

LYNNE MOUNDAY
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 010326

A. P. # 008-491-010-000

In the matter of the application of
The Villa Del Mar Sub Trust (PLN010326)

FINDINGS AND 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 for development within 100 feet of environmentally sensitive habitat (indigenous Monterey cypress habitat); a Coastal Administrative Permit to allow a 2,422 sq. ft. of additions to the basement, main floor, and second floor of an existing 7,481 sq. ft. two-story single family dwelling; and Design Approval. The property is located at 33196 Seventeen Mile Drive, Pebble Beach, Del Monte Forest area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on April 24, 2003.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

1. **FINDING:** The Project, as conditioned is consistent with applicable plans and policies, Del Monte Forest Land Use Plan, Coastal Implementation Plan (Part 5), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20) which allows for residential development in this area. The property is located at 3196 Seventeen Mile Drive, Pebble Beach (Assessor's Parcel Number 008-491-010-000), in the Del Monte Forest area of the Coastal Zone. The parcel is zoned "LDR/2-D (CZ)," *i.e.*, Low Density Residential, 1 unit/2 acres, Design Review District, Coastal Zone.

EVIDENCE: (a) PBI Staff have reviewed the project as contained in the application and accompanying materials for consistency with the Del Monte Forest Land Use Plan, Coastal Implementation Plan (Part 5), and Part 6 of the Coastal Implementation Plan. PBI Staff have reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 20) and have determined that the project, as conditioned and mitigated, is consistent with the Del Monte Forest Land Use Plan which designates this area as appropriate for residential development. Staff notes are provided in Project File PLN010326.

(b) Development is proposed within 100 feet of environmentally sensitive habitat, including within portions of the drip lines of at least 9 Monterey cypress trees in their remaining indigenous habitat. An Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program have been prepared (see CEQA Finding & Evidence). Staff concludes that all potential project impacts can be mitigated and the project, as mitigated, will not further degrade the cypress tree habitat consistent with the requirements of Policy 21 of the DMF LUP, and Section 20.147.040.C.1.e of the *Regulations for Development in the Del Monte Forest Land Use Plan*, relating to the protection of this environmentally sensitive coastal

resource. Conditions 18, 19, and 20 are required in order to mitigate potential impacts to protected cypress trees to less-than-significant levels:

- Condition 18 (*Mitigation Measure 1*) prescribes specific protection measures that must be employed to minimize construction-related impacts to Monterey cypress trees adjacent to the project area;
- Condition 19 (*MM 2*) ensures the elimination and ongoing control of invasive and/or exotic plants onsite; and,
- Condition 20 (*MM 3*) is required to avoid the summer watering of Monterey cypress trees onsite, pursuant to the requirements of the *Regulations for Development in the Del Monte Forest Land Use Plan* (Section 20.147.040.C.1.e).

(c) Project planner conducted an on-site inspection on August 30, 2002 to verify that the project on the subject parcel conforms to the plans listed above.

(d) The project, which is for additions to an existing single-family residence, is an allowed use in accordance with Section 20.14.040.A of Title 20.

(e) LAND USE ADVISORY COMMITTEE: The Del Monte Forest Land Use Advisory Committee recommended approval of the project by a vote of 5 to 0 (two members absent). LUAC meeting minutes dated June 20, 2002.

(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 PLN010326.

2. **FINDING:** 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: Staff reviewed Monterey County Planning and Building Inspection Department records and did not discover any violations that exist on subject property.

3. **FINDING:** 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 Department, Water Resources Agency, Environmental Health Division, Parks Department and 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 and conditions.

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

- EVIDENCE:** (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and Pebble Beach Community Services District. Conditions recommended have been incorporated.
- (b) The project is in seismic hazard zone "II" (*i.e.*, low) as found in the resource maps of the Del Monte Forest Land Use Plan.
- (c) The project, as proposed and conditioned, is consistent with policies of the Del Monte Forest Land Use Plan dealing with development in archaeologically sensitive areas. As part of the original permit approval for the existing development, and as part of the current project review, the following reports have been prepared and submitted for review: *Preliminary Archaeological Reconnaissance of a Parcel on the 17 Mile Drive, Pebble Beach, Monterey County, California*, by Dr. Gary S. Breschini and Trudy Haversat of Archaeological Consulting, April 19, 1982, *Addendum to Archaeological Report*, by Dr. Gary S. Breschini of Archaeological Consulting, May 26, 1987, and *Addendum to Archaeological Report*, by Mary Doane of Archaeological Consulting, April 25, 2002. A positive archaeological site was found on the subject property and an easement was placed over this area as part of the original project approval (see file PC06613). A building envelope was also established. The current project is entirely within the existing building envelope. Nevertheless, Condition number 21 has been added to require that work be stopped in the event that any archaeological resources are found on site.
- (d) Staff conducted an onsite visit on August 30, 2002 to verify that the site is suitable for this use.
- (e) A building envelope on the site has been delineated in the recorded Scenic and Conservation Easement and that the easement serves to assure protection of the Cypress tree in accordance with the goals of Policy 21. The proposed improvements for the project are located in the existing building envelope and the conservation easement on the site will remain unaffected by the project and help to mitigate impacts to Monterey cypress. It identifies that further documentation by Brian Jacobson with Hugh Smith Tree Service, Cara Galloway, with EMC, the certified arborists and biologist and Paul Dubsky with Peninsula Ecological Services, that provides the evidence that construction of the proposed improvements within the defined building envelope will not negatively impact the health or long-term sustainability of the trees or the habitat as a whole with the implementation of the mitigation measures provided.

5. **FINDING:** Development of properties located within the Monterey Peninsula Water Management District ("District") depends in large part on the availability of water pursuant to an allotment system established by the District based on a prorationing of the known water supply for each of the jurisdictions served by the California-American Water Service Company.

EVIDENCE: Staff report, oral testimony at the hearing; administrative record.

6. **FINDING:** Based upon the District's water allotment system, the County of Monterey ("County") has established a system of priority distribution of water allocation for properties within its own jurisdiction. Current information available to the County indicates that the County's share of water under the District's allotment system, over which the County has no control, has been exhausted to the point that the County is unable to assure that property owners who do or have obtained development permits for their properties will be able to proceed with their development projects.
- EVIDENCE:** Staff report, oral testimony at the hearing; administrative record.
7. **FINDING:** In view of the preceding finding, and the fact that the present application for a use permit otherwise meets all County requirements, the County approves the application subject to determination by the Monterey County Water Resources Agency, in the form of a water availability certification, that water is available for the project and the applicant's being able to obtain a water use permit from the District.
- EVIDENCE:** Staff report, oral testimony at the hearing; administrative record.
8. **FINDING:** The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.
- EVIDENCE:** (a) The subject property is not described as an area where the Local Coastal Program requires access.
(b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 16, the Shoreline Access Map, of the Del Monte Forest Land Use Plan.
(c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
(d) Materials contained in Project File PLN010326
(e) Staff site visit on August 30, 2002
9. **FINDING:** The project will not have a significant adverse impact on the environment and a Negative Declaration has been adopted by the Zoning Administrator. An initial study was prepared for the project and it was determined that the project would have no significant impacts and a Negative Declaration was filed with the County Clerk on March 14, 2003, noticed for public review and circulated to the State Clearinghouse. The Zoning Administrator considered public testimony and the initial study.
- EVIDENCE:** Initial Study and Negative Declaration contained in File No. PLN010326.
10. **FINDING:** The project is appealable to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:** Sections 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan.

DECISION

THEREFORE, it is the decision of the Zoning Administrator of the County of Monterey that the said application for a Combined Development Permit be granted as shown on the attached sketch and to adopt the Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program subject to the following conditions:

1. The subject Combined Development Permit grants a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (indigenous Monterey cypress habitat); and a Coastal Administrative Permit to allow 2,422 sq. ft. of additions to the basement, main floor, and second floor of an existing 7,581 sq. ft. two-story single family dwelling; and Design Approval. The project is 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)**
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)**
3. 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)**

Prior to the Issuance of Grading and Building Permits:

4. The applicant shall record a notice which states: “A permit (*Resolution 010326*) was approved by the Zoning Administrator for Assessor's Parcel Number 008-491-010-000 on April 24, 2003. The permit was granted subject to 22 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department.” Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**
5. All exterior lighting shall be unobtrusive, compatible 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 Department)**

6. 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 of Monterey in the amount of **\$1,275**. 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 Department)**
7. Prior to issuance of a building or grading permit, the applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and Reporting Program in accordance with Section 21.08.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule for Mitigation Monitoring, as adopted by the Board of Supervisors and in effect at the time the permit is approved, is required. The appropriate fees shall be paid to the County of Monterey Planning and Building Inspection Department at the time the property owner submits the signed Mitigation Monitoring and Reporting Program agreement. **(Planning and Building Inspection Department)**
8. Prior to issuance of any grading or building permits, a drainage plan shall be prepared by a registered civil engineer or architect addressing onsite impacts, to include dispersal of impervious surface storm water runoff onto a non-erodible surface below the bluff. Necessary improvements shall be constructed in accordance with approved plans. **(Water Resource Agency)**
9. Prior to issuance of a building permit, the applicant shall obtain from the Monterey County Water Resources Agency (MCWRA), proof of water availability on the property, in the form of an approved Water Release Form. **(Water Resource Agency)**
10. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located. **(Pebble Beach Community Services District)**
11. The building(s) shall be fully protected with an automatic alarm system(s). The following notation is **required on the plans** when a building permit is applied for:

“The building(s) shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by National Fire Protection Association Standard 72 - 1996 Edition. Plans and specifications for the fire alarm system must be submitted and approved by the enforcing jurisdiction prior to requesting a framing inspection. All fire alarm system inspections and acceptance testing shall be in accordance with Chapter 7 of NFPA 72 – 1996.” **(Pebble Beach Community Services District)**

Prior to Final Building Inspection/Occupancy:

12. The applicant shall comply with Ordinance No. 3932 of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
 - a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
 - b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. **(Water Resources Agency & Planning and Building Inspection)**
13. The site shall be landscaped. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. The project will be subject to a landscape plan review fee which 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 occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. **(Planning and Building Inspection Department)**
14. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Pebble Beach Community Services District)**
15. Size of letters, numbers and symbols for addresses shall be a minimum of 3-inch letter height, 3/8-inch stroke, contrasting with the background color of the sign. **(Pebble Beach Community Services District)**
16. Where gates are to be locked, the Reviewing Authority having jurisdiction may require installation of a key box or other acceptable means to immediate access for emergency equipment. **(Pebble Beach Community Services District)**

Continuous Permit Conditions:

17. All landscaped areas and/or fences shall be continuously maintained by the property owner and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**

Mitigations Measures and Monitoring Actions as Conditions of Approval:

18. **Mitigation Measure 1** – *In order to ensure the short-term and long-term protection of Monterey cypress trees onsite:*
- A. No Monterey cypress or pine trees shall be removed for construction of proposed improvements. Improvements shall be designed and sited to avoid tree removal.
 - B. *Prior to the issuance of grading and/or building permits*, temporary fencing shall be installed along the construction zone boundary and/or scenic and conservation easement area boundary, as determined appropriate by a qualified arborist. Soil compaction, parking of vehicles or heavy equipment, stockpiling of construction materials, and/or dumping of materials should not be allowed within the protected zone. The fencing shall remain in place during the entire construction period.
 - C. *Prior to the issuance of grading and/or building permits*, trees located adjacent to the construction area shall be protected from damage by construction equipment through wrapping of trunks with protective materials, under direction from a qualified arborist. Photos of the tree wrapping shall be submitted for approval by the Director prior to issuance of permits.
 - D. Any tree trimming required to facilitate construction activities shall be preformed by a qualified arborist and shall be minimized to the maximum extent possible.
 - E. *During grading and excavation activities*, all work that is expected to encounter tree roots shall be monitored by a qualified arborist to ensure against drilling or cutting into or through major roots.
 - F. Any trenching, grading or any other digging or soil removal under the root spread of trees shall be done **manually**, digging a trench and cutting exposed roots with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other root-pruning equipment approved by a qualified arborist, in order to prevent the unnecessary fracture of major roots. Any footings required should be oriented to avoid major roots. The project architect and qualified arborist shall be on site during excavation activities to direct any minor field adjustments that may be needed. Roots greater than 3 inches in diameter shall not be cut. Before drilling holes for foundation pilings, a test hole shall be initiated using a 3-foot long hydraulic root-feeding-needle under pressure to disclose the presence of roots before drilling with an auger. After determining suitable zones for boring, a two-man hand-held auger shall be used.
 - G. Any roots damaged during grading or excavation shall be exposed to sound tissue and cut cleanly with a saw under direction of a qualified arborist.
 - H. Irrigation, fertilization and fungicide treatments prescribed in the 1987 Forest Management Plan shall be implemented under supervision of a qualified arborist for trees that have root spread affected by construction.
 - I. *Following construction and for a period of not less than five (5) years*, trees whose optimal tree root preservation zone (OTPZ) has been affected by the proposed improvements shall be monitored annually by a qualified arborist. If any noticeable decline in health is observed, additional Monterey cypress trees shall be planted onsite. Potential planting area exists on the site to the north of the existing residence. If a qualified arborist determines that additional planting are necessary and appropriate because of an observed decline the health of Monterey cypress trees adjacent to the residence, replanting specifications shall be developed by a qualified arborist, including but not limited to the following guidelines:
 - a. For any tree found to be in decline, two 1-gallon replacement Monterey cypress trees shall be planted.

- b. Replacement trees shall be sited in a location that receives several hours of full sunlight per day.
- c. The replacement trees may be obtained from seedlings already growing in below-optimal areas on the project site, or may be propagated from seed collected from the site. In the later case, the seed should be collected if and when any tree is found to be in decline, and should be planted when the seedling has grown to an appropriate size for transplanting. Any seedlings should be watered once per week for the first month, then once per month for the first year, and then once every three months for the next two years. Following this period, supplemental irrigation is not required.

Monitoring Action 1 – *Prior to issuance of grading or building permits*, the applicant shall submit a contract with a qualified arborist to the Director of PBID for approval. The contract shall outline the supervisory and monitoring responsibilities of the arborist for at least 5 years, as prescribed by *Mitigation Measure 1*, above; to include photographic documentation of the tree protection measures required by incises C & F, above. A copy of the arborist’s professional credentials shall be referenced by, and attached to, the contract. Pursuant to incise I, above, the qualified arborist shall submit an annual monitoring report, subject to the Director’s approval, to the PBID for five (5) years following construction. The project planner shall conduct site visits during construction to inspect the implementation of *Mitigation Measure 1* in the field, especially during the manual excavation required pursuant to incise F, above. The applicant shall contact the project planner at least two weeks prior to excavation to provide the PBID with an estimated construction schedule. At least one 24-hour working day prior to the initial excavation, the applicant shall contact the project planner so that PBID Staff may be present onsite at the start of excavation, and thereafter as necessary.

19. **Mitigation Measure 2** – *In order to eliminate and control invasive exotic plants onsite*, a program shall be developed for removing, controlling, and preventing the introduction of invasive exotic plants as they appear on the property, such as Ice plant, French Bloom, Cape Ivy, Pampas Grass, Kikuyu Grass, Acacias, etc. Any areas disturbed by construction shall be revegetated with native vegetation associated with the Monterey cypress understory, as appropriate. Immediate eradication efforts shall be directed at the ice plant growing onsite, and shall be accomplished by manual application of the water-soluble, non-persistent herbicide “Roundup.” The operator shall be careful not to spray the native plants. Best results are achieved when the plant is actively growing, usually during the spring or summer. Spraying shall be conducted only when the wind velocity is less than 5 mph and when no rain is anticipated within 24 hours. At least one follow-up application shall be applied to ensure a complete kill.

Monitoring Action 2 – *Prior issuance of grading and/or building permits*, the applicant shall submit a weed-control program approved by a qualified biologist. The weed control program shall be subject to the approval of the Director prior to issuance of grading and/or building permits. The qualified biologist shall conduct site inspections annually for at least three consecutive years to verify that the weed control program is being implemented and that invasive exotic weedy plans are eradicated from the site. Said verification shall be submitted annually to, and approved by, the Director of Planning and Building Inspection. Successful compliance with *Mitigation Measure 2* shall be based on three (3) consecutive years of the verified eradication of invasive exotic plant species throughout the subject parcel, plus inspections once again at 5 years and 10 years, starting after three (3) consecutive years of verified successful compliance. If ongoing successful eradication cannot be verified at the fifth- or tenth-year inspections, the inspection process shall start over again

in the manner described above, including the fifth- and tenth-year subsequent inspections and success criteria, until such time that complete eradication can be successfully verified at the end of the tenth-year inspection starting from the end of three (3) consecutive years of verified eradication of invasive and/or exotic plant species throughout the subject parcel. The monitoring and reporting required for *Mitigation Measure 3*, as described below, shall be performed and made together with the monitoring and reporting required for *Mitigation Measure 2*.

20. ***Mitigation Measure 3*** – *In order to avoid the summer watering of Monterey cypress trees onsite, as required by Section 20.147.040.C.1.e of the Regulations for Development in the Del Monte Forest Land Use Plan, all existing turf* within the understory of any Monterey cypress trees, and all ornamental landscaping plants within the understory of any Monterey cypress trees that cannot subsist without summer irrigation, shall be replaced by native vegetation associated with the Monterey cypress understory, or other acceptable non-invasive drought-tolerant plants. All landscaping 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. Together with the monitoring required for the elimination and control of invasive exotic plants onsite by *Mitigation Measure 2* (above), the qualified biologist shall also note in the inspection reports the health and success of the areas revegetated in accordance with the approved landscaping/revegetation plan (as required below). The applicant or future owners shall make every effort to successfully address the issues raised in the approved inspection reports from the landscape biologist.

Monitoring Action 3 – *Prior to final inspection/occupancy, the applicant shall submit a landscaping/revegetation plan approved by a qualified biologist that addresses areas impacted by construction and the elimination and control of invasive exotic plants onsite, as required by Mitigation Measure 2, and that also addresses the requirements of Mitigation Measure 3. The landscaping/revegetation plan shall be subject to the approval of the Director of PBID prior to the granting of final occupancy.*

21. ***Mitigation Measure 4*** – *In order to prevent against impacts to cultural or archaeological resources a qualified archaeological monitor (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be present during all construction activities that involve soil disturbance, such as foundation excavation, etc. If human remains or other cultural features are discovered, work shall be halted within 50 meters (164 feet) of the find by the individual in charge of the construction activities at the time of the discovery, and the Monterey County Planning & Building Inspection Department (PBID) shall be notified of the discovery immediately by the archaeological monitor. Work shall remain halted until the find can be evaluated by the monitor and appropriate mitigation measures formulated, submitted to and approved by the Director of PBID, and implemented. If only cultural soils are discovered during construction, at least one radiocarbon date shall be obtained by the monitor as mitigation for incidental impacts to the cultural resource and the findings shall be reported to the Director of PBID by the archaeological monitor.*

Monitoring Action 4 – *Prior to issuance of grading or building permits, the applicant shall submit a contract with a qualified archaeological monitor to the Director of PBID for approval. The contract shall contain professionally acceptable archaeological standards for investigation as established by the Society of Professional*

Archaeologists, or other recognized professional standard; the source of the standards employed shall be referenced, outlined, and included in the contract. A copy of the archaeologist’s professional credentials shall be referenced by, and attached to, the contract.

- 22. **Mitigation Measure 5** – *In order to control noise levels in a residential area*, construction activities shall be restricted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday.

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

PASSED AND ADOPTED this 24th day of April, 2003.

Original Signed By:

LYNNE MOUNDAY
ZONING ADMINISTRATOR

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.