

MIKE NOVO  
ZONING ADMINISTRATOR

COUNTY OF MONTEREY  
STATE OF CALIFORNIA

RESOLUTION NO. 030096

A. P. # 008-222-023-000

In the matter of the application of  
**R. Stephen Heinrichs TR (PLN030096)**

**FINDINGS & DECISION**

to allow a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of a Coastal Administrative Permit for partial demolition of an existing 4,633 sq. ft. one-story single family dwelling with an attached 461 sq. ft. guesthouse, and construction of a 7,253 sq. ft. two-story single family dwelling with existing guesthouse remaining, and 98 cu. yds. of grading; a Coastal Administrative Permit for a new 846 sq. ft. caretaker's unit; Variance for a reduction of impervious surface and an increase in structural coverage from 4,633 sq. ft. to 5,847 sq. ft. for a property located in the Pescadero watershed resulting in a net reduction in impervious and structural coverage; a Coastal Development Permit for a waiver of policies prohibiting development on slopes of 30% or greater for construction of a retaining wall and placement of fill on slope; a Coastal Development Permit for development proposed within 750' of archaeological resources; and Design Approval, located at 1479 Bonifacio Road, Pebble Beach, fronting on and northerly of Bonifacio Road and approximately 100' easterly of the intersection of Bonifacio and Cortez Roads, Del Monte Forest area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on August 14, 2003.

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

**1. FINDING: CONSISTENCY** - The project, as conditioned, is consistent with applicable plans and policies, with the exception of the Pescadero Watershed requirements (see findings 5 – 7) in the 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 designates this area as appropriate for residential development.

**EVIDENCE:** (a) Staff has 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. Staff has reviewed the project as contained in the application and accompanying materials for consistency with the Monterey County Zoning Ordinance (Title 20) and determined that the project is consistent with the Del Monte Forest Land Use Plan which designates this area as appropriate for residential development.

(b) The project planner conducted an on-site inspection on June 24, 2003 to verify that the project on the subject parcel conforms to the plans listed above. This development would not have a significant adverse visual impact when viewed from a public viewing area. Visual impacts from neighboring properties are minimal.

(c) The proposed single family home and caretaker are allowed uses, in accordance with Sections 20.14.030 and 20.14.040.

(d) The project complies with the regulations for a caretaker unit in accordance with Section 20.64.030.C. A condition requires the applicant to record a deed restriction for the caretaker unit.

(e) The parcel is zoned Low Density Residential, 1.5 units/acre, Design Control District, Coastal Zone (“LDR/1.5-D (CZ)”). The project is in compliance with Site Development Standards for a Low Density Residential District in accordance with Section 20.14.060.

(f) The Del Monte Forest Land Use Advisory Committee recommended approval of the project by a vote of 5 to 0.

(g) 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 PLN030096.

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

**EVIDENCE:** (a) The project and the site have been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks Department and the Pebble Beach Community Services District. Conditions recommended by the above agencies are incorporated.

(b) Technical reports by outside consultant(s) indicate that there are no physical or environmental constraints that would indicate the site is not suitable for the use proposed. No geotechnical report was required or provided for the planning permit as the project area is in a designated low (I) hazard zone. Agency staff concurs. A “Preliminary Archaeological Reconnaissance” was prepared by Archaeological Consulting, Salinas, CA, on April 23, 2003. The report concludes that there is no evidence of archaeological resources on the site. While archaeological resources are located within 750 feet of this parcel, the report concludes that this project would not have an impact on those resources. The report is in Project File PLN030096.

(c) Staff conducted an on-site visit on June 24, 2003 to verify that the site is suitable for this use.

(d) Necessary public facilities are available and will be provided.

**3. FINDING: CEQA (Exempt)** - The project is exempt from environmental review.

**EVIDENCE:** (a) CEQA Guidelines Section 15303(a) categorically exempts single family residential additions and conversion of an existing structure to a similar type of use such as a Caretaker Unit. CEQA Guidelines Section 15061(b) (3) applies to the removal of approximately 63 square feet of a slope which exceeds 30 percent for construction of a retaining wall. No environmental issues would result from the excavation and construction activity.

(b) No adverse environmental effects were identified during staff review of the development application and during the site visit. There are no unusual circumstances related to the project or property.

(c) The applicant is required to comply with Title 16 (Environment) of the Monterey County Code in terms of grading and erosion control requirements.

(d) Development is largely contained in an already disturbed area of the property. There is no tree removal. The structure to be partially demolished is less than 50 years old and there is no indication that it is an historic resource.

4. **FINDING: SEWAGE DISPOSAL AND WATER SUPPLY** – Adequate sewage disposal and water supply facilities exist or are readily available, as approved by the Director of Environmental Health.

**EVIDENCE:** (a) Memo from the Division of Environmental Health dated 6/20/2003;  
 (b) Letter from California-American Water Company verifying provision of water service, dated 4/22/2003;  
 (c) Letter from Pebble Beach Community Services District dated 7/16/03;  
 (d) Approved Monterey Peninsula Water Management District project form.

5. **FINDING: PESCADERO WATERSHED POLICY** - The project is not consistent with Section 20.147.030.A.1 limiting structural coverage to 5,000 square feet, including main and accessory structures, and is not consistent with the limitation of additional impervious surface coverage up to 4,000 square feet.

**EVIDENCE:** (a) Existing development on the site consists of approximately 4,633 square feet of structural coverage and 12,776 square feet of impervious surface coverage for a total coverage of 17,409 square feet. The applicant proposes to increase structural coverage to approximately 5,847 square feet and reduce existing impervious surfaces to 11,251 square feet, resulting in 17,098 square feet of total coverage or a net reduction of 311 square feet. A condition is recommended to require an additional conversion of impervious surface to a pervious material, which would result in a reduction of flat impervious coverage. Even with this reduction, as recommended by staff, the applicant would exceed the maximum combined coverage of 9,000 square feet. However, based on staff's analysis this is the maximum feasible reduction since much of the remaining impervious surface is on slopes.  
 (b) See Finding #6.

6. **FINDING: VARIANCE (Special Circumstances)** - Because of special circumstances applicable to the subject property, including the size, shape, topography, location of the lot, or the surrounding area, the strict application of Section 20.147.030.A.1.b of the Monterey County Coastal Implementation Plan is found to deprive the subject property of privileges enjoyed by other property owners in the vicinity under an identical zoning classification.

**EVIDENCE:** (a) The intent of the Pescadero watershed coverage limitations (Section 20.147.030.A.1.b of the Monterey County Coastal Implementation Plan, Part 5) is to limit the amount of stormwater runoff into Carmel Bay, thereby protecting an area of biological significance. The project will exceed the 9,000 square foot combined structural and impervious surface coverage limit; however, a net reduction (of 311 sq. ft.) is proposed by the project applicant. The project meets all other zoning requirements regarding size and bulk (i.e. Floor Area Ratio), lot coverage and setbacks.

(b) A condition has been added by the Water Resources Agency for a final drainage plan in order to conform to policies 1, 2, & 6 of the Del Monte Forest Land Use Plan, relating to drainage issues and addressing on-site and off-site impacts and retention facilities.

(c) Other property owners in the vicinity under identical zoning classification have not been afforded the same privileges sought by the applicant. With the pervious surface condition proposed by staff, however, other property owners in the vicinity and under identical zoning classification would be afforded the same privileges as would be granted through this application, because a substantial net reduction in impervious and structural coverage would be achieved. The following ten representative samples of prior Variances approved for impervious surface in the vicinity and with identical zoning are provided to support these facts:

<b><u>Planning File</u></b>	<b><u>Reduction (Sq. Ft.)</u></b>	<b><u>Originally Existing Impervious</u></b>
PLN000051	3,114 (28.4%)	10,961
PLN000454	6,480 (44.4%)	14,605
PLN010223	7,272 (35.4%)	20,564
PLN010230	4,236 (20.7%)	20,512
PLN020211	1,600 (17.9%)	8,970
PLN020319	8,905 (62.2%)	14,328
PLN970602	17,483 (62.6%)	27,943
PLN980290	17,389 (85.6%)	20,318
PLN980469	8,363 (78.2%)	10,691
PLN990008 <sup>1</sup>	120 <sup>1</sup> (0.4%) <sup>1</sup>	30,289 <sup>1</sup>

**Median Reduction (as percent of Originally Existing Impervious)**

44.4

**Average Reduction (as percent of Originally Existing Impervious)**

45.3

(d) The Board of Supervisors’ Resolution 94-149 (Steakley) allowed a Variance to exceed the 5,000 square foot limit on structural coverage as long as stormwater runoff was controlled on site. However, in rendering this decision, the Board recognized that retaining stormwater on site and maintaining the combined structural and impervious surface coverage under the 9,000 square foot limit supported the intent of Section 20.147.030.A.1.b of the certified Monterey County Coastal Implementation Plan, Part 5 regarding impervious coverage in the Pescadero watershed. The Steakley decision has been used as evidence in a variety of County Variance decisions for projects in the Pescadero Watershed. While the decisions do not constitute a

<sup>1</sup> Note: PLN990008 was unique in that it proposed a reduction of 120 square feet of impervious surface coverage (existing driveway). The applicant for PLN990008 reduced the impervious surface coverage to match the proposed 119 square foot project. However, the project did not result in a net reduction of impervious coverage.

precedent, the collective implication of these decisions is that a substantial net reduction may be needed in order to support a Variance in the Pescadero Watershed. The proposal of the applicant to limit the net reduction of impervious area to 311 sq. ft. while directing drainage into existing retaining tanks that slowly disperse the water into the soil on site does not fully meet the intent of the Del Monte Forest Land Use Plan.

(e) According to the Del Monte Forest Land Use Plan, “The Del Monte Forest's marine resources include significant intertidal areas, offshore rocks which are used as major rookeries, roosting and haul-out sites, extensive kelp beds which support numerous species of sport fishes as well as the threatened sea otter, the Carmel Bay State Ecological Reserve, and the Carmel Bay Area of Special Biological Significance (ASBS). Non-point sources of pollutants to the Carmel Bay ASBS are primarily silt from eroding surfaces and storm water runoff from paved surfaces. Pollutants in such runoff include sediment, oil, heavy metals, animal wastes, fertilizers, and insecticides. (...) runoff from this and other watersheds draining to the bay (...) has the potential of creating cumulative adverse effects.” Policy 2 of the Del Monte Forest Land Use Plan states, “Non-point sources of pollution to the Carmel Bay ASBS, rocky intertidal areas, and wetlands shall be minimized through careful attention to drainage and runoff control systems. The criteria of the AMBAG 208 Water Quality Management Plan shall apply in watersheds affecting these resources.” Other owners have substantially decreased impervious surface coverage in addition to maintaining drainage on-site, and thus have met the intent of Section 20.147.030.A.1.b of the Monterey County Coastal Implementation Plan and Policies 1, 2, and 6 of the Del Monte Forest Land Use Plan.

(f) According to the Nonpoint Source Program Strategy and Implementation Plan (1998-2013) of the State Water Resources Control Board and the California Coastal Commission, the principal pollutants found in urban runoff are “sediment, nutrients, oxygen-demanding substances, pathogens, salts, hydrocarbons, heavy metals, and toxic substances.” The California Beach Closure Report (2000) revealed that 12% of warnings posted and beach closures were due to storm drain / urban runoff, and as much as 37% of warnings posted and beach closures were caused by creeks and rivers affected by runoff. Therefore, maximizing pervious surface and on-site retention in development is appropriate to facilitate the protection of beneficial uses of coastal resources as enjoyed by the people of the State. The maximization approach is consistent with California’s Nonpoint Source Pollution Control Program Plan (Volume II – California Management Measures for Polluted Runoff, Urban Management Measure 3.3A, for Existing Development).

(g) A key policy of California’s water quality program is the State’s Antidegradation Policy. This policy, formally known as the Statement of Policy with Respect to Maintaining High Quality Waters in California (SWRCB Resolution No. 68-16), restricts degradation of surface and ground waters. In particular, this policy protects water bodies where existing quality is higher than necessary for the protection of beneficial uses. Under this Antidegradation Policy, any actions that can adversely affect water quality in all surface and ground waters must: (1) be consistent with maximum benefit to the people of the State; (2) not unreasonably affect present and anticipated beneficial use of the water; and (3) not result in water quality less than that prescribed in water quality plans and policies. The “maximum benefit to the people of the

State” is not achieved by small net reductions to impervious area, but rather, is achieved by the maximum possible net reduction to impervious area, as determined on a case-by-case basis.

(h) According to the “Final Revised Recovery Plan for the Southern Sea Otter” as released by the U.S. Fish and Wildlife Service, “the main threats to the southern sea otter are habitat degradation (including oil spills and other environmental contaminants) and human take(…)”. Numerous other property owners have, by substantially decreasing impervious surface coverage and by retaining stormwater on-site, reduced the collective drainage impacts to the Carmel Area of Special Biological Significance, thus facilitating the recovery of the Southern Sea Otter. This species is listed as threatened under the Endangered Species Act of 1973, as amended, and is therefore also recognized as depleted under the Marine Mammal Protection Act of 1972, as amended. The reduction of impervious surface directly facilitates the reduction of coastal freshwater runoff and the potential for environmental contaminants such as sediment and oil to the Area of Special Biological Significance.

(i) U.S. Fish and Wildlife Service. 2003. **Final Revised Recovery Plan for the Southern Sea Otter** (*Enhydra lutris nereis*), pg. viii. Portland, Oregon (xi + 165 pp); Miller, M., I. Gardner, C. Kreuder, D. M. Paradies, K. R. Worcester, D. A. Jessup, E. Dodd, M. D. Harris, J. A. Ames, A. E. Packham and P. A. Conrad. 2002: **Coastal Freshwater Runoff is a Risk Factor for *Toxoplasma gondii* Infection of Southern Sea Otters** (*Enhydra lutris nereis*), Int. J. Parasitol 32: 997-1006; **State Water Quality Board Resolution No. 68-16; 40 CFR §131.12**; and materials and documents in Project File No. PLN030096 of the Monterey County Planning and Building Inspection Department.

**7. FINDING: VARIANCE (Special Privileges)** - The variance to exceed the allowable Pescadero watershed structural and impervious surface coverage would not constitute a grant of privileges inconsistent with the limitations upon other property owners in the vicinity and zone in which such property is situated.

**EVIDENCE:** (a) There are at least 43 other instances in the vicinity where Variances have been granted to structural and/or impervious coverage limits for residential structures. While these instances do not collectively constitute legal precedent, resulting policy interpretations obtained from the land use decisions have resulted in common privileges granted to property owners with respect to the legitimate ability of residents in the vicinity to exceed allowable structural coverage. Resulting policy and procedure of the County of Monterey has consistently established that combined structural and flat impervious coverage is assessed when considering whether or not a project will provide substantial compliance with Section 20.147.030.A.1.b of the Monterey County Coastal Implementation Plan. The variance letter, as provided by Philip C. Johnson, Architect, cites four examples of structural development in the immediate vicinity of the project area which exceed the structural/impervious coverage allowed.

(b) Materials and documents in Project File No. PLN030096.

**8. FINDING: VARIANCE (Authorized Use)** – The Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

**EVIDENCE:** The project for a single family dwelling is an allowed use under the property's Low Density Residential designation.

**9. FINDING: SLOPE (30% or Greater)** – There is no feasible alternative which would allow development to occur on slopes of less than 30%.

**EVIDENCE:** (a) The applicant proposes to remove approximately 63 square feet of a slope exceeding 30 percent in order to construct a retaining wall. The purpose of the retaining wall is to provide a drainage buffer for the proposed garage. The project planner, in a site visit to the property, confirmed that there is a very small area of 30 percent slope which would be affected by the development. The excavation proposed would be the minimum required to create the buffer. No environmental issues would result from the excavation. Additionally, the project planner found that the proposed parking area could not be constructed without the proposed development on 30% slope. Therefore there are no alternative locations for this section of the retaining wall.

(b) Project plans and related application materials in file PLN030096.

**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 (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 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 visit on June 24, 2003.

**11. 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:** Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject property.

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

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

**EVIDENCE:** The project was reviewed by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks 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.

**13. FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

**EVIDENCE:** (a) Sections 20.86.030.A and 20.86.080.A.3 of the Monterey County Coastal Implementation Plan (Part 1).

## **DECISION**

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. The Heinrichs Combined Development Permit consists of: 1) a Coastal Administrative Permit for partial demolition of an existing 4,633 sq. ft. one-story single family dwelling with an existing guesthouse which would remain. Development proposed includes construction of a 7,253 sq. ft. two-story single family dwelling with an underground cellar and a 142 sq. ft. addition to an existing garage and 217 cubic yards of grading (132 cubic yards of cut and 85 cubic yards of fill); 2) a Coastal Administrative Permit to convert an existing structure into an 846 sq. ft. attached caretaker unit; 3) a Variance for a reduction of flat impervious surface coverage and an increase in structural coverage from 4,633 sq. ft. to 5,847 sq. ft. resulting in an overall net reduction of flat impervious coverage for a property located in the Pescadero Watershed; 4) a Coastal Development Permit for a waiver of the policy prohibiting development on slopes of 30% or greater for construction of a retaining wall; 5) a Coastal Development Permit for development proposed within 750' of an archaeological resource; and Design Approval. The project is located at 1479 Bonifacio Road, Pebble Beach (Assessor's Parcel Number 008-222-023-000) in the Del Monte Forest area of the Coastal Zone. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**



**Prior to the Issuance of Demolition, Grading, or Building Permits:**

2. The applicant shall record a notice which states: "A permit (Resolution 030096) was approved by the Zoning Administrator for Assessor's Parcel Number 008-222-023-000 on August 14, 2003. The permit was granted subject to 21 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**
3. The applicant shall record a deed restriction which states, "Site drainage shall be in accordance with approved plans. The pervious surface coverage shall be maintained to allow for permeability of stormwater. At no point shall the material be replaced with an impervious material without the authorization and/or permit approval by the Monterey County Planning and Building Inspection Department and the Pebble Beach Community Services District." 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)**
4. Prior to issuance of a building permit, the applicant shall submit for review and approval of the Director of Planning and Building Inspection, and subsequently record, a deed restriction for the caretaker units stating that "the caretaker unit shall not be rented to anyone other than the caretaker." **(Planning and Building Inspection)**
5. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. **(Planning and Building Inspection)**
6. Building permit plans for the Caretaker Unit shall include a kitchen. **(Planning and Building Inspection)**
7. All cut and/or fill slopes exposed during the course of construction shall be covered, seeded with native grasses or otherwise treated to control erosion, subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
8. Individual trees located close to the construction site shall be protected from inadvertent damage from construction equipment by wrapping trunks with protective materials (pads and orange netting), avoiding fill of any type against the base of the trunks (except as provided for in Condition No. 9 of this resolution) and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees. Said protection shall be demonstrated by provision of photographic evidence prior to the removal of the existing retaining wall and prior to the issuance of demolition, grading, or building permits, subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

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9. Tree protection measures outlined in the arborist report prepared by Russell Chapman (of Urban Lumberjacks Forest Care) for the project shall be included as notes on all grading and building plans. Specifically, the following language shall be placed on the plans so as to make the protection measures clear and easily evident to the contractor: “This project does not include approved tree removal. The roots shown in the photos on page 2 of the arborist’s report prepared by Russell Chapman for this project shall be severed cleanly with pruning tools and a hand saw. Amended soil shall be used to refill the area between the new retaining wall and the severed roots. Further evaluation of the roots shall be sought from the arborist prior to the construction of the new retaining wall to ensure the position of the new retaining wall is outside the root crown of the (18” DBH, 40’ high) Monterey Pine.” **(Planning and Building Inspection)**
10. All pervious material shall substantially conform to County standards of 40 percent or greater open pass-through area. Engineering calculations shall be provided and approved by the Director of Planning and Building Inspection. Unique measures such as hardened impervious strips for driving that punctuate the pervious area, or careful use of pervious materials which substantially conform with the 40 percent pass-through requirement while providing for protection of the existing foundation from moisture are encouraged. The project shall achieve replacement of impervious surface (in the relatively flat driveway area, excluding that area 100 ft. from the front property line) with an equal area of pervious material. The intent of this condition is to provide driving and walking paths in impervious material, and to provide parking areas in pervious material. The two proposed new impervious areas, show on Sheet L2.2 received by the County on August 12, 2003, behind and in front of the main house are not allowed (approximately 600 sq. ft.). Compliance with this condition shall be provided by the owner in the form of a memorandum from a qualified geotechnical engineer, which shall be copied onto the grading permit and building permit plans *following* review and approval of said memorandum by the Director of the Planning and Building Inspection Department. The memorandum, following approval by the Director of the Planning and Building Inspection Department, and prior to being copied onto the building permit plans, shall be stamped by the project planner as “APPROVED PURSUANT TO RESOLUTION NO. 030096, CONDITION NO. 10.” **(Planning and Building Inspection)**
11. Prior to issuance of grading or building permits, a drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts, to include retention/percolation facilities to mitigate the impact of impervious surface stormwater runoff. Necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**
12. Prior to the 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 Resources Agency)**

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

13. Certification that stormwater retention facility has been constructed in accordance with approved plans shall be provided to the Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. **(Water Resources Agency)**

14. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
  - a) All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
  - b) Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. **(Water Resources Agency)**
15. The site shall be landscaped. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, 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)**
16. The owner shall obtain a letter from a licensed geotechnical or civil engineer which confirms that compliance with Condition No. 10 of this resolution (pervious surface requirement) has occurred in every respect in the construction of the project and that an on-site inspection by the geotechnical engineer has been provided during the installation of pervious material. The letter shall confirm that “substantial conformance with the 40 percent pass-through requirement for pervious material to be used in the project has occurred while providing for protection of the existing foundation from moisture,” and the letter shall additionally confirm that “the project has achieved replacement of previously existing impervious surface with an equal area of pervious material” as approved by Planning and Building Inspection. Clearance of this condition is subject to review by the geotechnical engineer and approval of the letter by the Director of the Planning and Building Inspection Department. **(Planning and Building Inspection)**
17. The owner shall submit a letter prepared by the project arborist to the Director of Planning and Building Inspection which shall state and confirm the following in writing: “The roots shown in the photos on page 2 of the arborist’s report (prepared by Russell Chapman) for this project were severed cleanly with pruning tools and a hand saw, amended soil was used to refill the area between the new retaining wall and the severed roots, and the new retaining wall is outside the root crown of the subject (18” DBH, 40’ high) Monterey Pine.” If the project arborist cannot confirm that these actions have been performed, the Director of the Planning and Building Inspection Department shall be so notified and the owner shall confer with the project planner to determine what requirements and mitigations would be needed. **(Planning and Building Inspection)**

**Continuous Permit Conditions:**

18. If cultural, archaeological, historical, paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection)**
19. All landscaped areas and replanted trees shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**
20. 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)**
21. The kitchen facilities shall be maintained in perpetuity as part of the Caretaker Unit. **(Planning and Building Inspection)**

**PASSED AND ADOPTED** this 14th day of August, 2003.

Original Signed By:

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MIKE NOVO  
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 90<sup>th</sup> day following the date on which this decision becomes final.

### NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Marina.

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