

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: August 13, 2009	Time: P.M	Agenda Item No.:
Project Description: Combined Development Permit consisting of: 1) a Coastal Administrative Permit for the demolition of an existing 6,000 square foot single family dwelling with an attached carport and an existing 120 square foot shed, and the construction of a new 5,252 square foot single family dwelling with an attached 520 square foot garage and 328 square foot detached studio; 2) a Coastal Administrative Permit for the construction of a 420 square foot detached guesthouse; 3) a Coastal Development Permit to allow development within 750 feet of a known archaeological resource; and 4) Design Approval.		
Project Location: 26221 Hilltop Place, Carmel Point		APN: 009-451-002-000
Planning File Number: PLN090097		Owner: Christopher Redlich Agent: Jim Caldwell
Planning Area: Carmel Area Land Use Plan		Flagged and staked: Yes
Zoning Designation: MDR/2-D (18) (CZ) [Medium Density Residential, 2 units per acre, with a Design Control overlay and 18 foot height limit (Coastal Zone)]		
CEQA Action: Categorically Exempt per Sections 15302 and 15303 of the CEQA Guidelines		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt a resolution (**Exhibit B**) to:

- 1) Categorically exempt PLN090097 per Sections 15302 and 15303 of the CEQA Guidelines; and
- 2) Approve PLN090097, based on the findings and evidence and subject to the conditions of approval (**Exhibit B**).

PROJECT OVERVIEW:

The applicant proposes to demolish an existing 6,000 square foot single family dwelling with an attached carport and an existing 120 square foot shed, and construct a new 5,252 square foot single family dwelling with an attached 520 square foot garage, a 328 square foot detached studio, and a 420 square foot detached guesthouse. The subject parcel is approximately 32,000 square feet (.73 acre) in size, and is one of the larger parcels in the Carmel Point neighborhood. The proposed site coverage and floor area ratio (both = 6,520 square feet or 20.4%) are substantially less than allowed (11,200 or 35%, and 14,400 or 45%, respectively).

County records identify the project site is within an area of high sensitivity for prehistoric cultural resources, and the project includes a Coastal Development Permit to allow development within 750 feet of a known archaeological resource. An archaeological survey prepared for the project site concluded that there is no surface evidence of potentially significant archaeological resources. The potential for inadvertent impacts to cultural resources is limited and will be controlled by the use of the County's standard project condition (Condition No. 3).

There area also a number of large, planted Monterey Cypress located on the property that will require protection during demolition and construction activities. The applicant has not proposed any tree removal, and has carefully sited the proposed development to minimize potential impacts. An arborist report prepared for the project site concluded that measures can be taken to avoid impacts during demolition and construction. Therefore, the potential for inadvertent impacts to these trees is limited and will be controlled by the use of the County's standard project condition (Condition No. 5).

Due to the age of the existing structure, the applicant prepared a historical report for the project. The report concluded the building was once architecturally significant, but due to extensive remodeling, the character-defining features have been destroyed; therefore, the building no longer retains sufficient integrity to convey its significance. The County Parks Department concurred with this conclusion, yet requested the project be forwarded to the Monterey County Historic Resources Review Board (HRRB) for review. The HRRB unanimously recommended approval, with one condition (Condition No. 18), at a public hearing held on July 2, 2009. Per the condition, the applicant shall erect signs on both Hilltop Place and Isabella Avenue, visible to the public, containing photographs and text regarding the history of the property.

OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

- RMA - Public Works Department
- Environmental Health Division
- √ Water Resources Agency
- √ Cypress Fire Protection District (FPD)
- √ Parks Department / Historic Resources Review Board
- California Coastal Commission

Agencies that submitted comments are noted with a check mark (“√”). Conditions recommended by the Cypress FPD, Water Resources Agency, Parks Department, and the Planning Department have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached as Exhibit 1 to the draft resolution (**Exhibit B**).

The project was referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because it involves a Design Approval subject to review by the Zoning Administrator. The Carmel Highlands LUAC continued the item at a public meeting held on May 18, 2009, and unanimously recommended approval, with comments and conditions, at a public meeting held on June 15, 2009.

Per the recommendation of the Parks Department, the project was referred to the Monterey County Historic Resources Review Board (HRRB) for review. The HRRB unanimously recommended approval, with one condition, at a public hearing held on July 2, 2009.

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

Joseph Sidor, Associate Planner
(831) 755-5262, SidorJ@co.monterey.ca.us
July 13, 2009

cc: Front Counter Copy; Zoning Administrator, Cypress Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; California Coastal Commission; Laura Lawrence, Planning Services Manager; Joseph Sidor, Project Planner; Carol Allen, Senior Secretary; Christopher Redlich, Owner; Jim Caldwell, Agent; Planning File PLN090097

- Attachments: Exhibit A Project Data Sheet
Exhibit B Draft Resolution, including:
1. Conditions of Approval
2. Site Plan, Floor Plan and Elevations
Exhibit C Vicinity Map
Exhibit D Advisory Committee Minutes
1. Carmel Highlands LUAC
2. HRRB Resolution
Exhibit E Technical Reports
1. Phase I Historical Assessment
2. Tree Survey

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

**EXHIBIT B
DRAFT RESOLUTION**

**Before the Zoning Administrator in and for the
County of Monterey, State of California**

In the matter of the application of:

REDLICH (PLN090097)

RESOLUTION NO. 090097

Resolution by the Monterey County Zoning
Administrator:

- 1) Categorically exempting PLN090097 per Sections 15302 and 15303 of the CEQA Guidelines, and
- 2) Approving a Combined Development Permit consisting of a Coastal Administrative Permit for the demolition of an existing 6,000 square foot single family dwelling with an attached carport and an existing 120 square foot shed, and the construction of a new 5,252 square foot single family dwelling with an attached 520 square foot garage and 328 square foot detached studio; a Coastal Administrative Permit for the construction of a 420 square foot detached guesthouse; a Coastal Development Permit to allow development within 750 feet of a known archaeological resource; and Design Approval.

(PLN090097, Redlich, 26221 Hilltop Place, Carmel Point, Carmel Area Land Use Plan, APN: 009-451-002-000)

The Redlich application (PLN090097) came on for public hearing before the Monterey County Zoning Administrator on August 13, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:

- the Monterey County General Plan,
- Carmel Area Land Use Plan,
- Carmel Area Coastal Implementation Plan,
- Monterey County Zoning Ordinance (Title 20)

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 26221 Hilltop Place, Carmel Point (Assessor's Parcel Number 009-451-002-000), Carmel Area Land Use Plan. The parcel is zoned Medium Density Residential, 2 units per acre, with a Design Control District Overlay and an 18 foot height limit, Coastal Zone ["MDR/2-D (18) (CZ)"], which allows the construction of single family residences and guesthouses with a Coastal Administrative Permit, and development within 750 feet of a known archaeological resource as a conditional use with the approval of a Coastal Development Permit. Therefore, the project is an allowed land use for this site.
- c) The project site zoning includes an 18 foot height limit. The residence is proposed at 18 feet, the studio at 15 feet, and the guesthouse at 11 feet. These proposed heights are consistent with the zoning and site development standards for the area and parcel.
- d) Setbacks: Per Title 20, Section 20.62.040.M, the parcel abuts on two streets. Therefore, the main structure and accessory structure locations have been proposed so that they do not encroach upon the front setback required on either street.
- e) The project planner conducted a site inspection on March 31, 2009, to verify that the project on the subject parcel conforms to the plans listed above.
- f) Archaeological Resources: County records identify the project site is within an area of high sensitivity for prehistoric cultural resources, and the project includes a Coastal Development Permit to allow development within 750 feet of a known archaeological resource. An archaeological survey prepared for the project site concluded that there is no surface evidence of potentially significant archaeological resources. The potential for inadvertent impacts to cultural resources is limited and will be controlled by the use of the County's standard project condition (Condition No. 3).
- g) Guesthouse: The subject project meets the regulations, standards and circumstances for a guesthouse (size, height, no kitchen, etc). The project includes a Coastal Administrative Permit to allow the construction of a guesthouse, consistent with Section 20.12.040.C, and in accordance with the applicable policies in Section 20.64.020.C. In addition, Condition No. 8 will require the applicant to record a deed restriction regarding the regulations applicable to the use of guesthouses.
- h) Historic Resources: Due to the age of the existing structure, the applicant prepared a historical report for the project. The report concluded the building was once architecturally significant, but due to extensive remodeling, the character-defining features have been destroyed; therefore, the building no longer retains sufficient integrity to convey its significance. The County Parks Department concurred with this conclusion, yet requested the project be forwarded to the Monterey County Historic Resources Review Board (HRRB) for review. The HRRB unanimously recommended approval, with one condition (Condition No. 18), at a public hearing held on July 2, 2009.
- i) The project was referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per

Resolution No. 08-338, this application did warrant referral to the LUAC because it involves a Design Approval subject to review by the Zoning Administrator. The Carmel Highlands LUAC continued the item at a public meeting held on May 18, 2009, and unanimously recommended approval, with comments and conditions, at a public meeting held on June 15, 2009. The LUAC recommended three conditions related to structural setback, gate design, and wall design. Staff clarified the setback requirement for the studio, and the applicant submitted revised plans depicting the studio location with a 50 foot setback. The applicant also submitted revised plans depicting a gate and wall design consistent with the LUAC's conditions regarding openings.

- j) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN090097.

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 Department, Public Works Department, 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) Staff identified potential impacts to Biological Resources, Archaeological Resources, and Historic Resources. The project is consistent with applicable policies and regulations. Technical reports by outside 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 independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:

- "Tree Survey (LIB090328) prepared by Urban Tree Management, Los Gatos, California, April 22, 2009.
- Preliminary Cultural Resources Reconnaissance (LIB090327) prepared by Susan Morley, Marina, California, March 2009.
- Phase I Historical Evaluation (Revised) (LIB090329) prepared by JRP Historical Consulting LLC, Davis, California, April 15, 2009.

c) Staff conducted a site inspection on March 31, 2009, to verify that the site is suitable for this use.

d) 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 PLN090097.

3. **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) The project was reviewed by the RMA - Planning Department, Cypress Fire Protection District, Parks Department, Public Works Department, Environmental Health Division, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary public facilities are available. The existing residence has public water and sewer connections (Cal Am and Carmel Area Wastewater District, respectively). The proposed residence, studio, and guesthouse will continue to use these same connections.
 - c) Preceding findings and supporting evidence for PLN090097.

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.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on the subject property.
 - b) Staff conducted a site inspection on March 31, 2009, and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090097.

5. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15302 (Class 2) categorically exempts the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.
 - b) California Environmental Quality Act (CEQA) Guidelines Section 15303 (Class 3) categorically exempts the construction of new, small facilities or structures.
 - c) The project, as proposed, consists of the demolition of an existing 6,000 square foot single family dwelling with an attached carport and an existing 120 square foot shed, and construction of a new 5,252 square foot single family dwelling with an attached 520 square foot garage, a 328 square foot detached studio, and a 420 square foot detached guesthouse. The project is consistent with both the Class 2 and Class 3 categorical exemptions per Evidences 5a and 5b above.
 - d) No adverse environmental effects were identified during staff review of the development application during a site visit on March 31, 2009.

- e) Exceptions to exemptions listed in Section 15300.2.a-f are inapplicable. The project does not involve: a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a significant effect, development that would result in a cumulatively significant impact, nor development in a particularly sensitive environment.
- f) See preceding and following findings and supporting evidence.

6. **FINDING: PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.146.130 of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3, Public Access Map, in 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) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090097.
 - e) The project planner conducted a site inspection on March 31, 2009.

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

- EVIDENCE:**
- a) Board of Supervisors: Section 20.86.030 of the Monterey County Zoning Ordinance allows an appeal to be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
 - b) Coastal Commission: Section 20.86.080.A.3 of the Monterey County Zoning Ordinance (Title 20). Approved projects involving development in the underlying zone as a conditional use, are appealable to the Coastal Commission.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

- A. Categorically exempt PLN090097 per CEQA Guidelines Sections 15302 and 15303, and
- B. Approve a Combined Development Permit consisting of a Coastal Administrative Permit for the demolition of an existing 6,000 square foot single family dwelling with an attached carport and an existing 120 square foot shed, and the construction of a new 5,252 square foot single family dwelling with an attached 520 square foot garage and 328 square foot detached studio; a Coastal Administrative Permit for the construction of a 420 square foot detached guesthouse; a Coastal Development Permit to allow development within 750 feet of a known archaeological resource; and Design

Approval, in general conformance with the attached sketch (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 13th day of August, 2009.

MIKE NOVO, ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 4 years after the above date of granting thereof unless construction or use is started within this period.

RESOLUTION 090097 - EXHIBIT 1
Monterey County Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: REDLICH

File No: PLN090097

APN: 009-451-002-000

Approved by: Zoning Administrator Date: August 13, 2009

**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>
RMA – Planning Department						
1.		<p>PD001 - SPECIFIC USES ONLY This Combined Development Permit (PLN090097) allows the demolition of an existing 6,000 square foot single family dwelling with an attached carport and an existing 120 square foot shed, construction of a new 5,252 square foot single family dwelling with an attached 520 square foot garage, a 328 square foot detached studio, and a 420 square foot detached guesthouse, development within 750 feet of a known archaeological resource, and Design Approval. The property is located at 26221 Hilltop Place, Carmel Point (Assessor’s Parcel Number 009-451-002-000), Carmel Area Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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. (RMA-Planning Department)</p>	<p>Adhere to conditions and uses specified in the permit.</p> <p>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.</p> <p>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.</p>	<p>Owner/ Applicant</p> <p>RMA - Planning</p> <p>WRA RMA - Planning</p>	<p>Ongoing, unless otherwise stated.</p>	

<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>
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 090097) was approved by the Zoning Administrator for Assessor's Parcel Number 009-451-002-000 on August 13, 2009. The permit was granted subject to eighteen (18) conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)	Obtain appropriate form from the RMA-Planning Department. The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner/ Applicant RMA- Planning	Prior to the issuance of grading and building permits or commencement of use.	
3.		PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT - HIGH ARCHAEOLOGICAL SENSITIVITY (NON-STANDARD) An archaeological monitor shall be present during all phases of the project (e.g.; demolition, grading, pad construction, trenching, etc.). The monitor shall have the authority to temporarily halt work in order to examine any potentially significant cultural materials or features. If potentially significant cultural resources are discovered, work shall be halted in the area of the find until it can be evaluated and, if necessary, data recovery is conducted. Prior to issuance of a demolition permit, the applicant shall provide to the RMA-Planning Department a copy of the contractual agreement with a qualified archaeologist for review and approval. (RMA - Planning Department)	The applicant shall submit a contract with a Registered Professional Archeologist to the Director of the RMA – Planning Department for review and approval. The requirements of this measure shall be included as a note on all grading and building plans.	Owner / Applicant per Archae- ologist	Prior to the issuance of a demolition permit.	
			The monitoring archaeologist shall conduct data recovery, analysis, reporting, and curation of any cultural materials discovered during the project. Copies of all reports shall be submitted to the RMA-Planning Department.	Owner / Applicant per Archae- ologist	Ongoing during all phases of demolition, excavation, and construction.	
4.		PD004 - INDEMNIFICATION AGREEMENT 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	Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County. Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA –	Owner / Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, or	

<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>
		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)	Planning Department.		use of the property, whichever occurs first and as applicable.	
5.		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. 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 Owner / Applicant / Arborist	Prior to the issuance of grading and/or building permits. During construction.	

<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>
		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.	
6.		PD012(D) - LANDSCAPE PLAN AND MAINTENANCE - MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (SINGLE FAMILY DWELLING ONLY) The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA – Planning Department)	Submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable.	Owner / Applicant / Licensed Landscape Contractor / Licensed Landscape Architect	Prior to issuance of building permit.	
			Landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department.	Owner / Applicant / Licensed Landscape Contractor / Licensed Landscape Architect	Prior to occupancy.	
			All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.	Owner / Applicant	Ongoing	
7.		PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located	Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be	Owner / Applicant	Prior to the issuance of building permit.	

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		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)	incorporated into final building plans. The lighting shall be installed and maintained in accordance with the approved plan.	Owner / Applicant	Prior to occupancy. / Ongoing	
8.		PD019(B) – DEED RESTRICTION – GUESTHOUSE (COASTAL) The applicant shall record a deed restriction stating the regulations applicable to a Guesthouse as follows: <ul style="list-style-type: none"> • Only one guesthouse shall be allowed per lot. • Detached guesthouses shall be located in close proximity to the principal residence. • Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements. • The guesthouse shall not have cooking or kitchen facilities, including but not limited to microwave ovens, hot plates and toaster ovens • The guesthouse shall have a maximum of six (6) linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of eight (8) square feet of cabinet space, excluding clothes closets • The guesthouse shall not exceed 425 square feet of livable floor area • The guesthouse shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect • Subsequent subdivisions which divide a main 	Submit signed and notarized document to the Director of RMA – Planning Department for review and signature by the County. Proof of recordation of the document shall be submitted to the RMA – Planning Department.	Owner / Applicant Owner / Applicant	Prior to the issuance of grading and/or building permits. Prior to occupancy or commencement of use.	

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		<p>residence from a guesthouse shall be prohibited.</p> <ul style="list-style-type: none"> • The guesthouse shall be designed in such a manner as to be visually consistent and compatible with the main residence on site and other residences in the area. • The guesthouse height shall not exceed 12 feet nor be more than one story. <p>(RMA – Planning Department)</p>				
9.		<p>PD032(A) - PERMIT EXPIRATION The permit shall be granted for a time period of 4 years, to expire on August 13, 2013, unless use of the property or actual construction has begun within this period. (RMA – Planning Department)</p>	<p>The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.</p>	Owner / Applicant	As stated in the conditions of approval	
10.		<p>PD035 - UTILITIES - UNDERGROUND All new utility and distribution lines shall be placed underground. (RMA - Planning Department; Public Works)</p>	<p>Install and maintain utility and distribution lines underground.</p>	Owner / Applicant	Ongoing	
11.		<p>PD041 – HEIGHT VERIFICATION The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (RMA – Planning Department and Building Services Department)</p>	<p>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.</p>	Owner / Applicant	Prior to the issuance of grading and/or building permits.	
			<p>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 approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit</p>	Owner / Applicant / Engineer	Prior to final inspection.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
12.		<p>PD047 – DEMOLITION/DECONSTRUCTION OF STRUCTURES (MBUAPCD RULE 439) 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 demolition and the debris reduction process; 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; 3. Commencement of deconstruction or demolition activities shall be prohibited when the peak wind speed exceeds 15 miles per hour. <p>All Air District standards shall be enforced by the Air District. (RMA – Planning Department)</p>	<p>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.</p> <p>Contractor shall obtain any required Air District permits and conduct all deconstruction or demolition activities as required by the Air District.</p>	<p>Owner / Applicant / Contractor</p> <p>Owner / Applicant / Contractor / Air District</p>	<p>Prior to the issuance of a demolition permit.</p> <p>During demolition.</p>	
Monterey County Water Resources Agency						
13.		<p>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)</p>	<p>Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.</p>	<p>Owner / Applicant / Engineer</p>	<p>Prior to issuance of any grading or building permits.</p>	
14.		<p>WR40 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new</p>	<p>Compliance to be verified by building inspector at final inspection.</p>	<p>Owner / Applicant</p>	<p>Prior to final building inspection /</p>	

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		<p>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>			occupancy.	
15.		<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.	
Cypress Fire Protection District						
16.		<p>FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)</p> <p>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</p>	<p>Applicant shall enumerate as “Fire Dept. Notes” on plans.</p>	Owner / Applicant	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection.	Owner / Applicant	Prior to framing inspection.	
			Applicant shall schedule fire dept. final sprinkler inspection.	Owner / Applicant	Prior to final building inspection.	

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		inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (Cypress Fire Protection District)				
17.		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.	Owner / Applicant	Prior to issuance of building permit.	
Parks Department						
18.		PKSSP001 - HISTORICAL SIGNAGE (NON-STANDARD) The applicant shall erect signage and commentary, visible to the public, containing photographs and text regarding the history of the property. Signs shall be erected on both Hilltop Place and Isabella Avenue. The applicant shall submit proof of signage installation to the Parks Department. (Parks Department)	The applicant shall submit the proposed sign design to the Parks Department for review and approval.	Owner / Applicant	Prior to issuance of building permit.	
			The applicant shall submit proof of sign installation to the Parks Department.	Owner / Applicant	Prior to final inspection. / Occupancy	

END OF CONDITIONS