

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: November 13, 2008	Time: P.M.	Agenda Item No.:
Project Description: Combined Development Permit consisting of 1) A Coastal Administrative Permit to allow the demolition of an existing 4,481 square foot single family dwelling and construction of a new 5,936 square foot single family dwelling including an attached garage and a 936 square foot basement with approximately 550 cubic yards cut and 420 cubic yards fill; 2) A Coastal Development Permit to allow the removal of one 48-inch oak tree; 3) A Coastal Development permit to allow development within 750 feet of a known archaeological resource; 4) A Variance to exceed the 4,000 square foot impervious coverage limitation in the Pescadero watershed area by 4,424 square feet, for a total impervious surface area of 8,424 square feet (reduced by 1,781 square feet from 10,205 square feet of existing impervious surfaces); and 5) A Design Approval.		
Project Location: 1476 Cypress Drive, Pebble Beach		APN: 008-445-007-000
Planning File Number: PLN070607		Name: PB Cypress LLC, Property Owner Stocker & Allaire, Agent
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 a Design Control Overlay (Coastal Zone)].		
CEQA Action: Mitigated Negative Declaration		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Zoning Administrator:

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

PROJECT OVERVIEW: The project includes demolition of an existing single family dwelling and construction of a new 5,936 square foot single family dwelling including an attached garage and 936 square foot basement. Construction of the new dwelling requires removal of one 48-inch landmark oak tree. The site is located on Stillwater Cove in Pebble Beach, a short distance from the mixed uses of the Pebble Beach Golf Course and Lodge. This location is identified in the Del Monte Forest Land Use Plan as visually sensitive (Figure 2C), and is adjacent to the native cypress habitat illustrated in Figure 2. The site contains a few Cypress trees, none of which will be affected by the proposed development. Other applicable sections and policies of the Del Monte Forest Land Use Plan related to the proposed development include impervious area limitations of the Pescadero Watershed (Variance required) and potential cultural resources, both for the demolition of structure built in 1917 and for potential buried archaeological resources at the site. In reviewing the proposed development the structure to be demolished was found to lack integrity due to numerous alterations over the years and is therefore not a significant historical structure. Mitigation measures and conditions are recommended to reduce potential impacts regarding archaeological, visual, and tree resources to a less than significant level. An Initial Study and Mitigated Negative Declaration have been prepared and circulated for the proposed development (**Exhibit H**). 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 Fire and Water Resources have been incorporated into the condition compliance reporting plan (**Exhibit D**).

The project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review. On September 18, 2008 the Del Monte Forest LUAC recommended approval of Combined Development Permit (PLN070607) by a vote of 6-0. No comments or recommendations were made.

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

Craig W. Spencer
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October 2, 2008

cc: Front Counter Copy; Coastal Commission; 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; PB Cypress LLC, Applicants; Stocker & Allaire, Agent; Planning File PLN070607.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Discussion
	Exhibit C	Recommended Findings and Evidence
	Exhibit D	Recommended Conditions of Approval and Mitigation Monitoring and Reporting Program
	Exhibit E	Vicinity Map
	Exhibit F	Site Plan, Floor Plan and Elevations
	Exhibit G	LUAC Minutes
	Exhibit H	Mitigated Negative Declaration
	Exhibit I	Biological Report
	Exhibit J	Forest Management Plan
	Exhibit K	Historic Report
	Exhibit L	Variance Justification Letter

This report was reviewed by Laura Lawrence, Planning Services Manager

EXHIBIT B
PROJECT DISCUSSION
PLN070607 (PB Cypress LLC)

I. PROJECT SETTING AND DESCRIPTION

Setting

The project is located at 1476 Cypress Drive in Pebble Beach. The site is 1.18 acre flag lot backing up to the Stillwater Cove and the Pacific Ocean. Currently there is an existing single family dwelling at the site located along the eastern side of the property surrounded by landscaping including a large lawn extending to the bluff which is protected by an existing sea wall. The structure is accessed by a driveway that encompasses the house by extending to the east and west sides. Topographically the lot slopes down from Cypress Drive to the Pacific Ocean at an average of approximately 10%.

Project Description

The proposed project consists of the demolition of an existing 4,481 square foot single family dwelling and construction of a new 5,936 square foot single family dwelling including an attached garage and a 936 square foot basement with associated grading. One 48-inch oak tree is proposed for removal to allow for the construction of the new dwelling. A Variance is required to exceed the impervious coverage limitations within the Pescadero watershed by 4,424 square feet (4,000 square feet allowed, 8,424 square feet proposed).

II. ANALYSIS

Development Standards

The site is designated for low density residential development (LDR/1-D (CZ)) and is subject to the policies of the Del Monte Forest Land Use Plan. The proposed project meets the site development standards set forth in Title 20 (Zoning Ordinance) including height, lot coverage, floor area ratio, and setbacks but does not conform to the impervious surface limitations of the Del Monte Forest Pescadero Watershed area. Other applicable review criteria, based on the location, proposed development, and site specific data, include visual resources, cultural resources, forestry and soils resources, and potential biological resources.

Visual Resources

The subject property is located at 1476 Cypress Drive in Pebble Beach, and is visible from Carmel State Beach and Point Lobos. Views from these areas are identified as sensitive in the Del Monte Forest Land Use Plan (LUP) Visual Resources Map (Figure 2C). According to the Del Monte Forest LUP, visually sensitive areas identified on the LUP Visual Resources Map shall be developed so that buildings are situated to allow the highest potential for screening from view the development and its access roads (Policy 51) and shall be designed and sited so as to not detract from scenic values (Policy 56). The property is currently developed with a single family residence, which is fully screened from Cypress Drive by intervening vegetation. Although the new residence would be larger than the existing residence, it would not significantly alter existing views of the site, as surrounding residences are at a similar scale. In addition, the proposed new residence has been designed to be one story and set low to the existing grade to maximize ocean views and minimize view impacts. Simplicity in massing and the use of warm tones and natural materials, including Sandstone for exterior walls, would allow the proposed residence to be subordinate to and blend into the surrounding environment.

A standard County Condition of Approval would require preparation of an Exterior Lighting Plan, subject to review and approval by the Resource Management Agency Planning Department. Pursuant to compliance with Local Coastal Program policies (20.147.070.C CIP) including implementation of exterior lighting condition (Condition 10) the proposed project would not detract from scenic values of Carmel State Beach and Point Lobos.

Cultural Resources

Cultural Resources evaluated during project review include the historic integrity of the structure to be demolished and the potential for encountering archaeological resources during foundation removal. A report prepared by Anthony Kirk Ph.D was submitted to the Planning Department indicating that the structure to be demolished, built in 1917, has lost its historic integrity due to some additions and alterations over the years. Because the structure has lost its integrity through previous legal alterations, it is not considered eligible for listing on any historical registers and is not considered a historically significant structure. Therefore, demolition of the existing structure will not adversely affect any historic resources.

Also discussed under Cultural Resources in the Mitigated Negative Declaration (MND) was the potential for impacts to archaeological resources because the area is high in sensitivity. Mitigations to require archaeological monitoring during foundation removal and any earth disturbing activities were recommended in the archaeological report prepared for the project by Archaeological Consulting. Conditions to provide an archaeological monitor and to stop work if resources are found so they can be evaluated and dealt with properly have been included (Condition 3, Mitigation Measure #5).

Forestry and Soils Resources

Proposed demolition and reconstruction of a single family residence would result in the removal of one (1) 48-inch coast live oak tree. According to the Tree Resource Evaluation/Construction Impact Analysis prepared for the project by Maureen Hamb, this tree is infested with oak bark beetle.

Del Monte Forest Land Use Plan Policy 36 requires that native trees, removed as a result of development, be replaced on the site at a rate of one tree of the same variety for each tree removed; However, given the large size of the tree proposed for removal, and in accordance with the Biological Report, the following mitigation is proposed to require replanting on a two to one basis (Condition 14, Mitigation Measure #1). Other mitigations have been suggested to require and provide adequate protection of the trees to be retained on the site including fencing off trees at the drip zone with orange construction netting, bridging roots where required, and monitoring from a qualified arborist where required (Condition 9, Mitigation Measure #2). Although the dwelling could be sited and designed to avoid tree removal, there are other constraints in design and location including side, rear, and ocean bluff setbacks, the size of the proposed one-story structure, visual resources, and the understandable desire of the property owner to maintain a rear yard fronting on Stillwater Cove. Removal of the 48-inch oak tree will not create a significant forest impact at the site or in Del Monte Forest as a whole as the tree is currently incorporated in a landscape area and will not have a significant visual impact when viewed from common public viewing areas such as Carmel State Beach and Point Lobos due to the distance and screening from other trees located on the adjacent parcel to the southeast.

Biological Resources

The property is located outside the native Cypress habitat area mapped in the Del Monte Forest Land Use Plan Figure 2 but may be within the boundary, as described in the note on the map,

because the property and adjacent properties contain some Cypress trees. Proposed improvements, specifically the driveway, are adjacent to two Cypress trees. There are no Cypress trees proposed for removal and all development has been sited to avoid improvements and grading with the drip line of the Cypress trees in accordance with the Del Monte Forest Land Use Plan Policy 21.

A search of the California Natural Diversity Database (CNDDB) shows several rare and endangered species known to occur in the project area, including Tidestrom's lupine, fragrant fritillary, Yadon's Pipiera, and Monterey Pine. There are no Monterey Pine trees proposed for removal and according to the biological report prepared by Vern Yadon, dated October 8, 2007, none of the other plants can be expected to occur within the area of proposed construction due to the existence of improvements including the driveway, the existing structure, and the existing landscaping consisting of a large watered lawn extending from the driveway to the bluff. The biological report also indicates that the Cypress trees at the site may have been planted, however without conclusive evidence that the trees were planted native cypress habitat policies have been applied to the proposed development. Mitigations are included to eliminate the large expanse of watered lawn, removal of invasive species, 2 to 1 replacement of the oak tree, and restoration of native vegetation at the site. Removal of invasive species and restoration of native vegetation is encouraged in the Local Coastal Program and in the Coastal Act. Implementation of these mitigation measures would improve potential habitat at the site.

Variance (Impervious Area)

The PB Cypress property is located within the Pescadero Watershed as described in the Del Monte Forest Land Use Plan. The Coastal Implementation Plan Part 5 Section 20.147.030.A.1.b limits impervious surfaces to 9,000 square feet (5,000 structural and 4,000 impervious surface) within the Pescadero Watershed. Currently existing at the site is a 4,481 square foot residence and 10,205 square foot paved surface for a total impervious area of 14,686 square feet. The new proposed development includes replacement of the existing structure with a 5,000 square foot (footprint) residence and 8,424 square feet of impervious surfaces for a total of 13,424 square feet. This is a net reduction of 1,781 square feet from existing yet 4,424 square feet beyond the allowable coverage limitations. Special circumstances associated with the site apply to the new development due to the flag like shape of the lot requiring a long driveway approaching the building area. Due to the topography within the "flag" shaped driveway area, the Pebble Beach Fire representatives have indicated that pervious surfaces are not appropriate. Pervious driveway materials are proposed where allowable (based on slope) to limit the impervious area to the maximum extent. Past precedence with variances to the Pescadero watershed limitations have been set where there is a net reduction, to the maximum extent feasible, in impervious area. The Variance does not grant a use that is not consistent with the zoning (residential).

Additionally, a portion of the existing driveway traverses across the adjacent parcel fronting on Cypress Drive. The two properties are currently under one ownership and the new driveway configuration has been sited to maintain some portions across the property line. The driveway configuration has been carefully sited to avoid impacts to trees while still providing functionality and aesthetics. A maintenance easement is suggested to avoid future complications if the properties were to be separately owned (Condition 18). The parcel fronting on Cypress Drive is currently vacant.

III. CEQA

Initial Study and Mitigated Negative Declaration

Potential Impacts were identified in the project review. According to the Del Monte Forest Land Use Plan all development with known archaeological resources shall be subject to environmental assessment (20.147.080 C.1). An Initial Study/Mitigated Negative Declaration was prepared and circulated from October 9, 2008 to November 9, 2008.

The Initial Study (IS) identified potential impacts to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazardous materials (asbestos, and lead paint), hydrology/water quality, and land use planning. Mitigations were recommended to reduce potential impacts to biological resources, cultural resources, and hazardous materials to a less than significant level. As mitigated the project was found to have a less than significant impact on the environment.

No Comments were received during the drafting of this report. The final comment period ends November 9, 2008. Subsequent Comments will be addressed at the hearing as needed.

EXHIBIT C
RECOMMENDED FINDINGS AND EVIDENCE
PLN070607 (PB Cypress LLC)

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, Coastal Implementation Plan Part 5, and the Monterey County Zoning Ordinance (Title 20 Part 1), 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. A Variance is requested to exceed the Pescadero watershed impervious coverage limitation by 4,424 square feet. No communications were received during the course of review of the project indicating any other inconsistencies with the text, policies, and regulations in these documents.

(b) Zoning Consistency The property is located at 1476 Cypress Drive, Pebble Beach (Assessor's Parcel Number 008-445-007-000), Del Monte Forest Land Use Plan. The parcel is zoned Low Density Residential, 1.5 acres per unit, with a Design Control Overlay, in the Coastal Zone ("LDR/1.5-D (CZ)") which allows single family dwellings and uses subject to a Coastal Administrative Permit in each case. Therefore, the property is suitable for the proposed development.

(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 The subject property is located at 1476 Cypress Drive in Pebble Beach, and is visible from Carmel State Beach and Point Lobos in the distance on a clear day. Views from these areas are identified as sensitive in the Del Monte Forest Land Use Plan (LUP) Visual Resources Map (Figure 2C). Although the new residence would be larger than the existing residence, it would not significantly alter existing views of the site, as surrounding residences are at a similar scale. In addition, the proposed new residence has been designed to be one story and set low to the existing grade to maximize ocean views and minimize view impacts. Simplicity in massing and the use of warm tones and natural materials, including Sandstone for exterior walls, would allow the proposed residence to be subordinate to and blend into the surrounding environment. Standard lighting conditions are included to keep nighttime visibility and glare to a minimum (Condition #10). The project, as designed and conditioned will not have a significant adverse impact on the viewshed.

(e) Historic The project site is currently developed with a 4,481 square foot single-story residence which is slated for demolition as part of the proposed project. A report prepared by Anthony Kirk Ph.D was submitted to the Planning Department indicating that the structure to be demolished, built in 1917, has lost its historic integrity due to some additions and alterations over the years. Because the structure has lost its integrity through previous alterations, it is not considered eligible for listing on any historical registers and is not considered a historically significant structure.

Therefore, demolition of the existing structure will not adversely affect any historic resources.

- (f) Archaeological An Archaeological Reconnaissance was submitted for the proposed project indicating that development could potentially impact archaeological resources. The Preliminary Archaeological Reconnaissance recommended that testing be conducted to determine the nature, extent, and significance of the cultural deposit on the project site. On November 6, 2007 which confirmed the presence of shallow, extensively disturbed, and extremely sparse resources in the project area. In accordance with recommendations of the archaeological testing letter report and the Coastal Implementation Plan Part 5 (CIP) Section 20.147.080.D.1, mitigation to require an archaeological monitor during all earth disturbing activities has been incorporated in the Mitigation Monitoring and Reporting Plan (Condition 3, Mitigation Measure #5).
- (g) Forest One 48-inch oak tree is proposed for removal to allow the construction of the new single family dwelling. Siting and design were reviewed for consistency with the CIP (20.147.050.D) and were found to be appropriate due to the oaks location in the middle of the lot. A condition of approval requiring replacement planting on a 2 to 1 basis has been included (Condition 14, Mitigation Measure #1). A separate entitlement (Coastal Development Permit) is included in this permit for the removal of the oak tree (See Finding 6).
- (h) Biological The PB Cypress LLC lot is located adjacent to the mapped native Cypress habitat contained in Figure 2 of the Del Monte Forest LUP. Monterey Cypress trees are protected endangered plant species. Proposed improvements, specifically the driveway, are adjacent to two Cypress trees. There are no Cypress trees proposed for removal and all development has been sited to avoid improvements and grading with the drip line of the Cypress trees in accordance with the Del Monte Forest Land Use Plan Policy 21. according to the biological report prepared by Vern Yadon, dated October 8, 2007, none of the other protected plants known to occur in the project vicinity can be expected to occur within the area of proposed construction due to the existence of improvements including the driveway, existing structure and the existing landscaping consisting of a large watered lawn extending from the driveway to the bluff. Mitigations are suggested to eliminate the large expanse of watered lawn, removal of invasive species, and restoration of native vegetation at the site (Condition 16, MM #4). Removal of invasive species and restoration of native vegetation is encouraged in the Local Coastal Program and in the Coastal Act. Implementation of these mitigation measures would improve potential habitat at the site.
- (i) Variance (Pescadero Watershed) A Variance to exceed the Pescadero watershed impervious surface limitations to allow 8,424 square feet of impervious surface coverage (maximum 4,000 square feet allowed) is required. Proposed impervious surface is 13,424 square feet including a 5,000 square foot residence and 8,424 square feet of paved area). The total impervious surfaces would be reduced from existing by 1,781 square feet. A separate is included in this permit for a Variance, See Findings 7, 8, & 9.
- (j) LUAC The project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review. On September 18, 2008 the Del

Monte Forest LUAC recommended approval of the PB Cypress LLC project by a vote of 6-0 without making any comments or suggestions.

- (k) 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 PLN070607.

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 Fire Protection District, 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, historical, forestry and geological consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs. The following reports have been prepared:

- i. *“Tree Resource Evaluation” (LIB080147) prepared by Maureen Hamb, Santa Cruz, CA, February 8, 2008.*
- ii. *“Biological Report” (LIB080143) prepared by Vern Yadon, Pacific Grove, CA, October 8, 2007.*
- iii. *“Historic Report” (LIB080139) prepared by Anthony Kirk, Ph.D., Santa Cruz, CA, January 7, 2008.*
- iv. *“Geotechnical Investigation” (LIB080144) prepared by Tharp & Associates, Inc., Aptos, CA, February 2008.*
- v. *“Geologic Investigation” (LIB080145) prepared by Rogers E. Johnson & Associates, Watsonville, CA, February 6, 2008.*
- vi. *“Preliminary Archaeological Reconnaissance” (LIB080141) prepared by Archaeological Consulting, Salinas, CA, October 9, 2007.*
- vii. *“Archaeological Testing Results” (LIB080142) prepared by Archaeological Consulting, Salinas, CA, February 22, 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 PLN070607.

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

EVIDENCE: (a) CEQA Review During review of the development application (PLN070607) staff identified potential impacts to archaeological resources and hydrology/water quality (Pescadero Watershed Variance). Pursuant to Section 15064.5 (c) of CEQA and Section 20.146.090.C.1 of the Coastal Implementation Plan Part 4, an Initial Study/Mitigated Negative Declaration was prepared for the project.

- (b) Initial Study. The Resource Management Agency – Planning Department prepared an initial study pursuant to CEQA. The Initial Study identified the potential for impacts to aesthetics, air quality, biological resources, cultural resources, geology, hazardous materials, hydrology, and land use planning, but the applicant has agreed to proposed mitigation measures that avoid or mitigate the effects to a less-than-significant level. Subsequently, a Mitigated Negative Declaration was prepared. The Initial Study reflects the independent judgment and analysis of the County and is hereby incorporated by reference.
- (c) Mitigated Negative Declaration. A Mitigated Negative Declaration was filed with the County Clerk on October 9, 2008, noticed for public hearing and circulated to the State Clearinghouse (SCH# 2008101042) from October 9, 2008 to November 9, 2008. Among the studies, data, and reports analyzed as part of the environmental determination are all of the technical reports listed in Finding 2 Evidence b above.
- (d) MMRP A Mitigation Monitoring and Reporting Program (MMRP) has been prepared and is designed to ensure compliance with conditions and that mitigation measures are monitored and reported during project implementation. The applicant must enter into an “Agreement to Implement a Mitigation Monitoring and Reporting Program” as a condition of project approval.
- (e) 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 PLN070607 located at 168 W. Alisal Street, 2nd floor Salinas, CA 93901.
- (f) Fish & Game Fee All land development projects that are subject to environmental review are now subject to the filing fees, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. The subject project (PLN070607) is required to pay the fee per Section 753.5 of Title 14, California Code of Regulations.
- (g) Comments No Comments were received during the comment period from October 9, 2008 through November 9, 2008.
- (h) References Evidence that has been received and considered includes the application, plans, materials, and technical reports, which are listed under Section IX (References) of the Initial Study and contained in project file PLN070607.

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) Hazards identified in the Initial Study include the potential for the existing structure, proposed for demolition, to contain asbestos and lead paint. Mitigations and conditions have been incorporated to require proper techniques and handling in the demolition process to avoid potential release of contaminations or air-born toxins (Condition #'s 13 & 17, Mitigation Measure #'s 6 & 7).

(b) Preceding findings and supporting evidence

6. **FINDING: TREE REMOVAL** – The subject project minimizes tree removal in accordance with the applicable goals and policies of the Del Monte Forest Land Use Plan and Coastal Implementation Plan (Part 5).

EVIDENCE: (a) The project includes a Coastal Development Permit for the removal of one 48-inch oak tree within the Del Monte Forest (Section 20.147.050.A CIP).

(b) The driveway and new dwelling have been sited to minimize the removal of native trees. The design of the proposed dwelling was developed to meet required setbacks contained in the LDR zoning district (Title 20), to provide a setback from the coastal bluff edge and maintain a rear yard fronting on the Pacific Ocean, and to take advantage of the integrity of the site including location, setting, feeling, and association. The driveway has been sited and designed to avoid tree removal and remain outside the drip line of Cypress trees.

(c) Measures for tree protection during construction have been incorporated as conditions and include tree protection zones, trunk protection, hand excavation and bridging roots (Condition #9, Mitigation Measure #2).

(d) Mitigation requiring replacement planting of two new oak trees at the site has been included in the Mitigation Monitoring and Reporting plan (Condition 14, Mitigation Measure #1).

(e) Forest Management Plan prepared by Maureen Hamb, dated February 8, 2007 contained in the project file.

(f) The removal will not involve a risk of adverse environmental impacts because the tree to be removed is located within a currently landscaped area and there is no significant plant association. The tree itself is not listed as a rare or endangered species.

7. **FINDING: VARIANCE (SPECIAL CIRCUMSTANCE)** – There are special circumstances applicable to the subject property, including size, shape, topography, location or surroundings. As a result, the strict application of site development standards would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. Although it was determined that special, circumstances exist, Variances are granted on a case-by-case basis and the findings and evidence for this project do not necessarily apply to other parcels.

EVIDENCE: (a) The subject property is located within the Pescadero Watershed. Impervious surface area within the Pescadero Watershed is limited to 5,000 square feet structural coverage and 4,000 square feet impervious surface coverage (20.147.030.A.1.b CIP). Existing impervious area at the site includes a 4,481 square foot single family dwelling and 10,205 square feet of impervious surfaces for a total of 14,686 square feet aggregate.

- (b) The subject property is “flagged shaped” having a narrow frontage on Cypress Drive and extending from there along a neighboring property for the purpose of driveway access to the rear lot. Within this flag portion the lot slopes down toward Stillwater Cove. Due to the topography the Pebble Beach Community Services District (Fire) is requiring pavement for emergency fire access.
- (c) The proposed development includes 4,584 square feet of impervious pavement for the driveway (required by the fire department), 3,840 square feet of impervious surface for front and rear patios (8,424 square feet total impervious surface), and a 4,998 square foot single family dwelling for an aggregate impervious area of 13,421 square feet which is reduced from existing by 1,781 square feet. The resulting project will exceed the impervious surface limitation by 4,424 square feet. Impervious area has been limited to meet the Pescadero Watershed limitations devoid of the required driveway pavement.
- (d) Strict interpretation of the zoning ordinance would potentially conflict with emergency access to the dwelling at the site and would potentially restrict the use of an outdoor living space or patio associated with normal residential use.
- (e) Materials in Project File No. PLN070607 including the Variance Justification Letter dated March 3, 2008.

8. FINDING: VARIANCE (SPECIAL PRIVILEGE) – The Variance does not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and identical zoning classification in which such property is situated.

- EVIDENCE:**
- (a) A Variance is requested to exceed the impervious surface area limitations of the Pescadero watershed in order to provide adequate emergency access while keeping a front and rear patio for enjoyment of outdoor space associated with the residential use.
 - (b) Other parcels of similar size in the area have been able to include a impervious surfaces for driveways (where required) and patios. Based on special circumstances, approval of this Combined Development Permit (PLN070607/PB Cypress LLC) will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and identical zoning classifications.
 - (c) Research of RMA-Planning Department files revealed that similar Variances were granted to:
 - McCallister/PLN060156 (Assessor’s Parcel Number 008-454-002-000). Approved a Variance for an aggregate impervious area of 15,044 square feet (5,833 square feet of impervious area) which was a net reduction from exiting (19,635 square feet).
 - Whitman/PLN060487 (Assessor’s Parcel Number 008-401-007-000). Approved a Variance for an aggregate impervious area of 12,664 square feet. Project included an 868 square foot addition to an 8,605 square foot house. Overall impervious area was reduced from existing by converting the driveway to pervious materials.
 - (d) Materials in Project File PLN070607.

9. **FINDING: VARIANCE (AUTHORIZED USE)** – This project will not constitute a grant for an activity or use otherwise not expressly authorized by the zone regulations governing the parcel.

EVIDENCE: (a) The proposed project includes a single family dwelling and use which is listed as “Principal Use Allowed” per Section 20.14.040.A in the Low Density Residential Zoning District Title 20.
(b) The Variance is requested to exceed impervious surface coverage limitations for the construction of a driveway and patios which are associated with normal residential use.
(c) Materials in Project File PLN070607.

10. **FINDING: PUBLIC ACCESS:** The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights. No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

EVIDENCE: (a) The subject property is not described as an area where the Local Coastal Program requires access.
(b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 15, the Recreational Facilities Map, and Figure 16, the Shoreline Access Map, of the Del Monte Forest Area Land Use Plan.
(c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
(d) Staff site visit September 8, 2008.

11. **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 the approval is subject to conditional uses including tree removal, archaeological resources, and a variance are required. In addition, the site is located between the sea (Pacific Ocean) and the first public road paralleling the sea (Highway One).

<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: <u>PB Cypress LLC</u></p> <p>File No: <u>PLN070607</u></p> <p>Approved by: Zoning Administrator</p>	<p>APNs: <u>008-455-007-000</u></p> <p>Date: November 13, 2008</p>
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Combined Development Permit and Variance (PLN070607) allows 1) A Coastal Administrative Permit to allow the demolition of an existing 4,481 square foot single family dwelling and construction of a new 5,936 square foot single family dwelling including an attached garage and a 936 square foot basement with approximately 550 cubic yards cut and 420 cubic yards fill; 2) A Coastal Development Permit to allow the removal of one 48-inch oak tree; 3) A Coastal Development permit to allow development within a cultural resources buffer zone; 4) A Variance to exceed the 4,000 square foot impervious coverage limitation in the Pescadero watershed area by 4,424 square feet, for a total impervious surface area of 8,424 square feet (reduced 1,781 square feet from 10,205 square feet of existing impervious surfaces); and 5) A Design Approval. The property is located at 1476 Cypress Drive, Pebble Beach (Assessor's Parcel Number 008-455-007-000), Del Monte Forest Land Use Plan. This permit was</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

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		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 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 070607) was approved by the Zoning Administrator for Assessor's Parcel Number 008-455-007-000 on November 13, 2008. The permit was granted subject to 29 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.	

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3.	5	<p>PD003(B) – CULTURAL RESOURCES – POSITIVE ARCHAEOLOGICAL REPORT</p> <p>If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken:</p> <p>There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <p>The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and If the coroner determines the remains to be Native American:</p> <ul style="list-style-type: none"> - The coroner shall contact the Native American Heritage Commission and the RMA – Planning Department within 24 hours. - The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costonoans/ Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent. - The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, or - Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance: 	The applicant shall submit the contracts with a Registered Professional Archeologist and a Registered Professional Anthropologist to the Director of the RMA – Planning Department for approval.	Owner/ Applicant per archaeologist or anthropologist	Prior to the issuance of grading or building permits.	

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

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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.		PD005 - FISH AND GAME FEE-NEG DEC/EIR Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning Department)	The applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	Within 5 working days of project approval.	
			If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	Prior to the recordation of the final map, the start of use or the issuance of building or grading permits	
6.		PD006 - MITIGATION MONITORING PROGRAM The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. (RMA - Planning Department)	1) Enter into agreement with the County to implement a Mitigation Monitoring Program. 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.	Owner/ Applicant	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	
7.		PD007 - GRADING-WINTER RESTRICTION No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department. (RMA – Planning Department and Building Services Department)	Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.	Owner/ Applicant	Ongoing	

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8.		PD010 - EROSION CONTROL PLAN AND SCHEDULE The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA – Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)	An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.	Owner/ Applicant	Prior to the issuance of grading and building permits	
			Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.	Owner/ Applicant	Ongoing	
			Evidence of compliance with the Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department	Owner/ Applicant	Prior to final inspection	
9.	2	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	Submit evidence of tree protection to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of grading and/or building permits	
			Submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.	Owner/ Applicant/ Arborist	During Construc- tion	

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		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 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	
10.		PD014(B) – LIGHTING – EXTERIOR LIGHTING PLAN (VISUAL SENSITIVITY DISTRICT/ RIDGELINE DEVELOPMENT) All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior lights shall have recessed lighting elements. Exterior light sources that would be directly visible from when viewed from a common public viewing area, as defined in Section 21.06.195, are prohibited. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)	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	

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11.		<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 Geotechnical report prepared by Tharp & Associates, Inc, dated February 2008 (Library Number LIB080144), Biological report prepared by Vern Yadon, dated October 8, 2007 (Library Number LIB080143), and Forest Management Plan prepared by Maureen Hamb, dated February 8, 2008 (Library Number LIB080147), have been prepared for this parcel and are on record in the Monterey County RMA - Planning Department. All development shall be in accordance with these reports." (RMA – Planning Department)</p>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits.	
12.		<p>PD043 – GRADING PERMITS REQUIRED</p> <p>A grading permit is required for new private single family access driveways greater than fifty (50) feet in total length that require 100 cubic yards or more of earthwork. An over the counter (OTC) grading permit may be issued for new private single family access driveways greater than fifty (50) feet in total length that require less than 100 cubic yards of earthwork. (RMA – Planning Department and Building Services Department)</p>	If applicable, apply and receive the appropriate grading permit from Monterey County RMA – Building Services Department.	Owner/ Applicant/ Engineer	Prior to the issuance of grading or building permits	
13.	6	<p>PD047 – DEMOLITION/DECONSTRUCTION OF STRUCTURES (MBUAPCD RULE 439)</p> <p>In accordance with Monterey Bay Unified Air Pollution Control District Rule 439, construction plans shall include "Demolition and Deconstruction" notes that incorporate the following work practice standards:</p> <ol style="list-style-type: none"> 1. Sufficiently wet the structure prior to deconstruction or demolition. Continue wetting as necessary during active deconstruction or 	Applicant shall incorporate a "Demolition/ Deconstruction" note on the demolition site plan that includes, but is not limited to, the standards set forth in this condition.	Contractor/ Owner/ Applicant	Prior to the issuance of a demolition permit	

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		<p>demolition and the debris reduction process;</p> <p>2. Demolish the structure inward toward the building pad. Lay down roof and walls so that they fall inward and not away from the building;</p> <p>3. Commencement of deconstruction or demolition activities shall be prohibited when the peak wind speed exceeds 15 miles per hour.</p> <p>All Air District standards shall be enforced by the Air District. (RMA – Planning Department)</p>	Contractor shall obtain any required Air District permits and conduct all deconstruction or demolition activities as required by the Air District.	Contractor/ Owner/ Applicant/ Air District	During demolition	
14.	1	<p>PDSP001 – TREE REPLACEMENT (NON-STANDARD)</p> <p>The coast live oak tree that would be removed as a result of the project shall be replaced at a minimum 2:1 ratio. Replacement plantings shall be from locally-collected coast live oak seed stock and shall be shown on landscaping plans. A landscape contractor shall be retained to monitor the acquisition and installation of all coast live oak trees to be replaced on the property. (RMA – Planning Department)</p>	Prior to final building or grading inspection, the coast live oak tree shall be replaced at a minimum 2:1 ratio. The landscape contractor shall monitor the acquisition and installation of replacement trees. The applicant shall submit proof of replacement plantings (e.g. photos of replacement trees in place) to the Monterey County RMA – Planning Department.	Owner/ Applicant/ Landscape Contractor	Prior to final building or grading inspection	

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15.	3	<p>PDSP002 – PRECONSTRUCTION SURVEY FOR NESTING BIRDS (NON-STANDARD)</p> <p>The following mitigation is required in order minimize potentially adverse impacts to native resident special status nesting avian species:</p> <ul style="list-style-type: none"> A pre-construction survey for special status nesting avian species (and other species protected under the Migratory Bird Act) shall be conducted by a qualified biologist at least two weeks prior to tree removal or initiation of construction activities that occur during the nesting/breeding season of native bird species (March 1 through August 15). If nesting birds are not found, no further action would be necessary. <p>If a nesting bird or an active nest is found, construction within 200 feet of the nest site, or an appropriate construction buffer established in consultation with the CDFG, should be postponed until after the bird has fledged (or the nest appears to be inactive). (RMA – Planning Department)</p>	At least two weeks prior to tree removal or initiation of construction activities that occur during the nesting/breeding season of native bird species (March 1 through August 15), a qualified biologist shall be retained to conduct nesting bird surveys and establish adequate protection fencing limits if necessary. Proof and results of the survey shall be submitted to the RMA – Planning Department for review and approval.	Owner/ Applicant/ Biologist	At least two weeks prior to tree removal or construction activities and as stated in the condition.	

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16.	4	PDSP003 – NATIVE LANDSCAPING (NON-STANDARD) A Landscape Plan shall be prepared for the proposed project which eliminates the large expanses of the watered lawn and includes native coastal bluff vegetation along the ocean frontage. The maximum amount of lawn area is 20% of the planted area with a maximum of 1,500 square feet. The Landscape Plan shall also include the proposed tree replacement planting locations and removal of the following invasive species currently located on the property: blackwood acacias (<i>Acacia melanoxylon</i>), yellow wattle acacias (<i>Acacia longifolia</i>), ice plant (<i>Carpobrotus edulis</i>), and kikuyu grass (<i>Pennisetum clandestinum</i>). (RMA – Planning Department)	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. 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.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to issuance of Building Permits	
			Prior to 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.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to occupancy	
			All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.	Owner/ Applicant	On-going	

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17.	7	PDSP004 – LEAD PAINT DISPOSAL (NON-STANDARD) If, during demolition of the existing on-site residence, paint is separated from the building material (e.g. chemically or physically), the paint waste shall be evaluated independently from the building material by a qualified hazardous materials inspector to determine its proper management. All hazardous materials shall be handled and disposed in accordance with local, state and federal regulations. According to the Department of Toxic Substances Control (DTSC), if paint is not removed from the building material during demolition (and is not chipping or peeling), the material can be disposed of as construction debris (a non-hazardous waste). The landfill operator shall be contacted prior to disposal of building material debris to determine any specific requirements the landfill may have regarding the disposal of lead-based paint materials. The disposal of demolition debris shall comply with any such requirements. (RMA – Planning Department and Environmental Health Division)	Should paint be separated from building materials during demolition, the applicant shall retain a qualified hazardous materials inspector to determine its proper management.	Owner/ Applicant/ Contractor	Prior to removal and disposal of materials containing lead based paints.	
			Evidence demonstrating compliance with this condition shall be submitted to the Director of Planning and the Director of Environmental Health for review and approval prior to final building inspection (demolition permit)	Owner/ Applicant/ Contractor/ Hazardous materials inspector	Prior to final inspection of the demolition permit	
18.		PDSP005 – MAINTAINENCE EASEMENT (NON-STANDARD) A maintainence easement shall be conveyed to the subject property (APN: 008-455-007-000) over those portions of the property where improvements such as the driveway encroach on the neighboring property (APN: 008-455-008-000). The easement shall correspond with the	Submit the maintenance easement deed and corresponding map, showing the exact location of the easement on the property along with the metes and bound description to the RMA - Planning Department for review and approval.	Owner/ Applicant/ Certified Professional	Prior to issuance of grading and building permits	

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		approved plans (PLN070607). An easement deed shall be submitted to, reviewed and approved by, the Director of the RMA - Planning Department prior to issuance of grading and building permits. (RMA – Planning Department)	Record the deed and map showing the approved maintenance easement. Submit a copy of the recorded deed and map to the RMA – Planning Department.	Owner/ Applicant	Prior to final building or grading inspection or commencement use	
19.		WR1 - DRAINAGE PLAN The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer	Prior to issuance of any grading or building permits	

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20.		<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.</p> <p>(Water Resources Agency)</p>	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	
21.		<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	

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22.		FIRE007 - DRIVEWAYS Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. (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 grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.	
23.		FIRE008 - GATES All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (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 grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

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24.		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. (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	

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25.		FIRE015 - FIRE HYDRANTS/FIRE VALVES A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. (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 grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
26.		FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD) Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	

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		approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Pebble Beach Community Services District)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
27.		FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (Pebble Beach Community Services District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection	
			Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	
28.		FIRE024 - FIRE ALARM SYSTEM - (SINGLE FAMILY DWELLING) The residence shall be fully protected with an approved household fire warning system as defined by NFPA Standard 72. Plans and specifications for the household fire warning system shall be submitted by a California licensed C-10 contractor and approved prior to installation. Household fire warning systems installed in lieu of single-station smoke alarms required by the	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall submit fire alarm plans and obtain approval.	Applicant or owner	Prior to rough sprinkler or framing inspection	

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		Uniform Building Code shall be required to be placarded as permanent building equipment. (Pebble Beach Community Services District)	Applicant shall schedule fire alarm system acceptance test.	Applicant or owner	Prior to final building inspection	
29.		FIRE029 - ROOF CONSTRUCTION - (CYPRESS FPD & PEBBLE BEACH CSD) All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (Pebble Beach Community Services District)	Applicant shall enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of building permit.	