

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 02079

A. P. # 241-021-017-000

FINDINGS AND DECISION

In the matter of the application of
Rick Kashfi (PLN010116)

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located on a 10.80 acre parcel at 73 Spruce Way (former Behavioral Science Institute) where it interests with Corona Road within the Carmel Highlands, Carmel Area, Coastal Zone, came on regularly for hearing before the Planning Commission on December 11, 2002.

WHEREAS: Said proposal includes:

- 1) Administrative Permit for the first single family dwelling (4,180 square feet) with detached garage (363 square feet);
- 2) Coastal Development Permit for the second single family dwelling (1,504 sq. ft.) with detached garage (354 sq. ft.);
- 3) Removal of 5 landmark Monterey pines (25" to 33" diameter); 5 smaller Monterey pines (11" to 21" diameter), and 5 oak trees (2" to 10" diameter);
- 4) approximately 44 cubic yards of cut and 144 cubic yards of fill;
- 5) development of approximately 5,408 square feet of interconnected driveway and walkways of decomposed granite material, and a septic system; and
- 6) Design Review

WHEREAS: Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. **FINDING:** The subject Combined Development Permit (**Kashfi PLN010116**) as described in condition #1, and as conditioned, conforms to the plans, policies, requirements and standards of the local Coastal Program (LCP). The LCP for this site consists of the Carmel Area Land Use Plan, the Carmel Area Coastal Implementation Plan (Part 4), and the Monterey County Zoning Ordinance (Title 20). The parcel is zoned "LDR/3.5-SpTr-D (CZ)" or Low Density Residential with Special Treatment for BSI property in a Design Control District. The site is physically suitable for the use proposed. The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050. B.4). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050 B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

EVIDENCE: The application and plans submitted for a Combined Development Permit as found in the project file at the Monterey County Planning and Building Inspection Department. The application and plans include (1.) Administrative Permit for the first single family dwelling (4,180 square feet) with detached garage (648 square feet); (2.) Coastal Development Permit for the second single family dwelling (1,504 square feet) with detached garage (576 square feet); (3.) removal of 5 landmark Monterey pines (25" to 33" diameter); 5 smaller Monterey pines (11" to

21" diameter), and 5 oak trees (2" to 10" diameter); (4.) approximately 44 cubic yards of cut and 144 cubic yards of fill with retaining walls; (5.) development of approximately 5,408 square feet of interconnected driveway and walkways of decomposed granite material, a septic system and a water storage tank; and (6.) design review.

EVIDENCE: Letter from architect, Darren Davis, (Exhibit D attached to this report) as to the rationale behind locating the proposed structures at the northern most portion of the property. The proposed site is most accessible from the street, level enough to construct the building, reduces visibility from the road, and is at a relatively open area of the closed-canopy pine forest. The site on Assessor Parcel Number 241-021-017 was first identified as part of the Garren Minor Subdivision, file no. MS 94009, found in Volume 20 of Parcel Maps, Page 9, County Recorder's Office. The southern portion of the parcel, identified as Assessor Parcel Number 241-101-001, has been placed into a Scenic Conservation Easement as part of the minor subdivision, found in Volume 3025, Page 1484 of the official Monterey County Records, Records Office.

EVIDENCE: The proposed project is consistent with policy 20.146.110 A of the Local Coastal Program dealing with water supply. The Environmental Health Department approved an individual well for the site at the time of the approved 1996 Garren Minor Subdivision, file no. PLN94009. The project is required to employ water conservation techniques per Section 20.146.050 E d (condition no. 14). While no landscaping is proposed requiring water, a condition of approval requires any landscaping be compatible with the native pine forest and be limited to planting immediately adjacent to the residences. The permeable, decomposed granite surface for the interconnected driveway and walkways will further allow water to percolate on site while minimize the impact to the forest floor within the area of development by minimizing water runoff.

EVIDENCE: The project as proposed is consistent with the policies of the Carmel Area Land Use Plan dealing with development in archaeologically sensitive areas. A Preliminary Archaeological Reconnaissance of the subject BSI property (including Assessor Parcel Number 241-021-017) was conducted by Archaeological Consulting on February 13, 1990. The report did not identify any potentially significant cultural resources in the area of the proposed construction and recommended a condition of approval which requires that work be stopped in the event that any archaeological resources are found on site.

EVIDENCE: The proposed project is consistent with policies of the Local Coastal Program dealing with development in geologic hazard areas. A Geotechnical Soils-Foundation Report and Geohazards Report was prepared for the project by Grice Engineering and Geology, Inc., May 1994, that included the subject building site as "site 2" for the Garren Minor Subdivision (MS94009). The Report finds the native soils, either *in situ* or remolded as engineered fill, are suitable for residential purposes. Additionally, study of recorded historical geological hazards and the geological features of the site, indicates that the site has a low probability of damage from geological activity. The Report provides recommendations for the engineered foundation and surface drainage that will be subject to certification by the consultant. Development of the project is conditioned to comply with all recommendations of the report.

EVIDENCE: The project as proposed is consistent with Visual Resource policies of the Carmel Area Land Use Plan , including policies 2.2.2, 2.2.3(6) and 2.2.4(10)(c) of the Local Costal Program dealing with visual resources and will have no significant impact on the public viewshed. The subject parcel is located on a 10.80 acre parcel at 73 Spruce Way that was former Behavioral Science Institute property subject to Special Treatment. Part of the Special Treatment requirement is that the site not be visible from Highway One. Staff made a site visit and determined that the project as proposed would not result in ridgeline development or be visible from Highway One because of its distance from the public view areas and the intervening closed canopy forest. The southern portion of the parcel, which is a forested canyon visible from Highway 1, has already been placed in a Scenic Conservation Easement as found in Volume 3025, Page 1484 of the County's official documents in the County Recorder's Office.

EVIDENCE: Review and recommendation for approval by the Carmel Highlands Unincorporated Land Use Advisory Committee. The Committee recommended approval by a vote of 5 ayes, 1 nay, and 1 abstention with findings that the architectural design of both residences are compatible for the location, with a stucco body in Eaton Hall color; trim in Mountain Getaway color; and a wood shake roof blending with the rustic location of wooded site.

EVIDENCE: The Housing and Redevelopment Office has reviewed the above referenced application for compliance with the Inclusionary Housing Ordinance. The project is a Combined Development Permit for two single- family residences to be constructed on one lot of record. The applicant has indicated that both residences will be occupied by owners. The first proposed residence is exempt from the requirements of the Inclusionary Housing Ordinance because of the contribution made from the earlier, Garren Minor Subdivision, file no. MS94009. The second residence is subject to compliance, but may be exempt if an Owner-Occupied Deed Restriction is placed on the property requiring that the residence be owner-occupied for a minimum of one year or that the required in-lieu fee be paid. Following is the in-lieu fee calculation:

The In-Lieu Fee for one unit in the Greater Monterey Peninsula Planning Area is \$38,555 (based on the fees in effect at the time that the application was deemed complete: October 31, 2002).

EVIDENCE: The text and policies of these documents have been evaluated during the course of the review of this application. No conflicts were found to exist. No communication was received during the course of review of this project to indicate that there is any inconsistency with the text and policies of these documents.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project File nos. PLN010116 and MS94009.

EVIDENCE: The on-site inspection by the project planner to verify that the proposed project complies with the Carmel Area Land Use Plan.

EVIDENCE:. There has been no testimony received, either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Carmel Highlands Fire District, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable.

2. FINDING: Section 20.146.060 D. 1. of the Carmel Area Coastal Implementation Plan prohibits the removal of landmark trees with the following exceptions: that the trees are not exemplary of its species or more than 1000 years old; that the trees are not visually or historically significant; and that no alternatives to development exist whereby tree removal can be avoided.

EVIDENCE: A Forester Management Plan was prepared by Paul A. Dubsky, consulting forester, dated June 12, 2002. Mr. Dubsky finds that the removal of 5 landmark Monterey Pines from 25" to 33" in diameter at breast height is not a significant impact upon the pine forest. He finds the forest in healthy condition with a multi-generational stand of Monterey pines, including over 180 landmark Monterey pines. Development of the parcel is limited to the only relatively open area on the property, about one acre in size or 10% of the total property. The trees to be removed represent less than 1% of the forest.

EVIDENCE: According to Section 20.146.060 D 1., the exceptions to removing landmark Monterey pines that can be applied to the Kashfi proposal are as follows:

- (1) The trees are not exemplary of its species or more than 1000 years old. The existing 180 landmark Monterey pines do not make the 5 landmark Monterey pines exemplary. Monterey pine trees are relatively shortlived. The healthy, multigenerational stand of Monterey pines at the site assure natural generation of Monterey pine seedlings at the site, especially with the requirement that all exotic, invasive plant species be removed from the site (see condition no. 25).
- (2) The trees are not visually or historically significant within the dense, closed canopy pine forest because they cannot be seen from any public viewing area and are not tied to any special historical event.
- (3) No alternatives to development exist whereby tree removal can be avoided. Alternative siting of the proposed driveway and residences would have a greater impact on the surrounding closed canopy forest than the open area within which the building site is proposed. The total structural coverage proposed on the 10.8 acre parcel is 1.6%. The 15 trees proposed for removal will have less than 1% impact on the overall closed-canopy forest.

This driveway entrance was chosen because of the least impact on the closed canopy forest, the obviously most direct access to the building sites, and the avoidance of 30% slopes. According to the Carmel Highlands Fire District (see Exhibit D), the existing driveway entrance on Spruce Way requires the removal of two landmark pines because of fire regulations (requiring turns of 90 degrees or less to provide a minimum horizontal inside radius of curvature of 25 feet for fire engine access (Monterey County Ordinance 3600).

EVIDENCE: The other 3 landmark trees at the larger house site are isolated from the closed canopy forest and at a location where the proposed residence does not intrude on the closed canopy forest. The Forest Management Plan provides for 45 replacement trees in suitable areas throughout the parcel, comprised of an equal amount of Monterey pines, coast live oaks, and coast redwoods of local genetic stock from reliable sources to add species diversity to the forest. This amounts to a 5:1 replacement ratio of the 5 landmark pines and a 2:1 replacement ratio for the remaining 10 smaller pines and oaks. In addition, the Forest Management Plan provides tree protection measures for impacts on trees nearby grading and construction activities. Finally, the Plan specifies removal of exotic species to increase natural tree regeneration.

EVIDENCE: The Committee's one member minority report states that the applicant provide alternative sites in order to avoid tree removal, especially of the landmark trees. Staff has looked at alternative sites with the applicant and consulting forester and finds that other sites would impact the surrounding closed canopy pine forest.

The proposed development avoids intruding in the closed-canopy portion of the pine forest by

development in the relatively open area on the property. Removal of the 5 landmark trees are explained above. Removal of the 10 other smaller pines and oaks are done to avoid the removal of adjacent landmark pines as well as avoid intrusion into the closed-canopy portion of the forest. For example, two landmark pine trees (32" and 36" in diameter) are saved between the detached garage and the smaller house at the sake of removing a 10" diameter oak and 2 pines at 10" and 14" diameters.

The other garage is the only structure placed within the closed-canopy forest in order to avoid a site adjacent to a 25" diameter landmark pine on the border of the closed-canopy forest. Otherwise, the garage would be in the front of the larger house and threaten the roots of the landmark pine. The proposed garage site requires removal of two 18" diameter pines and an oak cluster in fair to poor condition, but saves some 9 oaks and pines at that same location.

The two landmark pines at the driveway entrance (one 32" diameter pine in fair to poor condition and one 33" diameter pine in good condition) require removal per Fire Department access requirements as explained in the Evidence above.

After several alternative scenarios were reviewed by the architect, forester and staff, it was found that the proposed removal of 5 landmark Monterey pines and 10 smaller pines and oaks will impact the overall closed-canopy forest by less than 1%.

EVIDENCE: Letter from architect, Darren Davis, (Exhibit D attached to this report) as to the rationale behind siting the structures at the northern most portion of the property. The proposed site is most accessible from the street, level enough to construct the building, reduces visibility from the road, and is at a relatively open area of the closed-canopy pine forest.

EVIDENCE: Conditions 9, 24, and 27.

3. **FINDING:** The proposed project will not have a significant environmental impact.

EVIDENCE: The State CEQA Guidelines categorically exempts this project from environmental review pursuant to Sections 15303, Class 3 (a) (*exemption for single family residences*); and 15061 (b) (3). No potentially adverse environmental impacts were identified during review of the proposed project as indicated by the evidence listed below:

EVIDENCE: The Biological Report prepared by Paul A. Dubsky, County certified biology and forester consultant. Mr. Dubsky states that to his knowledge, no State or Federally protected animal species occur on the Kashfi property. Within the proposed development footprints, bunch grass, Hooker's manzanita, toyon, coffeeberry, monkey flower, California blackberry, poison oak, and Douglas iris were surveyed. With the condition that non-native French Broom and Pittsoporum trees at the building site be removed, it is anticipated that the natural plant community will better flourish. In addition, the proposed decomposed granite surface for the driveway and walkways will further minimize the impact to the forest floor within the area of development.

EVIDENCE: The Garren Minor Subdivision, file no. MS94009, produced an Initial CEQA study with a declared Negative Declaration that included the subject parcel and building site along with a second building site on contiguous Assessor Parcel Number 241-021-016.

EVIDENCE: Pursuant to Section 20.146.060 of the Carmel Area Coastal Implementation Plan, a forest management plan was prepared for the site because of the proposed removal of 15 native trees, including 5 landmark trees. The evidence found under Findings 1 and 2 above substantiates the minimal impact of tree removal to the closed pine canopy at the site. The consulting forester has provided specifications for the protection of existing trees near the construction site.

EVIDENCE: An Erosion Control Plan for the site prepared by the architect following the parameters and construction supervision recommended by the consulting geologist and geotechnical engineer, Grice Engineering, Inc..

EVIDENCE: The Design Approval recommendation made by the Carmel Highlands Land Use Advisory Committee (found in file no. PLN010116), stating that the architectural designs of both residences are compatible for this location

EVIDENCE: Material in project file and site visit by project planner.

4. **FINDING:** The proposed project is consistent with policies of the Local Coastal Program dealing with development in Hazardous areas. The project site is located in a high fire hazard zone. According to the Monterey County Coastal Implementation Plan, conditions of project approval require that a deed restriction be recorded which states that the fire hazards exist on the parcel and that development may be subject to certain restrictions.

EVIDENCE: Appendix 2c, Resource Maps, of the Monterey County Coastal Implementation Plan, Part 6. Condition No. 8.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project File nos. PLN010116 and MS94009.

5. **FINDING:** The project is consistent with the Special Treatment Policies and Regulations of the Carmel Area Local Coastal Plan for the formerly Behavioral Science Institute (“BSI”) property.

EVIDENCE: The proposed residential units cannot be seen from Highway 1 as required by Section 20.146.120.

EVIDENCE: The major, steeper slopes, will remain protected under the existing Scenic Conservation Easement on Assessor Parcel Number 241-101-001-000 that is a part of the Kashfi property, found in Volume 3025, Page 1484 of the County of Monterey official records in the County Records Office, recorded as part of a 1996 Garren minor subdivision.

EVIDENCE: Staff research accounts for 10 parcels within the former BSI property and has identified only 9 existing dwelling units that is below the maximum build-out limit of 25 units allowed, according to the Carmel Area Land Use Plan, Policy 4.4.3.E.6.

EVIDENCE: Findings and Evidence found under Finding 1 above; the material in project file nos. PLN010116 and MS94009, and site visit by project planner.

6. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood, or to the general welfare of the County.

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, the office of Housing and Redevelopment, Cypress Fire Department, and Water Resources Agency. The respective departments 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; or the County in general.

EVIDENCE: The application, plans, and support materials found in project file nos. PLN010116 and MS94009.

7. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of Title 20, and all zoning violation abatement costs, if any, have been paid.

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

8. **FINDING:** The subject parcel is in a Design Control or "D" District requiring Planning Commission action pursuant to Section 20.44.040 B. of the Monterey County Zoning Ordinance (Title 20). The Planning Commission has suggested any changes in the plans of the proposed residence deemed necessary to accomplish the purposes of the above Chapter. To this end, the applicant has provided the Planning Commission with a Design Approval Request, drawings, and a statement of materials and colors to be used.
- EVIDENCE:** Design Approval Request form with plans recommended for approval by the Carmel Highlands Advisory Committee, found in File No. PLN010116.
9. **FINDING:** The project is appealable to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:** Sections 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan.

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the following conditions:

1. The subject Use Permit consists of a Combined Development Permit that includes 1.) an Administrative Permit for the first single family dwelling (4,180 square feet) with detached garage (363 square feet); 2.) a Coastal Development Permit for the second single family dwelling (1,504 square feet) with detached garage (354 square feet); 3.) removal of 5 landmark Monterey pines (25" to 33" diameter); 5 smaller Monterey pines (11" to 21" diameter), and 5 oak trees (2" to 10" diameter); 4.) approximately 44 cubic yards of cut and 144 cubic yards of fill; 5.) development of approximately 5,408 square feet of interconnected driveway and walkways of decomposed granite material, and a septic system; and 6.) design review. The project is located on a 10.80 acre parcel at 73 Spruce Way (former Behavioral Science Institute) where it intersects with Corona Road within the Carmel Highlands (Assessor Parcel Numbers 241-021-017-000 and 241-101-001-000), Carmel Area, Coastal Zone.

The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use 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 Planning and Building Inspection. 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. **(Planning and Building Inspection)**

2. The applicant shall record a notice which states: "A permit (Resolution 02079) was approved by the Planning Commission for Assessor's Parcel Numbers 241-021-017 and 241-101-001 on December 11, 2002. The permit was granted subject to 30 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**

Prior to the Issuance of Grading and/or Building Permits:

3. Drainage improvements shall be designed and constructed in accordance with plans by a registered civil engineer addressing on-site and off-site impacts, and following the recommendations in the "Geotechnical Soils-foundation, Geologic Hazards and Geological Report for the Garren Minor Subdivison (MS94009) at Corona and Cypress, Carmel Highlands," by Grice Engineering and Geology, Salinas, CA., dated May 1994. **(Water Resources Agency)**
4. A notice to be recorded with the Monterey County Recorder which states: An erosion control plan has been prepared for this parcel by Draftect, dated June 19, 2002 and is on record in the Monterey County Planning and Building Inspection file no. PLN010116. **(Planning and Building Inspection Department)**
5. The applicant shall obtain from the Monterey County Water Resources Agency (MCWRA), proof of water availability on the property in the form of an approved Water Release Form. **(Water Resources Agency)**
6. The applicant shall provide to the Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, any well logs available, and the number of current hookups. **(Water Resources Agency)**
7. Before construction begins, temporary or permanent address numbers shall be posted. Permanent address numbers shall be posted prior to requesting final clearance. All address numbers (permanent and temporary) shall be posted on the property so as to be clearly visible from the road. Where visibility cannot be provided, a post or sign bearing the address numbers shall be set adjacent to the driveway or access road to the property. Address numbers posted shall be Arabic, not Roman or written out in words. Address numbers posted shall be a minimum number height of 3 inches with a 3/8 inch stroke, and contrasting with the background colors of the sign. **(Carmel Highlands Fire District)**
8. All exterior lighting shall be unobtrusive, 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 exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
9. The applicant record a deed restriction which states: "The parcel is located in a high fire hazard area and development may be subject to certain restrictions required as per Section 20.146.080 D. 3. (1) (a) of the Coastal Implementation Plan and per the standards for development of residential property." **(Planning and Building Inspection Department)**
10. A notice shall be recorded with the Monterey County Recorder which states: "A Forest Management Plan has been prepared for this parcel by Paul Dubsky dated June 12, 2002 and a Geotechnical Soils-Foundation and Geological Report has been prepared for the original Garren minor subdivision by Grice Engineering, Inc. dated May 1994 that included the proposed building site. These two reports are on record in the Monterey County Planning and Building Inspection Department, file nos. PLN010116 and MS94009. All tree removal and protection as well as geotechnical specifications on the parcel must be in accordance with these two reports, as approved by the Director of Planning and Building Inspection." **(Planning and Building Inspection Department)**
11. Prior to the issuance of a building permit for the second residential unit, the Inclusionary Housing Ordinance requirements must be satisfied. The applicant shall either record an owner-occupied deed restriction or pay an in-lieu fee of \$38,555. **(Housing and Redevelopment)**
12. The building(s) shall be fully protected with automatic fire sprinkler system(s). The following notation is required

on the plans when a building permit is applied for:

"The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection." (Carmel Highlands Fire District)

13. The applicant shall obtain a grading permit from the Building Inspection Division. **(Planning and Building Inspection)**
14. Native trees which are located close to the construction site shall be protected from inadvertent damage from construction equipment by 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 shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection Department)**

Prior to Final Building Inspection/Occupancy:

15. The applicant shall comply with Ordinance No. 3539, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
 - 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.
 - b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. **(Water Resources Agency)**
16. Where multiple addresses are required at a single driveway, they shall be mounted on a single post, or in any fashion approved by the Reviewing Authority that provides for the same practical effect. **(Carmel Highlands Fire Protection District)**
17. Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. **(Carmel Highlands Fire Protection District)**
18. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
19. All cut and/or fill slopes exposed during the course of construction shall be covered or otherwise treated to control erosion, subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
20. The location, type and size of all antennas, satellite dishes, towers, and similar appurtenances shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
21. Size of letters, numbers and symbols for addresses shall be a minimum of 3 inch letter height, 3/8 inch stroke, contrasting with the background color of the sign. **(Carmel Highlands Fire Protection District)**

22. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance 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, and the address shall be visible and legible from the road on which the address is located. **(Carmel highlands Fire Protection District)**
23. Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. **(Carmel Highlands Fire Protection District)**
24. In high and very high fire hazard areas, as defined by the California Department of Forestry and Fire Protection (CDF), roof construction shall be a Class A or Class B, with fire resistive materials, or as approved by the Reviewing Authority. This requirement shall apply to all new construction and existing roofs that are repaired or modified so as to affect 50 percent or more of the roof. Vegetation removal will not be allowed as a means of removing high or very high fire hazard area designation from an entire parcel. **(Carmel Highlands Fire Protection District)**
25. Prior to final inspection, the geotechnical consultant shall provide certification that all development has been in accordance with the 'Geotechnical Soils-foundation, Geologic Hazards and Geological Report for the Garren Minor Subdivision (MS94009) at Corona and Cypress, Carmel Highlands, by Grice Engineering and Geology, Salinas, CA., dated May 1994. **(Planning and Building Inspection)**
26. Any landscaping shall be limited to disturbed areas and compatible with the natural pine forest environment. The landscaping plan will include the removal of non-native, invasive plant species as specified by the consulting forester, Paul Dubsky, in his Forest Management Plan dated June 12, 2002. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. 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, specie, and size of the proposed landscaping materials and 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 Planning and Building Inspection Department. **(Planning and Building Inspection)**
27. The exterior colors and roofing material shall be consistent with the Planning Commission approval, subject to confirmation from the Director of Planning and Building Inspection prior to final building permit sign off. **(Planning and Building Inspection Department)**
28. A Grading Permit shall be required pursuant to the Monterey County Code relative to Grading, Chapter 16.08. **(Planning and Building Inspection Department)**

Continuous Permit Conditions:

29. If during the course of construction activity on the subject property, cultural, archaeological, historical, 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 it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection)**

30. All landscaped areas and replanted trees shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 11th day of December, 2002 by the following vote:

AYES: Errea, Sanchez, Hawkins, Brennan, Parsons, Diehl, Hernandez, Wilmot
NOES: Engell
ABSENT: Pitt-Derdivanis

Original Signed By:

LYNNE MOUNDAY, SECRETARY PRO TEM

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 OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, 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 and Building Inspection Department office in Marina.

2. The construction or use authorized by this permit must start within two years of the date of approval of this permit unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan.