



**STAFF REPORT**  
**Monterey County Administrative Permit**  
**Resource Management Agency - Planning Department**  
168 W. Alisal St. 2<sup>nd</sup> Floor, Salinas, CA 93901  
(831) 755-5025; FAX (831) 757-9516

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Date: March 7, 2011

To: Eureka Group GP, Property Owners  
Jim Sullivan, Applicant/Agent

From: Maria Lopez (831) 755-5239  
[lopezmd@co.monterey.ca.us](mailto:lopezmd@co.monterey.ca.us)

cc: Front Counter Copy; Cypress Fire Protection District; Public Works; Parks Department; Environmental Health Bureau; Water Resources Agency; Maria Lopez, Planner; Wanda Hickman, Planning Services Manager; Eureka Group GP, Property Owner; Jim Sullivan, Representative; Project File PLN100163

Re: Eureka Group GP, (PLN100163) Combined Development Permit consisting of: 1) Administrative Permit for the construction of a 5,961 square foot three-story single family dwelling with an attached 799 square foot two car garage, installation of a septic system and grading of approximately 1,150 cubic yards of cut and 291 cubic yards of fill, 2) Use Permit for development on slopes greater than 25% to allow grading and a portion of the proposed single family dwelling; and 3) Design Approval.

Location: Assessor's Parcel Number: 103-011-023-000  
520 Valenzuela Road, Carmel  
Greater Monterey Peninsula Area Plan

**RECOMMENDATION:**

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

- 1) Categorically exempt the project pursuant to section 15303(3)(a) of CEQA; and
- 2) Approve PLN100163, based on the findings and evidence and subject to the conditions of approval (Exhibit B)

**PROJECT OVERVIEW:**

The 5.67 acre parcel is located at 520 Valenzuela Road, in the Aguajito Area of Monterey. The zoning of the property is "RDR/5.1-UR-D-S" or Rural Density Residential, 5.1 acres per unit with an Urban Reserve, Design Control and Site Plan Review zoning district overlay.

The applicant proposes to construct a 5,961 square foot three-story single family dwelling with an attached 799 square foot two car garage and a septic system. Approximately 1,150 cubic yards of cut and 291 cubic yards of fill is required for the construction of the single family dwelling and the regrading of an existing dirt road.

A portion of the dwelling unit will be located on slopes in excess of 25 percent. A Use Permit is required to allow development on slopes in excess of 25 percent. However, at the time the application was submitted (July 10, 2010), policies of the 1982 General Plan did not require a Use Permit for development on a slope of 25 percent. The change in policy from 30 percent to 25 percent was adopted October 26, 2010. In order to approve development on slopes in excess of 25 percent one or both of the following findings must be made. There is no feasible alternative location which would allow development to occur on slopes of less than 25 percent and/or the proposed development better achieves the resource protection objectives and policies contained in the Monterey County General Plan and Area Plan. In this case there is no feasible alternative area which would allow development to occur on slopes of less than 25 percent slopes and the development as proposed better achieves the resource protection objectives. The undeveloped lot is heavily forested with native Monterey pine with an oak under story. Staff conducted a site visit on June 3, 2010 and determined that no tree removal is required for the proposed development. Relocation of the structure to another area on the site would require tree removal and still would require development on slopes in excess of 25%.

According to Figure 14 (Scenic Highway Corridors and Visual Sensitivity Map) of the 2010 Monterey County General Plan, the parcel is designated as Highly Sensitive. A portion of the staking is visible from Highway One for less than a minute. However with the use of appropriate colors and materials the structure should blend into the site. Policy OS-3.5.1.b.2.d of the 2010 Monterey County General Plan encourages the property owner to dedicate a scenic easement to the County, when the site is designated Highly Sensitive. Condition 11 requires conveyance of a scenic easement to the County of Monterey.

The item was originally scheduled for administrative approval on February 2, 2011. Subsequently a written request was received from the property owner requesting continuance to the February 23, 2011 administrative hearing to make changes in the staff report. Through the application process staff received phone calls from concerned neighbors regarding the height of the structure and its visibility. As previously stated, the application and materials were submitted on July 12, 2010 before the adoption of the 2010 General Plan. Since the adoption on October 26, 2010, the application is subject to the new regulations. Therefore, the item was referred to the Zoning Administrator for development on slopes in excess of 25% and public controversy.

CEQA guidelines exempt the construction of single family dwellings. Therefore, the project is found to be categorically exempt from environmental review. No resource impacts were identified during review of the proposal.

Based on resource information contained in the Monterey County General Plan, Greater Monterey Peninsula Area Plan, the Monterey County Zoning Ordinance (Title 21), Monterey County Geographic Information System, the application and site visits, the project is consistent with the regulations and policies.

Attachments: Exhibit A Project Data Sheet  
Exhibit B Resolution  
Exhibit 1 Recommended Conditions of Approval  
Exhibit C Vicinity Map

This report was reviewed by Wanda Hickman, Planning Services Manager *WH*

**EXHIBIT A****Project Data Sheet for PLN100163**

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**Project Title:** Eureka Group GP**Location:** 520 Valenzuela Road,  
Carmel**Primary APN:** 103-011-023-000**Applicable Plan:** Greater Monterey  
Peninsula Area Plan**Coastal Zone:** No**Permit Type:** Administrative Permit**Zoning:** RDR/5.1-UR-D-S**Environmental Status:** Exempt**Plan Designation:** RDR**Advisory Committee:** Greater Monterey  
Peninsula Land Use  
Advisory Committee**Final Action Deadline (884):** February 18, 2011

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**Project Site Data:****Lot Size:** 5.67 acres**Coverage Allowed:** 25%**Coverage Proposed:** 1.2%**Existing Structures (SF):** None**Height Allowed:** 30 Feet**Proposed Structures (SF):** 5,961 square feet**Height Proposed:** 30 Feet**Total SF:** 5,961 square feet**Floor Area Ratio Allowed:** N/A**Floor Area Ratio Proposed:** N/A

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**Resource Zones and Reports:****Environmentally Sensitive Habitat:** Yes; Monterey Pine tree**Erosion Hazard Zone:** High**Biological Report #:** N/A**Soils Report #:** LIB100181**Forest Management Rpt. #:** N/A**Archaeological Sensitivity Zone:** Moderate**Geologic Hazard Zone:** IV**Archaeological Report #:** N/A**Geologic Report #:** LIB100181**Fire Hazard Zone:** Very High**Traffic Report #:** N/A

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**Other Information:****Water Source:** N/A**Sewage Disposal (method):** Private Septic**Water Dist/Co:** Eureka Water District**Sewer District Name:** N/A**Fire District:** Cypress Fire Protection  
District**Total Grading (cubic yds.):** 1,150 C.Y

**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:

**Eureka Group GP (PLN100163)**

**RESOLUTION NO. ----**

Resolution by the Monterey County Zoning  
Administrator:

- 1) Categorically exempt the project pursuant to section 15303(3)(a) of CEQA
- 2) Approving a Combined Development Permit consisting of: 1) a Administrative Permit for the construction of a 5,961 square foot three-story single family dwelling with an attached 799 square foot two car garage, installation of a septic system and grading of approximately 1,150 cubic yards of cut and 291 cubic yards of fill, 2) Use Permit for development on slopes greater than 25% to allow grading and a portion of the proposed single family dwelling; and 3) Design Approval.

(PLN100163), Eureka Group GP, 520 Valenzuela Road, Carmel, Greater Monterey Peninsula Area Plan. (APN:103-011-023-000)

**The Eureka Group GP application (PLN100163) came on for public hearing before the Monterey County Zoning Administrator on March 31, 2011. 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 2010 Monterey County General Plan, adopted 10/26/10,
  - Greater Monterey Peninsula Area Plan,
  - Monterey County Zoning Ordinance (Title 21)

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 520 Valenzuela Road, Carmel (Assessor's Parcel Number 103-011-023-000, Greater Monterey Peninsula Area Plan. The

- parcel is zoned “RDR/5.1-UR-D-S” or Rural Density Residential 5.1 acres per unit with an Urban Reserve, Design Control and Site Plan Review zoning overlays, which allows single family dwellings as a principal use. Therefore, the project is an allowed land use for this site.
- c) The subject property is located within a Design Control district which regulates the location, size, configuration, materials and colors of structures and fences. The subject property is on the southwest corner of Valenzuela Road and Viejo Road. The proposed structure is visible for less than a minute from Highway 1 however; materials and colors will minimize visual impacts. The non-reflective glass will minimize the potential of glare from the sun. No tree removal is proposed for the construction of the single family dwelling. The proposed materials and colors consist of: concrete walls (san diego buff/gravel gray), hardie trim (Monroe bisque) and windows (sage brown).
  - d) The project planner conducted a site inspection on June 3, 2010 to verify that the project on the subject parcel conforms to the plans listed above.
  - e) A condition of approval (Construction Management Plan) is required to identify truck routes, working hours and staging area (condition 16).
  - f) 2010 Monterey County General Plan Policy GMP-3.3(c), states areas shown as “highly sensitive” shown in Figure 14 (Scenic Highway Corridors & Visual Sensitivity), shall be preserved as open space to the maximum extent possible through scenic easements. This project has been conditioned to require all areas outside of the development area to be placed in an scenic and conservation easement, therefore the project is consistent with this policy.
  - g) Pursuant to policy GMP-3.3(e) (3) of the 2010 Monterey County General Plan requires project to minimize grading. This is the minimum grading necessary for this project however the grading will not create permanent scarring nor will the cut and fill be visible from designated scenic highways; therefore the project complies with this policy.
  - h) Pursuant to Section 21.70.060(a) of Monterey County Zoning Ordinance (Title 21), the Administrative Permit was referred to the Zoning Administrator due to evidence of public controversy or public opposition to the proposed use. A written request for continuance of the Administrative Permit hearing was received from the property owner.
  - i) The project was not referred to the Greater Monterey Peninsula 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 not warrant referral to the LUAC because the project was found to be exempt from environmental review (see Finding No. 6).
  - 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 PLN100163.

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 Bureau, 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 due to seismic hazards. Pursuant to Section 21.66.040 of the Monterey County Zoning Ordinance (Title 21), a geological report by an outside consultant was submitted by the applicant. The report concluded that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. A geotechnical assessment is a part of this report. County staff independently reviewed the report and concurs with the conclusions. The following report has been prepared:

- *“Geotechnical Investigation” (LIB100181) prepared by Cleary Consultants Inc., Los Altos, CA, February 23, 2009).*

- c) Staff conducted a site inspection on June 3, 2010 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 PLN100163.

3. **FINDING:** **DEVELOPMENT ON SLOPES** – Development on slopes in excess of 25% is consistent with the 2010 Monterey County General Plan, Policy OS-3.5.

**EVIDENCE:** a) In order to approve development on slopes in excess of 25 percent one or both of the following findings must be made. There is no feasible alternative which would allow development to occur on slopes of less than 25 percent and/or the proposed development better achieves the resource protection objectives and policies contained in the Monterey County General Plan and Area Plan. The undeveloped lot is heavily forested with native Monterey pine with an oak under story. Staff conducted a site visit on June 3, 2010 and determined that no tree removal is required for the proposed development. Relocation of the structure to another area on the site would require tree removal and still would require development on slopes in excess of 25%. Pursuant to Policy OS-3.5 of the Monterey County General Plan, condition 11 requires a conveyance to the County of Monterey a scenic easement for areas of the site in excess of 25 percent slope.

4. **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 RMA - Planning Department, Cypress Fire Protection District, Parks, Public Works, Environmental Health

Bureau, 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 subject property is currently served by the Eureka water district. The division of Environmental Health Bureau has reviewed the project in relation to the water system and determined there is adequate water to serve the proposed single family dwelling. Conditions of approval (24) have been added to require the applicant to submit to the Division of Environmental Health Bureau a map showing the private well protection zone and a wastewater system permit application prior to issuance of a building permit. The property is located within the Monterey Peninsula Water Management District (MPWMD); therefore, the project has been conditioned by the Water Resources Agency to require the applicant to submit proof of water availability on the property, in the form of an approved (MPWMD) Water Release Form.
- c) Preceding findings and supporting evidence for PLN100163.

5. **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 Monterey County records and is not aware of any violations existing on subject property.
  - b) Staff conducted a site inspection on June 3, 2010 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 PLN100163.

6. **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 15303(a) categorically exempts the construction of a single family dwelling.
  - b) Section 15300.2 of the CEQA guidelines list exceptions to the exemptions, where projects normally found to be exempt from CEQA may require an environmental review. These exceptions include: project location, cumulative impact, significant effect, scenic highways, Hazardous waste sites or historical resources. There are no historic resources located on the site. No environmental resource of hazardous or critical concern was found on the property and no unusual circumstance exists where the project will have a significant effect on the environment. Construction impacts will be temporary; however, the project as proposed and conditioned will not create a significant impact on the environment and cumulative impacts were not identified.



- c) No adverse environmental effects were identified during staff review of the development application during a site visit on June 3, 2010.
- d) See preceding and following findings and supporting evidence.

7. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Planning Commission
- EVIDENCE:** a) Section 21.80.040(a) Monterey County Zoning Ordinance (Planning Commission).

### DECISION

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

- A. Categorically exempt the project pursuant to section 15303 (3) (a) of CEQA; and
- B. Approving a Combined Development Permit consisting of: 1) a Administrative Permit for the construction of a 5,961 square foot three-story single family dwelling with an attached 799 square foot two car garage, installation of a septic system and grading of approximately 1,150 cubic yards of cut and 291 cubic yards of fill, 2) Use Permit for development on slopes greater than 25% to allow grading and a portion of the proposed single family dwelling; and 3) 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 31<sup>st</sup> day of March, 2011.

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Mike Novo,  
Director of the RMA-Planning Department

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE [DATE]

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 3 years after the above date of granting thereof unless construction or use is started within this period.

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

**Project Name:** Eureka Group GP  
**File No:** PLN100163 **APNs:** 103-011-023-000  
**Approved by:** Director of the RMA-Planning Department  
**Date:** February 2, 2011

*\*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.                         |                      | PD001 - SPECIFIC USES ONLY<br>Combined Development Permit consisting of: Eureka Group GP, (PLN100163) Combined Development Permit consisting of: 1) Administrative Permit for the construction of a 5,961 square foot three-story single family dwelling with an attached 799 square foot two car garage, installation of a septic system and grading of approximately 1,150 cubic yards of cut and 291 cubic yards of fill, 2) Use Permit for development on slopes greater than 25% to allow grading and a portion of the proposed single family dwelling; and 3) Design Approval, 520 Valenzuela Road, Carmel, Greater Monterey Peninsula Area Plan. (APN: 103-011-023-000). 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 | Adhere to conditions and uses specified in the permit.<br><br>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.<br><br>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. | Owner/<br>Applicant<br><br>RMA -<br>Planning<br><br>WRA<br><br>RMA -<br>Planning | Ongoing<br>unless<br>otherwise<br>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> |
|----------------------------|----------------------|---|---|---|---|---|
|                            |                      | allowed unless additional permits are approved by the appropriate authorities. (RMA-Planning Department)  |   |   |   |   |
| 2.                         |                      | <b>PD002 - NOTICE-PERMIT APPROVAL</b><br>The applicant shall record a notice which states: "A permit (Resolution ###) was approved by the Director of the RMA-Planning Department for Assessor's Parcel Number: 103-011-023-000 on February 2, 2011. The permit was granted subject to 24 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.<br><br>The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.  | Owner/<br>Applicant<br><br>RMA-<br>Planning | Prior to the issuance of grading and building permits or commencement of use. |   |
| 3.                         |                      | <b>PD003(A) – CULTURAL RESOURCES (NON-STANDARD)</b><br>If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department) | Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. | Owner/<br>Applicant/<br>Archaeo-<br>logist  | Ongoing   |   |
| 4.                         |                      | <b>PD032(A) - PERMIT EXPIRATION</b><br>The permit shall be granted for a time period of 3 years, to expire on March 31, 2014 unless use of the property or actual construction has begun within this period. (RMA – Planning Department)  | 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  | Owner/<br>Applicant                         | As stated in the conditions of approval                                       |   |

| <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> |
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|                            |                      |   | Department at least 30 days prior to the expiration date.   |  |   |   |
| 5.                         |                      | <b>PD007 - GRADING-WINTER RESTRICTION</b><br>No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department. <b>(RMA – Planning Department and Building Services Department)</b>   | Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.   | Owner/<br>Applicant                                | Ongoing   |   |
| 6.                         |                      | <b>PD009 - GEOTECHNICAL CERTIFICATION</b><br>Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. <b>(RMA – Planning Department and Building Services Department)</b>   | Submit certification by the geotechnical consultant to the RMA – Building Services Department showing project’s compliance with the geotechnical report.  | Owner/<br>Applicant/<br>Geotechnical<br>Consultant | Prior to final inspection                             |   |
| 7.                         |                      | <b>PD010 - EROSION CONTROL PLAN AND SCHEDULE</b><br>The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA – Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. <b>(RMA - Planning Department and RMA - Building Services Department)</b> | An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.                                     | Owner/<br>Applicant                                | Prior to the issuance of grading and building permits |   |
|                            |                      |   | Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services. | Owner/<br>Applicant                                | Ongoing   |   |
|                            |                      |   | Evidence of compliance with the Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department  | Owner/<br>Applicant                                | Prior to final inspection                             |   |

| <b>Permit Cond. Number</b> | <b>Mitig. Number</b> | <b>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</b>   | <b>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</b>   | <b>Responsible Party for Compliance</b> | <b>Timing</b>  | <b>Verification of Compliance (name/date)</b> |
|----------------------------|----------------------|--|--|---|--|---|
| 8.                         |                      | <p><b>PD011 – TREE AND ROOT PROTECTION</b><br/> Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by a certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of the RMA – Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by a certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits.(RMA - Planning Department)</p> | <p>Submit evidence of tree protection to the RMA - Planning Department for review and approval.</p>  | Owner/<br>Applicant                     | Prior to the issuance of grading and/or building permits |   |
|                            |                      |  | <p>Submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.</p>                  | Owner/<br>Applicant/<br>Arborist        | During Construction                                      |   |
|                            |                      |  | <p>Submit photos of the trees on the property to the RMA – Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.</p> | Owner/<br>Applicant                     | Prior to final inspection                                |   |
| 9.                         |                      | <p><b>PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN</b><br/> 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)</p>  | <p>Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.</p>  | Owner/<br>Applicant                     | Prior to the issuance of building permits.               |   |
|                            |                      |  | <p>The lighting shall be installed and maintained in accordance with the approved plan.</p>  | Owner/<br>Applicant                     | Prior to Occupancy / Ongoing                             |   |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>  | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>  | <i>Responsible Party for Compliance</i>        | <i>Timing</i>  | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|---|---|--|--|---|
| 10.                        |                      | <b>PD016 – NOTICE OF REPORT</b><br>Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical Investigation report has been prepared for this parcel by Cleary Consultants Inc., dated February 23, 2009 and is on record in the Monterey County RMA - Planning Department , Library No. LIB100181. All development shall be in accordance with this report." <b>(RMA – Planning Department)</b>  | Proof of recordation of this notice shall be furnished to the RMA - Planning Department.<br><br>Submit proof that all development has been implemented in accordance with the report to the RMA - Planning Department for review and approval.  | Owner/<br>Applicant<br><br>Owner/<br>Applicant | Prior to the issuance of grading and building permits.<br><br>Prior to Occupancy   |   |
| 11.                        |                      | <b>PD022(A) – EASEMENT – CONSERVATION AND SCENIC</b><br>A conservation and scenic easement shall be conveyed to the County over those portions of the property on slopes greater than 25 percent and areas of the site visible from Highway 1 outside of the approved developed areas as shown on the approved site plan and . The easement shall be developed in consultation with certified professional. An easement deed shall be submitted to, reviewed and approved by, the Director of the RMA - Planning Department prior to issuance of grading and building permits. <b>(RMA – Planning Department)</b> | Submit the conservation and scenic easement deed and corresponding map, showing the exact location of the easement on the property along with the metes and bound description developed in consultation with a certified professional, to the RMA - Planning Department for review and approval.<br><br>Record the deed and map showing the approved conservation and scenic easement. Submit a copy of the recorded deed and map to the RMA – Planning Department. | Owner/<br>Applicant/<br>Certified Professional | Prior to issuance of grading and building permits<br><br>Prior to final/parcel map, final inspection or commencement use |   |
| 12.                        |                      | <b>PD035 - UTILITIES - UNDERGROUND</b><br>All new utility and distribution lines shall be placed underground. <b>(RMA - Planning Department; Public Works)</b>  | Install and maintain utility and distribution lines underground.  | Owner/<br>Applicant                            | Ongoing  |   |

| <i>Permit Cond. Number</i>           | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>   | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>  | <i>Responsible Party for Compliance</i> | <i>Timing</i>  | <i>Verification of Compliance (name/date)</i> |
|--------------------------------------|----------------------|--|---|---|--|---|
| 13.                                  |                      | <b>PDSP001 – EXTERIOR COLORS (NON-STANDARD)</b><br>All proposed colors shall blend with the surrounding area.  | Prior to any exterior change submit a Design Approval application to the Director of RMA – Planning department for review and approval.   | Owner/<br>Applicant                     | Ongoing  |   |
| 14.                                  |                      | <b>PD041 – HEIGHT VERIFICATION</b><br>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. <b>(RMA – Planning Department and Building Services Department)</b> | 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  | Owner/<br>Applicant                     | Prior to the issuance of grading or building permits |   |
|                                      |                      |  | 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 first finished floor from the benchmark is consistent with what was approved on the building permit. | Owner/<br>Applicant                     | Prior to the foundation pre-pour inspection          |   |
|                                      |                      |  | 3) 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.     | Owner/<br>Applicant/<br>Engineer        | Prior to the final inspection                        |   |
| <b>RMA – Public Works Department</b> |                      |  |   |   |  |   |
| 15.                                  |                      | <b>PW0043 – REGIONAL DEVELOPMENT IMPACT FEE</b> Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule. <b>(Public Works)</b>   | Applicant shall pay Monterey County Building Services Department the traffic mitigation fee.  | Owner/<br>Applicant                     | 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> |
|---|----------------------|---|---|---|---|---|
| 16.   |                      | <p><b>PW0044 – CONSTRUCTION MANAGEMENT PLAN</b><br/> The applicant shall submit a Construction Management Plan (CMP) to the RMA-Planning Department and the Department of Public Works for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project and shall provide the following information: Duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project. <b>(Public Works)</b></p> | <p>Applicant shall prepare a CMP and shall submit the CMP to the RMA-Planning Department and the Department of Public Works for review and approval.</p>  | Owner/<br>Applicant/<br>Contractor      | Prior to issuance of the Grading Permit or Building Permit. |   |
|   |                      |   | <p>The approved measures shall be implemented during the construction/grading phase of the project.</p>   | Owner/<br>Applicant/<br>Contractor      | On-going through construction phases                        |   |
| <b>Health Department<br/> Environmental Health Bureau</b> |                      |   |   |   |   |   |
| 17.   |                      | <p><b>EHSP01 – WELL PROTECTION ZONE</b><br/> Submit a map showing the proposed well protection zone at <u>520 Valenzuela Rd, APN 103-011-023-000</u> that will only serve water to the subject parcel <u>APN 103-011-023-000</u>. The well protection zone shall be identified as “Well Protection Zone” and no residential use or any other development shall take place on the lot, other than those uses associated with the well. The well lot shall meet the requirements of the Water Works Standards (<u>CODE</u>) <b>(Environmental Health)</b></p>   | <p>Submit a map showing the proposed well protection zone at <u>520 Valenzuela Rd, APN 103-011-023-000</u> that only will serve water to the subject parcel <u>APN 103-011-023-000</u>. To EHB for review and approval</p> <p>Submit a draft deed notice for review and approval by the Director of EHB prior to Issuance of Building permit. Record the deed notification with the Monterey County Recorder and provide proof to EHB and PBID.</p> | Owner/<br>Applicant/<br>Engineer        | Prior to issuance of Building Permit                        |   |

| <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> |
|---|----------------------|--|---|---|--|---|
| 18.   |                      | <p><b>EHSP02 – ONSITE WASTEWATER TREATMENT SYSTEM DESIGN</b><br/> Environmental Health has determined that an adequate area exists for onsite wastewater disposal for the proposed project. Submit onsite wastewater treatment system plans for review and approval indicating the location, design layout and size specifications that meets standards found in Monterey County Code Chapter 15.20, Sewage Disposal Ordinance, and the Central Coast Basin Plan, Regional Water Quality Control Board. <b>(Environmental Health)</b></p>  | Submit onsite wastewater treatment system design plans for review and approval by the Environmental Health Bureau. Applicant shall obtain a permit to install the onsite wastewater treatment system from Environmental Health. | Owner                                   | Prior to issuance of building permit                 |   |
| <b>Monterey County Water Resources Agency</b> |                      |  |   |   |  |   |
| 19.   |                      | <p><b>WR0002 - STORMWATER CONTROL</b><br/> Prior to issuance of any grading or building permits, 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. Stormwater runoff from impervious surfaces shall be dispersed at multiple points, away from and below any septic leach fields, over the least steep available slopes, with erosion control at outlets. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. <b>(Water Resources Agency)</b></p> | Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.  | Owner/<br>Applicant/<br>Engineer        | Prior to issuance of any grading or building permits |   |
| 20.   |                      | <p><b>WR0043 – WATER AVAILABILITY CERTIFICATION</b><br/> Prior to issuance of any building permits, 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. <b>(Water Resources Agency)</b></p>   | Submit the Water Release Form to the Water Resources Agency for review and approval.  | Owner/<br>Applicant                     | Prior to issuance of any building permits            |   |

| <i>Permit Cond. Number</i>                                | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>   | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i>  | <i>Verification of Compliance (name/date)</i> |
|---|----------------------|--|--|---|--|---|
| <b>Fire Agency<br/>(Cypress Fire Protection District)</b> |                      |  |  |   |  |   |
| 21.   |                      | <b>FIRE008 - GATES</b><br>All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. <b>Cypress Fire Protection District</b> | Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.  | Applicant or owner                      | Prior to issuance of grading and/or building permit. |   |
|   |                      |  | Applicant shall schedule fire dept. clearance inspection   | Applicant or owner                      | Prior to final building inspection.                  |   |
| 22.   |                      | <b>FIRE011 - ADDRESSES FOR BUILDINGS</b><br>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.             | Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.  | Applicant or owner                      | Prior to final building inspection                   |   |

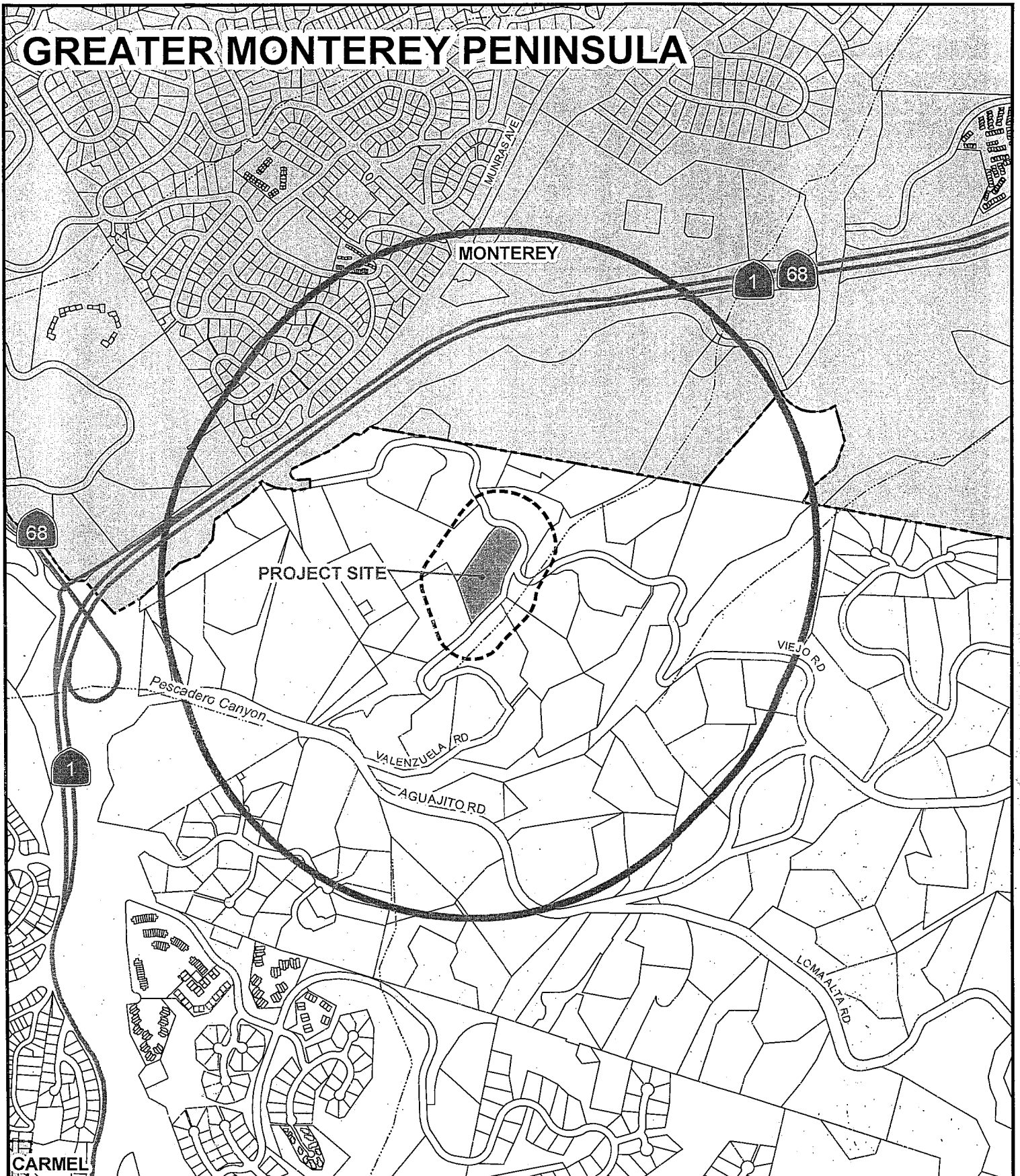
| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>   | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i>                         | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|--|--|---|---------------------------------------|---|
|                            |                      | Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. <b>Cypress Fire Protection District</b> | Applicant shall schedule fire dept. clearance inspection   | Applicant or owner                      | Prior to final building inspection    |   |
| 23.                        |                      | <b>FIRE021 - FIRE PROTECTION EQUIPMENT &amp; SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)</b><br>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. <b>Cypress Fire Protection District</b>  | 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    |   |
| 24.                        |                      | <b>FIRE029 - ROOF CONSTRUCTION - (CYPRESS FPD &amp; PEBBLE BEACH CSD)</b><br>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  | Applicant shall enumerate as "Fire Dept. Notes" on plans.  | Applicant or owner                      | Prior to issuance of building permit. |   |

| <i>Permit<br/>Cond.<br/>Number</i> | <i>Mitig.<br/>Number</i> | <i>Conditions of Approval and/or Mitigation Measures and<br/>Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions<br/>to be performed. Where applicable, a<br/>certified professional is required for<br/>action to be accepted.</i> | <i>Responsible<br/>Party for<br/>Compliance</i> | <i>Timing</i> | <i>Verification<br/>of<br/>Compliance<br/>(name/date)</i> |
|------------------------------------|--------------------------|--|--|---|---------------|---|
|                                    |                          | minimum of ICBO Class A roof construction. Cypress<br><b>Fire Protection District</b>            |  |   |               |   |

**END OF CONDITIONS**

Rev. 08/11/2010

# GREATER MONTEREY PENINSULA

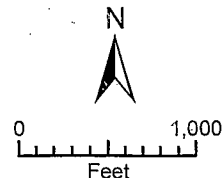


APPLICANT: EUREKA GROUP GP

APN: 103-011-023-000

FILE # PLN100163

Water    2500' Limit    300' Limit    City Limits



PLANNER: LOPEZ