use Plan identifies areas of visual sensitivity including views from 17 Mile Drive. The existing structure and proposed addition are visible to the east of 17 Mile Drive and from a scenic turnout off 17 Mile Drive. Impacts to the scenic character of the area are minimal given that the structure is setback approximately 500 feet east of 17 Mile Drive. The cottage is located on the east side of 17 Mile Drive. Larger, more modern and visible homes are located to the north and south of the cottage. One point of clarification is required based on the visual resource policies of the Del Monte Forest Land Use Plan. The addition has been conditioned to preserve the historic character of the structure including the protection and use of the painted concrete roof materials. The painted concrete does not blend into the environment but are a significant feature of the historic structure. Even with painted tile roofing materials, the addition will have minimal visual impacts given the reasons described above and can be considered an important part of the viewshed given its historic nature and appearance.

Historic Resources

“1944 Casita de Lemos” can be seen inscribed on the front of the existing cottage. Professor Pedro Lemos was a painter, printmaker, architect, illustrator, writer, lecturer, longtime director of Stanford University Museum, and master-craftsman. A historic report was prepared for the proposed development indicating that the structure is eligible for listing under the local, state, and federal registers of historic places. The report analyzed the proposed development for consistency with the Secretary of Interiors Standards under the rehabilitation of historic structures and concluded that, with a few conditions, the project is consistent with the standards. The HRRB concurred (see **Exhibit I**). The recommended conditions include: 1) reuse of historic building materials of the residence as is feasible; particularly the unique concrete roof tiles; and 2) Preparation of a set of measured drawings, to Historic American Building Survey standards of the historic residence. These conditions are included in **Exhibit D** (Condition number’s 13 & 14).

Cultural Resources

The project site is located within an area of high archaeological sensitivity. An archaeological report was submitted for the proposed development that indicated that there is no evidence of potentially significant resources at the site. A condition has been incorporated to stop work and notify an archaeologist and the Planning Department if previously unidentified resources are discovered (Condition number 3).

Environmentally Sensitive Habitat

The project site is within a mapped sensitive habitat area in the Del Monte Forest Land Use Plan, is zoned Resource Conservation (RC), and is identified easily in the field as a sensitive native dune habitat. A biological report was prepared for the property by Ed Mercurio on June 17, 2006. The biological report recognizes the sensitive nature of the site for its numerous protected species and habitat including identified wetland habitat and Monterey Spineflower. The vernal marsh vegetation was located approximately 60 feet from the structure and will not be impacted by the proposed addition. Monterey Spineflower was observed by the biologist, growing on the driveway and to the west of the driveway during his June survey. The proposed addition will be located on the north elevation of the structure and only extends four feet nine inches from the existing footprint. The northern elevation is essentially the backyard with limited vegetation including a couple of ferns and some non-native grasses (See Figure 1 below).

Figure 1



The originally proposed project included remodeling the existing structure and constructing a new 200 square foot detached garage. This plan changed based on the numerous environmental constraints at the property. Recommendations from the biological report regarding construction of the garage no longer apply; however, many of the recommendations for the project remain valid, including not paving the driveway, appropriate staging and storage areas, and landscaping restrictions. The Del Monte Forest Land Use Plan, policy 13, encourages dedication of sensitive habitats, such as this one, to conservation scenic easements. The steward of such easements and dedications in the Del Monte Forest is the Del Monte Forest Foundation who, already owns the property. The Pebble Beach Company dedicated the property to the Del Monte Forest Foundation as a result of a past litigation. The dedication placed restrictions similar to a conservation scenic easement on the property contained in a private party agreement between Pebble Beach Company and the Foundation. In this case, the County would like the property to be placed in an official, recorded, easement in perpetuity. This means that the Foundation would be dedicating the easement to itself (Condition number 10). As conditioned, the 105 square foot addition is consistent with Del Monte Forest Land Use Plan Policies and will not have direct impacts on protected species.

CEQA

The project includes a 105 square foot addition to an existing single family dwelling, on a legal lot of record created through a Lot Line Adjustment (LL 91-39) in 1992. Section 15301(e) of the California Environmental Quality Act (CEQA) exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structure or 2,500 square feet, whichever is less (Class 1). The proposed addition is under 50 percent of the existing floor area of the structure. As designed and conditioned the project avoids direct and potentially significant impacts to the sensitive site.

EXHIBIT C
RECOMMENDED FINDINGS AND EVIDENCE
(Del Monte Forest Foundation/PLN060238)

1. **FINDING:** **CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, the Del Monte Forest Land Use Plan, the Coastal Implementation Plan Part 5, and the Monterey County Zoning Ordinance (Title 20), which designates this area as appropriate for development.

- EVIDENCE:** (a) Plan Conformance The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. Areas of concern have been addressed. No communications were received during the course of review of the project indicating any other potential inconsistencies with the text, policies, and regulations in these documents.
- (b) Zoning Consistency The property is located at 1153 The Dunes, Pebble Beach (Assessor's Parcel Number 008-021-008-000), Del Monte Forest Land Use Plan. The parcel is zoned Resource Conservation with a Design Control Overlay in the Coastal Zone ("RC-D (CZ)") which does not allow single family structures and uses. The residential structure, built between 1941 and 1944, maintains a legal non-conforming residential land use which is allowed to be increased for expansion by up to 120 square feet or 10% of the floor area whichever is greater (20.68.030.C Title 20). A 105 square foot addition is proposed. No change in use is proposed.
- (c) Site Visit The project planner conducted a site inspection on September 8, 2008 to verify that the project on the subject parcel conforms to the plans listed above.
- (d) Visual Resources The Del Monte Forest Land Use Plan identifies visually sensitive areas to include everything visible from 17 Mile Drive and its scenic turnouts along the Pacific Ocean (Del Monte Forest LUP - Figure 2C). The existing structure and proposed addition are both visible from 17 Mile Drive, set back approximately 500 feet to on the eastern side. There are many structures on the eastern side of the road and structure with the proposed addition will not detract from the scenic character of the viewshed. The structure is unique in character and maintains a historic nature and appearance making it a landmark worth preserving within the viewshed. A condition of approval requiring submittal of a lighting plan with the use of downlit, unobtrusive exterior lighting has been incorporated (Condition No. 7).
- (e) Cultural Resources The existing structure has been determined to be historically significant and eligible for listing on the local, state, and federal registers of historic structures. A Phase II Historic Report has been prepared for the property by Kent Seavy dated March 1, 2008. The report stated the proposed addition is consistent with the Secretary of Interior Standards for the Rehabilitation of historic structures. The project was also brought to the Monterey County Historic Resource Review Board (HRRB) for consideration. The HRRB concurred with the conclusions in the Seavy report and recommended approval of the project by a vote of 3-

0. As conditioned there will be no significant impact to the historic structure (see Condition No.'s 13 & 14). Potential impacts to archaeological resources were also evaluated during review. A preliminary archaeological reconnaissance of the site was conducted and no surface evidence of significant resources was found. A condition to stop work and notify the appropriate parties to evaluate findings has been included in case unforeseen resources are discovered during construction (Condition No. 3).

- (f) Environmentally Sensitive Habitat The site is located in a mapped biologically sensitive area according to the Del Monte Forest Land Use Plan Figure 2. A biological report was prepared for the property by Ed Mercurio on June 17, 2006. The biological report identified native dune habitat, wetland habitat, and Monterey Spineflower (a State listed endangered plant) within 100 feet of the proposed development. The vernal marsh vegetation is located approximately 60 feet from the structure and will not be impacted by the proposed addition. Monterey Spineflower was observed by the biologist, growing on the driveway and to the west of the driveway during his June survey. The proposed addition will be located on the north elevation of the structure and only extends four feet nine inches from the existing footprint. The northern elevation is essentially the backyard with limited vegetation including a couple of ferns and some non-native grasses. Recommendations from the biological report including not paving the driveway, designating appropriate staging and storage areas, and landscaping restrictions have been made conditions of approval (Conditions No.'s 6, 11, & 12). Pursuant to Del Monte Forest Land Use Plan policies 13 and 16, a condition requiring dedication of a conservation scenic easement to the Del Monte Forest Foundation, who is already the owner of the property, has been included (Condition No. 10). As conditioned, the 105 square foot addition is consistent with Del Monte Forest Land Use Plan Policies and will not have direct impacts on protected species.
- (g) LUAC The project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review. On May 15, 2008 the Del Monte Forest Land Use Advisory (LUAC) voted 4 to 0 to approve the project as proposed, stating that they were pleased to see the unique exterior preserved.
- (h) Application The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN060238.

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), Parks, Public Works, Environmental Health Division, and 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 biological, archaeological, and historical consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use

proposed. County staff concurs. The following reports have been prepared:

- i. "Biological Survey" (LIB080189) prepared by Ed Mercurio, Salinas, CA, June 17, 2006).
 - ii. "Preliminary Archaeological Reconnaissance" (LIB080190) prepared by Archaeological Consulting, Salinas, CA, June 28, 2006.
 - iii. "Historical and Architectural Evaluation" (LIB080188) prepared by Kent Seavey, Pacific Grove, CA, March 1, 2008.
- (c) Staff conducted a site inspection on September 8, 2008 to verify that the site is suitable for this use.
- (d) Materials in Project File PLN060238.

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 15301 (e), categorically exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structure or 2,500 square feet, whichever is less (Class 1). The proposed addition is under 50 percent of the existing floor area of the structure.
- (b) The subject property contains a plethora of sensitive habitat and species; however, the addition will extend four feet nine inches beyond the existing footprint on the northern elevation, in the rear yard, where there is limited vegetation that includes a couple of ferns and some grasses. As conditioned there will be no direct impacts to sensitive plant or animal species at the site.
- (c) No adverse environmental effects were identified during staff review of the development application during a site visit on September 8, 2008.
- (d) See findings 1 and 2 above with 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:** (a) 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) See findings 1, 2, and 3 above with supporting evidence.

6. **FINDING: PUBLIC ACCESS:** The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights. No access is required as part of the project as no substantial adverse impact on

access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

- EVIDENCE:** (a) There is an existing trail and public access along the easement road in front of the existing structure that connects the path along 17 Mile Drive with Spyglass Golf Course and a group picnic area. This trail will not be adversely affected as a result of the 105 square foot addition on the rear of the structure.
- (b) The property does not contain frontage on the ocean and is located on the eastern side of 17 Mile Drive. Therefore, no shoreline access is required.

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

- EVIDENCE:** (a) Section 20.86.030 of the Monterey County Coastal Implementation Plan - Part 1 (Board of Supervisors).
- (b) The project may be appealed to the California Coastal Commission pursuant to Section 20.86.080 of the Monterey County Coastal Implementation Plan - Part 1 because development within 100 feet of environmentally sensitive habitat is subject to a Coastal Development Permit. In addition, the site is located between the sea (Pacific Ocean) and the first public road paralleling the sea (Highway One).

EXHIBIT D Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: <u>Del Monte Forest Foundation</u> File No: <u>PLN060238</u> Approved by: The Zoning Administrator	APNs: <u>008-021-008-000</u> Date: September 25, 2008
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		PD001 - SPECIFIC USES ONLY This Combined Development permit (PLN060238) allows 1) a Coastal Development Permit and Design Approval to allow a 105 square foot addition to an existing legal nonconforming residence including an interior remodel (stairway, bathroom, powder room, and kitchen); and 2) A Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat (remnant dunes, wetlands, and Monterey Spineflower). The property is located at 1153 The Dunes, Pebble Beach (Assessor's Parcel Number 008-021-008-000), 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	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>
		conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 060238) was approved by the Zoning Administrator for Assessor's Parcel Number 008-021-008-000 on September 25, 2008. The permit was granted subject to 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.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
3.		<p>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</p> <p>If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)</p>	<p>Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.</p>	<p>Owner/ Applicant/ Archaeologist</p>	<p>Ongoing</p>	

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)
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	

<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>
5.		<p>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)</p>	<p>Submit evidence of tree protection to the RMA - Planning Department for review and approval.</p>	Owner/ Applicant	Prior to the issuance of grading and/or building permits	
			<p>Submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.</p>	Owner/ Applicant/ Arborist	During Construction	
			<p>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.</p>	Owner/ Applicant	Prior to final inspection	
6.		<p>PDSP001 - LANDSCAPING PLAN – DEL MONTE FOREST COASTAL NATIVE (NON-STANDARD) The use of native species consistent with those found in the project area shall be required in all landscaping plans as a condition of project approval. Appropriate native plant species shall be approved by a qualified biologist, in writing. The proposed landscape plan shall include removal of invasive species and shall incorporate recommendations including any required monitoring form a qualified biologist. The proposed landscape plan and biologists letter shall be submitted to the RMA - Planning Department for review and approval prior to issuance of building permits. (RMA – Planning Department)</p>	<p>Submit landscape plans, biologist’s letter and contractor’s estimate to RMA - Planning Department for review and approval.</p>	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect/ Biologist	Prior to issuance of Building Permits	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
7.		<p>PDSP006– LIGHTING – EXTERIOR LIGHTING PLAN (VISUAL SENSITIVITY DISTRICT/ RIDGELINE DEVELOPMENT)</p> <p>All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior lights shall have recessed lighting elements. Exterior light sources that would be directly visible from when viewed from a common public viewing area, as defined in Section 20.06.197, are prohibited. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)</p>	<p>Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.</p>	Owner/ Applicant	Prior to the issuance of building permits.	
			<p>The lighting shall be installed and maintained in accordance with the approved plan.</p>	Owner/ Applicant	Prior to Occupancy/ Ongoing	
8.		<p>PD016 – NOTICE OF REPORT</p> <p>Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Biological report has been prepared for this parcel by Ed Mercurio, dated June 18, 2006 and is on record in the Monterey County RMA - Planning Department , Library No. 080189. All development shall be in accordance with this report." (RMA – Planning Department)</p>	<p>Proof of recordation of this notice shall be furnished to the RMA - Planning Department.</p>	Owner/ Applicant	Prior to the issuance of grading and building permits.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
9.		PD016 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Historic evaluation has been prepared for this parcel by Kent Seavey, dated March 1, 2008 and is on record in the Monterey County RMA - Planning Department, Library No. 080188. All development shall be in accordance with this report." (RMA – Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits.	
10.		PD022(B) – CONSERVATION AND SCENIC EASEMENT IN THE DEL MONTE FOREST A conservation and scenic easement shall be conveyed to the Del Monte Forest Foundation over those portions of the property where environmentally sensitive habitats, remnant native sand dune habitats, habitats of rare, endangered and sensitive native plants and animals, and visually prominent areas exist. The easement shall be developed in consultation with a certified professional and the Del Monte Forest Foundation. These instruments shall be subject to approval by the County as to form and content, shall provide for enforcement, if need be, by the County or other appropriate agency, and name the County as beneficiary in event the Foundation is unable to adequately manage these easements for the intended purpose of scenic and visual resource protection. An easement deed shall be submitted to the Director of the RMA - Planning Department for review and approval prior to issuance of grading and building permits. (RMA – Planning Department)	Submit the conservation and scenic easement deed and corresponding map, showing the exact location of the easement on the property along with the metes and bound description developed in consultation with a certified professional, to the RMA - Planning Department for review and approval.	Owner/ Applicant/ Certified Professional	Prior to issuance of grading and building permits	
			Record the deed and map showing the approved conservation and scenic easement. Submit a copy of the recorded deed and map to the RMA – Planning Department.	Owner/ Applicant	Prior to commencement use	
11.		PDSP002 – DRIVEWAY (NON-STANDARD) The driveway shall remain unpaved due to the existence of Monterey Spineflower. (RMA – Planning Department)	Do not pave the driveway.	Owner/ Applicant/ Contractor	Ongoing	

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12.		<p>PDSP003 - CONSTRUCTION MANAGEMENT PLAN (NON-STANDARD)</p> <p>Prior to issuance of Building Permits, the applicant shall submit a Construction Management Plan (CMP) to the RMA-Planning Department for review and approval. The CMP shall include construction related parking and equipment staging area to include disturbed areas such as the access road. Parking or construction storage will be prohibited on the dune habitat west of the existing structure and on the driveway. Approved measures included in the CMP shall be implemented by the applicant during the construction phase of the project. (RMA – Planning Department)</p>	<p>Applicant shall prepare a CMP and shall implement approved measures during the construction phase of the project.</p>	Owner/ Applicant/ Contractor	Prior to issuance of the Grading Permit or Building Permit.	
			<p>Submit a construction activity report including photographs and activity logs where applicable that document how Best Management Practices were implemented and followed during construction activities.</p>	Owner/ Applicant/ Contractor	Prior to final inspection or occupancy	
13.		<p>PDSP004 – REUSE OF BUILDING MATERIALS (NON-STANDARD)</p> <p>The applicant shall ensure that the portions of the existing structure to be removed for the addition/remodel, are carefully removed and reused on the new development to the maximum extent feasible, particularly the unique concrete roof tiles. (RMA – Planning Department)</p>	<p>Submit an activity report including photographs and activity logs where applicable that document how portions of the existing structure were removed and stored for reuse and provide reasons and evidence for any materials that are not able to be reused on the new addition.</p>	Owner/ Applicant/ Contractor	Prior to foundation inspection	
			<p>Submit a follow up letter from a qualified historian indicating compliance with the Kent Seavey historic report and these conditions.</p>	Owner/ Applicant/ Historian	Prior to final building inspection	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
14.		<p>PDSP005 – HISTORIC AMERICAN BUILDINGS SURVEY (NON-STANDARD)</p> <p>The applicant shall prepare a set of measured drawings to Historic American Building Survey (HABS) standards including detailed drawings of any elements proposed for alteration for the subject property. The drawings shall be submitted to the County historian at the Monterey County Parks Department for review and approval. (Parks Department)</p>	Prepare a set of measured drawings to HABS standards and submit those drawings to the Parks Department for review and approval.	Owner/ Applicant/ Architect/ Historian	Prior to final building inspection	
15.		<p>WR40 - WATER CONSERVATION MEASURES</p> <p>The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:</p> <p>a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.</p> <p>b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)</p>	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	
16.		<p>WR43 - WATER AVAILABILITY CERTIFICATION</p> <p>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)</p>	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
17.		<p>FIRESPO01 – HISTORIC BUILDING CODE (NON-STANDARD)</p> <p>The applicant shall comply with the California Historic Building Codes (CHBC), Title 24 Chapter 8-4 and 8-5 as they pertain to life and safety. (Pebble Beach Fire District)</p>	<p>Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.</p>	Applicant or owner	Prior to issuance of grading and/or building permit.	
			<p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	Prior to final building inspection.	