

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: November 13, 2008	Time: 1:50 P.M	Agenda Item No.: 5
Project Description: Coastal Development Permit to allow development within 750 feet of archaeological resources; and Design Approval to allow remodeling of an existing two-story 2,769 square foot single family dwelling with an attached 255 square foot garage. Remodel to include the following elements: replacement of all windows and doors with double-paned, tempered windows and doors; reconversion of garage from living space to garage requiring the replacement of windows at front elevation with a garage door; the addition of 612 square foot at northern and western elevation of the first floor; the addition of 188 square foot at western elevation of second floor. The proposed modifications will result in 3,373 square foot of living space.		
Project Location: 26313 Oceanview Drive, Carmel		APN: 009-441-010-000
Planning File Number: PLN080170		Name: Ronald A & Monica Witherspoon TRS, Property Owners
Plan Area: Carmel Land Use Plan		Flagged and staked: Yes
Zoning Designation: “MDR/2-D (18)(CZ)” [Medium Density Residential, 2 units per acre, with Design Control, and an 18 feet maximum height zoning district overlays (Coastal Zone)]		
CEQA Action: Categorically Exempt per Section 15305		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Zoning Administrator:

- (1) Adopt the Mitigated Negative Declaration; and
- (2) Approve the Coastal Development Permit and Design Approval based on the Findings and Evidence (**Exhibit B**) and subject to the recommended Conditions (**Exhibit C**); and
- (3) Adopt a Mitigation Monitoring and/or Reporting Program (**Exhibit C**).

PROJECT OVERVIEW:

The subject property is located at 26313 Oceanview Avenue, Carmel (Assessor’s Parcel Number 009-441-010-000) within an established residential neighborhood. The proposed development includes the construction of a 612 square foot first floor addition and a 188 square foot second floor addition to an existing 2,769 square foot single family dwelling, and a 255 square foot attached garage and requires a Coastal Development Permit pursuant to Section 20.146.090.A.1 of the Coastal Implementation Plan (Part 4) of the Carmel Land Use Plan. The subject property is also located within a Design Control District and therefore requires a Design Approval for any exterior modification.

The existing single family dwelling currently receives water service from California American Water Company (Cal Am) and sanitary sewer service from the Carmel Area Wastewater District. No improvements to infrastructure will be required for the proposed project. The surrounding land use is medium density residential with the Pacific Ocean approximately 400 feet towards the west. The existing structure was constructed in 1945 and minor additions and work have taken place throughout the years. Vegetation is comprised of planted landscaping with a grove of Monterey cypress trees on the northern portion of the property.

An Initial Study was prepared for the project and concluded that impacts from the project will be potentially significant for cultural resources and identified a mitigation that includes protection measures and archaeological monitoring during excavation activities. The provision of this mitigation measure will reduce impacts to less than significant levels. A Mitigated Negative Declaration was filed on October 16, 2008.

Based on resource information contained in the Carmel Area Land Use Plan, Monterey County Coastal Implementation Plan (Part 4), Part 6 of the Coastal Implementation Plan (CIP), the Monterey County Zoning Ordinance (Title 20), application materials and site visits, staff finds that this project has no issues remaining.

OTHER AGENCY INVOLVEMENT:

- | | |
|------------------------------------|---------------------------------|
| ✓ Cypress Fire Protection District | ✓ Environmental Health Division |
| ✓ Public Works Department | ✓ Water Resources Agency |
| ✓ Parks Department | |

The above checked agencies and departments have reviewed this project. Conditions recommended by Cypress Fire Protection District and Water Resources Agency have been incorporated into the condition compliance reporting plan (**Exhibit C**).

The project was referred to the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) for review on June 2, 2008. The committee recommended approval of the project with a 6-0 vote. The LUAC meeting minutes are Exhibit F.

Note: The decision on this project is appealable to the Planning Commission.

Anna V Quenga, Assistant Planner
(831) 755-5175 or quengaav@co.monterey.ca.us
November 3, 2008

cc: Front Counter Copy, Zoning Administrator; Cypress Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Luis Osorio, Planning & Building Services Manager; Anna V Quenga, Project Planner; Carol Allen, Zoning Administrator Hearing Secretary; Ronald A & Monica Witherspoon TRS, Property Owners; Allen Turpen, Architect; Molly Erickson, Citizen; Planning File PLN080170.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Recommended Findings and Evidence
	Exhibit C	Recommended Conditions of Approval
	Exhibit D	Vicinity Map
	Exhibit E	Site Plan, Floor Plan and Elevations
	Exhibit F	Carmel Unincorporated/Highlands LUAC Minutes, dated June 2, 2008
	Exhibit G	Design Approval Request Form
	Exhibit H	Correspondence from David J. Messmer, registered professional engineer, dated April 23, 2008
	Exhibit I	Historical Report prepared by Kent L. Seavey, dated April 18, 2008 (LIB080264)
	Exhibit J	Biological Assessment prepared by Biotic Resources Group, dated March 28, 2007 (LIB080265)
	Exhibit K	Mitigated Negative Declaration

This report was reviewed by Luis Osorio, Planning Services Manager.

EXHIBIT A

Project Information for PLN080170

Project Title: **WITHERSPOON RONALD A & MONICA**

Location:	26313 OCEANVIEW AVE CARMEL	Primary APN:	009-441-010-000
Applicable Plan:	Carmel Land Use Plan	Coastal Zone:	Yes
Permit Type:	Coastal Development Permit	Zoning:	MDR/2D(18)(CZ)
Environmental Status:	Exempt	Plan Designation:	MDR
Advisory Committee:	Carmel/Carmel Highlands	Final Action Deadline (884):	7/22/2008

Project Site Data:

Lot Size:	11,600 SF	Coverage Allowed:	35%
Existing Structures (sf):	3,024 SF	Coverage Proposed:	27%
Proposed Structures (sf):	800 SF	Height Allowed:	18 FT
Total Sq. Ft.:	3,628 SF	Height Proposed:	38%
		FAR Allowed:	45%
		FAR Proposed:	38%

Resource Zones and Reports:

Environmentally Sensitive Habitat:	No	Erosion Hazard Zone:	II
Biological Report #:	LIB080265	Soils Report #:	LIB080263
Forest Management Rpt. #:	N/A		
Archaeological Sensitivity Zone:	HIGH	Geologic Hazard Zone:	IV
Archaeological Report #:	LIB080267	Geologic Report #:	LIB080263
Fire Hazard Zone:	MODERATE	Traffic Report #:	N/A

Other Information:

Water Source:	PUBLIC	Sewage Disposal (method):	PUBLIC
Water Dist/Co:	CAL-AM	Sewer District Name:	CARMEL SAN
Fire District:	CYPRESS FPD	Grading (cubic yds.):	100.0
Tree Removal:	0		

Date Printed: 11/03/2008

EXHIBIT B

RECOMMENDED FINDINGS AND EVIDENCE

- 1. FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Carmel Area Land Use Plan, Monterey County Coastal Implementation Plan (Part 4), Part 6 of the Coastal Implementation Plan (CIP), and the Monterey County Zoning Ordinance (Title 20), which designates this area as appropriate for development.

- EVIDENCE:**
- (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
 - (b) The property is located at 26313 Oceanview Drive, Carmel (Assessor's Parcel Number 009-441-010-000), Carmel Land Use Plan. The parcel is zoned Medium Density Residential, 2 units per acre, with Design Control, and an 18 feet maximum height zoning district overlays (Coastal Zone) or "MDR/2-D(18)(CZ)" which allows single-family dwellings. Therefore, the property is suitable for the proposed development.
 - (c) The existing single-family dwelling is an allowed use per the provisions of Section 21.12.040.A of the Monterey County Zoning Ordinance (Title 20). The proposed modifications do not involve substantial changes to the existing residence, which could be considered as the reconstruction or replacement of the residence; therefore, the project would not require a Coastal Administrative Permit for the first single-family dwelling per legal lot of record.
 - (d) Design Control or "D" zoning requires design review of structures to assure the protection of the public viewshed, neighborhood character, and the visually integrity of certain developments without imposing undue restrictions on private property. The project design, materials, and color treatments chosen for the residence and improvements blend with the natural landscape and are in keeping with materials and treatment approved for other residences and structures in the Carmel Point area of the Unincorporated Carmel. The Design Approval Request Form is attached to the July 10, 2008 Zoning Administrator Staff Report as Exhibit H.
 - (e) The property's zoning requires that structures constructed on the subject parcel not exceed 18 feet in height. The height of the existing residence is 21 feet-6 inches and is therefore, a legal non-conforming structure. No construction is requested that will affect the existing roofline; therefore, a variance to height is not required as the legal non-conforming condition is preexisting and no modifications to height are requested. Correspondence received from David J. Messmer, a registered professional engineer, dated April 23, 2008 confirms that the proposed project will not require the removal of the existing roof structure. The letter is attached as Exhibit H of the staff report.
 - (f) A Coastal Development Permit is required pursuant to Section 20.146.090.A.1 of the Coastal Implementation Plan (Part 4) for Carmel Land Use Plan. See Finding No. 6.

- (g) The project was referred to the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) for review on June 2, 2008. The committee recommended approval of the project with a 6-0 vote. The LUAC meeting minutes are attached to Staff Report as Exhibit G.
- (h) The project planner conducted a site inspection on May 6, 2008 to verify that the project on the subject parcel conforms to the plans listed above.
- (i) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN080170.

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, Cypress Fire Protection District, 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) The site is located within a “low” landslide and erosion susceptibility zone and within an III and a “very high” VI seismic hazard zone. A Geotechnical Investigation Report prepared for this parcel by Soil Surveys Inc, Salinas, CA (LIB080263) accounts for these hazards. Condition No. 5 has been incorporated requiring that geotechnical certification be submitted to the Director of the RMA - Planning Department for review and approval prior to final building inspection.
 - (c) According to Monterey County Resource Maps, the parcel is located within an area of “high” archeological sensitivity. A Preliminary Archaeological Reconnaissance of Assessor’s Parcel Number 009-441-010-000, dated February 21, 2007 was prepared by Archaeological Consulting Inc, (LIB080267) to address potential impacts to cultural resources. The project is conditioned to comply with the recommendations of the report. [See Finding No. 3 evidence (a)]
 - (d) The property is located in an area known to contain environmentally sensitive species. Biotic Resources Group prepared a biological assessment dated March 29, 2007 for the property (LIB080265). The report concludes that there is no presence of special status plant species of concerns on the subject property. The report identifies the potential for minimal impacts to the roots of Monterey Cypress trees from excavation of footings for the proposed addition. The report attached to the July 10, 2008 Staff Report as Exhibit K recommends that any tree roots greater than 2” in diameter encounter during digging should be cut clean with tree loppers or a hand punning saw. Condition of approval 11 requires tree protection measures be implemented during construction activities.
 - (e) Staff conducted a site inspection on May 6, 2008 to verify that the site is suitable for this use.
 - (f) Materials in Project File PLN080170.

3. FINDING: CEQA: - The proposed project, including all permits and approvals, will not have any significant adverse impacts on the environment and a Mitigated Negative Declaration has been prepared and is on file in the RMA-Planning Department (File No. PLN080170). Potential environmental effects have been studied and there is no substantial evidence in the record, as a whole, that

supports a fair argument that the project, as designed, mitigated and conditioned, may cause a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and in consideration of testimony and information received, and scientific and factual data presented in evidence during the public review process. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinions supported by facts have been submitted that refute the conclusions reached by these studies, data, and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data, and reports. Conditions of project approval and/or mitigation measures have been identified in the Initial Study and included into the Mitigation Monitoring / Condition Compliance Reporting Plan to reduce any impact to an insignificant level. These conditions have been agreed to by the applicant. The custodian of the documents and materials that constitute the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based is the Monterey County RMA-Planning Department located at 168 W. Alisal St., 2nd floor, Salinas, CA 93901.

- EVIDENCE:** (a) According to the Monterey County Resource Maps, the parcel is located within an area of “high” archeological sensitivity. A Preliminary Archaeological Reconnaissance of Assessor’s Parcel Number 009-411-010-000, dated February 21, 2007 was prepared by Archaeological Consulting Inc, (LIB080267) to address potential impacts to cultural resources. The report concludes that five recorded archaeological sites were found to be located within one kilometer of the subject property and that during field research, surface soil is of dark gray-brown sand which contained abalone shell fragments. However, no other materials frequently associated with prehistoric cultural resources in the area (such as fire affected rock, flaked or ground stone, bone fragments, formal artifacts, etc.) were observed. Subsurface borings between two to five feet in depth produced fragments of shell, lithic materials, chert flakes, an andesitic flake, obsidian flake, and a large abalone shell. Therefore, based upon background research and surface and subsurface evidence, the archaeologist concludes that the site has the potential to be a significant archaeological resource. The archaeologist recommends that as mitigation, a qualified archaeological monitor should be present during soil disturbing activities such as foundation excavations, etc. This mitigation is included within Exhibit C of the staff report as Mitigation Measure 1.
- (b) The proposed project will not create an impact to: aesthetics, agriculture resources, air quality, biological resources, geology/soils, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, and/or utilities/service systems. Further evidence is contained within the Mitigated Negative Declaration (Exhibit K of the staff report).

- 4. FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable

provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

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

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

EVIDENCE: Preceding findings and supporting evidence.

- 6. FINDING: DEVELOPMENT IN ARCHAEOLOGICALLY SENSITIVE AREAS** – Section 20.146.090 of the Carmel Land Use Plan Coastal Implementation Plan (Part 4) requires that new land uses shall be considered compatible with the presence of archaeological resources.

EVIDENCE: (a) The subject Coastal Development Permit is required pursuant to Section 20.146.090.A.1 of the Coastal Implementation Plan (Part 4) for Carmel Land Use Plan.

(b) See Finding 3, evidence (a).

(c) 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 PLN080170.

- 7. 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 (see 20.70.050.B.4). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

EVIDENCE (a) The subject property is not described as an area where the Local Coastal Program requires access.

(b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 3, the Public Access Map, of the Carmel Area Land Use Plan.

(c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

(d) Staff site visit on May 6, 2008.

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

EVIDENCE Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20).

<p align="center">EXHIBIT C</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: Ronald A & Monica Witherspoon TRS</p> <p>File No: PLN080170</p> <p>Approved by: Zoning Administrator</p> <p>APN: 009-441-010-000</p> <p>Date: July 10, 2008</p>
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Coastal Development Permit and Design Approval (PLN080170) allows to allow development within 750 feet of archaeological resources; and Design Approval to allow remodeling of an existing two-story 2,769 sq. ft. single-family dwelling with attached 255 sq. ft. garage. Remodel to include the following elements: replacement of all windows and doors with double-paned, tempered windows and doors; reconversion of garage from living space to garage requiring the removal of windows at front elevation and replacement with a garage door; the addition of 612 sq. ft. at northern and western elevation of the first floor; the addition of 188 sq. ft. at western elevation of second floor. The proposed modifications will result in 3,373 sq. ft. of living space. The property is located at 26313 Oceanview Drive, Carmel (Assessor's Parcel Number 009-441-010-000), Carmel area, coastal zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of 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</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		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 _____) was approved by the Zoning Administrator for Assessor's Parcel Number 009-441-010-000 on July 10, 2008 . The permit was granted subject to 18 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.		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	

<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>
		Department)			occurs first.	
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</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>
		county harmless. (RMA - Planning Department)				
5.		PD009 - GEOTECHNICAL CERTIFICATION Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA – Planning Department and Building Services Department)	Submit certification by the geotechnical consultant to the RMA – Building Services Department showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotech- nical Consultant	Prior to final inspection	
6.		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 Geotechnical report has been prepared for this parcel by Soil Surveys, Inc., dated February 5, 2007 and is on record in the Monterey County RMA - Planning Department, Library No. LIB080263. An Archaeological report has been prepared for this parcel by Archaeological Consulting, dated February 21, 2007 and is on record in the Monterey County RMA - Planning Department, Library No. LIB080267. All development shall be in accordance with these reports." (RMA – Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits.	
7.		PD012(D) - LANDSCAPE PLAN AND MAINTENANCE - MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (SINGLE FAMILY DWELLING ONLY) The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning	Submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to issuance of Building Permits	

<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>
		Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA – Planning Department)	Submit one (1) set landscape plans of approved by the RMA – Planning Department, a Maximum Applied Water Allowance (MAWA) calculation, and a completed “ <u>Residential</u> Water Release Form and Water Permit Application” to the Monterey County Water Resources Agency for review and approval.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to issuance of Building Permits	
			Submit the RMA – Planning Department approved landscape plans, a Maximum Applied Water Allowance (MAWA) calculation, and a completed “ <u>Residential</u> Water Release Form and Water Permit Application” to the Monterey Peninsula Water Management District for review and approval.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to issuance of Building Permits	
			Submit an approved water permit from the MPWMD to the RMA – Building Permit	Owner/ Applicant/ Licensed Landscape Contractor	Prior to issuance of Building Permits	
			Landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to Occupancy	

<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>
			All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.	Owner/ Applicant	Ongoing	
8.		PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)	Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans. The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant Owner/ Applicant	Prior to the issuance of building permits. Prior to Occupancy / Ongoing	
9.		PD035 - UTILITIES - UNDERGROUND All new utility and distribution lines shall be placed underground. (RMA - Planning Department; Public Works)	Install and maintain utility and distribution lines underground.	Owner/ Applicant	Ongoing	
10.		PD041 – HEIGHT VERIFICATION The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this	1) The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection 2) The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and	Owner/ Applicant Owner/ Applicant/ Engineer	Prior to the issuance of grading or building permits Prior to the final inspection	

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		project. (RMA – Planning Department and Building Services Department)	approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.			
11.		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. Any tree roots greater than 2” in diameter encounter during digging should be cut clean with tree loppers or a hand punning saw. Said protection, approved by a certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of the RMA – Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by a certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning Department)	Submit evidence of tree protection to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of grading and/or building permits	
			Submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.	Owner/ Applicant/ Arborist	During Construction	
			Submit photos of the trees on the property to the RMA – Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.	Owner/ Applicant	Prior to final inspection	
12.		PD043 – GRADING PERMITS REQUIRED 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	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	

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		Building Services Department)				
13.	1.	<p>PD – MITIGATION MEASURE 1 - CULTURAL RESOURCES (NON-STANDARD)</p> <p>In order to mitigate impacts to a potential archaeological resource, paleontological resources, and/or the disturbance of human remains, the applicant shall adhere to the recommendations contained in the <i>Preliminary Archaeological Report</i> prepared by Archaeological Consulting (February 21, 2007). Specifically, a qualified archaeological monitor should be present during soil disturbing activities such as foundation excavations, etc. If, at any time, potentially significant archaeological resources are discovered, the monitor shall be authorized to temporarily halt work on the parcel until the find has been determined significant and until mitigation measures have been formulated and implemented with the concurrence of the Monterey County RMA-Planning Department. A sampling of soil may be screened during monitoring in order to facilitate potential data recovery. At least two single specimen radiocarbon dates should be</p>	<p>The applicant shall record an agreement, created by an Archaeologist and signed by the contractors, informing them of the possibility of encountering buried cultural materials and human remains and a requirement to contract an archaeologist for archaeological monitoring during earth disturbing activities associated with land clearing and excavation activities. The monitor shall have the authority to temporarily halt work in order to examine any potentially significant cultural materials or features. Prior to the issuance of a building permit, the applicant shall provide the Director of Planning with a copy of the recorded agreement.</p>			

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		obtained, if suitable shell is recovered during monitored excavations, as mitigation for impact to the cultural resource on the parcel.	<p>All work shall be halted on the parcel if, at any time, intact cultural features are discovered or potentially significant cultural materials are exposed or disturbed by the project. If human remains are identified, all work shall be halted on the parcel and the Monterey County Coroner shall be notified immediately. If it is determined that the remains are likely to be Native American, the Native American Heritage Commission will be notified as required by law and the following steps shall occur.</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 			

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			<p>provided in Public Resources Code Section 5097.9 and 5097.993, or</p> <ul style="list-style-type: none"> - 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: <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>Prior to the issuance of grading and building permits, the applicant shall enumerate these notes on the plans. The plans shall be submitted for</p>			

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			review and approval by the Director of the RMA-Planning Department.			
14.		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	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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		road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Cypress Fire Protection District)				
15.		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. (Cypress Fire Protection 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	
16.		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. (Cypress Fire Protection District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
17.		WR040 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/ occupancy	

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		<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>				
18.		<p>WR043 - WATER AVAILABILITY CERTIFICATION The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)</p>	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	

END OF CONDITIONS