

MONTEREY COUNTY PLANNING COMMISSION

Meeting: January 30, 2008. Time: A.M	Agenda Item No.:
Project Description: Amendment to a previously approved Combined Development Permit to allow a well on the subject property within 100 feet of ESHA rather than connecting to an existing well on a separate off-site well lot. The approved permit (PLN040023) consists of: 1) A Coastal Administrative Permit and Design Approval for the construction of a 4,386 square foot two-story single family residence with an attached garage/basement, driveway, septic system and grading (1,500 cubic yards cut/fill); 2) A Coastal Development Permit to allow development on slopes greater than 30%; and 3) A Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat (Smith's Blue Butterfly).	
Project Location: 120 Crest Road Carmel	APN: 241-221-005-000
Planning File Number: PLN070462	Name: Daniel Keig, Property Owner Lombardo & Gilles; Agent/Attorney
Plan Area: Carmel Land Use Plan	Flagged and staked: Yes
Zoning Designation: : WSC/40-D (CZ) [Watershed and Scenic Conservation, 40 acres per unit with a Design Control Overlay (Coastal Zone)]	
CEQA Action: Addendum to previously adopted Mitigated Negative Declaration (Section 15162)	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission:

- 1) Consider an Addendum (**Exhibit H**) to the previously approved Mitigated Negative Declaration for PLN040023/Kieg; and
- 2) Approve the Amendment to the previously approved Combined Development Permit based on the Findings and Evidence (**Exhibit B**) and subject to the recommended Conditions (**Exhibit C**).

PROJECT SUMMARY:

On September 13, 2006 the Planning Commission heard and adopted a Mitigated Negative Declaration and approved a Combined Development Permit (PLN040023) by a vote of 9-0-1. That approval allowed for the construction of a new 2,754 square feet two-story single family dwelling with a 1,632 square foot attached garage/basement, driveway, septic system and associated grading of 1,500 cubic yards of cut with required entitlements for development on slopes greater than 30%, and development within 100 feet of environmentally sensitive habitat (Smith's Blue butterfly habitat). This project was approved based on connecting to an existing off site well as a water source. Due to the extent and nature of habitat communities located on the applicant's property, mitigation required development of a Habitat Conservation Plan (HCP). A HCP (dated 2004) has been prepared and approved by the US Fish and Wildlife Service.

This amendment would allow the installation of a new well on the subject property to replace the approved off-site water supply, described in Condition numbers 17, 18, 19, 20, 21, & 26 of the resolution for PLN040023 (PC Resolution 06050), subject to test results and approval of Environmental Health. If the well does not pass Environmental Health test requirements Conditions 17, 18, 19, 20, 21, & 26 will be reinstated and the water supply shall revert back to what was originally approved under PLN040023. If the tests are satisfactory to Environmental Health the well contained on the neighboring property (APN: 241-221-007-000) originally

approved for use on this lot (APN: 241-221-005-000) would revert back to a single connection for that property (APN: 241-221-007-000). The new well would be located within close proximity to the access road in an area used during construction as a parking/staging area that now contains a 5,000 gallon water tank (required under condition number 14 of PC Resolution 06050). However, the sensitive biological conditions of this area would place the new well within 100 feet of ESHA.

Issues surrounding the previous analysis and approval, described in the Mitigated Negative Declaration and HCP prepared and adopted for the project (PLN040023), are:

- aesthetics due to the visibility of the property from highway 1,
- geology and soils due to slopes,
- biological resources, and
- land use/planning.

Impacts of this amendment were reviewed relative to these categories and were found to be consistent with impact assessments under the previous permit.

OTHER AGENCY INVOLVEMENT:

- ✓ Carmel Highlands Fire Protection District
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project. Conditions recommended by Environmental Health Division, Carmel Highlands Fire Protection District, and the Water Resources Agency, along with outstanding conditions carried over from the previous approval, have been incorporated into the condition compliance reporting plan (**Exhibit C**).

Note: The decision on this project is appealable to the Board of Supervisors and the Coastal Commission.

Craig Spencer
(831) 755-5233, spencerc@co.monterey.ca.us
December 26, 2007

cc: Front Counter Copy; Planning Commission Members (10); County Counsel; Carmel Highlands Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Laura Lawrence, Planning & Building Services Manager; Craig Spencer, Planner; Carol Allen; Dan Keig, Applicant; Lombardo & Gilles, Agent; File PLN070462.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Recommended Findings and Evidence
	Exhibit C	Recommended Conditions of Approval and Mitigation Monitoring and Reporting Program
	Exhibit D	Vicinity Map
	Exhibit E	Site Plan, Floor Plan and Elevations
	Exhibit F	LUAC Minutes
	Exhibit G	Addendum to Previously Adopted Mitigated Negative Declaration
	Exhibit H	Biological Report
	Exhibit I	Section 10.2 of the Habitat Conservation Plan (Minor Amendment)

This report was reviewed by Carl Holm, AICP, Assistant Director of Planning

EXHIBIT B
RECOMMENDED FINDINGS AND EVIDENCE
PLN070462/Keig

1. **FINDING:** **CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Carmel Land Use Plan, Coastal Implementation Plan Part 4, and the Monterey County Zoning Ordinance (Title 20), which designates this area as appropriate for development.

EVIDENCE: (a) Plan Conformance The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

(b) Zoning Consistency The property is located at 120 Crest Road Carmel (Assessor's Parcel Number 241-221-005-000), Carmel Land Use Plan. The parcel is zoned Watershed and Scenic Conservation with a Design Control overlay in the Coastal Zone ("WSC-D (CZ)") which allows the first single family dwelling per legal lot of record (A) and Water system facilities including wells and storage tanks serving 14 or fewer connections, pursuant to Title 15.04 (J) subject to a Coastal Administrative Permit in each case. Therefore, the property is suitable for the proposed development.

(c) Site Visit The project planner conducted a site inspection on December 28, 2007 to verify that the project on the subject parcel conforms to the plans listed above.

(d) Biological Resources. The entire site is considered Environmentally Sensitive Habitat (ESHA); therefore, any development of the site is located within 100 feet of ESHA and requires a Coastal Development Permit (CDP). A CDP for development within 100 feet of ESHA was approved as part of the original permit (PLN040023) and a Habitat Conservation Plan (HCP) was required by the U.S. Fish & Wildlife Services due to the projects impacts on Coastal Scrub and Smith's Blue Butterfly Habitats required for construction of the project. The project impacts were mitigated to a less than significant level in the previous approval by locating the dwelling near an existing access road, requiring protective fencing and conservation easements, and completing a Habitat Conservation Plan (dated 2004) which requires habitat protection, invasive species removal, and monitoring. This amendment includes the installation of a new well, subject to pump test results, to be located near the access road in an area that has been used as a construction staging area and currently contains a 5,000 gallon water tank. No additional removal of vegetation is required as part of this amendment; however a minor amendment to the Habitat Conservation Plan may be required as a result of this amendment. The applicant/owner shall submit in writing a description of the proposed amendment, an explanation of why the amendment is necessary or desirable, and an explanation of why effects of the proposed amendment are believed not to be significantly different

from those described in the original HCP to Fish & Wildlife for review (Condition 31, Mitigation 5).

- (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, which is defined as everything within sight of Highway 1 and major public viewing areas. The 2,754 square foot house and 5,000 gallon water tank are conditioned to be painted in muted earth tones, screened by existing trees and planted trees (if needed) as part of the conditions of approval, and parking will be located in an underground garage. The design and location of the single family dwelling were found to be consistent with Carmel Land Use Plan Policy 2.2.3.6 by siting the structure on a lower part of the property and using appropriate colors and materials so that the structure will better blend into the surroundings, there are no changes proposed related to the dwelling. Mitigation measures were included to reduce visual impacts to a less than significant level through habitat protection, scenic easement deed restrictions, and special design techniques that will still apply to this amendment including painting and screening of the water tanks (Condition's 9, 27, 28, 29, 30, & 33). No new conditions are required for the proposed well.
- (f) Geologic Hazards The project was found to be consistent with the policies of the Carmel Area LUP dealing with development in hazardous areas (Section 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 was prepared by Craig Harwood that concluded that construction of a residence as proposed would be geologically acceptable provided that the recommendations noted in the report were included. The report and its recommendations were included as a condition of approval and still apply under this amendment.
- (g) Archaeology As conditioned, the project is consistent with policies of the Carmel Area LUP dealing with development in archaeologically sensitive areas (Section 20.146.090 CIP). County resource maps identify this area as high in archaeological sensitivity. A Preliminary Archaeological Reconnaissance report prepared by Archaeological Consulting on August 4, 2003 is on file for the subject parcel. Condition number 7 was added consistent with the recommendation contained in the report. This condition has been carried forward and included as a condition in this amendment.
- (h) LUAC The project was referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review. The committee voted 5-0 to recommend approval of the amendment stating their primary area of concern as visual impacts and requesting that the tank be painted or screened to reduce visual impacts consistent with finding (d) above (Condition's 27, 29, 30, & 33).
- (i) Application The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN070462.

2. **FINDING: SITE SUITABILITY** – The site is physically suitable for the use proposed.
- EVIDENCE:** (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Carmel Highlands Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
- (b) Technical reports by outside biological, archaeological, and geological consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs. The following reports have been prepared:
- i. “Preliminary Archaeological Reconnaissance” (LIB060009) prepared by Archaeological Consulting, Salinas, CA, August 4, 2003.
 - ii. “Geotechnical Investigation” (LIB060012) prepared by Haro, Kasunich & Associates Inc., Watsonville, CA, October 23, 2003.
 - iii. “Geological Hazards” (LIB060034) prepared by Craig Harwood, Santa Cruz, CA, May 2004.
 - iv. “Biological Report” (LIB080005) prepared by Rana Creek Environmental Planning, Santa Cruz, CA, September 2007.
- (c) Staff conducted a site inspection on December 28, 2007 to verify that the site is suitable for this use.
- (d) Materials in Project File PLN070462.
3. **FINDING: CEQA (Addendum):** - The project, as conditioned and mitigated, will not have significant environmental impacts. The project is consistent with County plans and policies and is consistent with the requirements for mitigation of significant impacts to a less than significant level as provided for in the Mitigated Negative Declaration adopted for the project (PLN040023/Keig).
- EVIDENCE:** (a) The development of the single family dwelling, driveway, septic system, and grading was analyzed in the adopted Mitigated Negative Declaration, Resolution No. 06050, Planning File Number PLN040023, State Clearinghouse Number SCH# 2006041061.
- (b) Potential areas of impact discussed in the adopted MND were Aesthetics, Biological Resources, Geology and Soils, and Land Use Planning. The project site is visible from Highway 1 and some major public view areas including Point Lobos, contains coastal sage scrub and Smith’s Blue Butterfly habitats, and contains slopes greater than 30%. Impacts were analyzed and were found to be less than significant or less than significant with mitigations incorporated.
- (c) An Addendum to the adopted Mitigated Negative Declaration for the Keig Combined Development Permit, Planning File Number PLN070462 has been prepared pursuant to CEQA, Article 11 Section 15164 to include construction of a well and installation of a 5,000 gallon water tank (per original conditions of approval from PLN040023) on the property. The originally approved water source was via a well on a neighboring property.

- (d) Potential visual impacts from the water tank can be reduced to a less than significant level by applying the mitigations supplied without need for modification. These mitigations include using appropriate colors (painting the tank) and screening with native species landscaping.
- (e) The previously adopted MND indicated that the entire site contains environmentally sensitive habitat and a Habitat Conservation Plan (HCP) and incidental take permit were required for the development. The HCP and take permit were adopted and authorized by the U.S. Fish & Wildlife Services (dated 2004). The MND and HCP did not include in the description of impacts the required water tank and the proposed well which have been located outside of the area of impact for the grading and construction activities.
- (f) A Biological Report was submitted for the project amendment that indicates that the area where the water tank is located and where the well is proposed, is near the access road in an area already disturbed from use as a staging area for construction vehicles and equipments. Although no new impacts would occur, clarifying language is proposed to ensure compliance with the adopted HCP and MND. Mitigation Measure #5 of the adopted MND should be clarified to include language required as part of this amendment as follows:
 - *Mitigation Measure #5 additional language:*
Amendments to the approved project (PLN040023/Keig) shall require the applicant to submit a request in writing to Fish and Wildlife Services in order to determine if a minor amendment to the Habitat Conservation Plan is required in accordance with Section 10.2 of the HCP. Said request shall include a written description of the proposed amendment, an explanation of why the amendment is necessary or desirable, and an explanation of why effects of the proposed amendment are believed not to be significantly different from those described in the approved HCP.
 - *Mitigation Monitoring Action #5 additional language:*
Prior to issuance of permits associated with an amendment, the applicant shall submit written authorization from Fish and Wildlife Services that the amendment complies with the approved HCP to the Director of Planning.
- (g) The construction staging area and the water tank were required as a conditions of approval under the previous permit (Condition's 14 & 28); therefore, the amended project does not create new significant impacts or require substantial changes or major revisions to the adopted negative declaration and none of conditions described in Section 15162 calling for a subsequent Negative Declaration exists.
- (c) See preceding and following findings and supporting evidence.

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

EVIDENCE: (a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.

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

EVIDENCE: (a) Preceding findings and supporting evidence.

6. **FINDING: PUBLIC ACCESS** - The project is in conformance with the public access and public recreation policies of the Coastal Act and the Local Coastal Program, and does not interfere with any form of historic public use or trust rights. No access is required as part of the project as no substantial adverse impacts on access, either individually or cumulatively, as described in Section 20.70.050.D.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

EVIDENCE: (a) The subject property is not described as an area where the Local Coastal Program requires access.

(b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 3, of the Public Access Map and complies with Carmel Area Land Use Plan.

(c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

(d) Staff conducted a site visit on February 13, 2007.

7. **FINDING: 30% SLOPE** – Based on substantial evidence there is no feasible alternative which would allow development to occur on slopes of less than 30%. Permit. The Required Findings in order to grant the permit development on slopes greater than 30% have been met.

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) Implementation of Best Management Practices (BMPs) for erosion control in accordance with Monterey Grading Ordinance #2535 and Erosion Control Ordinance #2806 and strict adherence to the geotechnical investigation recommendations are required. Monterey County standard conditions of approval have been implemented to assure compliance with these policies and reports. (Conditions 3 & 6)

8. **FINDING: AMENDMENT** – Consideration of the request for the amendment has been carried out pursuant to Monterey County Code Section 20.70.105.B CIP Part 1 (Title 20).

EVIDENCE: (a) Although the amendment does not create any impacts not already assessed in the original permit, the changes in the design were not considered minor due to the non-exempt development permit requirements for the construction of a new test well with Environmentally Sensitive Habitat located within 100 feet of the proposed well and the visual sensitivity of the site.

(b) On September 13, 2006, the Monterey County Planning Commission approved a Combined Development Permit (PLN040023/Daniel Keig) consisting of the following:

- Combined Development Permit (PLN040023) consisting of a Coastal Administrative Permit and Design Approval for the construction of a 2,754 square feet two-story single family dwelling with a 1,632 square feet attached garage/basement, driveway, septic system and grading (1,500 cubic yards cut); A Coastal Development Permit to allow development on slopes greater than 30%; and a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat.

(c) On September 13, 2007, Lombardo and Gilles filed on behalf of Mr. Daniel Keig, a request for an application to amend a previously approved project (PLN040023/Keig) with a revised site plan that includes the replacement of the water source from a separate well lot with right of way access and water line easements to a new well proposed at the project site. The new well location requires elimination of condition numbers 17, 18, 19, 20, & 21 of the original approval see Exhibit C.

(d) The use of the well will be subject to approval of Environmental Health (EH) based on standard testing of new wells. If the new well does not meet EH standards the water supply shall revert back to the originally approved well and conditions of approval reinstated relative to use of the well on the neighboring lot (APN: 241-221-007-000) and the well constructed under this amendment shall be destroyed according to EH standards (Condition 39). If the new well is approved for use by EH the well on the neighboring parcel (APN: 241-221-007-000) shall revert back to use by that property.

(e) As approved and amended, permit number PLN070462 will become and be referred to as the approved permit.

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

EVIDENCE: (a) Section 20.86.030. A of the Monterey County Zoning Ordinance Title 20 (Board of Supervisors)

(b) Section 20.86.080 of the Monterey County Zoning Ordinances Title 20 (Coastal Commission)

EXHIBIT C Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: <u>Daniel Keig</u> File No: <u>PLN070462</u> APNs: <u>241-221-005-000</u> Approved by: <u>Planning Commission</u> Date: <u>January 30, 2008</u>
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

AMENDED CONDITIONS OF APPROVAL FROM CDP (PLN040023)
DELETIONS SHOWN WITH ~~STRIKE THROUGH~~
ADDITIONS SHOWN WITH UNDERLINED

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p><u>PD001 - SPECIFIC USES ONLY</u> This permit amendment (PLN070462) allows 1) A Coastal Administrative Permit and Design Approval for the construction of a 2,754 square foot single family residence with a 1,632 square foot attached garage/basement, driveway, permanent well subject to approval from Environmental Health, a 5,000 gallon water tank, septic system, and grading (1,500 cubic yards cut); 2) A Coastal Development permit for development on slopes greater than 30%; and 3) A Coastal Development Permit for development within 100 feet of environmentally sensitive habitat. The property is located at 120 Crest Road (Assessor's Parcel Number 241-221-005-000), Carmel Land Use Plan. 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 the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 070462) was approved by the Planning Commission for Assessor's Parcel Number 241-221-005-000 on January 30, 2008. The permit was granted subject to 39 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.		PD008 - GEOLOGIC CERTIFICATION Prior to final inspection, the geologic consultant shall provide certification that all development has been constructed in accordance with the geologic report. (RMA - Planning Department)	Submit certification by the geotechnical consultant to the RMA - Planning Department showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotechnical Consultant	Prior to final inspection	
4.		PD007 - 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 RMA - Building Services Department. (RMA – Planning Department and Building Services Department)	Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.	Owner/ Applicant	Ongoing	
5.		PD012(F) - LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY) The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape	Submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	At least 60 days prior to final inspection or occupancy	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall include an irrigation plan. The plan 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 RMA - Planning 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. (RMA – Planning Department)</p>	<p>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 RMA - Planning Department.</p>	<p>Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect</p>	<p>Prior to Occupancy</p>	
			<p>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.</p>	<p>Owner/ Applicant</p>	<p>Ongoing</p>	
<p>6.</p>		<p>PD016 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "<i>Geological Hazards 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 this report." (RMA – Planning Department)</i></p>	<p>Proof of recordation of this notice shall be furnished to the RMA - Planning Department.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of grading and building permits.</p>	<p>Satisfied</p>
			<p>Submit report by project engineer that recommendations of soils report have been met.</p>	<p>Owner/ Applicant/ Engineer</p>	<p>Prior to Final inspection</p>	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
7.		<p>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</p> <p>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 RMA - Planning 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. (RMA - Planning Department)</p>	<p>Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning 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>	<p>Ongoing</p>	
8.		<p>PD011 – 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, approved by a certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of the RMA – Director of Planning. If there is</p>	<p>Submit evidence of tree protection to the RMA - Planning Department for review and approval.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of grading and/or building permits</p>	<p>Satisfied</p>
			<p>Submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.</p>	<p>Owner/ Applicant/ Arborist</p>	<p>During Construction</p>	

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		any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by a certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning Department)	Submit photos of the trees on the property to the RMA – Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.	Owner/ Applicant/	Prior to final inspection	
9.		PDSP001 – EXTERIOR LIGHTING PLAN (NON-STANDARD) 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. Exterior light sources that would be directly visible from the public viewshed viewing areas, as defined in the Carmel Area LUP are prohibited. (RMA – Planning Department)	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.	Owner/ Applicant	Prior to issuance of grading and/or building permits	Satisfied
			The exterior lighting plan shall be installed and maintained according to the submitted plan and subject to approval by the Director of Planning	Owner/ Applicant	Ongoing	
10.		PD006 - MITIGATION MONITORING PROGRAM The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. (RMA - Planning Department)	1) Enter into agreement with the County to implement a Mitigation Monitoring Program. 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.	Owner/ Applicant	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	Satisfied

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11.		<p>WR40 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:</p> <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.	Owner/ Applicant	Prior to final building inspection/occupancy	

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12.		<p>FIRE007 - DRIVEWAYS 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 Fire District.</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of grading and/or building permit.	Satisfied
			<p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	Prior to final building inspection	

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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. <i>Carmel Highlands Fire District.</i></p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of building permit.	Satisfied
			<p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	Prior to final building inspection	

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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 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. <i>Carmel Highlands Fire District.</i></p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of grading and/or building permit.	Satisfied
			<p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	Prior to final building inspection	
15.		<p>FIRE015 - FIRE HYDRANTS/FIRE VALVES</p> <p>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 1000 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 restrictive hydrant requirements</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of grading and/or building permit.	Satisfied

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		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. <i>Carmel Highlands Fire District.</i>	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
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. <i>Carmel Highlands Fire District.</i>	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	Satisfied
			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection	
			Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	

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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 those uses associated with the well. The well is identified by the State of California, Department of Water Resources, Water Well Driller Report number 235027. The Well Lot shall measure a minimum of 75 feet x 100 feet. (Environmental Health)	Submit plans to the Division of Environmental Health for review and approval.	CA Licensed Engineer/ Owner/ Applicant	Prior to the Record of Survey and prior to the issuance of building permit	Not Applicable Upon approval of Well testing
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 Licensed Engineer/ Owner/ Applicant	Prior to the Record of Survey and prior to the issuance of a building permit.	Not Applicable Upon approval of Well testing
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 identifies 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 Licensed Engineer/ Owner/ Applicant	Prior to the Record of Survey and prior to the issuance of a building permit	Not Applicable Upon approval of Well testing

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20.-		EHSP04 (NON-STANDARD) Upon approval by the Division of Environmental Health of the proposed map indicating the Well Lot, Well Access, and Water Line Easement, provide a Record of Survey, and proof of recordation of the survey with the Monterey County Recorder's Office (Environmental Health)	Submit a copy of the Record of Survey and proof of recordation to the Division of Environmental Health.	CA Licensed Engineer/ Owner/ Applicant	Prior to the issuance of a building permit.	Not Applicable Upon approval of Well testing
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 Licensed Engineer/ Owner/ Applicant	Prior to the issuance of a building permit.	Not Applicable Upon approval of Well testing
22.		WR1 - DRAINAGE PLAN The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer	Prior to issuance of any grading or building permits	Satisfied
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/ Applicant	Prior to issuance of any building permits	

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24.		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)	Submit all applicable well information to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits	
25.		PD004 - 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 the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)	Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County. Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final/parcel map, whichever occurs first and as applicable	Satisfied Under Original Approval New Agreement Required for this Amendment

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26.-		<p>EHSP006 (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)</p>	<p>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.</p>	<p>CA Licensed Engineer/ Owner/ Applicant</p>	<p>Prior to the issuance of a building permit.</p>	<p>Not Applicable - Upon approval of Well testing</p>

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27.	1	<p>MITIGATION MEASURE #1</p> <p>The 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) to maintain minimum visibility from Highway 1 and Point Lobos Reserve. 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, (Carmel LUP Policy 2.2.3.6) Monterey County shall implement further vegetation requirements. (RMA – Planning Department)</p>	<p>Mitigation Monitoring Action #1:</p> <p>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 evident from public viewing areas and whether the structure blends into the surrounding environment and has minimal impact</p> <p>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 grating 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>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.</p>	Applicant / Owner	Prior to occupancy or final inspection of a grading and building permit	

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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 public viewshed. (RMA – Planning Department)</p>	<p>Mitigation Monitoring Action #2a: 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 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). Measures may include modifications to structural foundation plans if needed to protect trees identified within the arborist report.</p>	Applicant / Owner	Prior to the issuance of a grading or building permit	Satisfied
			<p>Mitigation Monitoring Action #2b: Prior to final building inspection/occupancy, a letter from a County – approved biologist and forester/arborist shall be submitted to the Director of Planning 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.</p>	Applicant/ Owner	Prior to final building or grading inspection.	

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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 placed at or near ground level, downcast, and shielded behind vegetation and off-site glare is fully controlled – <i>Exterior light sources that would be directly visible from the public viewshed viewing areas, as defined in the Carmel Area LUP are prohibited. (RMA – Planning Department)</i></p>	<p>Mitigation Monitoring Action #3a Evidence regarding implementation of appropriate design techniques, materials and colors, and exterior lighting shall be submitted to the Director of Planning.</p>	Applicant/ Owner	Prior to final building inspection or occupancy	
			<p>Mitigation Monitoring Action #3b The exterior lighting shall be installed and maintained according to the submitted plan.</p>	Owner	Ongoing	
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. This does not include the 1.04 acre easement to the U.S. Fish and Wildlife as part of the Habitat Conservation Plan. (RMA – Planning Department)</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 for review and approval, and shall subsequently be recorded, prior to issuance of grading and building permits.</p>	Applicant/ Owner	Prior to the issuance of grading or building permits	Satisfied

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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 Habitat Conservation Plan requirements/measures.</p> <p><u>As part of this amendment (PLN070462/Keig) the applicant shall, in accordance with Section 10.2 of the Habitat Conservation Plan adopted for the approved project (PLN040023/Keig), request in writing a minor amendment to the HCP from Fish and Wildlife Services. (RMA – Planning Department)</u></p>	<p>Mitigation Monitoring Action #5a 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.</p>	Applicant/ Owner	Prior to the issuance of grading or building permits.	Satisfied
			<p>Mitigation Monitoring Action #5b In accordance with the approved HCP, monitoring inspections shall occur once each year following project completion for the next 5 years. A copy of the HCP annual monitoring report shall be submitted to the Director of Planning.</p>	Applicant/ Owner	Annually for five years	
			<p>Mitigation Monitoring Action #5c <u>In accordance with the approved HCP, the applicant shall submit in writing a description of the proposed amendment, an explanation of why the amendment is necessary or desirable, and an explanation of why effects of the proposed amendment are believed not to be significantly different from those described in the original HCP. The applicant shall submit written authorization from Fish and Wildlife Services of the HCP amendment to the Director of Planning for review and approval.</u></p>	Applicant/ Owner	Prior to commencement of construction of the test well	

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32.	6	MITIGATION MEASURE #6 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. (RMA – Planning Department)	Mitigation Monitoring Action #6a 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 for review and approval.	Owner/ Applicant	Prior to the issuance of grading or building permits.	Satisfied
			Mitigation Monitoring Action #6b The applicant shall submit a certification letter from the Contractor, if necessary, stating that the traffic plan was implemented and followed pursuant to the specifications in the traffic management plan.	Owner/ Applicant/ Contractor	Prior to final building inspection	
NEW CONDITIONS PROPOSED						
33.		PD038 - WATER TANK APPROVAL <u>The water tank shall be painted an earth tone color to blend into the area and landscaped (including land sculpturing and fencing, where appropriate), subject to the approval of the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)</u>	<u>Submit proposed color of water tank and landscaping plans to the RMA - Planning Department for review and approval.</u>	<u>Owner/ Applicant</u>	<u>Within 60 days after project approval</u>	
			<u>Provide evidence to the Director of the RMA - Planning Department that the water tank has been painted and the landscaping has been installed according to the plans approved by the RMA - Planning Department.</u>	<u>Owner/ Applicant</u>	<u>Prior to the final inspection or occupancy.</u>	
			<u>All landscaped areas and fences shall be continuously maintained; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.</u>	<u>Owner/ Applicant</u>	<u>On-going</u>	

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34.		<p><u>EH9 - NEW WELL PUMP TESTS</u> All new or rehabilitated wells to be added to the potable water distribution system shall first undergo a minimum of a 72-hour continuous pump test to determine the yield of the well. Unless otherwise approved by the Director of Environmental Health, the yield of the well shall be calculated by multiplying the 24-hour specific capacity by the available drawdown. If the apparent transmissivity decreases between the first 24 hours of the test and the end of the test, the 24-hour specific capacity shall be adjusted by multiplying the ratio of late-time transmissivity to early-time transmissivity. For the purposes of this condition, available drawdown is defined as two-thirds of the vertical distance from the static water level to the lowest perforations of the well. The pump tests shall be made no earlier than June 1 of each year and no later than the first significant rainfall event of the wet season. The pump test results shall be presented in a form for direct comparison to the criteria set forth in this condition. A representative of the Division of Environmental Health shall witness the pump tests. The applicant shall pay all associated fees to the Division of Environmental Health. (Environmental Health)</p>	<p><u>Submit a report to EH for review and approval</u></p>	<p><u>CA Licensed Engineer /Owner/ Applicant</u></p>	<p><u>Prior to the issuance of a building permit</u></p>	
35.		<p><u>EHSP001 - TEST WELL CONSTRUCTION PERMIT</u> Obtain a water well drilling permit for the test well from the Environmental Health Division and construct the well. (Environmental Health)</p>	<p><u>Submit the Well Completion Report and all other necessary documents to the Environmental Health Division for review and approval.</u></p>	<p><u>CA Licensed Engineer /Owner/ Applicant</u></p>	<p><u>Prior to drilling the test well.</u></p>	

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36.		<p><u>EHSP002 - MPWMD NOTIFICATION</u> Contact the Monterey Peninsula Water Management District and provide all necessary information regarding this project. <u>(Environmental Health)</u></p>	<p>Submit certification to the Environmental Health Division for review and approval that the MPWMD has been notified of this project.</p>	<p>Owner/ Applicant</p>	<p>Prior to drilling the test well.</p>	
37.		<p><u>EHSP003 - WELL LOCATION RECORDATION</u> After the well is drilled, contact the Monterey County Recorder's office and record the location of the well and the "well access location" on the subject parcel. <u>(Environmental Health)</u></p>	<p>Submit certification to the Environmental Health Division for review and approval that the well location and well access location have been recorded.</p>	<p>Owner/ Applicant</p>	<p>After the test well is drilled and upon completion of a successful source capacity test.</p>	
38.		<p><u>EHSP004 - DEED RESTRICTION – LONG TERM WATER</u> The applicant shall record a deed restriction as a condition of project approval stating: "Well yields in fractured rock aquifer systems have been shown to decline significantly over time due to the meager ability of fractured rock to store and transmit water. Therefore, with the intrinsic uncertainties regarding the long-term sustainability of the on-site well proposed to provide the source of domestic potable water on this parcel; then the present and any future owners of this property are hereby given notice that additional water sources may be required in the future." <u>(Environmental Health)</u></p>	<p>Record a deed restriction with the Monterey County Recorder for the project parcel to the satisfaction of the Division of Environmental Health</p>	<p>Owner/ Applicant</p>	<p>After the test well is drilled and upon completion of a successful source capacity test.</p>	

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39.		<p><u>EHSP005 - ABANDONED WELLS (NON-STANDARD)</u> <u>If the new well does not satisfactorily meet Environmental Health standards than the well shall be destroyed according to the standards found in State of California Bulletin 74 and all its supplements, and Chapter 15.08 of the Monterey County Code. The well shall not be considered abandoned if satisfactory evidence is provided that the well is functional, is used on a regular basis, and does not act as a conduit for contamination of groundwater. (Environmental Health)</u></p>	<p><u>Prior to destruction, a permit for the destruction of the well(s) shall be obtained by a CA licensed well contractor from the Division of Environmental Health. After destruction submit the Well Completion Report to the Division of Environmental Health</u></p>	<p><u>CA Licensed Engineer /Owner/ Applicant</u></p>	<p><u>Prior to filing a final map and/or issuance of a building permit</u></p>	