

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

RESOLUTION NO. 03040

A. P. # 243-241-014-000

FINDINGS AND DECISION

In the matter of the application of
Stephen L. Ryter TR (PLN020444)

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 30990 Aurora Del Mar, Carmel within the Otter Cove Exemption Area between Highway 1 and the Coast Line, Big Sur Area, Coastal Zone, came on regularly for hearing before the Planning Commission on July 30, 2003.

WHEREAS: Said proposal includes:

- 1) Coastal Administrative Permit and Design Approval for construction of a two-story, 6,000 square foot single family residence with an attached three-car garage, 1,800 square feet of patio area and a septic system and grading (1,050 cubic yards cut/300 cubic yards of fill); and
- 2) Coastal Development Permit to reduce the minimum coastal bluff edge set back from 50 feet to 30 feet

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

FINDINGS OF FACT

1. **FINDING – CONSISTENT WITH PLAN/POLICIES:** The subject Combined Development Permit (PLN020444/Ryter) conforms to the plans, policies, requirements and standards of the Big Sur Coast Land Use Plan and the Monterey County Coastal Implementation Plan, Part 3 (Chapter 20.145 MCC).

EVIDENCE:

- (a) **Land Use.** The subject site is located within a “WSC/40-D(CZ)” or Watershed Scenic Conservation zoning district in the coastal zone.
- (b) **Project Description.** The project proposed in this application (PLN020444-Ryter) consists of obtaining the necessary approvals to construct a 2-story, 6,000 square foot single family residence with an attached 3-car garage, 1,800 square feet of patio area and a septic system and grading (1,050 cubic yards cut/300 cubic yards fill); and reduce the minimum coastal bluff edge set back from 50-feet to 30-feet. The project site is approximately 2.77 acres in size and the zoning designation requires a minimum of 40 acres for parcels in this district.
- (c) **Legal Lot.** The Planning Commission finds that the subject lot is a legal lot of record as a result of the Campbell 4-lot subdivision that was approved by the County and recorded by the owner.
- (d) **Plan Conformance.** The Planning and Building Inspection Department staff reviewed the project, as contained in the application and accompanying materials, for conformity with:
 - 1) Big Sur Coast Land Use Plan (BSLUP).
 - 2) Chapter 20.145 of the Monterey County Coastal Implementation Plan.

With the recommended conditions, there would be no conflict or inconsistencies with the regulations of these plans or policies.

(e) **Precedence.** Monterey County Planning and Building Inspection Case number PC 93127. California Coastal Commission appeal case A-3-MCO-94-09 (dated April 18, 1994). San Francisco County Superior Court case No. 961621, filed March 28, 1995. Court of Appeal of the State of California, First Appellate District, Division One case number A070286 (filed May 8, 1996).

(f) **Otter Cove Exemption.** Although the key policy would prohibit development that is visible from Highway 1, Section 3.2.4.G of the Land Use Plan (LUP) provides an exemption to this policy for the “Otter Cove Area” and Section 20.145.030.B.7 of the Coastal Implementation Plan (CIP) establishes standards for how development can be approved in the exemption area. In 1994, the State Appellate Court ruled that Lots 1 (subject lot) & 2 of the Campbell subdivision are part of the “Otter Cove Exemption” area.

(g) **Visual Resources.** The project is consistent with policies of the Big Sur Coastal Implementation Plan (BS CIP) dealing with visual resources and will have no significant impact on the critical viewshed from Highway 1 (Section 20.145.030 BS CIP). In May 1991, the Board of Supervisors adopted language that land in Otter Cove shall be permitted to be used for residential purposes subject to policies of Section 3.2.4 of the Big Sur Land Use Plan (development standards for home not in the critical viewshed). This policy was changed with the Board finding that “*Otter Cove is too far committed to residential buildout to make strict application of a non-visibility policy worthwhile*”. The project meets the criteria in Section 3.2.4 BSLUP as follows:

1. *Design and siting of structures shall not detract from undeveloped skylines, ridgelines, and the shoreline.* The proposed configuration is designed to follow the contour of the coastal bluff and avoid alteration to significant natural landforms or removal of any trees. Proposed materials, color and textures including copper clad shingles, rock, and wood siding blend with the reddish-brown and blue-green colors of the coastal scrub and ocean so that the structure does not conflict and therefore detract from the coastline view.
2. *Least visible portion of parcel will be considered the appropriate site for new structures. Structures and access are to avoid alteration to natural landform and avoid removal of healthy tree cover.* The site includes one other alternative area for a possible home site. This site is located north of the arroyo and closer to Highway One. Staking of this potential building site area determined that even with a reduced size house this area has similar impacts to the critical viewshed as the proposed home site. In addition, the usable area would limit access/parking and only allow a very small home to be developed compared to those other homes in the area. Therefore, a home of similar or lesser size compared to the proposed home cannot be located outside of the critical viewshed to a less visible portion of the site without comparable impacts to the critical viewshed. Finally, the project is designed to avoid alteration of natural landforms and no tree cover is proposed for removal.
3. *Design structures that are subordinate and blend with the environment (colors, materials, textures, shape, size, access, and screening).* As conditioned, the proposed materials provide color and texture that blends with the environment. The project proposes to use copper clad shingles, rock, and wood siding to blend with the reddish-brown and blue-green colors of the coastal scrub and ocean. A condition requires planting and maintenance of landscaping to screen the structure without obscuring any views beyond the proposed structure. The proposed home is similar in size to existing approved homes in this area and leaves adequate area of the lot that will be preserved in a scenic conservation easement.
4. *Moderate screening may be used wherever a moderate extension of native forested and chaparral areas is possible.* A number of Monterey Pines were planted as part of the required screening efforts for the prior homes built in Otter Cove. These trees have grown to block more view than the structures. There is no native forest in the proposed area. Although these trees are indigenous to the area, they are not considered native and should not be extended as a native forest.
5. *Sites shall be selected to avoid visible access roads to minimize engineering and environmental impacts of road construction.* To provide consistency with these criteria, a condition requires the project be limited to three guest spaces in a manner that reduces/eliminates retaining walls and that the driveway and parking areas be constructed with dark colored materials such as pavers or asphalt. The width of the driveway has been designed as narrow as possible.
6. *New roads are allowed only when use of an existing road is not available.* Adequate access roads exist to the site so no new roads are necessary or proposed.
7. *New roads shall avoid steep slopes and shall be located along margins of forested area, along natural land contours, or within existing vegetation. Drainage and erosion control must*

be adequate to avoid erosion. Geology and geotechnical reports for the subject property conclude that construction of a residence on the subject site would be geologically acceptable provided that recommendations noted in these reports are included.

8. *Television antennae shall be unobtrusive.* Staff has included a condition to assure that no antennae are visible in the critical viewshed.

(h) **Archaeology.** As conditioned, the project is consistent with policies of the Big Sur Coastal Implementation Plan dealing with development in archaeologically sensitive areas (Section 20.145.120 BS CIP). County resource maps identify this area to be highly sensitive to archaeology finds. A final report of archaeological investigations for development of the site immediately south (APN: 234-241-013-000) by Archaeology Consulting, dated September 17, 1994, was submitted for this project. Staff contacted with the archaeological consulting firm in December 2002 and was informed that they felt this report would be adequate to address the conditions of the subject site (APN: 234-241-014-000). The applicant also submitted a letter supporting this information dated June 17, 2003 and recommends standard condition language for a qualified archaeologist to monitor grading. This condition has been incorporated.

(i) **Environmentally Sensitive Habitat.** As conditioned, the proposed project is consistent with policies of the Big Sur Coastal Implementation Plan dealing with development adjacent to environmentally sensitive habitats (Section 20.145.040 BS CIP). The building site consists of coastal bluff scrub that is dominated by poison oak, giant wild rye, lizard tail and hottentot fig. As conditioned, the proposed project would not pose any threat to any listed rare or sensitive plants communities. A Biological Assessment for the subject site was prepared by Dale Hameister from Rana Creek Restoration on July 9, 2002 and revised December 9, 2002 and April 8, 2003. This assessment included review of databases and a field survey on June 27, 2002. An addendum in response to Coastal Commission comments, dated June 24, 2003, includes recommended conditions that have been incorporated.

(j) **Geologic Hazards.** The proposed project is consistent with policies of the Big Sur Coastal Implementation Plan dealing with development in hazardous areas (Section 20.145.080 BS CIP). The site is located in a hazardous geologic zone according to Resource Maps, of the Monterey County Big Sur Coast Land Use Plan. Rogers E. Johnson and Associates prepared a Geological Investigation report (dated October 8, 2002) for the subject property to determine general geologic conditions on the subject property and address geologic policies of the Monterey County Coastal Implementation Plan consistent with "Guidelines for Geologic/Seismic Reports" of the California Divisions of Mines and Geology. Haro, Kasunich and Associates, Incorporated prepared a Geotechnical Investigation (dated October 2002) to explore and evaluate surface and subsurface soil conditions of the site in order to provide recommendations for construction design. These reports conclude that construction of a residence as proposed with a 30-foot bluff top set back would be geologically acceptable provided that recommendations noted in these reports are included. Addendum letters from Rogers Johnson and Haro, Kasunich & Associates (dated February 6, 2003 and June 25, 2003) further clarify this information and recommend additional conditions. All recommended conditions have been incorporated.

(k) **Field Trip.** On June 4, 2003, staff along with five members of the Monterey County Planning Commission conducted a field trip that visited the subject site. This field trip involved walking the site to review the staking to determine impacts to views from Highway One. Staking of the alternative site was also installed for review at this time.

(l) **LUAC.** On November 12, 2002, the Big Sur Coast Land Use Advisory Committee voted 5-1-1 to recommend approval of the project. The Committee generally found that the applicant had met all requirements, but expressed concern for landscape that could grow to block public views of the coastline from Highway 1. This has been addressed as a condition of approval.

2. **FINDING – COMPLY WITH REGULATIONS:** The proposed Combined Development Permit PLN020444/Ryter complies with all applicable requirements of Title 20 of Monterey County Codes.

EVIDENCE:

(a) Materials in project file PLN020444/Ryter.

(b) **Codes.** The Planning and Building Inspection Department staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- 1) Chapter 20.17 of the Monterey County Zoning Ordinance relative to regulations for the Watershed Scenic Conservation “WSC/40-D(CZ)” district in the coastal zone.
- 2) Chapter 20.44 of the Monterey County Zoning Ordinance relative to Design Approval.

The project, as conditioned, would have no conflict or inconsistencies with the regulations of these plans or policies.

(c) **Zoning.** The subject site is located within the “WSC/40-D(CZ)” or Watershed & Scenic Conservation (40 acre minimum) and Design Control zoning district in the Coastal Zone.

(d) **Site Description.** The project site is 2.77 acres in size and the zoning designation requires a minimum of 40 acres for parcels in this district. The parcel was created as part of the Campbell Subdivision and is a legal lot of record.

(e) **Permits.** The WSC zone allows administrative review of Coastal Administrative Permits for the first single family home on a legal lot of record (Section 20.17.040 MCC), unless combined with a permit that requires review by the Planning Commission (Section 20.82.030 MCC). The WSC zone authorizes the Planning Commission to consider Coastal Development Permits for development within 50 feet of a coastal bluff edge (Section 20.17.030 MCC).

(f) **Development Standards.** As conditioned, the project meets all set back (30 front/20 sides/20 rear) and height (24) requirements for a main structure in the WSC zone. There are no trees located within the building area.

(g) **No Violation.** Staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property, that no violations exist on the property and that all zoning abatement costs, if any have been paid.

(h) **Professional Reports.** The project Archaeologist, Biologist, Geologist, and Engineer have reviewed the site. Findings and recommendations from the reports prepared by these professionals have been incorporated into the analysis and conditions for restoration and impact mitigation.

3. **FINDING – SITE SUITABILITY:** The site is physically suitable for the proposed use.

EVIDENCE:

(a) **Site Inspection.** The project planner conducted an on-site inspection on November 1, 2002. In addition, the Planning Commission conducted a field visit on June 4, 2003. The proposed improvements will not present an unsightly appearance, impair the desirability of residences in the same area, limit the opportunity to obtain the optimum use and value of land improvements or impair the desirability of living conditions of the same or adjacent area.

(b) **Agency Review.** The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Carmel Highlands Fire Department, Parks Department, and Environmental Health Department. There has been no indication from these agencies that the site is not suitable. Conditions recommended by these agencies have been incorporated to the project conditions.

(c) **Professional Reports.** Reports by a certified Archaeologist, Biologist, Geologist, and Engineer indicate that there are no physical or environmental constraints that would indicate the site is not suitable for the proposed use.

4. **FINDING – CONDITIONS OF APPROVAL:** The conditions of approval comply with the provisions of Title 20, Chapter 20.145.

EVIDENCE:

(a) The conditions are based on the recommendations of the Carmel Highlands Fire Department, Monterey County Water Resources Agency, Monterey County Environmental Health Division and Monterey County Department of Public Works. The conditions incorporate the concerns and recommendations of those various

agencies. Additional conditions are required for approval in order to assure that the proposed use and site amenities are compatible with other developments in the area.

5. **FINDING – CEQA/MITIGATED NEGATIVE DECLARATION:** On the basis of the whole record before the Zoning Administrator there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The mitigated negative declaration reflects the independent judgment and analysis of the County.

EVIDENCE:

(a) **Initial Study.** The Monterey County Planning and Building Inspection Department prepared an Initial Study pursuant to CEQA. The Initial Study identified several potentially significant effects, but applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur. The Initial Study is on file in the office of PB&I and is hereby incorporated by reference. (PLN020444/Ryter). All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval.

(b) **Mitigated Negative Declaration.** On April 16, 2003, County staff completed an Initial Study for the project (PLN010331) 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 April 23, 2003, noticed for public review, and circulated to the State Clearinghouse from April 25, 2003 to May 27, 2003 (SCH#: 2003041164). The evidence in the record 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. Otter Cove Exemption Litigation. Court of Appeal of the State of California, First Appellate District, Division One, Monterey Peninsula Regional Park District v. California Coastal Commission and Stephen Ryter (A070286). Filed May 8, 1996.
2. Biological Assessment for the Ryter Property (APN 243-241-014-000). Prepared by Dale Hameister, Rana Creek Habitat Restoration. Revised April 8, 2003.
3. Final Report of Archaeological Investigations at Site CA-MNT-1457, on Assessor's Parcel APN 243-241-013-000, Carmel Highlands, Monterey County, California. Prepared by Gary S. Breschini, SOPA and Trudy Haversat, SOPA. September 17, 1994.
4. Geology Investigation, Stephen and Wendy Ryter Property, Lot 1, Otter Cove, Monterey County, APN 243-241-014-000. Prepared by Rogers E. Johnson & Associates (Job # C02029-1137M). Report dated October 8, 2002 with addendum December 4, 2002.
5. Geotechnical Investigation for APN: 243-241-014-000, 30990 Aurora del Mar, Monterey County, California. Prepared by Rick L. Parks (CE55980) with Haro, Kasunich and Associates, incorporated (Project #: M8017). October 2002.
6. Site Photographs by Carl Holm, Project Planner. February 11, 2003.

The Planning Commission determines that although the project could have significant impacts, mitigation can reduce these potential impacts to a level of insignificance. Therefore, a Mitigated Negative Declaration is hereby adopted by the Planning Commission.

(c) **Mitigation Monitoring Program.** A Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation. The applicant/owner must enter into an “Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval.

(d) **Comments.** All comments received on the Initial Study have been considered. During the review period, comments were received from the applicant and the California Coastal Commission. The County has considered these comments and has added Condition Nos. 6, 8 and 9 to address the comments received.

(e) **Public Testimony.** The Planning Commission considered public testimony and the initial study at a hearing on July 30, 2003.

6. **FINDING - FISH & GAME FEE:** For purposes of the Fish and Game Code, the project will not have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends.

EVIDENCE:

(a) **De Minimus Finding.** Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations. The site supports suitable habitat for the Federally-listed endangered Smith’s Blue butterfly. Runoff from the site will drain into the Pacific Ocean. Therefore, this project is not subject to a de minimus exemption and the applicant is required to pay the Fish and Game fee.

(b) Initial Study and Negative Declaration contained in File No. PLN020444/Ryter.

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

EVIDENCE:

(a) **Board of Supervisors.** Section 20.86.030 of the Monterey County Zoning Ordinance.

(b) **Coastal Commission.** Section 20.86.080 of the Monterey County Zoning Ordinance.

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 *Combined Development Permit (PLN020444/Ryter) consisting of a Coastal Administrative Permit and Design Approval for construction of a two-story, 6,000 square foot single family residence with an attached three-car garage, 1,800 square feet of patio area and a septic system and grading (1,050 cubic yards cut/300 cubic yards fill); and Coastal Development Permit to reduce the minimum coastal bluff edge set back from 50-feet to 30-feet.* The project is in accordance with County ordinances and land use regulations, and subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of 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)**

Prior to Issuance of a Building and/or Grading Permit

2. The applicant shall record a notice which states: "A Permit (Resolution # 03040) was approved by the Monterey County Planning Commission for Assessor's Parcel Number **243-241-014-000** on **July 30, 2003**. The permit was granted subject to **20** 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)**
3. The applicant shall enter into an agreement with the County to implement the Mitigation Monitoring and/or Reporting Plan in accordance with Section 21.08.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. The Mitigation Monitoring and/or Reporting Plan is contained in the staff report as Exhibit 'E' and is hereby incorporated herein in its entirety by reference. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. **(Planning and Building Inspection)**
4. The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring Plan. The Plan shall be submitted to the Director of Planning and Building Inspection Department for approval prior to issuance of any building permits. **(Planning and Building Inspection)**
5. 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 Department)**
6. Prior to issuance of a grading permit, the applicant shall copy control measures onto the building plans for review and approval of the Planning and Building Inspection Department. The applicant shall also submit a program for how these measures will be implemented during construction activities:
 - a. Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil condition, and wind exposure.
 - b. Cover stockpiles of debris, soil, sand or other materials that may be blown by the wind.
 - c. 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.
 - d. Landscape or cover completed portions of the site as soon as construction is complete in that area.
 - e. Silt fencing shall be installed at the edge of the construction area located down-slope of the building area facing the bluff and arroyo.
 - f. Any materials found to be spilled or allowed to go over the bluff edge shall constitute a violation subject to a fine of \$1,000 per occurrence plus staff time and materials to enforce said violation.
 - g. All grading spoils and construction waste shall be disposed of off-site.
 - h. 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.**(Planning and Building Inspection)**
7. Final Building Plans shall include the following changes
 - a. Windows shall be tinted (as proposed) and non-reflective.
 - b. Exterior wall materials shall be limited to the proposed wood siding and stone veneer only. No stucco.
 - c. Driveway and parking areas shall be limited to three guest spaces designed in a manner that reduces/eliminates retaining walls along the arroyo.

- d. Driveway and parking areas shall be constructed with dark colored materials such as pavers and/or asphalt.
- e. Retaining walls shall be limited to a maximum of three feet tall (tiered if necessary) along with appropriate native planting along the top and base (Condition 17).
- f. The patio extending into the south side set back shall be modified/removed to meet the required set backs.

Said changes shall be subject to approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

8. The applicant shall submit three (3) copies of an exterior lighting plan that addresses the following:
- a. Indicate the location, type, and wattage of all light fixtures including catalog sheets for each fixture for review and approval of the Director of Planning and Building Inspection.
 - b. 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.
 - c. Lighting shall be designed and/or screened (e.g. landscape) whereby it does not create a nuisance, disturb any nearby resident, or disrupt nighttime views from public areas.
 - d. A note shall be placed on the lighting plan stating that; "There shall be no night lighting of the shoreline".

(Planning and Building Inspection/Sheriff)

9. 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)**

10. Native trees and vegetation which are located close to the construction site shall be protected from inadvertent damage from construction equipment and personnel by:

- a. Installing protective fencing around tree driplines;
- b. Wrapping trunks with protective materials;
- c. Avoiding fill of any type against the base of tree trunks;
- d. Avoiding an increase in soil depth at the feeding zone or drip line of the retained trees; and
- e. Installing protective fencing around the entire building area, except the driveway, to protect coastal bluff.

Said protection shall be demonstrated through either photographic evidence or by a site visit by Planning and Building Inspection Department staff. **(Planning and Building Inspection)**

11. The applicant shall submit a detailed disposal system design to the Director of Environmental Health for review and approval meeting the regulations found in Chapter 15.20 of the Monterey County Code, and Prohibitions of the Basin Plan, Regional Water Quality Control Board. **(Environmental Health)**

12. A drainage plan shall be prepared by registered civil engineer or architect addressing on-site and off-site impacts, to include dispersal of impervious surface stormwater runoff onto a non-erodible surface below the bluff. **(Water Resources Agency)**

13. 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)**

14. Roadway turnarounds shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roads shall be located within 50 feet of the primary building. The

minimum turning radius for a turnaround shall be 40 feet from the centerline 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)**

During Grading and/or Construction

15. 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)**
16. A qualified archaeological monitor shall be present during grading, trenching or other soil disturbing activities in the immediate vicinity of cultural resources. 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 150 feet of the find until it can be evaluated, and, if found to be significant, until appropriate mitigation measures are formulated and implemented. **(Planning and Building Inspection)**

Prior to Final Inspection and/or Occupancy

17. All landscaping shall be installed. The site shall be landscaped and maintained as follows:
 - a. At least three weeks prior to occupancy, three copies of both a Landscaping Plan and a Restoration Plan shall be submitted to the Director of Planning and Building Inspection.
 - b. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal.
 - c. The landscaping plan shall be in sufficient detail to identify the location, species, 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.
 - d. All areas disturbed by construction shall use native species consistent with and found in the project area shall be required in all landscaping plans as a condition of project approval.
 - e. The Restoration Plan shall provide planting and seed collection specifications, protection of dune buckwheat and Monterey Pine with a 25-foot buffer zone, invasive species control, use of native coastal bluff scrub and coastal prairie species with a buffer zone for the sewage disposal system, maintenance and monitoring requirements. Said plan shall also address planting of buffer strips of bunch grasses and other hydric graminoids such as *Juncus* and *Carex* in combination with the drainage system to intercept and filter sediment.
 - f. Design and maintain landscape in such a manner that does not obscure any coastline view from Highway 1 any more than the proposed structure.
 - g. All landscaped areas shall be continuously maintained by the property owner and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.
 - h. 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)**
18. All new utility and distribution lines shall be placed underground. **(Planning and Building Inspection)**
19. 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**)

20. 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, S.C.**)

PASSED AND ADOPTED this 30th day of July, 2003 by the following vote:

AYES: Errea, Sanchez, Hawkins, Padilla, Parsons, Diehl, Gonzalves, Rochester, Wilmot
 NOES: Brennan
 ABSENT: None

Original Signed By:

JEFF MAIN, 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 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.