

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

RESOLUTION NO. 05009

A. P. # 243-193-004-000

In the matter of the application of
Walter Dwelle (Granite Properties) (PLN030617)

FINDINGS & DECISION

to allow a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of a Coastal Development Permit and Design Approval for development on slopes of 30% or greater to allow grading and seven (7) existing unpermitted stepped retaining walls ranging in length from approximately 25 to 100 feet; and a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat (wetland) to clear code violation case CE030304. The project is located at 17 Mentone Drive, Carmel, Carmel Highlands area, Coastal Zone, came on regularly for hearing before the Planning Commission on February 9, 2005.

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

1. FINDING: CONSISTENCY - The project, as conditioned, is consistent with applicable plans and policies, including the *Carmel Area Land Use Plan*, the *Regulations for Development in the Carmel Area Land Use Plan*, Part 6 (Appendices) of the *Coastal Implementation Plan*, and the Monterey County Zoning Ordinance (Title 20) which conditionally allow for “non-exempt development” with the granting of a Coastal Development Permit.

EVIDENCE: (a) PBI staff has reviewed the project as contained in the application and accompanying materials for consistency the *Carmel Area Land Use Plan*, the *Regulations for Development in the Carmel Area Land Use Plan*, Part 6 (Appendices) of the Coastal Implementation Plan. PBI staff has reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 20) and has determined that the project is consistent with these plans and ordinances; application materials in Project File PLN030617.

(b) Project planner conducted an on-site inspection on January 15, 2004, to verify that the project on the subject parcel conforms to the plans and ordinances listed above.

(c) The project, which seeks to allow the installation of retaining walls on steep slopes adjacent to a wetland, involves “non-exempt development” pursuant to Sections 20.14.030.C & E, respectively of the Zoning Ordinance (Title 20).

(d) The project is in compliance with Site Development Standards for the Low Density Residential District in accordance with Section 20.14.060.

(e) The Carmel Area Land Use Advisory Committee heard the project on Monday, October 4, 2004, and recommended approval of the project by a vote of 7-0, on the condition that letters be submitted to the project file from Howard Carter & Associates, Inc., and Soil Surveys, Inc., stating that the project has been completed according to their recommendations; LUAC meeting minutes dated Monday, October 4, 2004.

(f) 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 PLN030617.

2. **FINDING: SLOPES OF 30% OR GREATER** – The project proposes development on slopes of 30% or greater. This development proposal better achieves the goals, policies, and objectives of the Monterey County Local Coastal Program than other development alternatives because it ensures the stability of the slope below an existing residence and above a wetland area onsite. Areas the parcel with slopes of 30% or greater shall be conveyed to the County as a Scenic and Conservation easement, pursuant to the requirements of Section 20.146.120.A.6 of the *Regulations for Development in the Carmel Area Land Use Plan*.

EVIDENCE: (a) Plans and materials contained in Project File PLN030617.

(b) Staff conducted a site visit on January 15, 2004, to verify that the site is suitable for this use.

(c) Condition 8

3. **FINDING: VIOLATION PENDING** – The subject property is currently in violation of the Monterey County Code, including Section 20.16.00.A of the Zoning Ordinance (Title 20) and the *Regulations for Development in the Carmel Area Land Use Plan* because the development was carried out without the benefit of permits. Approval of the subject project (file no. PLN030617), as conditioned and mitigated, provides consistency with the County's Local Coastal Program, which therefore resolves code violations. All application fees have been doubled.

EVIDENCE: (a) On September 16, 2003 Code Enforcement case number CE030304 was opened to investigate the finding of the unpermitted installation of retaining walls at 17 Mentone Drive in Carmel Highlands (Assessor's Parcel Number 243-193-004-000), which was first discovered on September 10, 2003. A stop-work order was issued on September 11, 2003.

(b) Full restoration to a pre-violation state is found to be infeasible due to circumstances beyond the control of the applicant/property owner. However, mitigation measures and monitoring actions designed by the project's technical consultants will ensure that the project is compatible with the long-term maintenance of the wetland habitat onsite, consistent with the environmentally sensitive habitat and hazardous area development standards of the Monterey County Local Coastal Program (LCP). This is also true since approval of this project will not establish a precedent for continued land development, which, on a cumulative basis, would further degrade coastal wetland habitats in the area.

(c) Code Enforcement file no. CE030304

(d) Planning Project file no. PLN030617

(e) Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

4. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance or operation of the project applied for will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working

in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: The project was reviewed by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, and the Carmel Highlands FPD. 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.

5. 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 (PBID), Public Works, Water Resources Agency, Environmental Health, and the Carmel Highlands FPD. Conditions recommended have been incorporated.

(b) According to the PBID Geographic Information System (GIS), the site is identified as within a seismic-hazard zone III (of VI; i.e., moderate). The site is not located within 1/8 of a mile of a known seismic fault. Soils at the project site are classified as “*Sheridan coarse sandy loam*” with slopes of 15 to 30 percent and of 30 to 75 percent. The soils with steeper slopes (above 30%) are rated highly erosive, whereas those with less-steep slopes (below 30%) are rated as moderately erosive. Landslide and liquefaction risks are identified as low. Nevertheless, a slope failure of an unidentified nature and undefined extent took place on an unspecified date according to a report prepared by the consulting geotechnical engineer, Richard Dante, P. E., of Soil Surveys, Inc. dated September 25, 2003. If additional work is required, mitigation measures and standard erosion-control practices will be implemented as conditions of the grading permit in order to fulfill the requirements of the County’s Grading and Erosion Control Ordinances (Chapters 16.08 & 16.12 of the County Code). The recommendations of the following reports shall be implemented pursuant to Condition 12 (MM 2), below, in order to ensure site suitability:

i. *Geotechnical Investigation for Design of Retaining Walls for Slope Stabilization at Dwelle Residence at 17 Mentone Drive, Carmel Highlands Area*, prepared by Richard E. Dante, project geotechnical engineer, with Soil Surveys, Inc., dated September 25, 2003.

ii. *Geotechnical Engineering and Engineering Geologic Peer Review for Residence at 17 Mentone Drive, Carmel Highlands, Monterey County, California*, prepared by Mark R. Caruso, registered geologist & certified engineering geologist, and Corey T. Dare, physical engineer & geotechnical engineer, with Furgo West, Inc., dated November 11, 2003.

(c) A biological survey prepared for the project by Josh Harwayne of Denise Duffy & Associates, Inc., dated September 7, 2004, reports that there are no statutorily-protected species found onsite, although two locally protected species are present onsite, which are native Monterey pine forest and coast live oaks. These species were not impacted by the project. Report contained in Project File PLN030617.

(d) An archaeological survey prepared by Archaeological Consulting, Inc., dated June 4, 1991, reports no evidence of archaeological or historic resources onsite.

- (e) Staff conducted a site visit on January 15, 2004, to verify that the site is suitable for this use.
- (f) Necessary public facilities are available and will be provided.

6. FINDING: CEQA – The project is subject to environmental review pursuant to requirements of the *California Environmental Quality Act*. On the basis of the whole record before the Planning Commission 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) CEQA Guidelines Section 15300.2 (Exceptions) disallows the project to be categorically exempted from CEQA review due the project’s location and the potential for significant effects relating to the proximity to environmentally sensitive coastal wetland habitat.

i. Potentially adverse environmental effects to coastal wetland habitat were identified during staff review of the development application.

ii. The PBID prepared an Initial Study pursuant to CEQA Guidelines Section 15063. The Initial Study identified potentially significant effects relating to maritime chaparral habitat, but mitigation measures have been designed that mitigate the effects to less-than-significant levels. The Initial Study is on file in the office of PBID and is hereby incorporated by reference (File No. PLN030617). All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. (Exhibit “C”)

iii. A Mitigation-Monitoring and Reporting Program has been prepared in accordance with adopted Monterey County procedures and CEQA Guidelines, including Section 15097, and is designed to ensure compliance with conditions and mitigation measures during project implementation. The Applicant must enter into an “*Agreement to Implement a Mitigation Monitoring and Reporting Program*” as a condition of project approval (Condition 7, Exhibit “C”).

(b) Evidence that has been received and considered includes:

i. The application, plans, materials, and technical reports, which are listed under Section IX (References) of the Initial Study, which are:

1. Project Application and Plans in files PLN030617/Dwelle.
2. *Monterey County General Plan*.
3. *Carmel Area Land Use Plan*.
4. *Regulations for Development in the Carmel Area Land Use Plan*.
5. Title 20 of the Monterey County Code (Zoning Ordinance).
6. *CEQA Air Quality Guidelines*, Monterey Bay Unified Air Pollution Control District, Revised September 2002.
7. *2004 Air Quality Management Plan*, Monterey Bay Unified Air Pollution Control District.
8. Site visit conducted by project planner on January 15, 2004.
9. Planning & Building Inspection Department’s Geographic Information System.
10. *Preliminary Cultural Resources Reconnaissance of Assessor’s Parcel 243-193-04, Carmel Highlands, Monterey County, California*, prepared by Ana Runnings, M. A., and Gary S. Breschini, *SOPA*, of Archaeological Consulting, Inc., dated June 4, 1991.

11. *AC 1900; APN 243-193-004 at 17 Mentone Dr., Carmel Highlands* (update letter), prepared by Gary S. Breschini, Ph.D., RPA, of Archaeological Consulting, Inc., dated September 18, 2003.
12. Letter addressed to Maureen Simkins of MDS & Associates from Paul Kephart, certified erosion and sediment control specialist & biologist with Rana Creek Habitat Restoration, dated September 27, 2003, regarding appropriateness of slope stabilization work.
13. *Biological Assessment for the Dwelle Retaining Wall Project*, addressed to Walt Dwelle from Josh Harwayne, biologist with Denise Duffy & Associates, Inc., dated September 7, 2004.
14. Letter addressed to Mr. & Mrs. Dwelle from Brett Faust, Registered Geologist with Earth Systems Pacific, dated September 22, 2003, addressing foundation subgrade erosion and recommending continuance of unpermitted slope-stabilization work; includes information and analysis of bore testing.
15. *Geotechnical Investigation for Design of Retaining Walls for Slope Stabilization at Dwelle Residence at 17 Mentone Drive, Carmel Highlands Area*, prepared by Richard E. Dante, project geotechnical engineer, with Soil Surveys, Inc., dated September 25, 2003.
16. Letter addressed to Brian Washko, Chief Building Official, Monterey County, from Richard E. Dante, project geotechnical engineer, with Soil Surveys, Inc., dated September 29, 2003, analyzing slope failure and recommending basic project design as well as requesting issuance of an emergency permit to continue unpermitted work.
17. Letter addressed to Brian Washko, Chief Building Official, Monterey County, from Csilla M. Foss, project structural engineer, with Howard Carter Associated, Inc., dated October 2, 2003, requesting an emergency permit to continue unpermitted work.
18. Letter addressed to Brian Washko, Chief Building Official, Monterey County, from Edgar Medina of Bestor Engineers, Inc., dated October 8, 2003, requesting an emergency permit to continue unpermitted work.
19. *Geotechnical Engineering and Engineering Geologic Peer Review for Residence at 17 Mentone Drive, Carmel Highlands, Monterey County, California*, prepared by Mark R. Caruso, registered geologist & certified engineering geologist, and Corey T. Dare, physical engineer & geotechnical engineer, with Furgo West, Inc., dated November 11, 2003.
 - ii. Staff report that reflects the County's independent judgment.
 - iii. Information and testimony presented during public hearings (as applicable).
 1. The Mitigated Negative Declaration was circulated for public review from January 10th to February 8th, 2005.
 2. The Monterey County Department of Planning and Building Inspection, (located at 2620 First Avenue, Marina, CA, 93933) is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based. Reports are in Project File No. PLN030617.

7. FINDING: PUBLIC ACCESS - The project is in conformance with the public access and public recreation policies of the Coastal Act and Monterey County 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.
 - (b) The subject property is not indicated as part of any designated trails or shoreline access areas 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) Staff site visit on January 15, 2004.

8. FINDING: APPEALABILITY - The project is appealable to the Board of Supervisors and California Coastal Commission.

EVIDENCE: Section 20.86.030 and 20.86.080 of the Monterey County Coastal Implementation Plan (Part 1).

DECISION

It is the decision of the Planning Commission that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the attached conditions.

PASSED AND ADOPTED this 9th day of February, 2005, by the following vote:

AYES: Errea, Parsons, Hawkins, Padilla, Vandever, Wilmot, Salazar, Diehl, Rochester
NOES: None
ABSENT: Sanchez
ABSTAIN: None

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

Planning and Building Inspection Department Condition Compliance & Mitigation Monitoring and/or Reporting Plan*	Project Name: <u>Dwelle</u> File No: <u>PLN030617</u> APNs: <u>243-193-004-000</u> Approval by: <u>Planning Commission</u> Date: <u>February 9, 2005</u>
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
PLANNING & BUILDING INSPECTION CONDITIONS OF APPROVAL						
1.		<p>The subject permit approval grants a Combined Development Permit consisting of a Coastal Development Permit and Design Approval for development on slopes of 30% or greater to allow grading and seven (7) existing unpermitted stepped retaining walls ranging in length from approximately 25 to 100 feet; and a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat (wetland) to clear Code Violation case no. CE030304. The properties are located at 17 Mentone Drive (Assessor's Parcel Number 243-193-004-000), Carmel Highlands Area, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations 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)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other- wise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
2.		This permit shall expire two years from the date of adoption unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan. (Planning and Building Inspection)	Vest project within two years or apply for a Permit Extension at least 30-days prior to expiration.	Owner/ Applicant	Feb. 9, 2007	
3.		PBD014 - GRADING-WINTER RESTRICTION No land clearing or grading shall occur on the subject parcel between October 15th and April 15th unless authorized by the Director of Planning and Building Inspection. (Planning and Building Inspection)	None	Owner/ Applicant	October 15 th to April 15 th	
4.		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice, which states: "A permit (Resolution _____) was approved by the Planning Commission for Assessor's Parcel Number 243-193-004-000 on February 9, 2005. The permit was granted subject to 13 conditions of approval that 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 recordation of Record of Survey. (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to final inspection	
5.		PBD032(A) - TREE PROTECTION If additional work is required, trees that are located close to the construction site(s) 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)	Submit evidence of tree protection to PBI for review and approval.	Owner/ Applicant	Prior to issuance of grading and building permits or commencement of new construction, as applicable.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
6.		<p>PBD012 - FISH AND GAME FEE-NEG DEC/EIR Pursuant to the State Public Resources Code, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval – prior to filing of the Notice of Determination. This fee shall be paid on or before the filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first. The project shall not be operative, vested, or final until the filing fees are paid. (Planning and Building Inspection)</p>	Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first.	Owner/ Applicant	Within five working days	
7.		<p>PBD022 - MITIGATION MONITORING PROGRAM The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. 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)</p>	<ol style="list-style-type: none"> 1) Enter into agreement with the County to implement a Mitigation Monitoring Program. 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement. 	Owner/ Applicant	Within 60 days after project approval or prior to final inspection, whichever occurs first.	
8.		<p>PBD010 – EASEMENT - SCENIC SLOPE A scenic easement shall be conveyed to the County over those portions of the property with slopes of 30% or greater, except for the small area expressly approved for development by this action. A scenic easement deed shall be submitted to, and approved by, the Director of Planning and Building Inspection prior to issuance of grading or building permits. (Planning and Building Inspection)</p>	Submit scenic easement to PBI for approval.	Owner/ Applicant	Prior to final inspection	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
9.		PBD018(A) - LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY) The site shall be landscaped. The landscape plan shall include planting to make location of walls look as natural as possible and blend with natural hillside vegetation in order to reduce visual impacts as much as possible. At least 60 days prior to final inspection, three (3) 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, 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. Before final inspection, either landscaping shall be 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. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection)	Submit landscape plans and contractor's estimate to PBI for review and approval.	Owner/ Applicant/ Contractor	At least 60 days prior to final inspection	
			All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.	Owner/ Applicant	Ongoing	
10.		PBD030 - STOP WORK - RESOURCES FOUND If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County 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)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection Department and a qualified archaeologist immediately if cultural, archaeological, historical, or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeologist	Ongoing	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
MITIGATION MEASURES						
11.	1.	<p>MMRP –BIOLOGICAL RESOURCES IMPACT 1</p> <p><i>In order to minimize temporary and permanent impacts to the wetland area onsite to less-than-significant levels, A) the filled area shall be replanted with locally-occurring native plants, B) all non-native invasive plant species shall be removed from the area disturbed by construction and from the wetland area. The site shall be monitored annually for three years to ensure at least an 80% survival rate of the restored plants at the end of the three-year period. Annual reports shall be submitted to the Planning and Building Inspection Department in a timely manner for at least three years following approval of the subject project. These reports shall be subject to approval by the Director of Planning and Building Inspection (PBI) and shall include a determination as to the success of the replanting and the removal of non-native invasive plants from the area disturbed by construction and from the wetland area. The biologist’s recommendations made in each year’s monitoring report for ensuring progress toward the meeting the success criterion (as approved by the Director of PBI) shall be carried out within the subsequent year period. If it is determined that the replanting is not successful at the end of the three-year monitoring period, based on at least an 80% survival rate of the restored plants, the biological monitor shall make an assessment of the reasons for the failure as well as recommendations for further efforts to reach the success criterion by the end of the subsequent (4th) year. Monitoring and evaluation shall continue annually as described above until the success criterion is reached and can be verified. After the success criteria have been achieved and verified, a final report shall be submitted 5 years hence to ensure and verify the long-term maintenance of the</i></p>	<p>A. <i>In order to clear the violation, the applicant shall submit a detailed restoration & planting plan with ongoing monitoring schedule prepared by a qualified biologist that addresses the requirements of Mitigation Measure 1, which shall be subject to approval by the Director of Planning and Building Inspection prior to commencement of the restoration work.</i></p>		<p>Prior to issuance of a building permit</p>	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>wetland habitat. If on-going success has not been maintained over this period, subsequent measures, including a monitoring regime approved by the Director of PBI shall be implemented to ensure success over the long term. (Planning and Building Inspection)</p>	<p>B. <i>In order to clear the violation</i>, either:</p> <ul style="list-style-type: none"> • success shall be verified in a report prepared by a qualified biological monitor and approved by the Director of PBI at the end of the 3-year monitoring period, or such time after the first three years when success can be verified, or • the owner shall submit a copy of a contract with a qualified biological monitor ensuring that the restoration and monitoring described above will be carried out until successful, including estimates of the cost of the work to be performed, the value of which shall be bonded in a manner that ensures successful compliance with Mitigation Measure 1. <p>C. <i>In order to ensure long-term maintenance of the wetland habitat onsite</i>, submit a final report 5 years from the end of the initial successful monitoring period that evaluates the long-term maintenance of the restored wetland. If on-going success cannot be verified at the end of this 5 year period, then a qualified biologist shall prepare additional measures, including a monitoring regime, subject to approval of the Director of PBI, that ensure successful maintenance over the long term.</p>			

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
12.	2.	<p>MMRP – GEOLOGY & SOILS IMPACT 2</p> <p><i>In order to reduce the risk of impacts from slope failure and/or failure of the installed retaining walls to less-than-significant levels, the consulting geotechnical engineer shall provide written documentation to the County regarding the following activities:</i></p> <ul style="list-style-type: none"> • the geotechnical engineer, in conjunction with the structural engineer, shall document whether all drilled pier excavations were of appropriate diameter, and whether they extended to an appropriate depth into the underlying granite rock to meet the intent of the geotechnical design recommendations; • earthwork operations, including confirmation of adequate material for foundation support, the results of drilled pier observation (as appropriate), fill slope construction, and subdrain installation. • recording of field test location and results of field and laboratory compaction tests where determined to be appropriate by the project geotechnical engineer; and • the installation of site surface drainage and subdrainage, including retaining wall drains and V-ditch outlets, and documentation that the discharge of collected surface and subsurface water will be to appropriate discharge facilities. (Planning and Building Inspection) 	<p><i>Prior to issuance of grading or building permits, the applicant shall submit to the County the written documentation described above, which shall be subject to approval by the County’s chief Building Official.</i></p>	Owner/ Applicant		

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
13.	3.	<p>MMRP – NOISE IMPACT 3</p> <p><i>In order to limit any temporary increase in ambient noise levels in the project vicinity to less-than-significant levels, if additional construction work is required, the construction contractor shall limit activities to the hours between 8:00 a.m. and 6:00 p.m. on weekdays and between 9:00 a.m. and 5:00 p.m. on Saturdays. Construction will not be allowed on Sundays or national holidays. (Planning and Building Inspection)</i></p>	<p><i>Prior to the issuance of any additional grading and building permits, PBID staff shall verify that the limitations stipulated by Mitigation Measure 3 are included in the notes on the grading and building plans.</i></p>	Owner/ Applicant		