

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

RESOLUTION NO. 03002

A. P. # 243-201-013-000

**FINDINGS AND DECISION**

In the matter of the application of  
**Charles and Rebecca Olson (PLN010448)**

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located at 30 Mentone Drive, Carmel Highlands, near the intersection of Mentone Drive and San Remo, east of Highway 1, Carmel area, came on regularly for hearing before the Planning Commission on January 8, 2003.

WHEREAS: Said proposal includes:

- 1) Coastal Development Permit to allow the construction of a single family dwelling (4,858 sq. ft.), with a detached garage (400 sq. ft.), septic system, water storage tank and grading (1,248 cu. yds. cut/1,095 cu. yds. fill) on a vacant lot;
- 2) Coastal Development Permit for development on slopes 30% or greater,
- 3) Coastal Development Permit for tree removal (2 pines);
- 4) Coastal Development Permit for development within 100 ft. of environmentally sensitive habitat to clear code violation case number CE020100, and
- 5) Design Approval

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

**FINDINGS OF FACT**

1. **FINDING: CONSISTENCY** - The Project, as conditioned is consistent with applicable plans and policies, Carmel Area Land Use Plan, Coastal Implementation Plan (Part 4), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20) which allows residential development this area.

**EVIDENCE:** (a) PBI Staff have reviewed the project as contained in the application and accompanying materials for consistency with the Carmel Area Land Use Plan, Coastal Implementation Plan (Part 4), Part 6 of the Coastal Implementation Plan. PBI Staff have reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 20) and have determined that the project is consistent with the Carmel Area Land Use Plan which designates this area as appropriate for residential development. Staff notes are provided in Project File PLN010448.

(b) Project planner conducted an on-site inspection on March 1 & 15, 2002 to verify that the project on the subject parcel conforms to the plans listed above.

(c) The project for a single family home is an allowed use in accordance with Section 20.17.040.A.

(d) The parcel is zoned Watershed and Scenic Conservation, 40 acres/unit, Design Control District, Special Treatment overlay district, Coastal Zone; i.e., "WSC/40-D-SPTR (CZ)." The project is in compliance with Site Development Standards for the Watershed and

Scenic Conservation District in accordance with Section 20.17.060, which allows residential development.

- (e) The subject parcel is the result of a prior subdivision and lot line adjustment, which were granted in such as was as to “*maximize available recreational opportunities*,” consistent with the purpose of the Special Treatment overlay district. This was accomplished by maintaining the most of the original Sawyer property as one larger property. The subject project seeks to develop on a smaller lot created by a prior lot line adjustment.
- (f) **LAND USE ADVISORY COMMITTEE:** The Carmel Unincorporated/Carmel Highlands Land Use Advisory Committee recommended approval of the project by a vote of 4 to 0 with one abstention and with one member absent. LUAC meeting minutes dated June 17, 2002.
- (g) **VISUAL RESOURCES** – Pursuant to Section 20.146.030 of the *Regulations for Development in the Carmel Area Land Use Plan*, the structure, which is located in the public viewshed, has been designed to minimize visibility and to blend into the site and site surroundings. This has been accomplished by requiring the structure to be painted in earth tones, and through the location of the structure, which results in a lower height relative to the site’s surroundings.
- (h) 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 Project File PLN010448.

2. **FINDING: VIOLATION PENDING** - The subject property is currently in violation of Title 20 of the County Code, Section 20.17.030.E because environmentally sensitive habitat was removed without the required Coastal Development Permit.

**EVIDENCE:** Code Violation case #CE020100 was opened on March 11, 2002 after the removal of seacliff buckwheat (environmentally sensitive habitat) occurred on Assessor’s Parcel Number 243-201-013-000 without the benefit of the required permit. Section 20.17.030.E of Title 20 requires a Coastal Development Permit for development within 100 ft. of environmentally sensitive habitat. The granting of the subject Combined Development Permit corrects the violation of Title 20.

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

**EVIDENCE:** (a) The project was reviewed by Planning and Building Inspection, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and Carmel Highlands Fire Protection District. The respective departments and 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. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions.

(b) The following technical reports, contained in Project File PLN010448, have been provided by consulting geotechnical engineers and geologists with recommended conditions and modifications that provide additional assurances regarding project safety:

1. M. Jacobs and Associates, September 28, 1984, *Soil Investigation for the Snell Property, Monterey County, California*;
2. Rogers E. Johnson & Associates, October 8, 1992, *Geologic Investigation, Lands of Keig, Carmel Highlands, APN 243-201-06, Monterey County, California*;

3. Whitson, K. M., Whitson Engineers, March 14, 2002, *Erosion Control Report*;
4. Rogers E. Johnson & Associates, September 25, 2002, *Supplemental Geologic Analysis for Proposed Single-Family Residence, Olson Property, Mentone Drive, Carmel Highlands, California, Monterey County, APN 243-201-013*.

4. **FINDING: SITE SUITABILITY** - The site is suitable for the use proposed.

- EVIDENCE:**
- (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and Carmel Highlands Fire Protection District. Conditions recommended have been incorporated.
  - (b) The following technical reports, contained in Project File PLN010448, prepared by outside archaeology, geology and geotechnical consultants indicate that there are no physical or environmental constraints such as geologic or seismic hazard areas or similar areas that would indicate the site is not suitable for the use proposed:
    1. Hampson, Paul A. and Breschini, Gary S., Archaeological Consulting, August 8, 1984. *Preliminary Cultural Resources Reconnaissance of 466 acres near Carmel Highlands, Monterey County, California*;
    2. M. Jacobs and Associates, September 28, 1984, *Soil Investigation for the Snell Property, Monterey County, California*;
    3. Rogers E. Johnson & Associates, October 8, 1992, *Geologic Investigation, Lands of Keig, Carmel Highlands, APN 243-201-06, Monterey County, California*;
    4. Whitson, K. M., Whitson Engineers, March 14, 2002, *Erosion Control Report*;
    5. Rogers E. Johnson & Associates, September 25, 2002, *Supplemental Geologic Analysis for Proposed Single-Family Residence, Olson Property, Mentone Drive, Carmel Highlands, California, Monterey County, APN 243-201-013*.
  - (c) Staff conducted an on-site visit on March 1 & 15, 2002 to verify that the site is suitable for this use.
  - (d) Necessary public facilities are available and will be provided.

5. **FINDING: CEQA** - Pursuant to Section 15300.2(c) of the CEQA guidelines, the proposed project cannot be categorically exempted because of a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances. Therefore, an Initial Study has been prepared. It has been determined that the proposed project as mitigated, including all permits and approvals, will not have significant adverse impacts on the environment. A Mitigated Negative Declaration has been prepared and is on file (File # PLN010448) at the Planning & Building Inspection Department. All mitigation measures identified in the Initial Study and Mitigated Negative Declaration and all project changes required to avoid significant effects on the environment have been incorporated into the approved project, or are conditions of approval. A Mitigation Monitoring and Reporting Program (hereafter "the Program") has been prepared pursuant to Public Resources Code 21081.6 and is made a condition of approval. The Program is attached hereto as Exhibit "F" and is incorporated herein by reference. Potential environmental effects have been studied, and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed, may have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and the testimony and information received, and scientific and factual

data presented as evidence during the public review process. The Monterey County Planning & Building Inspection Department, located at 2620 1<sup>st</sup> Avenue, Marina, CA is the custodian of the documents and the materials that constitute the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based.

**EVIDENCE:** County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA) and its Guidelines. The Initial Study provides substantial evidence that the project, with the addition of Mitigation Measures, would not have significant environmental impacts. A Mitigated Negative Declaration was filed with the County Clerk on October 21, 2002, noticed for public review and circulated to the State Clearinghouse. All comments received on the Initial Study have been considered as well as all evidence in the record, which includes studies, data, and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented or discussed during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data, and reports; application materials; and expert testimony. Among the studies, data, and reports analyzed as part of the environmental determination are the following:

1. Vandevere, Jud, Consulting Biologist, January 26, 2002, *Biological Report Keig Property*
2. Flamik, Glenn C., Forest City Consulting, December 1, 2001, *Forest Management Plan for Residential Parcel*
3. Hampson, Paul A. and Breschini, Gary S., Archaeological Consulting, August 8, 1984, *Preliminary Cultural Resources Reconnaissance of 466 acres near Carmel Highlands, Monterey County, California*
4. Whitson, K. M., Whitson Engineers, March 14, 2002, *Erosion Control Report*
5. Arnold, Richard A., Ph. D., Entomological Consulting Services, Ltd., February, 2000, *Low-Effect Habitat Conservation Plan for the Smith's Blue Butterfly, Wildcat Line Property, Carmel Highlands, Monterey County, California*
6. M. Jacobs and Associates, September 28, 1984, *Soil Investigation for the Snell Property, Monterey County, California*
7. Rogers E. Johnson & Associates, October 8, 1992, *Geologic Investigation, Lands of Keig, Carmel Highlands, APN 243-201-06, Monterey County, California*
8. Rogers E. Johnson & Associates, September 25, 2002, *Supplemental Geologic Analysis for Proposed Single-Family Residence, Olson Property, Mentone Drive, Carmel Highlands, California, Monterey County, APN 243-201-013*

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

- EVIDENCE**
- (a) The subject property is not described as an area where the Local Coastal Program requires access (i.e., it does not border the shoreline)
  - (b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 3, the Public Access Map, of the Carmel Area Land Use Plan.
  - (c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
  - (d) Materials contained in Project File PLN010448
  - (e) Staff site visits on March 1 & 15, 2002.

7. **FINDING: TREE REMOVAL** – The subject project, as conditioned, minimizes tree removal in accordance with the applicable goals and policies of the Carmel Area Land Use Plan and Coastal Implementation Plan (Part 4). No landmark trees are proposed for removal.
- EVIDENCE:** (a) Condition of approval #7 requires that prior to the issuance of grading and building permits, the proposed driveway alignment must be redesigned to avoid the 21” pine proposed for removal. As a result, only one 12” pine and one 20” pine will be removed.
- (b) A one-to-one replacement of native trees is required except when it will result in an overcrowded and unhealthy environment (see 20.146.060.D.6). Sufficient room exists on the site to plant the necessary replacement trees in accordance with the required ratio. Condition of approval #13 requires that two Monterey pines be incorporated into the required landscape plan.
- (c) Forest Management Plan prepared by Glenn C. Flamik of Forest City Consulting, December 1, 2001. Report contained in Project File PLN010448.
8. **FINDING: APPEALABILITY** - The project is appealable to the Board of Supervisors and to the California Coastal Commission.
- EVIDENCE:** Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan (Part 1).
9. **FINDING:** The request for portions of the proposed development to be partially located on slopes exceeding 30% is consistent with Section 20.146.030.C.1.a of the Regulations for Development in the Carmel Area Land Use Plan Area since no other alternative exists which would allow the development to occur on slopes less than 30% and still comply with the balance of policy goals, such as avoidance of tree removal and minimization of visual impacts.
- EVIDENCE:** Slope analysis map prepared by Mandurrango, Mandurrango, & Sullivan, which shows all slopes exceeding 30%.
- EVIDENCE:** Project planner’s onsite and offsite visits to assess the potential project impacts.

### **DECISION**

It is the decision of the Planning Commission of the County of Monterey that the Mitigated Negative Declaration and Program for Monitoring and/or Reporting on Conditions of Approval] be adopted and said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. The subject Combined Development Permit consists of a Coastal Development Permit and Design Approval to allow the construction of a single-family dwelling (4,858 sq. ft.), with a detached garage (400 sq. ft.), septic system, water storage tank and grading (1,248 cu. yds. cut/1,095 cu. yds. fill) on a vacant lot; a Coastal Development Permit for development on slopes of 30% or greater; a Coastal Development Permit for tree removal (2 pines); and a Coastal Development Permit for development within 100' of environmentally sensitive habitat to clear Code Violation case number CE020100. The property is located at 30 Mentone Drive, Carmel Highlands (Assessor's Parcel Number 243-201-013-000), near the intersection of Mentone Drive and San Remo, east of Highway 1, Carmel Land Use Plan 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. 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)**
3. All cut and/or fill slopes exposed during the course of construction shall be covered, seeded with native grasses or otherwise treated to control erosion subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

### **Prior to the Issuance of Grading and Building Permits:**

4. The applicant shall record a notice which states: "A permit (Resolution # 02003) was approved by the Planning Commission for Assessor's Parcel Number 243-201-013-000 on January 8, 2003. The permit was granted subject to 33 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)**
5. 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, prior to the issuance of building permits. **(Planning and Building Inspection)**
6. A notice shall be recorded with the Monterey County Recorder which states: "A Forest Management Plan has been prepared for this parcel by Glenn C. Flamik of Forest City Consulting, December 1, 2001, and is on record in the Monterey County Planning and Building Inspection Department Library. All tree removal and planting on the parcel must be in accordance with the Forest Management Plan, as approved by the Director of Planning and Building Inspection." This notice shall be recorded prior to issuance of building or grading permits. **(Planning and Building Inspection)**

7. Prior to the issuance of grading and building permits, a revised site plan, subject to the approval of the Director of the Planning and Building Inspection Department (PBID), shall be submitted to PBID that shows a realignment of the driveway such that the 21" Monterey pine currently proposed for removal is retained. All plans submitted for grading and building permits shall reflect this same revision, as approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
8. A drainage plan shall be prepared by a registered civil engineer or architect to address onsite and offsite 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. **(Water Resources Agency)**
9. 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 & 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 Protection District)**
10. 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 Protection District)**

**Prior to Final Building Inspection/Occupancy:**

11. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
  - 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 & Planning and Building Inspection)**
12. The site shall be landscaped. 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)**

13. The landscape plan shall incorporate at least two Monterey pines to replace the two removed pursuant to permit approvals granted in association with project application PLN010448. **(Planning and Building Inspection)**
14. Remove flammable vegetation from within 30 feet of structure. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. **(Carmel Highlands Fire Protection District)**
15. The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances and be capable of supporting the imposed load of fire apparatus (60,000#). **(Carmel Highlands Fire Protection District)**
16. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. **(Carmel Highlands Fire Protection District)**
17. For residential driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius of curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. **(Carmel Highlands Fire Protection District)**
18. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Carmel Highlands Fire Protection District)**
19. Roadway turnarounds shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roadways shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. **(Carmel Highlands Fire Protection District)**
20. Roadway turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum 25 foot taper on each end. **(Carmel Highlands Fire Protection District)**

**Continuous Permit Conditions:**

21. 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)**
22. 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)**
23. 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)**



**Conditions of Approval from the Mitigated Negative Declaration****AIR QUALITY:**

24. ***Mitigation Measure 1*** – To maintain air quality levels that are safe to sensitive receptors, such as nearby residential uses, the owners, through their agents, shall specify (as notes on the project plans) the implementation of the following dust control measures during grading and construction activities for the proposed project. The measures shall be implemented to adequately control dust.

The following measures shall be implemented at all construction sites to ensure that construction activities create minimum adverse air quality impacts:

1. Post the project at two locations with a publicly visible sign during construction operations that specifies the telephone number(s) and person(s) to contact (contractor and/or owner) for complaints and/or injuries stemming from dust generation and other air quality problems resulting from project construction.
2. Pave, apply water at least two times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
3. Apply non-toxic tackifier, or other suitable cover (such as jute netting, erosion control fabric, mulch, etc.), to exposed areas immediately after cut-and-fill operations are complete.
4. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
5. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
6. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
7. Cover on-site stockpiles of excavated materials.

***Monitoring Action 1*** – Prior to issuance of grading and building permits, the owners shall provide the Director of Planning and Building Inspection with a copy of the notice and a map of the posting locations, pursuant to item 1 above.

Prior to issuance of grading and building permits, the owners shall provide the Director of Planning and Building Inspection written certification regarding how items 2-7 of Mitigation Measure 1 will be implemented during construction (implementation details and schedule may be included as a note on the plans instead of written certification).

During construction, the contractor shall keep a daily log of each activity performed during construction including date and photographs, as necessary. Monthly reports shall be submitted to the owners, who will then forward a copy to the Monterey County Planning and Building Inspection Department. Failure to submit a report with 5 working days of the end of each monthly period shall cause all work to be stopped until the report is received and accepted as adequate by the Director of Planning and Building Inspection.

Prior to final inspection, the owners shall provide written certification from the contractor certifying compliance with and successful implementation of the requirements of Mitigation Measure 1 over the entire construction phase to the Monterey County Planning and Building Inspection Department.

**BIOLOGICAL RESOURCES:**

25. ***Mitigation Measure 2*** – To verify successful ongoing compliance with the HCP to the County, copies of all reports required by the HCP, as well as all pertinent correspondence to and from the US Fish & Wildlife Service (USFWS) with regard to ongoing compliance with the HCP (or lack thereof), shall be submitted simultaneously to

the Director of Planning and Building Inspection when submitted to or received from USFWS. Compliance with the HCP shall be considered as compliance with CEQA requirements for all areas within the deed restricted area.

**Monitoring Action 2** – Throughout the duration of the HCP, the owners shall submit copies of all reports required by the HCP, as well as all pertinent correspondence to and from the US Fish & Wildlife Service (USFWS) with regard to ongoing compliance with the HCP (or lack thereof). These reports and correspondence shall be submitted simultaneously to the Director of Planning and Building Inspection when submitted to or received from USFWS. Upon the receipt of said documentation, the Mitigation Monitoring Team shall make a note to the project file of the owners' ongoing compliance with Mitigation Measure 2. Failure to submit a report or correspondence to or from the USFWS within 5 working days of the owner's receipt or submittal of said documentation shall cause the project to be in noncompliance with the Mitigation Monitoring Program.

26. **Mitigation Measure 3** – To ensure protection of all areas of the deed restricted area adjacent to the building site, prior to the commencement of construction activities, temporary fencing shall be installed along the boundary of the construction site. Soil compaction, parking of vehicles or heavy equipment, stockpiling of construction materials, and/or dumping of materials shall not be allowed within the protected zone. The fencing shall remain in place during the entire construction period.

**Monitoring Action 3** – A qualified biologist or Registered Professional Forester (RPF) shall conduct a site inspection prior to construction and at least monthly during construction to verify that temporary fencing is installed along the boundary of the construction site so that soil compaction, parking of vehicles or heavy equipment, stockpiling of construction materials, and/or dumping of materials does not occur within the protected zone. Following each inspection, written verification from a qualified biologist or RPF shall be submitted to the Monterey County Planning and Building Inspection Department by the owners on a monthly basis during construction and within 5 working days of said regularly scheduled site inspection. Failure to submit a report within 5 working days of the end of each monthly period shall cause all work to be stopped until the report is received and accepted as adequate by the Director of Planning and Building Inspection.

27. **Mitigation Measure 4** – To avoid unnecessary impacts to native vegetation, where possible, native vegetation on the property, in areas not needed for structures, parking, and hardscape, shall be left intact. Prior to occupancy, a landscape plan consistent with the Monterey County regulations shall be submitted to and approved by the Director of Planning & Building Inspection. Any areas disturbed by construction shall be re-vegetated with native vegetation, as well as any other appropriate and necessary erosion control measures.

**Monitoring Action 4** – A qualified biologist shall review the proposed landscaping plan prior to submittal. Written recommendations and/or comment from the qualified biologist shall accompany the proposed landscaping plan upon submittal to the Monterey County Planning and Building Inspection Department for approval. The biologist's statement, if favorable, shall serve to verify that the goals of Mitigation Measure 4 are adequately reflected in the proposed landscape plan.

28. **Mitigation Measure 5** – To ensure adequate protections for native Monterey pines:

- A. Where a Tree Removal Permit (i.e., Coastal Development Permit) is required, trees proposed for removal shall be conspicuously marked by flagging or paint. A site plan showing the location of each tree to be removed shall accompany the application. Proposed removal of native trees shall be the minimum necessary for the proposed development. Removal not necessary for the proposed development will be limited to that required for the overall health and long-term maintenance of the forest, as verified by a RPF.
- B. Retained trees located close to the construction site shall be protected from inadvertent damage by construction equipment through wrapping of trunks with protective materials, bridging or tunneling under major roots where exposed in the foundation or utility trenches, and other measures appropriate and necessary to protect the well-

being of the retained trees. All trees other than those approved for removal shall be retained and maintained in good condition. Trimming, where not injurious to the health of the tree(s), may be performed whenever necessary in the judgment of the owner, particularly to reduce hazards to person safety and fire hazards.

- C. No additional trees, beyond those trees designated for removal on the approved site plan, shall be removed without additional Tree Removal Permits (i.e., Coastal Development Permits), unless a tree removal permit waiver is acquired from the Monterey County Planning and Building Inspection Department for disease, hazards, or other reasons as verified by a Registered Professional Forester. Due to expected impacts of pine pitch canker over the next number of years, no live Monterey pine tree of any size shall be cut or removed, unless a RPF's report confirms that it is a hazard, should be removed to decrease potential for disease or pest problems, or should be thinned to promote growth of neighboring trees.

**Monitoring Action 5** – Prior to the issuance of grading and building permits, a RPF shall mark all trees designated for removal. The RPF shall identify on a site plan and specify the final number of trees that are actually to be removed. The consulting biologist or RPF shall conduct site inspections to verify that all trees located close to the construction zone are retained and maintained in good condition throughout the construction phase with appropriated measures taken as necessary to ensure that trees that are not permitted for removal are in fact retained in healthy and viable conditions, free from damage.

The consulting biologist or RPF shall visit the site at least monthly during construction to verify that the trees continue to be retained and maintained in good condition. Written verification, as well as photographic evidence for the first and last reports, from the consulting biologist or RPF, shall be submitted to the Monterey County Planning and Building Inspection Department on a monthly basis during construction and within 5 working days of said regularly scheduled site inspection. Failure to submit a report with 5 working days of the end of each monthly period shall cause all work to be stopped until the report is received and accepted as adequate by the Director of Planning and Building Inspection.

29. **Mitigation Measure 6** – Due to their great habitat value to a variety of wildlife (particularly nesting sites for birds), large dead trees beyond the project site shall be retained. Small trees (less than 12" in diameter at breast height) or dead trees may be thinned in densely forested areas, especially as needed to reduce unsafe fuel accumulation adjacent to existing occupied buildings, in order to reduce fire hazard. Such thinning shall be verified by an RPF to be in conformance with the HCP, Mitigation Monitoring Program, and County regulations & ordinances.

**Monitoring Action 6** – The property owners shall consult with a RPF prior to removing any trees, dead or otherwise, that were not originally marked for removal, but that in the future become necessary for removal due to fire or other hazards (ongoing). Evidence of such consultation, together with the RPF's recommendation, and verification from the USFWS that removal is in accordance with the approved HCP, shall be submitted to the Director of Planning and Building Inspection to demonstrate compliance with the goals and objectives of this Mitigation Monitoring Program.

30. **Mitigation Measure 7** – To ensure adequate protections for native Monterey pines, in addition to any measures required by the local fire district or California Department of Forestry fire authorities, the owner shall:

- 1) maintain a spark arrester screen atop each chimney
- 2) maintain spark arresters on all gasoline-powered equipment used on-site
- 3) establish a "greenbelt" by keeping vegetation in a green, growing condition to a distance of at least 50 feet around the house, and
- 4) if consistent with the HCP, break-up and clear away any dense accumulations of dead or dry underbrush or plant litter, especially near the trunks of trees and around the greenbelt. Brush and other undergrowth, if removed, shall be cleared using methods that do not materially disturb the ground surface. Hand grubbing, crushing and mowing will normally be the methods of choice where consistent with the HCP. Fire and

herbicides shall not be used for brush clearing unless approved by the USFWS as in accordance with the HCP, and subject to the limitations listed in the Carmel Land Use Plan and Coastal Implementation Plan.

**Monitoring Action 7** – Prior to occupancy, the owners shall submit a statement from the consulting RPF to the Director of Planning and Building Inspection certifying that the requirements of Mitigation Measure 7 have been properly implemented as necessary and appropriate throughout the construction phase.

31. **Mitigation Measure 8** – In order to avoid the unnecessary use of limited ground water resources, as well as to prevent root disease and otherwise maintain favorable conditions for the native forest, the parcel will not be irrigated except within the developed areas, in accordance with the landscaping plan. Care shall be exercised to avoid over-watering around trees.

**Monitoring Action 8** – The consulting biologist contracted to verify the owners' ongoing compliance with the HCP, shall in all reports required as part of the HCP, specifically note the health of the stand of Monterey pines on the subject parcel, in order to demonstrate ongoing compliance with Mitigation Measure 8, or lack thereof.

**GEOLOGY AND SOILS:**

32. **Mitigation Measure 9** – In order to reduce seismic-related impacts to less-than-significant levels, the applicant shall follow the recommendations made by the consulting geologist, as contained in the Supplemental Geologic Analysis (reference #15), and as paraphrased below:

1. The project shall incorporate a structural mat type foundation. The foundation design shall withstand offsets of up to 3 inches vertically and 6 inches horizontally. The peak horizontal acceleration that should be used on the subject site for specific evaluation or structural design is 1.06g. Project engineers may use an effective peak acceleration (EPA) of 0.80g for site-specific evaluation or structural design if they consider it a more appropriate design parameter. Predicted acceleration corresponds to Modified Mercalli Intensities of up to VIII.
2. The Supplemental Geologic Analysis prepared by Rogers E. Johnson & Associates must be provided to the project geotechnical (soils) engineer and structural engineer.
3. The project geotechnical engineer must quantitatively evaluate the stability of the steep slopes immediately adjacent to the proposed homesite.
4. The proposed rip-rap outlet northwest of the proposed residence and above the proposed driveway is geologically unsuitable. The drain outlet shall be moved to the outboard edge of the proposed driveway and along the center line of the spur ridge.
5. The geotechnical report for the site and all new civil engineering and architectural plans pertaining to the proposed development shall be provided to the consulting geologist, Rogers E. Johnson & Associates, for review and recommendations. Subsequent recommendations from the consulting geologist shall be submitted to the Director of Planning and Building Inspection and subject to the Director's approval prior to their implementation or incorporation into the project.
6. Any changes to the proposed building envelope must be evaluated by the consulting geologist, Rogers E. Johnson & Associates, for review and recommendations. Subsequent recommendations from the consulting geologist shall be submitted to the Director of Planning and Building Inspection and subject to the Director's approval prior to their implementation or incorporation into the project.

**Monitoring Action 9** – Prior to the issuance of grading and building permits, the consulting geologist, geotechnical engineer, and structural engineer shall all certify by way of a wet-seal stamped letter to the Director of Planning and Building Inspection, that the recommendations listed in Mitigation Measure 9 have been followed throughout the project's design phase and incorporated into the project as appropriate. In addition, a revised drainage plan shall be submitted demonstrating compliance with recommendation #4 above, prior to the issuance of grading and building permits.

**NOISE:**

33. **Mitigation Measure 10** – In order to control noise levels, construction activities shall be restricted between the hours of 7:00 a.m. and 6:00 p.m.

**Monitoring Action 10** – Prior to the issuance of grading and building permits, the project engineer/contractor shall submit a copy of the grading and building plans to the Monterey County Planning and Building Inspection Department to verify that this language is included in the grading and building permits. The contractor shall keep a daily log of start times and quitting times, which shall be included in the monthly reports submitted to Monterey County Planning and Building Inspection Department. Failure to submit a report with 5 working days of the end of each monthly period shall cause all work to be stopped until the report is received and accepted as adequate by the Director of Planning and Building Inspection.

**PASSED AND ADOPTED** this 11th day of January, 2003 by the following vote:

AYES: Errea, Sanchez, Hawkins, Brennan, Parsons, Diehl, Engell, Wilmot  
NOES: None  
ABSENT: Pitt-Derdivanis  
ABSTAIN: Gonzalves

Original Signed By:

\_\_\_\_\_  
DALE ELLIS, SECRETARY

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 90<sup>th</sup> 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.