

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

RESOLUTION NO. 05016

A.P. # 008-171-042-000

In the matter of the application of
Joseph & Jean Sawyer (PLN040436)

FINDINGS & DECISION

for a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of a Coastal Administrative Permit and Design Approval for a new 6,180 sq. ft. single family residence with a 1,222 sq. ft. attached garage and grading (80 cu. yds. cut/1,880 cu. yds. fill); and a Coastal Development Permit to remove up to 90 Monterey pine trees (47 trees 12"+ diameter). The project is located at 3106 Flavin Lane, Pebble Beach, Del Monte Forest area, Coastal Zone. The project came on regularly for hearing before the Planning Commission on March 9, 2005.

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

FINDINGS OF FACT

- 1. FINDING: CONSISTENCY:** The subject Combined Development Permit (PLN040436/Sawyer) has been processed in accordance with all applicable requirements.

EVIDENCE: (a) On November 29, 2004, the applicants, Joseph D. and Jean A. Sawyer, filed an application for a Combined Development Permit requesting entitlements to develop a new residence on a vacant legal lot of record that involves removing a number of Monterey pine trees. This application was deemed complete on December 22, 2005.

(b) The project site is located at 3106 Flavin Lane (Assessor's Parcel Number 008-171-042-000), Del Monte Forest, Coastal Zone, in the County of Monterey (the property).

(c) LUAC. On December 16, 2004, the Del Monte Forest Land Use Advisory Committee voted 4-0 to recommend approval of the subject Combined Development Permit (PLN040436/Sawyer). The Committee voted to recommend approval as proposed and expressed no concerns with the project.

(d) CEQA. Although a single family residence is categorically exempt from review, the County determined that there are unusual circumstances that warranted further review. An Initial Study was prepared, which determined that potential impacts associated with this project could all be mitigated to a level of insignificance. A Condition Compliance and Mitigation Monitoring and Reporting Plan includes mitigation measures that are incorporated herein by reference (**Table 1**). See **Finding 8**.

(e) Planning Commission. On March 9, 2005, the Monterey County Planning Commission considered findings, evidence, and conditions for approving a Coastal Development Permit (PLN040436/Sawyer) in the Del Monte Forest Land Use Plan area.

- 2. FINDING: COMPLY WITH REGULATIONS:** The Project, as conditioned, is consistent with applicable plans and policies, Del Monte Forest Land Use Plan, Coastal Implementation Plan (Part 5), and the Monterey County Zoning Ordinance (Title 20) which designates this area as appropriate for residential development.

EVIDENCE: (a) Site Description. The subject lot is 1.05 acres in size and the zoning designation requires a minimum of 1.0 acres for parcels in this district. The parcel is a vacant legal

lot of record located on the west side of Flavin Lane with Ferguson Lane to the southwest in the Pebble Beach area (APN: 008-171-042-000).

(b) Land Use. The site is designated as Low Density Residential and Resource Conservation in the Del Monte Forest Land Use Plan, Local Coastal Program. The parcel has two land use designations consisting of Low Density Residential, 1 unit per 1.0 acres/Design Overlay/Coastal Zone and Resource Conservation/Design Overlay/Coastal Zone [LDR/1.0-D (CZ), RC-D(CZ)].

(c) Plan/Code Conformance. The Planning and Building Inspection Department staff reviewed the project, as contained in the application and accompanying materials, for conformity with the:

- (1) Del Monte Forest Land Use Plan
- (2) Monterey County Coastal Implementation Plan - Part 5 (Regulations for Development in the Del Monte Forest Land Use Plan Area - Chapter 20.147);
 - Chapter 20.147.040. Environmentally Sensitive Habitat.
 - Chapter 20.147.050. Forestry and Soil Resource.
 - Chapter 20.147.070. Scenic and Visual Resources.
- (3) Monterey County Coastal Implementation Plan – Part 1 (Zoning Ordinance - Title 20).
 - Chapter 20.14. Principal Uses Allowed in the LDR zoning district.
 - Chapter 20.44. Design Guidelines for projects located within the coastal zone.

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

(d) Permits. The LDR zone allows the first single family dwelling (Section 20.14.040.A CIP) with a Coastal Administrative Permit. Section 20.147.050 CIP requires the Planning Commission to consider Coastal Development Permits for tree removal.

(e) Development Standards. Proposed set backs (70-foot front/20-foot sides/50-foot rear) meets the minimum requirements (30-foot front/20-foot sides/20-foot rear) for habitable accessory structures in the LDR zone. The proposed height is 28.0-foot and the maximum allowed is 30-foot. Maximum floor area ratio (FAR) allowed for the LDR/1.0 zone is 20% and the proposed project has 16% FAR (7,402 square feet). The coverage for buildings (4,994 square feet) and impervious surfaces (3,792 square feet) does not exceed 9,000 square feet. Also see **Finding 7**.

(f) Environmentally Sensitive Habitat (ESHA). Prior biological assessments have determined that the Del Monte Forest includes sensitive habitats that have some rare and endangered species. The building site consists of Monterey pine forest with moderate to dense coverage. Staff investigated the site and determined that a biological assessment was not required (Section 20.147.040.A CIP). As designed and conditioned, the proposed project would not pose any threat to any listed rare or sensitive plants communities. Therefore, the proposed project is consistent with development standards contained in Section 20.147.040 CIP.

(g) Forestry. The building site slopes down moderately from Flavin Lane to Ferguson Lane. The lower end of the site is designated as Resource Conservation for protection of the forest. It is heavily forested with predominately Monterey pine trees. The project proposes to remove up to 90 trees (47 Monterey Pine @

12” or greater). The following assessments were prepared for the subject site in accordance with Section 20.147.050.B CIP:

- Forest Management Plan for Residential Parcel at 3106 Flavin Lane. Prepared by Stephen Staub, Forester and Environmental Consultant. Report dated September 2004 and revised November 2004. This plan and revisions address replacement and maintenance of the forest.

As designed and conditioned, the proposed project would not affect the health of the surrounding forest or any indigenous Monterey cypress trees. Proposed tree removal does not result in exposure of structures in the public viewshed (Policy 31). A qualified professional prepared a Forest Management Plan (FMP) for the proposed project. This FMP determines that the project will not significantly impact the forest or its understory and includes actions to provide long-term protection of the remaining forest area (Policy 32 LUP). Due to the dense coverage of trees on the site, there is no way to develop the site without tree removal. The house and driveway, as proposed, are designed in such a manner to impact the least number of trees (Policy 34 LUP). No landmark trees (over 24”) would be affected. Existing trees along the property lines retain a visual buffer for the neighboring residences (Policy 36 LUP). Development would not occur within the forest conservation area located on the south-west portion of the property (Policy 39 LUP). As conditioned, the proposed project is consistent with development standards contained in Section 20.147.050.D CIP. Also see **Finding 6**.

(h) Geologic Hazards. The site is located in a hazardous geologic zone according to Resource Maps, of the Monterey County Del Monte Forest Land Use Plan. A geotechnical report prepared for the project identifies a number of significant faults within proximity to the project site, but none that are located less than seven (7) kilometers away. This report concludes that development on the site is feasible with recommended action to incorporate into the project design. The site has moderate to slight slopes from Flavin Lane down to Ferguson Lane. There are no slopes greater than 30% except along the edge of Ferguson Lane here the slope was apparently cut for the road. Technical reports have been provided by consulting engineers in accordance with Section 20.147.060.A.9 CIP:

- Geotechnical Investigation for Proposed Residential Development, 3106 Flavin Lane. Prepared by Greg Bloom with Haro, Kasunich & Associates. Dated August 26, 2004.

Recommended conditions and modifications provide additional assurances regarding project safety. As conditioned, the proposed project is consistent with policies of the Del Monte Forest Local Coastal Program dealing with development in hazardous areas (Section 20.147.060.G CIP).

(i) Scenic and Visual. Figure 2C of the Del Monte Forest Land Use Plan (LUP) identifies the subject site as an area that is visible from Point Lobos, across Carmel Bay. Although 17-Mile Drive is designated as public viewing area within the forest, the project site is not located within the view area or vista points along this Drive (Section 20.147.070 CIP). The view points are located south of the project site. Staking and flagging combined with site visits of the project determined that the project is not visible from any part of public viewing area, 17-Mile Drive, or Point Lobos (Policy 33 LUP, Section 20.147.070.A CIP). Based on staking and flagging of the project site, a field investigation by staff determined that the project is not visible from any part of public

viewing area or Point Lobos. The location and design of the project reduces the potential visual impact to a less than significant level by retaining a dense tree cover along the southern side of the structure. Mature trees in this area range from 40-80 feet tall, which serves to screen the proposed development (Section 20.147.050.D.1 CIP). Existing trees along the property lines retain a visual buffer for the neighboring residences (Policy 36 LUP). The project design and color palette provides a rustic, contemporary style (plaster with metal seam roof) that is consistent with existing homes in the surrounding area under the same land use restrictions (Policy 31 LUP). The remaining forest and required new landscaping will supplement the project design. As conditioned, the proposed project is consistent with visual resource policies of the Del Monte Forest Local Coastal Program.

(j) Archaeology. County resource maps identify this area to be highly sensitive to archaeology finds. The following archaeological assessment was prepared for the subject site by Archaeological Consulting, Inc. in accordance with Section 20.147.080.B CIP:

- Preliminary Archaeological Reconnaissance of Assessor Parcel 008-171-042, Pebble Beach, Monterey County, California. Dated April 27, 2004. The results of research and site investigations are negative.

A standard condition requires that the contractor monitor the site during excavation activities to ensure that no potential archaeological resources are impacted.

(k) Land Use Advisory Committee: The Del Monte Forest Land Use Advisory Committee voted 4-0 to recommend approval of the project as presented. LUAC meeting minutes dated December 16, 2004. As conditioned, the project can be approved and then placed on a waiting list for when water is made available. No permits will be issue until adequate proof of water availability is provided to the County's Water Resource Agency and Environmental Health Division.

(l) Site Visits. Project planner conducted on-site inspections on August 9 and October 25, 2004 to verify that the project on the subject parcel conforms to the plans and reports listed above.

(m) Application. 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 PLN040436.

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

EVIDENCE: (a) Agency Review. The project has been reviewed for suitability by Planning and Building Inspection, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and Pebble Beach Community Services District. Recommended conditions have been incorporated.

(b) Professional Reports. Technical reports by outside archaeology, biology, forestry, geology and geotechnical consultants indicate that there are no physical or environmental constraints that would indicate the site is not suitable for the use proposed. Findings and recommendations from the reports prepared by these professionals have been incorporated into the analysis and conditions for restoration and impact mitigation. All technical reports are in Project File PLN040436.

(c) Site Inspection. Records show that the site is a vacant legal lot of record. The project planner conducted on-site inspections on August 9 and October 25, 2004. 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. Tree removal will not expose any structures within the critical viewshed.

(d) Public Facilities. This site would be served by the Pebble beach Community Service District for sewer and by California-American Water Company. Adequate facilities are available and the project would not result in the need for additional capacity.

Necessary public facilities are available and will be provided:

- The applicant must provide an approved Water Release Form prior to issuance of a building permit.
- The applicant must provide written certification that California American Water Company can and will supply sufficient water flow and pressure to comply with both health and fire flow standards.
- A drainage plan is required to address on-site and off-site stormwater runoff.

4. FINDING: NO VIOLATIONS: The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property, and all zoning violation abatement cost, if any, have been paid.

EVIDENCE: (a) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on the subject property.

5. 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) Agency Review. The project was reviewed by Planning and Building Inspection, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and the Pebble Beach Community Services 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.

(b) Professional Reports. Recommended conditions and modifications from consulting forester, biologist, archaeologists, and engineers provide additional assurances regarding project safety. These technical reports are in Project File PLN040436.

(c) Services. There are no services required for the implementation or maintenance of this project. The project does not require any additional or new public services. It does not change emergency access routes.

6. FINDING: TREE REMOVAL: The subject project minimizes tree removal in accordance with the applicable goals and policies of the Del Monte Forest Land Use Plan and Coastal Implementation Plan (Part 5).

EVIDENCE: (a) Section 20.147.050.D.4 of the Monterey County Coastal Implementation Plan, Part 5, states that "new residential development, including driveways and parking areas, shall be sited and designed to minimize cutting of trees, especially trees screening the development from neighboring properties." The proposed house is located in an area of the property where the forest is least dense. The house is located as close to Flavin Lane

as possible given constraints of the lot shape and set back requirements. This results in reducing the length of the driveway as much as possible.

(b) The applicant, their consultants, and staff evaluated project designs in order to avoid the removal of native trees as much as possible. A retaining wall was designed in order to retain a number of trees located along the northern property line. This action resulted in reducing the total number from 123 to 70 Monterey pine trees of which 39 are 12-inches or greater in diameter. However, the arborist report identifies that another 11 trees may possibly be impacted by development and another nine (9) are recommended to be removed for thinning to improve the health of the forest. This brings the total number of trees impacted up to 90 of which 47 are greater than 12-inches or greater in diameter. No landmark size trees (24" or greater) would be removed as part of this project.

(c) A Forest Management Plan and subsequent revisions assess potential impacts to native trees close to the proposed development. New retaining walls for the structures maintain a sufficient distance from the nearby trees to avoid any impacts.

(d) Conditions for tree protection during construction have been incorporated as conditions and include tree protection zones, trunk protection, hand excavation and bridging roots.

(e) A condition has been added that the applicant record a notice stating that a Forest Management Plan has been prepared and any tree removal be in accordance with the approved plan.

(f) Also see **Finding 1**.

7. FINDING: PESCADERO WATERSHED POLICY: The project is consistent with Section 20.147.030.A.1 limiting structural coverage to 5,000 square feet (including main and accessory structures) and limiting additional impervious surface coverage up to 4,000 square feet. The proposed project meets the total limitation of 9,000 square feet for the Pescadero, Seal Rock Creek and Sawmill Gulch Watersheds and the smaller unnamed watersheds, which drain into the Carmel Bay Area of Special Biological Significance.

EVIDENCE: (a) The project application, including the site plan, contained in file PLN040436 calculates structural coverage of approximately 4,994 square feet and impervious surface coverage of 3,792 square feet for a total of 8,786 square feet. The project application, including the site plan, contained in file PLN040436 shows structural and impervious surface coverage within these limits.

(b) A condition has been added for engineering calculations for any pervious pavers used to ensure they meet County standards and the intent of the Pescadero Watershed policy and verification of the installation.

(c) See **Finding 1**.

8. FINDING: CEQA: On the basis of the whole record before the Monterey County Board of Supervisors 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. On January 27, 2005, Monterey County Planning and Building Inspection Department completed an Initial Study pursuant to the California Environmental Quality Act (CEQA). This Initial Study identified potentially significant impacts to aesthetics and biological resources. Site investigations and technical reports

determined that there are clearly no significant impacts that would occur as a result of the proposed project. The Initial Study is on file in the office of P&BI and is hereby incorporated by reference (PLN040436).

(b) Negative Declaration. A Negative Declaration was filed with the County Clerk on January 28, 2005, noticed for public review, and circulated to the State Clearinghouse from February 1, 2005 to March 3, 2005. 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:

(c) The application.

(1) Preliminary Archaeological Reconnaissance of Assessor Parcel 008-171-042, Pebble Beach, Monterey County, California. Prepared by Mary Doane (B.A.) and Trudy Haversat (RPA) of Archaeological Consulting. Dated April 27, 2004.

(2) Geotechnical Investigation for Proposed Residential Development, 3106 Flavin Lane. Prepared by Greg Bloom (C.E. 58819) with Haro, Kasunich & Associates (Project #: M8649). Dated August 26, 2004.

(3) Forest Management Plan for Residential Parcel at 3106 Flavin Lane. Prepared by Stephen Staub, Forester and Environmental Consultant. Report dated September 2004 and revised November 2004.

(4) Staff reports that reflect the County's independent judgment.

(5) Information and testimony presented during public hearings.

These reports are on file in the offices of PBI (File Reference PLN040436) and are incorporated by reference herein.

(d) Biology. A Forest Management Plan (and revisions) submitted as part of the project application addresses potential impacts to the Monterey pine forested. Although only 70 trees are proposed for removal, an additional 11 trees could be impacted by development and nine (9) more are recommended for thinning. The initial study accounted for impact to the maximum removal of 90 trees, of which 47 are 12-inches or greater in diameter. Removal of the proposed trees would not impact the overall health of the surrounding forest. Impacts to the forest have been mitigated through revisions to the project design and by avoiding impact to any landmark trees. Based on a technical forestry report evaluating the current project design, impacts created by the project are considered less than significant and no mitigation is required.

(e) Aesthetic. Removing 70-90 trees will open up the site. The Del Monte Forest Land Use Plan (Figure 2C) identifies the subject site as an area that is visible from Point Lobos, across Carmel Bay. Staking and flagging combined with site visits of the project determined that the project is not visible from any part of public viewing area, 17-Mile Drive, or Point Lobos (Policy 33 LUP, Section 20.147.070.A CIP). Based on staking and flagging of the project site, a field investigation by staff determined that the project is not visible from any part of public viewing area or Point Lobos. In addition, the design has retained a number of trees that, in conjunction with required landscaping, will serve to

shield the project relative to visibility and lighting from the neighboring residents.

(f) Comments. Comments received during the review period or at the hearing before the Planning Commission have been considered as part of the proposed project. The Planning Commission considered public testimony and the initial study at a hearing on March 9, 2005.

(g) Mitigation Monitoring. This project requires implementation of two mitigation measures. A Condition Compliance and Mitigation Monitoring and Reporting Plan includes mitigation measures that are incorporated herein by reference (**Table 1**).

(h) Determination. After sufficiently considering all comments and testimony along with the technical reports and supporting project information, the Planning Commission adopted a negative declaration (Section 15074 CEQA).

9. 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 (DFG) regulations. The project involves removal of a large amount of Monterey pine forest that provides habitat to various plant and animal species. DFG submitted a letter dated February 7, 2005 that since this project may result in changes to fish and wildlife resources, a de minimus determination is not appropriate and the applicant is required to pay the environmental impact fee to the County Clerk as required under Fish and Game Code Section 711.4(d) on or before filing a Notice of Determination.
(b) Initial Study and Mitigated Negative Declaration contained in File No. PLN040436/Sawyer.

10. 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 (Section 20.70.050.B.4 CIP). 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 as shown in Figure 15, the Recreational Facilities Map, and Figure 16, the Shoreline Access Map, of the Del Monte Forest 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 visits found no evidence of informal public trails on the subject property.

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

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

- (c) The project is located between the sea and the first through public road paralleling the sea (Highway One).
- (d) The project involves development that is permitted in the underlying zone as a conditional use (Tree Removal).

DECISION

THEREFORE, it is the decision of said Planning Commission to adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approve the Combined Development Permit as shown on the attached sketch, subject to the attached conditions.

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

AYES: Errea, Parsons, Padilla, Hawkins, Wilmot, Diehl, Salazar, Rochester, Sanchez
NOES: Vandevere
ABSENT: 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 Planning Commission 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 Salinas.

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

RESOLUTION No. 040436 Monterey County Planning and Building Inspection Condition Compliance and Mitigation Monitoring and/or Reporting Plan	Project Name: <u>Sawyer</u> File No: <u>PLN040436</u> APNs: <u>008-171-042-000</u> Approval by: <u>Planning Commission</u> Date: <u>March 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 AND BUILDING INSPECTION						
1		PBD029 - SPECIFIC USES ONLY This Combined Development Permit (PLN040436/Sawyer) allows a Coastal Administrative Permit and design approval for a new 6,180 sq. ft. single family residence with a 1,222 sq. ft. attached garage and grading (80 cu. yds. cut/1,880 cu. yds. fill); and a Coastal Development Permit to remove up to 79 Monterey pine trees (70 trees identified as impacted by development plus 9 trees recommend for thinning). The property is located at 3106 Falvin Lane (Assessor's Parcel Number 008-171-042-000), Pebble Beach, 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)	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		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 05016) was approved by the Planning Commission for Assessor's Parcel Number 008-171-042-000 on March 9, 2005. The permit was granted subject to 30 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3		PBD011 - EROSION CONTROL PLAN AND SCHEDULE The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Soils Conservation Service and the Director of Planning and Building Inspection. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of Planning and Building Inspection. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of Planning and Building Inspection. (Planning and Building Inspection)	1) Evidence of compliance with the Erosion Control Plan shall be submitted to PBI prior to issuance of building and grading permits.	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	
			2) Evidence of compliance with the Implementation Schedule shall be submitted to PBI during the course of construction until project completion as approved by the Director of PBI.	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>
4		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) calendar 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)	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	Prior to the recordation of the tentative map, the start of the use or the issuance of building and grading permits.	
5		PBD014 - GRADING-WINTER RESTRICTION 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)	None	Owner/ Applicant	Ongoing	
6		PBD018(A) - LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY) The site shall be landscaped. At least 60 days prior to occupancy, 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	Submit landscape plans and contractor's estimate to PBI for review and approval.	Owner/ Applicant/ Contractor	At least 60 days prior to final inspection or occupancy	

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		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 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. 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)	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	
7		PBD021 – LIGHTING – EXTERIOR LIGHTING PLAN 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)	Submit three copies of the lighting plans to PBI for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	
8		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)	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 issuance of grading and building permits, whichever occurs first.	

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9		PBD026 – NOTICE OF REPORT (FOREST MANAGEMENT) Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Forest Management Plan has been prepared for this parcel by Stephen Staub, dated November 2004 and is on record in the Monterey County Planning and Building Inspection Department Library No. 040301. All current and future development shall be in accordance with this report unless amended." (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of grading and building permits	
10		PBD026 – NOTICE OF REPORT (ARCHAEOLOGY) Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "An Archaeological Assessment has been prepared for this parcel by Archaeological Consulting, dated August 27, 2004 and is on record in the Monterey County Planning and Building Inspection Department Library No. 040302. All current and future development shall be in accordance with this report unless amended." (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of grading and building permits	
11		PBD026 – NOTICE OF REPORT (GEOTECHNICAL) Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical Investigation has been prepared for this parcel by Haro Kasunich and Associates, Inc., dated August 26, 2004 and is on record in the Monterey County Planning and Building Inspection Department Library No. 040303. All proposed development shall be in accordance with this report unless amended." (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of grading and building permits	

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12		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	
13		PBD032(B) – TREE AND ROOT PROTECTION Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection 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/or Building Permits	
14		PBD034 - UTILITIES - UNDERGROUND All new utility and distribution lines shall be placed underground. (Planning and Building Inspection; Public Works)	None	Applicant/ Owner	Ongoing	

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15		PBD040 – HEIGHT VERIFICATION The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of Planning and Building Inspection for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (Planning and Building Inspection)	1) The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection	Owner/ Applicant	Prior to Issuance of Grading or Building Permits	
16		PBD042 – GRADING PERMITS REQUIRED A grading permit is required for new private single family access driveways greater than fifty (50) feet in total length that require 100 cubic yards or more of earthwork. An over the counter (OTC) grading permit may be issued for new private single family access driveways greater than fifty (50) feet in total length that require less than 100 cubic yards of earthwork.. (Planning and Building Inspection)	If applicable, apply and receive the appropriate grading permit from Monterey County Planning and Building Inspection.	Engineer/ Owner/ Applicant	Prior to Issuance of Grading or Building Permits	
MONTEREY COUNTY WATER RESOURCE AGENCY						
17		WRI - DRAINAGE PLAN The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer	Prior to issuance of any grading or building permits	

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18		<p>WR40 - WATER CONSERVATION MEASURES 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:</p> <p>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.</p> <p>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)</p>	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	
19		<p>WR43 - WATER AVAILABILITY CERTIFICATION The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)</p>	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	
PEBBLE BEACH COMMUNITY SERVICE DISTRICT FIRE/SEWER						
20		<p>FIRE002 - ROADWAY ENGINEERING The grade for all roads shall not exceed 15 percent. Where road grades exceed 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to</p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	

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		hold or divert water, shall not be less than 100 feet. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. Roadway turnarounds shall be required on dead-end roads in excess of 150 feet of surface length. 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. (Pebble Beach CSD)	Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection	
21		<u>FIRE007 - DRIVEWAYS</u> Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For 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 curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and 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 driveway. If a hammerhead/T is used, the	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

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		top of the "T" shall be a minimum of 60 feet in length. (Pebble Beach CSD)				
22		<u>FIRE011 - ADDRESSES FOR BUILDINGS</u> All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Pebble Beach CSD)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
23		<u>FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD)</u> Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	

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		be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Pebble Beach CSD)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
24		<u>FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)</u> The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (Pebble Beach CSD)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection	
			Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	
25		<u>FIRE029 - ROOF CONSTRUCTION - (CYPRESS FPD & PEBBLE BEACH CSD)</u> All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (Pebble Beach CSD)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
26		<u>FIRE - GENERATOR - (NON-STANDARD)</u> The electrical panel where transfer switches are used shall be placarded as required in the National Electrical Code (section 70-90 b) to the satisfaction of the Fire District. (Pebble Beach CSD)	Applicant shall illustrate and/or enumerate as "Fire Dept. Notes" on plans. (Upon receiving a copy of the permit when issued, PBCSD will in turn send an informational packet to the permit holder indicating what type of placarding is needed.)	Applicant or owner	Prior to final or occupancy	

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27		<p>SEWER CONNECTION (Non-standard)</p> <p>The owner/contractor shall obtain a sewer connection permit from the District. Pebble Beach CSD.</p>	<p>Applicant shall pay the required fee to the District.</p> <hr/> <p>Contractor shall obtain sewer lateral and connection inspection approval from the District.</p>	Applicant/Owner	Prior to Final Inspection	
MITIGATION MONITORING AND REPORTING PLAN (MMRP)						
28	1	<p>Biological Impact 1 – Monterey Pine Forest. In order to reduce impact to the Monterey pine forest, the applicant shall survey and stake the site prior to construction, subject to review by the Planning and Building Inspection Department. Plans shall be modified as necessary to retain the 11 trees identified in the Forest Management Plan as “potential impact” (Tree #: 10, 15, 37, 54, 88, 94, 95, 102, 111, 115 and 127) in addition to the measures noted in the Forest Management Plan.</p>	<p>Survey/stake the site and submit a plan that addresses the following:</p> <ul style="list-style-type: none"> - Complete a detailed site survey and engineering design to determine all “potential” trees that would be impacted. - Design/Adjust the retaining wall and/or footings along the north/west property line (e.g. tree wells) to avoid impact to Tree #10, 15, and 88 - Design/Adjust the retaining wall and/or footings along the south/east end of the house to avoid impact to Tree #115. - Design/Adjust the grading and/or improvements along the east property line to avoid impact to Tree #54 <p>Said plan and staking shall be subject to review and approval of the Director of Planning and Building Inspection.</p>	Applicant/Owner PBI	Prior to grading and/or removal of any trees	

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29	2	Biological Impact 2 – Nesting Raptors or Endangered Bird Species. In order to avoid impacts to nesting birds, a qualified biologist shall survey the site and identify trees with known nests of raptors or endangered bird species. If there is evidence of bird nesting (new or old) in any tree that is shown to be removed, tree removal should not to take place between March 1 and July 31 (annually). If this is not feasible, the applicant shall install a 150-foot buffer zone around trees with identified nests using engineer fence.	Submit a report from a qualified biologist to the Director of Planning and Building Inspection for review and approval. If any nests are found, the applicant shall avoid tree removal between March 1 and July 31. If this is not feasible, the applicant shall provide the Director of Planning and Building Inspection with evidence that a 150-foot buffer zone is installed around known nests/trees using engineer fence prior to removing any trees.	Applicant/O wner Biologist PBI	Prior to removing any trees	
30		CONSTRUCTION TRUCK TRAFFIC (Non-standard). Prior to the issuance of grading or building permits, if dirt is imported from outside the Del Monte Forest, the applicant shall submit a Construction Management Plan that addresses traffic impacts during the hauling operation. The plan shall be submitted for the review and approval of the Department of Public Works and the Planning and Building Inspection Department. (Department of Public Works)	Submit a Construction Management Plan to the Department of Public Works and the Planning and Building Inspection Department that addresses the temporary traffic impacts associated with the hauling of material. The Construction Management Plan shall include, but not be limited to a definition of the construction work hours, expected duration of the hauling operation and the proposed haul route.	Applicant/O wner PBI PW	Prior to issuance of a Grading or Building Permit	