

MONTEREY COUNTY PLANNING COMMISSION

Meeting: 13 September 2006;	Agenda Item No.:
Project Description: Combined Development Permit consisting of: 1) A Coastal Administrative Permit and Design Approval for the construction of a 2,754 sq. ft. two-story single-family residence with a 1,632 sq. ft. attached garage/basement, driveway, septic system and grading (1,500 cu. yds. cut). 2) A Coastal Development Permit for development on slopes greater than 30 percent. 3) A Coastal Development Permit for development within 100 feet of environmentally sensitive habitat.	
Project Location: 120 Crest Road, Carmel Highlands Area (east of Highway 1, off Walden Road)	APN: 241-221-005-000
Planning Number: PLN040023	Name: Keig
Plan Area: Carmel Highlands	Flagged and staked: YES
Zoning Designation: Watershed and Scenic Conservation, 40, 80 acres per unit, Design Control District, Coastal Zone [WSC/40,80-D(CZ)]	
CEQA Action: Mitigated Negative Declaration	
Department: Resource Management Agency, Planning and Building Inspection	

RECOMMENDATION: Staff recommends that the Planning Commission:

- 1) Adopt the Mitigated Negative Declaration (**Exhibit D**) with the attached Mitigation Monitoring and Reporting Program (**Exhibit C**);
- 2) **APPROVE** the Combined Development Permit for the proposed project as described above (PLN040023/Keig) based on the Findings and Evidence (**Exhibit B**) and subject to proposed Conditions (**Exhibit C**).

On August 20, 2006 after extensive testimony and discussion between the applicant, staff and the Commission, the Commission adopted a Resolution of Intent to approve subject to staff returning with proposed comprehensive list of changes. A list of changes is contained in Exhibit "L". The changes are also reflected within the staff report, Findings, Evidence and Conditions denoted with underline and strikeout text.

OVERVIEW OF PROPOSED ACTION: Daniel Keig requests permits to construct a two-story home including an attached below-ground garage/basement. Major issues involve the location of the project in the public viewshed and within environmentally sensitive habitat that supports the rare and endangered Smith's blue butterfly. Although the project would be in the public viewshed, the applicant has incorporated modifications including moving the proposed building site to a less visible location and excavating 12'-16' into the hillside to minimize the structure's visual impact. During the processing of County permits the applicant has also prepared a Habitat Conservation Plan (HCP) consistent with requirements of the U.S. Fish and Wildlife Service to provide habitat preservation to avoid long-term impacts to the Smith's blue butterfly. These requirements as incorporated also provide consistency with requirements of the Carmel Area Land Use Plan and the California Environmental Quality Act (CEQA). Given the limitations of the site, no alternative siting areas can accommodate the project without impacting the sensitive habitat.

Pursuant to the requirements of CEQA staff prepared an Initial Study that evaluated issues relative to visual resources, biology, cultural resources, geology, hydrology, and land use planning. Required mitigation measures addressed in the HCP include invasive plant eradication and preservation of existing coastal sage scrub, and planting of native vegetation for screening.

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All other potential impacts are mitigated to less than significant levels through standard conditions and project design. The Initial Study finds that although the project could create potentially significant impacts, these impacts can be mitigated to a level of insignificance; and therefore, recommends that a Mitigated Negative Declaration be prepared. After circulation of the initial study the applicant proposed an updated Habitat Conservation Plan (HCP) which included preservation of existing butterfly buckwheat habitat and control of invasive species in contrast to planting of replacement buckwheat. The U.S. Fish and Wildlife Service has agreed that this replacement is of equal value mitigation. In addition, screening was required to address potential visual impacts. This mitigation has since been amended to require screening to be installed if the structure is visually evident after construction is completed and is considered an equal value mitigation. Staff is recommending that these changes are consistent with the California Environmental Quality Act (CEQA) requirements to allow replacement mitigation of equal value after circulation of the initial study.

No feasible alternative would allow development to occur on slopes of less than 30 percent, and the project's proposed building site, near an existing access road, is on a relatively flat portion of the property when compared to steeper, surrounding slopes.

No unresolved issues remain. See **Exhibit A** for a more detailed discussion of the project.

OTHER AGENCY INVOLVEMENT:

- ✓ Carmel Highlands Fire Department
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Monterey County Water Resources Agency
- ✓ Coastal Commission

All the above checked agencies and departments have reviewed this project. The Water Resources Agency, Environmental Health and the Carmel Highlands Fire Department have provided conditions of approval (**Exhibit C**). Carmel Unincorporated/Highland Land Use Committee reviewed the project and recommended approval 5-0 (**Exhibit E**).

Elizabeth A. Gonzales, Associate Planner
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24 August, 2006

This report was reviewed by Jeff Main, AICP, Interim Assistant Director

Note: The project is appealable to the Board of Supervisors and the California Coastal Commission.

cc: Planning Commission (10); County Counsel; Environmental Health Division; Public Works; Monterey County Water Resources Agency; Carmel Highland FPD; Alana Knaster, Jeff Main; Carol Allen; Applicant (Keig), Representative (Lombardo); Coastal Commission; Project File.

Attachments: Exhibit A Detailed Discussion
Exhibit B Proposed Findings and Evidence
Exhibit C Conditions and Mitigation Matrix
Exhibit D Mitigated Negative Declaration

Exhibit E	LUAC Meeting Minutes
Exhibit F	Vicinity Map
Exhibit G	Coastal Commission Staff Letter dated 2 May 2006
Exhibit H	Extended Visual Impact Analysis
Exhibit I	Applicant's letter dated August 3, 2006
<u>Exhibit J</u>	<u>Memo from J. Martin of U.S. Fish & Wildlife dated September 2, 2005</u>
<u>Exhibit K</u>	<u>Executive Summary prepared by Dale Hameister -letter dated August 9, 2006.</u>
<u>Exhibit L</u>	<u>List of Proposed Changes</u>

EXHIBIT A
DISCUSSION OF PROPOSED PROJECT
PLN040023/Keig
30 August 2006

A. INTRODUCTION

Setting

The subject property consists of approximately six acres of environmentally sensitive habitat located roughly one mile east of Yankee Point in the Carmel Highlands. The project will be located within a sensitive scenic area of the Carmel Highlands and will disturb coastal sage scrub habitat through siting and grading for a single-family residence. This habitat includes Seacliff buckwheat, food plant for the federally endangered Smith's blue butterfly. Because of the limitations of the site, no development can occur that will not initially impact these sensitive resources.

Project Description

The applicant, Daniel Keig, requests permits to construct a single-family, two-story house with attached garage/basement. Monterey County Code requires the following permits for the project:

Deleted: bedroom

- 1) A Coastal Administrative Permit and Design Approval for the construction of a 2,754 sq. ft. single-family residence with a 1,623 sq. ft. basement/garage (3,856 sq. ft. total).
- 2) A Coastal Development Permit for development on slopes greater than 30 percent.
- 3) A Coastal Development Permit for development within 100 feet of environmentally sensitive habitat.

B. PROJECT ANALYSIS

Development Standards

The proposed project is consistent with applicable development standards for the WSC zoning district (§20.17) as follows:

Maximum Development Density: The maximum development density shall not exceed the acres/unit shown for the specific WSC district as shown on the zoning map. The project site is zoned WSC/40 and WSC/80 or a WSC district with a maximum gross density of 40, 80 acres/unit. The proposed project site is approximately 6.1 acres, making it legal non-conforming. The Zoning Code allows a minimum building site of 1 acre since a number of parcels with less than 40 acres were established prior to adopting the current land use designation. The subject property has been verified as a legal lot of record.

STANDARD	REQUIRED	PROPOSED
<i>Residence (Main, Habitable)</i>		
Front Set Back	30 feet	45+ feet
Side Set Backs	20 feet	26/120 feet
Rear Set Back	20 feet	400+ feet
Height	24 feet	20 feet
Lot Coverage	10%	1.2%

Height: The proposed attached garage will be underground and will not be visible from any public viewing location.

VIEWSHED

Staff determined that the subject site is located within the public viewshed, which is defined as everything within sight of Highway 1 and major public viewing areas (including turnouts). As an outcome of the design review process, the proposed residence will be painted in muted earth tones and be topped with a slate gray roof. The 2,754 sq. ft. house is modest in size, and the house location and design will ensure that the project is not ridge-line development.

As part of early consultations, staff met the applicant's architect at the site to review the extent the proposed project would impact the viewshed. There are generally four points along Highway 1 where the subject site is visible. Staff concluded that existing Monterey pine trees located just north of the proposed building area will provide screening when the house is viewed from Pt. Lobos State Reserve and Highway 1 turnouts. The main area of concern was a section of Highway 1 located south of the project, where the structure may be visible due to a break in the trees.

Staff is requiring that the project maintain muted colors and grey roof color, and use gray-tinted windows to mitigate possible visual impacts. The applicant also addressed possible visual impact concerns early on in the process. In response to comments, the applicant made adjustments to the plans including locating the proposed structure to a lower, less visible, portion of the property.

In addition, a condition requires a post construction review to determine if the project is evident from public viewing areas or if it does not blend into the surrounding landscape. If according to the Director of Planning the project is evident and does not blend into the surrounding environment the applicant will be required to install landscape screening to meet these standards. There will be no visual issues with regard to proposed emergency water supply tanks as required by the fire department, because the applicant will be using existing water tanks located on a contiguous parcel owned by the applicant. If at any point, new water tanks are proposed, the new proposal shall be reviewed for consistency by the Planning Department.

ESHA

Environmentally sensitive habitat means an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and development. Because the entire property contains ESHA, (seacliff buckwheat) development which causes some initial impact cannot be avoided per Policy 2.3.3.1 of the Carmel Area LUP. Measures to mitigate this impact to a less than significant level have been included in the conditions of approval, including conservation easements and removal of exotic, invasive species. These measures ensure that the project is compatible with the long-term maintenance of the habitat consistent with policies 2.3.3.2, 2.3.3.5, 2.3.3.7 and 2.3.3.8 (LUP). Policy 2.3.3.5 of the Carmel Area LUP requires development in ESHA be preceded by a field survey to locate the habitat and recommend mitigating measures to ensure the habitat's protection. In this regard, a biological assessment was prepared for the subject parcel by Dale Hameister on 14 January 2004 to locate seacliff buckwheat plants, which supports the rare and endangered Smith's blue butterfly. The seacliff buckwheat plant, itself is not endangered and it is common practice sanctioned by the U.S. Fish and Wildlife Service to allow for the plant's removal, provided the butterflies are not present and a management program to provide for maintenance and preservation of existing Seacliff buckwheat is implemented. The

period to avoid removal or dust creation to nearby the host plants is between June 1st and August 15th of each year. Policy 2.3.3.7 restricts grading, excavation and paving activities in ESHA to only those areas “needed for the structural improvements themselves.” The plans submitted for the proposed project conform to the above policies.

Initially, the draft Habitat Conservation Plan included revegetation of a 1.04 acre section of the property with 650 seacliff buckwheat plants to restore and enhance habitat and reduce impacts to the Smith’s blue butterfly to less than significant levels which was included in the IS prepared by Thom McCue, 5 April 2006. However, in the interim, the HCP has been revised to include a management program to provide for an area 1.04 acres containing a minimum of 2,000 Seacliff buckwheat plants for maintenance and preservation to ensure the habitat’s long-term protection. A preliminary determination by U.S. Fish and Wildlife Service states that due to significant stands of Seacliff buckwheat on adjacent sites and the ranch, the level of take of Smith’s blue butterfly at the applicant’s property is expected to have negligible effects on the species’ overall survival.

LUAC

The proposed project was reviewed by the Carmel Unincorporated/Highland Land Use Committee (LUAC) (**Exhibit F**). After discussing issues relative to visual impact, exterior colors, slope issues and tree protection, the LUAC voted 5-0 to recommend approval of the project as presented. Conditions recommended include limiting grading to the 7,200 sq. ft. area shown on the plans.

CEQA

An Initial Study (IS) was prepared that evaluated issues relative to aesthetics, biology, geology/soils, and land use planning. The applicant provided technical reports by consulting professionals relative to biology, archeology, soils and geology. The IS finds that although the project could create potentially significant biological impacts, specifically related to smith blue butterfly habitat, these impacts can be mitigated to a level of insignificance through implementation of a Habitat Conservation Plan (HCP); and therefore, recommends that a Mitigated Negative Declaration be prepared. This Initial Study/Mitigated Negative Declaration (IS/MND) was circulated for a 30-day public review period.

It should be noted that after circulation of the Initial Study, a revised HCP was preliminarily approved by the U.S. Fish & Wildlife Service (USFWS) allowing partial removal of Mitigation Monitoring Action #5 in the Biological Resources section of the Initial Study which states “completion of restoration of impacted coastal sage scrub habitat and revegetation with the 650 surviving Seacliff buckwheat plants.” USFWS has determined that the project is situated in a region where neighboring and nearby parcels support extensive stands of coastal sage scrub habitat, including Seacliff buckwheat and the Smith’s blue butterfly. USFWS has further concluded that with permanent protection easements and with the implementation of a management program for maintenance and preservation of existing Seacliff buckwheat as required by the revised HCP, there will not be a significant disruption of habitat values to the Smith’s blue butterfly. Therefore, pursuant to CEQA Guidelines §15073(c)(1), staff is recommending that no recirculation of the negative declaration is necessary when replacing a mitigation with equal or more effective measures pursuant to Section 15074.1.

Staff finds substantial evidence in the record that all impacts can be mitigated to a level of insignificance and that the applicant has agreed to mitigation and/or modifications to the project that reduce impacts to less than significant issues. These measures include conservation

easements, maintenance and preservation of existing Seacliff buckwheat and removal of exotic, invasive species to ensure that the project is compatible with the long-term maintenance of the habitat. As conditioned and mitigated, staff finds that the project meets the policies of the Carmel Area LUP that establish the thresholds of significance. After reviewing all of the available materials, staff concludes that the project does not meet the test for requiring an EIR pursuant to Section 15064 CEQA.

RESPONSE TO COMMENTS

On 2 May 2006, staff received an email response from a staff member of the California Coastal Commission (CC staff) (**Exhibit G**) and on August 3, 2006, a letter was received from the applicant responding to a number of issues. Staff has provided the following responses for the Planning Commission to consider.

INTRODUCTION: CC staff notes, regarding ESHA, the standard of review for the project is not whether possible impacts can be reduced to less than significant levels, but whether the project is consistent with policies found in the Carmel Area LUP. “The key ESHA policy in the LUP states that only small-scale resource dependent development necessary to support the resource dependent uses may be located in sensitive habitat areas if they can not feasibly be located elsewhere.”

RESPONSE: The Key Policy of the Carmel Area LUP refers to critical areas on Map B (Plants, Wildlife Habitats, Marine Habitats, and Habitats with Special Statue) and then defines sensitive plant communities as follows:

- Rare, endangered and sensitive plants
- Northern coastal prairie
- Chamise-Monterey Manzanita dwarf coastal chaparral
- Gowen cypress woodland
- Monterey cypress and pine forests
- Redwood forest

The Key Policy in the LUP goes onto to define sensitive species as “those locally rare or unique *plants* defined as endemic, relict or distinct” (emphasis added). No sensitive plant communities listed in the LUP will be impacted for the proposed project. The only endangered species that may be affected by this project is federally listed Smith’s blue butterfly (*Euphilotes enoptes smithi*), as neither the State nor the County has policies regulating endangered insects.

The seacliff buckwheat plant, itself is not endangered and it is common practice sanctioned by the U.S. Fish and Wildlife Service to allow for the plant’s removal, provided the butterflies are not present and maintenance of existing Seacliff buckwheat plants. The period to avoid removal or dust creation to nearby the host plants is between June 1st and August 15th of each year. The applicant will avoid construction during this period, implement a management program to provide for a area 1.04 acres containing a minimum of 2,000 Seacliff buckwheat plants for maintenance and preservation and enhance habitat and reduce impacts to the Smith’s blue butterfly to less than significant levels. It should be noted that the agency responsible for regulating possible impacts to the Smith’s blue butterfly, the US Fish and Wildlife Service, will issue an incidental takings permit to address potential destruction of butterflies once the applicant has addressed all of the agency’s conditions.

ESHA DEVELOPMENT: *CC staff contends that the Carmel Area LUP policies require that development within ESHA be avoided (Policy 2.3.3.1), that development adjacent to ESHA be compatible with the long-term maintenance of the habitat (Policy 2.3.3.2), and that large contiguous areas of undisturbed habitat are retained (Policy 2.3.3.4). In addition to large contiguous areas, Policy 2.3.3.4 also states that the County shall retain "significant" undisturbed ESHA in open space use.*

RESPONSE: Because the entire property contains ESHA, development that initially impacts sea cliff buckwheat cannot be avoided per Policy 2.3.3.1. Measures to mitigate these actions to less than significant levels have been included in the conditions of approval, including conservation easements and removal of exotic, invasive species consistent with an HCP with preliminary approval by the USFWS. These measures ensure that the project is compatible with the long-term maintenance of the habitat per policies 2.3.3.2, 2.3.3.5, 2.3.3.7 and 2.3.3.8. As stated in Policy 2.3.3.4, staff contends that large contiguous and undisturbed areas of habitat *are* being retained on the property through conservation and scenic easements. Development will impact .03 acres of the 6.1 acre parcel which is entirely covered by sea cliff buckwheat. By locating the proposed house and driveway in close proximity to an existing, paved access road, 95 percent of the property will remain undisturbed as open space and remain protected by conservation easements.

UNDISTURBED ESHA: *CC staff contends that: "The project site, with its dense, healthy seacliff buckwheat habitat and documented presence (sic) of Smith's blue butterfly, should be considered a significant piece of undisturbed ESHA, the protection of which should take precedence over any development on the site."*

RESPONSE: County staff would first call attention to the already disturbed nature of the subject parcel by the presence of an existing, paved road adjacent to the proposed building site and the infestation of the exotic and invasive species *Carpobrotus edulis* (ice plant). The above mentioned road provides access to two structures near the property's boundaries, a single-family residence above the parcel and a four-bay garage below it. Because the subject parcel is a legal lot of record and the first single-family dwelling is an allowed use, per §20.17 of the Coastal Implementation Plan, development falls under policies 2.3.3.5, 2.3.3.6 and 2.3.3.7 of the Carmel Area LUP. Policy 2.3.3.5 requires development in ESHA to be accompanied by a field surveys by qualified individuals to determine precise locations of the habitat and to recommend mitigating measure to ensure its protection. Staff fulfilled this policy requirement through the biological assessment and IS prepared for the parcel. To minimize and mitigate for any adverse effects on the Smith's blue butterfly, the applicant will be required to obtain an "incidental takings" permit from the US Fish and Wildlife Service as part of the Habitat Conservation Plan. Mitigation measures included in the HCP and incorporated into the County permit require the removal and control of exotic vegetation to less than 2 percent cover on the site. This measure will greatly help preserve the long-term viability of the existing seacliff buckwheat habitat and the endangered Smith's blue butterfly found on the parcel. Policy 2.3.3.7 restricts removal of ESHA only to those areas needed for structural improvements themselves. The proposed development meets this criterion and the applicant will protect the remaining 95 percent of undeveloped property (5.9 acres) by placing it under conservation and scenic easements.

BUILDING SITE LOCATION – ESHA: *CC staff assumes applicant potentially has less problematic building sites, and urges the County to explore "some type of lot line adjustment or transfer of development credit" with the applicant to relocate the building site out of ESHA.*

RESPONSE: Due to the building site's surrounding topography (slopes of 30 percent or greater) and the 100 percent ESHA lot coverage, any consideration of an alternative development site on this existing legal lot of record would be considered equally if not more problematic than the current proposed location. Because the proposed building site is in close proximity to an existing access road, staff finds the proposed building location carries with it the minimum of environmental impacts, while best meeting LUP policies regulating ESHA, development in visual sensitive areas, as well as on slopes greater than 30 percent. Whereas numerous County policies direct staff to protect and preserve environmentally sensitive habitat through many means, staff is unable to find sufficient legal standing in the existing policy framework to compel a land owner to transfer development credits given that there is no regulatory mechanism adopted by the County for the Carmel Land Use Plan area that would authorize the County to approve such a transfer. Given the lot location and configuration related to surrounding properties, a lot line adjustment that would be more consistent with land use policies does not appear feasible because of habitat, slope and practical reconfiguration constraints.

***BUILDING SITE LOCATION – VISUAL:** CC staff stipulates that the proposed project should be held to the highest standard of review, and must be fully consistent with County policies. “The project must be shown to be ‘clearly subordinate’ to the natural scenic character of the area (Key Policy), and shall not detract from the natural beauty of the undeveloped slopes in the public viewshed (Policy 2.2.3.1).”*

RESPONSE: The County agrees with the stipulation, and based on the mitigation measures/monitoring actions 1 through 4 found in the IS/MND and approval of the project by the Carmel Unincorporated/Highland LUAC, staff is confident the project, as conditioned, will not detract from the public viewshed and will be consistent with County policies. Please see **Exhibit H** for an extended visual impact analysis.

Conclusion: The IS/MND was distributed to multiple State agencies as shown on the Notice of Completion received from the State Clearinghouse. Except for the California Coastal Commission, this letter includes a summary that there were no comments submitted by any other State agency that reviewed this project.

Response to applicant's letter dated August 3, 2006 (Exhibit I). Staff having reviewed the letter has responded to all comments related to Aesthetics/Visibility, ESHA, and Response to Comments from the Coastal Commission:

Aesthetics/Visibility: Staff has revised the condition requiring screening to requiring screening only if the project is evident and does not blend into the surrounding environment after construction occurs. This will meet LUP policies to minimize visibility and blend into the surrounding environment while allowing the applicant to demonstrate success based on his assertions.

ESHA: The mitigation measure to address reducing impacts to sea cliff buckwheat has been replaced from planting to preservation of existing habitat based on a preliminary approval of the Habitat Conservation Plan by the USFWS as discussed above.

Response to Comments from the Coastal Commission: Comments noted. Staff has amended the staff report and is proposing changes to mitigation measures to address changes to address bona fide concerns of the applicant and the revised HCP that has preliminary approval by the USFWS.

EXHIBIT B

RECOMMENDED FINDINGS AND EVIDENCE

PLN040023/Keig

30 Aug 2006

1. **FINDING – CONSISTENT WITH PLAN/POLICIES:** The subject Combined Development Permit (PLN040023/Keig) conforms to the plans, policies, requirements and standards of the Carmel Area Land Use Plan and the Monterey County Coastal Implementation Plan, Part 4 (Chapter 20.146 MCC).

EVIDENCE:

- (a) **Land Use.** The subject site is located within a “WSC/40,80-D(CZ)” or Watershed Scenic Conservation zoning district in the coastal zone.
- (b) **Project Description.** The project proposed in this application (PLN040023-Keig) consists of obtaining the necessary approvals to construct a 2,754 square foot single-family residence and create a new attached 1,632 square foot garage. The project site is approximately 6.1 acres in size and the zoning designation requires a minimum of 40 and 80 acres for parcels in this district with a minimum building site of 1 acre.
- (c) **Legal Lot.** The Planning Commission finds that the subject lot is a legal lot of record per Volume 6, page 49 of the Assessor’s Parcel Books.
- (d) **Plan Conformance.** The Planning and Building Inspection Department staff reviewed the project, as contained in the application and accompanying materials, for conformity with:
 - 1) Carmel Area LUP
 - 2) Chapter 20.146 of the Carmel Coastal Implementation Plan (CIP).With the recommended conditions, there would be no conflict or inconsistencies with the regulations of these plans or policies.
- (e) **Visual Resources.** As conditioned, the project is consistent with policies of the Carmel Area LUP (Policy 2.2) and the Carmel Area CIP dealing with the public viewshed from Highway 1 (§20.146.030). The subject site is located within the public viewshed, which is defined as everything within sight of Highway 1 and major public viewing areas. The proposed 2,754 square foot house will be painted in muted earth tones, include an underground garage, will be screened by existing trees, and if needed, trees to be planted as part of the conditions of approval. In response to County and LUAC comments, the applicant made adjustments to the plans including relocating the proposed building site on a lower part of the property and changing exterior colors to better help the structure blend into the surroundings (Policy 2.2.3.6 LUP). Impacts to visual resources will be mitigated to a less than significant level through ~~native vegetation planting and monitoring~~, habitat protection, scenic easement deed restrictions, and special design techniques.
- (f) **Archaeology.** As conditioned, the project is consistent with policies of the Carmel Area LUP dealing with development in archaeologically sensitive areas (§20.146.090 CIP). County resource maps identify this area to be highly sensitive to archaeology finds. A preliminary archeological reconnaissance report was completed by Archaeological Consulting on 4 Aug 2003. Development consists of construction of a single bedroom residence, approximately 1,500 cubic yards of cut and a driveway. A standard condition to monitor the site during construction has been incorporated.

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- (g) **Geologic Hazards.** The proposed project is consistent with policies of the Carmel CIP dealing with development in hazardous areas (§20.146.080 CIP). The site is located in geologic zone III and “undetermined” according to Resource Maps, of the Monterey County Carmel Area LUP. A Geologic Hazards Assessment report by Craig Harrwood concludes that construction of a residence as proposed would be geologically acceptable provided that recommendations noted in this report is included. The report and its recommendations have been incorporated as a condition of approval.
- (h) **LUAC.** On 6 July, 2004, the Carmel Unincorporated/Highland Land Use Committee voted 5-0 to recommend approval of the project as proposed. The Committee expressed concern for visual impact, exterior color, and tree protection, but generally found that the applicant had met all requirements. Standard conditions are included that address these concerns.
- (i) **Site Visit.** Project planner conducted on-site inspections to verify that the project on the subject parcel conforms to the plans and reports listed above. Staking and flagging was installed to determine impacts to views from Highway One, turnouts and Pt. Lobos State Reserve.
- (j) **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 PLN040023/Keig. The text, policies, and regulations in the above documents have been evaluated during the course of the review of the applications. No conflicts were found to exist. No communications were received during the course of review of the project to indicate that there is any inconsistency with the text, policies, and regulations in these documents.

2. **FINDING – COMPLY WITH REGULATIONS:** The proposed Combined Development Permit PLN040023/Keig complies with all applicable requirements of Title 20 of Monterey County Codes.

EVIDENCE:

- (a) Materials in project file PLN040023/Keig.
- (b) **Codes.** The Planning and Building Inspection Department staff reviewed the project, as contained in the application and accompanying materials, for conformity with:
 - 1) Chapter 20.17 of the Monterey County Zoning Ordinance relative to regulations for the Watershed Scenic Conservation “WSC/40, 80-D (CZ)” district in the coastal zone.
 - 2) Chapter 20.44 of the Monterey County Zoning Ordinance relative to Design Approval.
 The project, as conditioned, would have no conflict or inconsistencies with the regulations of these plans or policies.
- (c) **Zoning.** The subject site is located within the “WSC/40,80-D(CZ)” or Watershed & Scenic Conservation (40 and 80 acre minimum) and Design Control zoning district in the Coastal Zone.
- (d) **Site Description.** The project site is 6.1 acres in size and the zoning designation requires a minimum of 40 and 80 acres for parcels in this district. The parcel was created prior to adoption of the Local Coastal Program. This legal non-conforming parcel meets the minimum 1-acre building site and is a legal lot of record.

- (e) **Permits.** The WSC zone allows administrative review of Coastal Administrative Permits for development of the first single-family home on a legal lot of record (§20.17.040 CIP), unless combined with a permit that requires review by the Planning Commission (§20.82.030 MCC). The WSC zone authorizes the Planning Commission to consider Coastal Development Permits for development within the critical viewshed (§20.17.030 CIP).
- (f) **Development Standards.** The project design meets all set back (30 front/20 sides/20 rear) and height (24) requirements for a main structure in the WSC zone. There are no trees located within the building area.
- (g) **No Violation.** 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 (Title 20). No violations exist on the property. Zoning violation abatement cost, if any, have been paid. Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.

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

- (a) **Agency Review.** The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Carmel Highlands Fire Department, Parks Department, and Environmental Health Department. There has been no indication from these agencies that the site is not suitable. Conditions recommended by these agencies have been incorporated to the project conditions.
- (b) **Professional Reports.** Reports by a certified Geologist and Engineer indicate that there are no physical or environmental constraints that would indicate the site is not suitable for the proposed use.
- (c) **Site Inspection.** Review of the site determined that 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.

4. **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 designated in the Carmel Area LUP.
- (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.

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

EVIDENCE:

- (a) The conditions are based on the recommendations of the Carmel Highlands Fire Department, Monterey County Water Resources Agency, Monterey County Environmental Health Division and Monterey County Department of Public Works. The conditions incorporate the concerns and recommendations of those various agencies. Additional conditions are required for approval in order to assure that the proposed use and site amenities are compatible with other developments in the area.

6. **FINDING – ENVIRONMENTALLY SENSITIVE HABITAT:** As conditioned, the proposed project is consistent with policies of the Carmel Area LUP addressing development in environmentally sensitive habitats.

EVIDENCE:

- (a) Biological assessment prepared for the subject parcel by Dale Hameister on 14 January 2004 to locate seacliff buckwheat plants, which supports the rare and endangered Smith's blue butterfly Policy 2.3.3.5 (LUP).
- (b) Due to the entire site being ESHA, some initial impact cannot be avoided per Policy 2.3.3.1 (LUP).
- (c) Mitigating measures for the habitat's long-term protection included in the IS/MND prepared by Thom McCue, 5 April 2006. Measures in the conditions of approval include conservation easements, protection of existing Seacliff buckwheat and removal of exotic, invasive species. These measures will ensure that the project is compatible with the long-term maintenance of the habitat per policies 2.3.3.2, 2.3.3.4, 2.3.3.5, 2.3.3.7 and 2.3.3.8 (LUP).
- (d) Subject property is not included as a critical area on Map B in Key Policy of the Carmel Area LUP; therefore the Key Policy of the Carmel LUP does not apply.
- (e) Mitigation measures will reduce impacts to less than significant levels through an approved Habitat Conservation Plan, which requires existing habitat protection, invasive species eradication and monitoring.
- (f) Evidence in Finding 7 (f) response to Coastal Commission staff letter (see below).

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

EVIDENCE:

- (a) **Initial Study.** The Monterey County Planning and Building Inspection Department prepared an Initial Study pursuant to California Environmental Quality Act (CEQA). The Initial Study identified several potentially significant effects, but the applicant has agreed to conditions and proposed mitigation measures that avoid the effects or mitigate the effects to a point of less than significant effects. The Initial Study is on file in the office of PB&I and is hereby incorporated by reference (PLN040023/Keig). All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval.
- (b) **Mitigated Negative Declaration.** On 5 April 2006, County staff completed an Initial Study for the project (PLN040023) in compliance with CEQA and its

Guidelines. The Initial Study provides substantial evidence that the project, with the addition of Mitigation Measures, would not have significant environmental impacts. A Mitigated Negative Declaration was filed with the County Clerk on 5 April 2006, noticed for public review, and circulated to the State Clearinghouse from 9 April 2006 to 9 May 2006 (SCH#: 2006041061). The evidence in the record includes studies, data, and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented or discussed during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data, and reports; application materials; and expert testimony. Among the studies, data, and reports analyzed as part of the environmental determination are the following:

1. Geologic Hazard Assessment, prepared by Craig Harwood, May 2004
2. Geotechnical Investigation for Proposed Residential Construction, prepared by Haro, Kasunich and Assoc., Inc, October 2003
3. Preliminary Archaeological Reconnaissance, prepared by Mary Doane, and Trudy Haversat, August 2003
4. Biological Assessment, prepared by Dale Hameister, January 2004
5. Arborist's Report, prepared by Forest City Consulting, September 2004

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

Revised Habitat Conservation Plan. It should be noted that after circulation of the Initial Study, a revised HCP was preliminarily approved by the U.S. Fish & Wildlife Service allowing partial removal of Mitigation Monitoring Action #5 in the Biological Resources section of the Initial Study which states "completion of restoration of impacted coastal sage scrub habitat and revegetation with the 650 surviving Seacliff buckwheat plants." U.S. Fish and Wildlife has determined that the project is situated in a region where neighboring and nearby parcels support extensive stands of coastal sage scrub habitat, including Seacliff buckwheat and the Smith's blue butterfly, and with the implementation of a management program for maintenance and preservation of existing Seacliff buckwheat as required by the revised HCP, there will not be a significant disruption of habitat values to the Smith's blue butterfly. Therefore, pursuant to CEQA Guidelines §15073(c)(1), no recirculation of the negative declaration is necessary when replacing a mitigation with equal or more effective measures pursuant to Section 15074.1 The new measures will avoid or reduce the significant effect to at least the same degree as or to a greater degree than the original measure and will create no more adverse affect of its own than would have the original measure. Evidence to support this:

1. Memo from Jacob Martin of U.S. Fish & Wildlife Service dated September 2, 2005.
2. Executive Summary prepared by Dale Hameister and letter dated August 9, 2006.

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Revised Screening Mitigation Measure: Subsequent to the circulation of the Initial Study the applicant objected to the requirement of screening to address potential visual impacts. This mitigation has since been amended to require screening to be installed if the structure is visually evident and does not blend into the surrounding environment after construction is completed consistent with land use plan requirements. Therefore, pursuant to CEQA Guidelines §15073(c)(1), no recirculation of the negative declaration is necessary when replacing a mitigation with equal or more effective measures pursuant to Section 15074.1

- (c) **Mitigation Monitoring Program.** A Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation. The applicant/owner must enter into an “Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval.
- (d) **Public Testimony.** The Planning Commission considered public testimony and the initial study at a hearing on 26 July 2006.
- (e) **Comments.** On 2 May 2006, staff received an email response from the California Coastal Commission staff (**Exhibit G**). Staff has provided the following responses for the Planning Commission to consider. Based on the following, staff has determined that all comments have been satisfactorily addressed and no policy conflicts exist.
- (f) On 2 May 2006, staff received an email response from a staff member of the California Coastal Commission (CC staff) (**Exhibit G**). Staff has provided the following responses for the Planning Commission to consider.

***INTRODUCTION:** CC staff notes, regarding ESHA, the standard of review for the project is not whether possible impacts can be reduced to less than significant levels, but whether the project is consistent with policies found in the Carmel Area LUP. “The key ESHA policy in the LUP states that only small-scale resource dependent development necessary to support the resource dependent uses may be located in sensitive habitat areas if they can not feasibly be located elsewhere.”*

RESPONSE: The Key Policy of the Carmel Area LUP refers to critical areas on Map B (Plants, Wildlife Habitats, Marine Habitats, and Habitats with Special Statue) and then defines sensitive plant communities as follows:

- Rare, endangered and sensitive plants
- Northern coastal prairie
- Chamise-Monterey Manzanita dwarf coastal chaparral
- Gowen cypress woodland
- Monterey cypress and pine forests
- Redwood forest

The Key Policy in the LUP goes onto to define sensitive species as “those locally rare or unique *plants* defined as endemic, relict, or distinct” (emphasis added). No sensitive plant communities listed in the LUP will be impacted for the proposed project. The only endangered species that may be affected by this

project is federally listed Smith's blue butterfly (*Euphilotes enoptes smithi*), as neither the State nor the County has policies regulating endangered insects.

The seacliff buckwheat plant, itself is not endangered and it is common practice sanctioned by the U.S. Fish and Wildlife Service to allow for the plant's removal, provided the butterflies are not present. The period to avoid removal or dust creation to nearby the host plants is between June 1st and August 15th of each year. The applicant will avoid construction during this period, implement a management program to provide protection of 1.04 acre section of the property containing 2000 Seacliff buckwheat plants, and enhance habitat and reduce impacts to the Smith's blue butterfly to less than significant levels. It should be noted that the agency responsible for regulating possible impacts to the Smith's blue butterfly, the US Fish and Wildlife Service, will issue an incidental takings permit to address potential destruction of butterflies once the applicant has addressed all of the agency's conditions.

ESHA DEVELOPMENT: CC staff contends that the Carmel Area LUP policies require that development within ESHA be avoided (Policy 2.3.3.1), that development adjacent to ESHA be compatible with the long-term maintenance of the habitat (Policy 2.3.3.2), and that large contiguous areas of undisturbed habitat are retained (Policy 2.3.3.4). In addition to large contiguous areas, Policy 2.3.3.4 also states that the County shall retain "significant" undisturbed ESHA in open space use.

RESPONSE: Because the entire property contains ESHA, development that initially impacts sea cliff buckwheat cannot be avoided per Policy 2.3.3.1. Measures to mitigate these actions to less than significant levels have been included in the conditions of approval, including conservation easements, preservation of seacliff buckwheat and removal of exotic, invasive species. These measures ensure that the project is compatible with the long-term maintenance of the habitat per policies 2.3.3.2, 2.3.3.5, 2.3.3.7 and 2.3.3.8. As stated in Policy 2.3.3.4, staff contends that large contiguous and undisturbed areas of habitat are being retained on the property through conservation and scenic easements. Development will impact .03 acres of the 6.1 acre parcel which is entirely covered by sea cliff buckwheat. By locating the proposed house and driveway in close proximity to an existing, paved access road, 95 percent of the property will remain undisturbed as open space and remain protected by conservation easements.

UNDISTURBED ESHA: CC staff contends that: "The project site, with its dense, healthy seacliff buckwheat habitat and documented presense (sic) of Smith's blue butterfly, should be considered a significant piece of undisturbed ESHA, the protection of which should take precedence over any development on the site."

RESPONSE: County staff would first call attention to the already disturbed nature of the subject parcel by the presence of an existing, paved road adjacent to the proposed building site and the infestation of the exotic and invasive species *Carpobrotus edulis* (ice plant). The above mentioned road provides access to two structures near the property's boundaries, a single-family residence above the

parcel and a four-bay garage below it. Because the subject parcel is a legal lot of record and the first single-family dwelling is an allowed use, per §20.17 of the Coastal Implementation Plan, development falls under policies 2.3.3.5, 2.3.3.6 and 2.3.3.7 of the Carmel Area LUP. Policy 2.3.3.5 requires development in ESHA to be accompanied by a field surveys by qualified individuals to determine precise locations of the habitat and to recommend mitigating measure to ensure its protection. Staff fulfilled this policy requirement through the biological assessment and IS prepared for the parcel. To minimize and mitigate for any adverse effects on the Smith's blue butterfly, the applicant will be required to obtain an "incidental takings" permit from the US Fish and Wildlife Service as part of the Habitat Conservation Plan. Mitigation measures included in the HCP and incorporated into the County permit require the removal and control of exotic vegetation to less than 2 percent cover on the site. This measure will greatly help preserve the long-term viability of the existing seacliff buckwheat habitat and the endangered Smith's blue butterfly found on the parcel. Policy 2.3.3.7 restricts removal of ESHA only to those areas needed for structural improvements themselves. The proposed development meets this criterion and the applicant will protect the remaining 95 percent of undeveloped property (5.9 acres) by placing it under conservation and scenic easements.

BUILDING SITE LOCATION – ESHA: CC staff assumes applicant potentially has less problematic building sites, and urges the County to explore "some type of lot line adjustment or transfer of development credit" with the applicant to relocate the building site out of ESHA.

RESPONSE: Due to the building site's surrounding topography (slopes of 30 percent or greater) and the 100 percent ESHA lot coverage, any consideration of an alternative development site on this existing legal lot of record would be considered equally if not more problematic than the current proposed location. Because the proposed building site is in close proximity to an existing access road, staff finds the proposed building location carries with it the minimum of environmental impacts, while best meeting LUP policies regulating ESHA, development in visual sensitive areas, as well as on slopes greater than 30 percent. Whereas numerous County policies direct staff to protect and preserve environmentally sensitive habitat through many means, staff is unable to find sufficient legal standing in the existing policy framework to compel a land owner to transfer development credits given that there is no regulatory mechanism adopted by the County for the Carmel Land Use Plan area that would authorize the County to approve such a transfer. Given the lot location and configuration related to surrounding properties, a lot line adjustment that would be more consistent with land use policies does not appear feasible because of habitat, slope and practical reconfiguration constraints.

BUILDING SITE LOCATION – VISUAL: CC staff stipulates that the proposed project should be held to the highest standard of review, and must be fully consistent with County policies. "The project must be shown to be 'clearly subordinate' to the natural scenic character of the area (Key Policy), and shall not detract from the natural beauty of the undeveloped slopes in the public viewshed (Policy 2.2.3.1)."

RESPONSE: The County agrees with the stipulation, and based on the mitigation measures/monitoring actions 1 through 4 found in the IS/MND and approval of the project by the Carmel Unincorporated/Highland LUAC, staff is confident the project, as conditioned, will not detract from the public viewshed and will be consistent with County policies. Please see extended visual impact analysis **Exhibit H**.

Conclusion: The IS/MND was distributed to multiple State agencies as shown on the Notice of Completion received from the State Clearinghouse. Except for the California Coastal Commission, this letter includes a summary that there were no comments submitted by any other State agency that reviewed this project.

8. **FINDING – 30% SLOPE:** Development on slopes that exceed 30 percent is prohibited unless there is no feasible alternative that would allow development to occur on slopes of less than 30 percent, or the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable Land Use Plan than other development alternatives.

EVIDENCE:

- (a) The project’s proposed building site is on a relatively flat portion of the property when compared to steeper, surrounding slopes.
- (b) The project’s current location is in close proximity to an existing access road. Other building sites on the subject property would necessitate more grading, possibly larger environmental impacts to ESHA and increased visual impacts.
- (c) Development will require implementation of Best Management Practices (BMPs) for erosion control in accordance with Monterey County Grading Ordinance #2535 and Erosion Control Ordinance #2806.

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

EVIDENCE:

- (a) **Board of Supervisors.** §20.86.030 of the Monterey County Zoning Ordinance.
- (b) **Coastal Commission.** §20.86.080A.3 of the Monterey County Zoning Ordinance. Any approved project involving development that is permitted in the underlying zone as a conditional use.

Exhibit C Monterey County Planning and Building Inspection Condition Compliance	Project Name: <u>Keig</u> File No: <u>PLN040023</u> APNs Approval by: <u>Planning Commission</u> Date
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 211 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.	Respons Party J Complia		
1		PBD029 - SPECIFIC USES ONLY Combined Development Permit consisting of: 1) A Coastal Administrative Permit and Design Approval for the construction of a 2,754 sq. ft. two-story single-family residence with a 1,632 sq. ft. attached garage/basement, driveway, septic system and grading (1,500 cu. yds. cut). 2) A Coastal Development Permit for development on slopes greater than 30 percent. 3) A Coastal Development Permit for development within 100 feet of environmentally sensitive habitat. The property is located 120 Crest Road (east of Highway 1, off Walden Road), Carmel Coastal Zone. (Assessor's Parcel Number 241-221-005-000). Carmel Highlands Land Use Plan Area. 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	Adhere to conditions and uses specified in the permit.	Owner/ Applica		

<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 / Compliance</i>		
		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		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 040023) was approved by the Planning Commission for Assessor's Parcel Number 241-221-005-000 on 26 July 2006. The permit was granted subject to 31 conditions of approval, including 1 mitigation measure, 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/ Applica		
3		PBD013 - GEOLOGIC CERTIFICATION Prior to final inspection, the geologic consultant shall provide certification that all development has been constructed in accordance with the soils report. (Planning and Building Inspection)	Submit certification by the geological consultant to PBI showing project's compliance with the geological report.	Owner/ Applica; Geolog Consul		
4		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/ Applica		

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 / Compliance		
5		<p>PBD018(A) – LANDSCAPING PLAN & MAINTENANCE (SINGLE FAMILY DWELLING ONLY)</p> <p>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 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)</p>	Submit landscape plans and contractor's estimate to PBI for review and approval.	Owner/ Applica Contractor		
6		<p>PBD026 – NOTICE OF REPORT</p> <p>Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "<i>Geological Hazards</i></p>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applica		

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 / Compliance		
		<p>Assessments Two Residential Building Sites Keig Property (APN 241-221-002 and 005)" dated 24 May 2004, by Craig Harwood, and "Geotechnical Investigation for Proposed Residential Construction (APN 241-221-005) dated October 2003, prepared by Haro, Kasunich and Assoc. Inc., Biological Assessment prepared for the subject parcel by Dale Hameister on 14 January 2004, Preliminary Archaeological Reconnaissance, prepared by Mary Doane, and Trudy Haversat, August 2003, and the Arborist's Report, prepared by Forest City Consulting, September 2004 The above reports are on record in the Monterey County Planning and Building Inspection Department Library. All development shall be in accordance with these reports." (Planning and Building Inspection)</p>	<p>Submit report by project engineer that recommendations of soils report have been met.</p>			
7		<p>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)</p>	<p>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.</p>	<p>Owner Applicant Archaeologist</p>		

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party / Compliance		
8		<p>PBD032(B) – TREE AND ROOT PROTECTION</p> <p>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)</p>	<p>Submit evidence of tree protection to PBI for review and approval.</p>	<p>Owner/ Applica</p>		
9		<p>PBD021 – LIGHTING – EXTERIOR LIGHTING PLAN (NON-STANDARD)</p> <p>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 2 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. <i>Exterior light sources that would be directly visible from the public viewshed viewing areas, as defined in Carmel Area LUP are prohibited.</i> (Planning and Building Inspection)</p>	<p>The applicant shall submit 2 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 <u>installed and maintained according to the submitted plan and</u> subject to approval by the Director of Planning and Building Inspection.</p>	<p>Owner/ Applica</p>	<p>▲</p>	<p>Formatted: Strikethrough</p> <p>Formatted: Strikethrough</p>

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party / Compliance		
10		<p>PBD022 - MITIGATION MONITORING PROGRAM</p> <p>The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. (Planning and Building Inspection)</p>	<ol style="list-style-type: none"> 1) Enter into agreement with the County to implement a Mitigation Monitoring Program. 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement. 	Owner/ Applica		
11		<p>WR40 - WATER CONSERVATION MEASURES</p> <p>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> <ol style="list-style-type: none"> 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) 	Compliance to be verified by building inspector at final inspection.	Own Applic		

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 / Compliance		
12		<p>FIRE007 - DRIVEWAYS</p> <p>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 top of the "T" shall be a minimum of 60 feet in length. Carmel Highlands FPD</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <hr/> <p>Applicant shall schedule fire dept. clearance inspection</p>	Owner Applicant		

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 / Compliance		
13		<p>FIRE011 - ADDRESSES FOR BUILDINGS</p> <p>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. Carmel Highlands FPD</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p> <p>Applicant or owner</p>		
14		<p>FIRE014 - EMERGENCY WATER STANDARDS - FIRE PROTECTION WATER SUPPLY - (SINGLE PARCEL)</p> <p>For development of structures totaling less than 3,000 square feet on a single parcel, the minimum fire protection water supply shall be 4,900 gallons. For development of structures totaling 3,000 square feet or</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	<p>Applicant or owner</p>		

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party / Compliance		
		more on a single parcel, the minimum fire protection water supply shall be 9,800 gallons. For development of structures totaling more than 10,000 square feet on a single parcel, the reviewing authority may require additional fire protection water supply. Other water supply alternatives, including ISO Rural Class 8 mobile water systems, may be permitted by the fire authority to provide for the same practical effect. The quantity of water required by this condition shall be in addition to the domestic demand and shall be permanently and immediately available. Carmel Highlands FPD	Applicant shall schedule fire dept. clearance inspection	Applicant or owner		
15		FIRE015 - FIRE HYDRANTS/FIRE VALVES A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1,000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner		

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 / Compliance		
		restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. Carmel Highlands FPD	Applicant shall schedule fire dept. clearance inspection	Applicant or owner		
16		FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) 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. Carmel Highlands FPD	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner		
			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner		
			Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner		
17		EHSP01 (NON-STANDARD) Submit a map showing the proposed Well Lot, located at 200 Crest Road (APN 241-221-007-000) that will serve water to the subject parcel indicated as (APN 241-221-005-000). The well lot shall be identified as "Well Lot" and no residential use or any other development shall take place on the lot, other than	Submit plans to the Division of Environmental Health for review and approval.	CA License Engineer /Owner/ Applicant		

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		those uses associated with the well. The well is identified by the State of California, Department of Water Resources, Water Well Drillers Report number 235027. The Well Lot shall measure a minimum of 75 feet x 100 feet. (Environmental Health)				
18		EHSP02 (NON-STANDARD) Submit a map showing the proposed Well Access Easement providing access from Crest Road to the proposed well lot, located at 200 Crest Road (APN 241-221-007-000). The easement shall be identified as "Well Access Easement". The Access Easement shall be a minimum of fifteen (15) feet in width. (Environmental Health)	Submit plans to the Division of Environmental Health for review and approval.	CA Licensee /Engineer/ /Owner/ /Applica		
19		EHSP03 (NON-STANDARD) Submit a map showing the proposed Water Line Easement located at 200 Crest Road (APN 241-221-007-000) that will convey water to the subject parcel (APN 241-221-005-000). The Water Line Easement shall extend from the proposed Well Lot to the subject parcel indicated as (APN 241-221-005-000). The Water Line Easement shall be identified as "Water Line Easement" and no residential use or any other development shall take place in the easement other than those uses associated with the water line. The Water Line Easement shall be a minimum of six (6) feet in width. (Environmental Health)	Submit plans to the Division of Environmental Health for review and approval.	CA Licensee /Engineer/ /Owner/ /Applica		
20		EHSP04 (NON-STANDARD) Upon approval by the Division of Environmental Health of the proposed map indicating the Well Lot, Well Access Easement and Water Line Easement, provide a Record of Survey, and proof of recordation	Submit a copy of the Record of Survey and proof of recordation to the Division of Environmental Health.	CA Licensee /Engineer/ /Owner/ /Applica		

<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>Respons Party J Compla</i>		
		of the survey with the Monterey County Recorder's Office. (Environmental Health)				
21		EHSP05 (NON-STANDARD) Provide a deed notification for the subject parcel indicated as (APN 241-221-005-000), indicating that the well providing the source of water for this parcel is located at 200 Crest Road (APN 241-221-007-000), and a Record of Survey has been completed and recorded, indicating the location of the Well Lot, Well Access Easement and Water Line Easement. The well is identified by the State of California, Department of Water Resources, as Water Well Drillers Report number 235027 and all water rights from this well are granted exclusively to the subject parcel indicated as (APN 241-221-005-000). (Environmental Health)	Submit a draft of the deed notification to the Division of Environmental Health (DEH) for review and approval. Upon approval of DEH, record the deed notification with the Monterey County Recorder's office, and provide a copy of same to the Division of Environmental Health, Monterey County Health Department.	CA Licensee/Engineer/Owner/Applica		
22		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/Applica Engineer		
23		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)	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/Applica		

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24		<p>WR45 - WELL INFORMATION The applicant shall provide the Water Resources Agency information on the well to serve the project including a map showing the well location and any available well logs/e-logs. (Water Resources Agency)</p>	Submit all applicable well information to the Water Resources Agency for review and approval.	Owner/ Applicant		
25		<p>PBD016 - INDEMNIFICATION AGREEMENT The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in</p>	Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to PBI.	Owner/ Applicant		

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		the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (Planning and Building Inspection)				
26		EHSP06 (NON-STANDARD) Provide a deed notification for the parcel at 200 Crest Road (APN 241-221-007-000), indicating that all water rights from the well on this property are granted exclusively to the subject parcel indicated as (APN 241-221-005-000), and a Record of Survey has been completed and recorded, indicating the location of the Well Lot, Well Access Easement and Water Line Easement. The well is identified by the State of California, Department of Water Resources, as Water Well Drillers Report number 235027. (Environmental Health)	Submit a draft of the deed notification to the Division of Environmental Health (DEH) for review and approval. Upon approval of DEH, record the deed notification with the Monterey County Recorder's office, and provide a copy of same to the Division of Environmental Health, Monterey County Health Department.	CA Licensee Engineer /Owner/ Applica		
27	1	Mitigation Measure #1: The project property owner shall protect scenic resources consistent with the Carmel Area Land Use Policies. by minimizing visual impacts of proposed improvements and blending into the surrounding environment. If, after completion of the project, the improvements are evident and do not blend into the environment as determined by the Director of Planning, the applicant shall arrange for additional screening of the proposed residence, driveway and associated disturbed areas in connection with the Landscaping (Condition #5), Exterior Lighting (Condition #9), and Tree and Root Protection (Condition #8) If after final completion of the project the improvements are evident and do not blend into the surrounding environment as determined by the Director of Planning. All planting areas shall be located in order to screen the development from	Mitigation Monitoring Action #1: Prior to final building inspection/occupancy, the Monterey County Director of Planning or his designee shall visit the site on a sunny day in the afternoon to determine whether the structure is not evident from public viewing areas and whether the structure blends into the surrounding environment and has minimal impact. If it is determined that the improvements are evident and do not blend into the environment the applicant shall provide an approved screening plan consistent with recommendations by the Director and install required landscaping prior to	Applic or owne		

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		<p>Highway 1 and Point Lobos Reserve to maintain the most minimal visibility. Success of tree and native vegetation planting shall be assessed by Monterey County staff and if screening is not considered subordinate to and blended into the environment, (CLUP Policy 2.2.3.6) Monterey County shall implement further vegetation requirements. (Planning and Building Inspection)</p>	<p>granting of occupancy. Screening shall be monitored for success annually and shall meet the requirement to not be evident from public viewing areas and blend into the surrounding environment by the Director or his designee after five years. If after this period the standard is not met additional mitigation may be required by the Director as appropriate.</p> <p><u>Once the standard has been met for either screened or unscreened improvements, that standard shall be maintained in perpetuity or until an amended permit is granted.</u></p>			
28	2	<p>Mitigation Measure #2: In order to minimize short- and long-term impacts to visual and biological resources, the applicant shall arrange for all retained coastal sage scrub habitat and Monterey pines located in proximity to the proposed development to be adequately protected from grading and construction activities. Protective fencing and grading limits shall be reviewed and established by the contractor in consultation with a qualified biologist and forester/arborist immediately prior to commencement of excavation operations. In addition, grading and construction vehicle and equipment staging shall be sited in order to minimize their visibility from the public viewshed. (Planning and Building Inspection)</p>	<p>Mitigation Monitoring Action #2: Prior to the issuance of a grading or building permit, evidence of adequate protection and staging areas shall be submitted to the Director of Planning and Building Inspection for review and approval. Accompanying this evidence shall be a letter from a County-approved biologist and forester/arborist which states that the protection follows the recommendations made in the Revised Biological Assessment prepared by Dale Hameister of Rana Creek Habitat Restoration (December 14, 2004) and the Arborist Report prepared by Matt Horowitz of Forest City Consulting (September 13, 2004). Measures may include modifications to structural</p>	Applicant or owner		

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			<p>foundation plans if needed to protect trees identified within the Arborist Report. Prior to final building inspection/occupancy, a letter from a County-approved biologist and forester/arborist shall be submitted to the Director of Planning and Building Inspection which states that construction and grading operations did not impact the retained habitat and trees. Any impacts shall require additional mitigation in accordance with a revised biological assessment and arborist report and shall be subject to the approval of the Director of Planning and Building Inspection.</p>			
29	3	<p>Mitigation Measure #3: In order to ensure that the residence will blend into the surrounding natural landscape, the applicant shall utilize appropriate design techniques and materials and colors which will achieve this effect. Specifically, the applicant shall adhere to the design techniques and materials and colors approved by the Carmel Unincorporated/Highlands Land Use Advisory Committee, as described in the Minutes dated July 6, 2004. These include roof composition of antique slate shingle with 30/10 Elk Prestique Plus and shingles wrapped at edge of roof body of residence to be of cement stucco with Sherman Williams #2061 and trim color of Sherman Williams #2062, retaining walls of grey granite, and glass windows with tinted grey glass or glass with mylar film (no turquoise glass tint allowed). In addition, 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.</p>	<p>Mitigation Monitoring Action #3: Prior to final building inspection/occupancy, evidence regarding implementation of appropriate design techniques, materials and colors, and exterior lighting shall be submitted to the Director of Planning. <u>The exterior lighting shall be installed and maintained according to the submitted plan and Building Inspection for review and approval.</u></p>	Applicant or owner		

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		<p>Exterior lighting shall be placed at near-ground level, downcast, and shielded behind vegetation and off-site glare is fully controlled. Exterior lighting shall be placed at near-ground level, downcast and shielded behind vegetation and walls. Exterior light sources that would be directly visible from the public viewshed viewing areas, as defined in Carmel Area LUP are prohibited. (Planning and Building Inspection)</p>				
30	4	<p>Mitigation Measure #4: In order to minimize impacts to visual and biological resources, a conservation and scenic easement shall be conveyed to the County over those portions of the property, outside of the proposed development area, containing environmentally sensitive habitats and areas where slopes exceed 30 percent. <u>This does not include the 1.04 acre easement to the U.S. Fish and Wildlife as part of the Habitat Conservation Plan.</u> (Planning and Building Inspection)</p>	<p>Mitigation Monitoring Action #4: The conservation and scenic easement, with an attached map prepared by a licensed land surveyor or civil engineer in conjunction with a County-approved biologist identifying the restricted areas with environmentally sensitive habitats (Seacliff buckwheat) and slopes in excess of 30 percent, shall be submitted to the Director of Planning and Building Inspection for review and approval, and shall subsequently be recorded, prior to issuance of grading and building permits.</p>	Applic or owne		
31	5	<p>Mitigation Measure #5: In order to mitigate the incidental take of Smith's Blue butterfly and impacts to coastal sage scrub habitat, the applicant shall obtain an incidental take permit from the U.S. Fish and Wildlife Service and implement the approved HCP requirements/measures. (Planning and Building Inspection)</p>	<p>Mitigation Monitoring Action #5: Prior to the issuance of a grading or building permit, evidence of issuance of an incidental take permit as well as a copy of the approved HCP shall be submitted to the Director of Planning and Building Inspection for review and approval. Prior to final building inspection/occupancy, a letter from a County-approved biologist shall be submitted to the Director of Planning and Building Inspection detailing the current status of implementation of the approved HCP, including maintaining and protecting existing coastal sage scrub habitat and control and elimination of invasive</p>	Applic or owne		

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			<p>species. <u>In accordance with the approved HCP,</u> monitoring inspections shall occur once each year following project completion for the next 5 years. <u>A copy of the HCP report on each inspection</u> shall be submitted to the Director of Planning and Building Inspection for review and approval.</p>			
32		<p>PLANNING DEPARTMENT (NONSTANDARD) <u>Any fill materials to be used on site must be used within the proposed development area only. Removal of any portion of cut not placed in an approved development area on applicant's property must have a traffic management plan to include ultimate off site export location and timing.</u></p>	<p><u>Prior to the issuance of a grading or building permit, a traffic management plan shall be submitted with evidence of adequate ultimate off site location of export materials and timing to be submitted to the Director of Planning and Building Inspection for review and approval.</u></p> <p><u>Applicant shall submit a certification by the Contractor that if needed, such traffic plan was implemented pursuant to specifications.</u></p>			

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