

## MONTEREY COUNTY PLANNING COMMISSION

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| <b>Meeting:</b> April 9, 2008 Time: 9:00 A.M.  | <b>Agenda Item No.:</b>                             |
| <b>Project Description:</b> Combined Development Permit consisting of 1) a Coastal Development Permit to demolish an existing 850 square foot caretaker unit with attached 500 square foot garage/workshop, and construct a new 850 square foot caretaker unit with a 531 square foot attached garage/workshop, a 200 square foot covered porch, a 235 square foot covered porch, a 253 square foot attached carport, a 200 square foot patio, and replacement septic system; 2) a Coastal Development Permit to allow development within the Big Sur Critical Viewshed; 3) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; 4) a Coastal Development Permit to allow development within a 750 foot cultural resources buffer zone; and 5) a Design Approval. |   |
| <b>Project Location:</b> 36918 Palo Colorado Road, Big Sur   | <b>APN:</b> 243-262-006-000                         |
| <b>Planning File Number:</b> PLN070364   | <b>Name:</b> Robert and Jenny Vita, Property Owners |
| <b>Plan Area:</b> Big Sur Coast Land Use Plan  | <b>Flagged and staked:</b> Yes                      |
| <b>Zoning Designation:</b> WSC/40-D(CZ)<br>[Watershed and Scenic Conservation, 40 acres per unit, with Design Control Overlay (Coastal Zone)]  |   |
| <b>CEQA Action:</b> Categorically Exempt, per CEQA Guidelines Section 15302.   |   |
| <b>Department:</b> RMA - Planning Department   |   |

### RECOMMENDATION:

Staff recommends that the Planning Commission approve the Combined Development Permit based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions (**Exhibit D**).

### PROJECT SUMMARY:

The applicant proposes to demolish an existing caretaker unit with attached garage/workshop; and construct a new caretaker unit with attached garage/workshop, carport, patio, and two porches. The majority of the work will occur on the existing developed footprint. See **Exhibit B** for a more detailed discussion of the project.

### OTHER AGENCY INVOLVEMENT:

- ✓ CDF Big Sur Coast Fire Protection District
- ✓ Public Works Department
- ✓ Parks Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project. Conditions recommended by the CDF Big Sur Coast Fire Protection District, Environmental Health Division, Water Resources Agency, and the Planning Department have been incorporated into the condition compliance reporting plan (**Exhibit D**).

The Big Sur Coast Land Use Advisory Committee unanimously recommended approval, with conditions, at a public hearing held on January 22, 2008 (**Exhibit G**).

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

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Joseph Sidor  
(831) 755-5262, SidorJ@co.monterey.ca.us  
March 19, 2008

cc: Front Counter Copy; Planning Commission Members (10); County Counsel; CDF Big Sur Coastal Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Laura Lawrence, Planning Services Manager; Joseph Sidor, Planner; Carol Allen; Robert and Jenny Vita, Applicant; Glenn Warner, Agent; File PLN070364.

Attachments: Exhibit A Project Data Sheet  
Exhibit B Project Discussion  
Exhibit C Recommended Findings and Evidence  
Exhibit D Recommended Conditions of Approval  
Exhibit E Vicinity Map  
Exhibit F Site Plan, Floor Plan and Elevations  
Exhibit G LUAC Minutes  
Exhibit H Technical Reports  
- Biological Report  
- Historical Assessment  
Exhibit I Justification Letter for Caretaker Unit

This report was reviewed by Laura Lawrence, Planning Services Manager.

## **EXHIBIT B PROJECT DISCUSSION**

The applicant proposes to demolish an existing caretaker unit with attached garage/workshop; and construct a new caretaker unit with attached garage/workshop, carport, patio, and two porches. The majority of the work will occur on the existing developed footprint. Additions will include a 200 square foot covered porch, a 235 square foot covered porch, a 253 square foot attached carport, and a 200 square foot patio. The Big Sur Coast Land Use Advisory Committee (LUAC), at its meeting on January 22, 2008, unanimously recommended approval with conditions by a vote of 6-0. The conditions recommended by the LUAC are that the site be graded approximately six inches in order to reduce the profile of the new structure within the critical viewshed, and that the applicant use a deeper color for the exterior stucco. The LUAC also commented that the grading would allow preservation of the design elements which do improve the visual impacts of the proposed structure: i.e.; the porch roof which will shelter Highway 1 from interior light intrusion, and the pitch of the roof which will break up the box effect of the existing structure. The applicant has agreed to these conditions, and submitted revised plans which reflect the recommended changes. Applicable issues requiring further discussion follow:

Visual Resources/Critical Viewshed Determination: The project includes a Coastal Development Permit to allow development within the Big Sur Critical Viewshed. The policies of the Big Sur Coast LUP allow the replacement and enlargement of existing structures on the original site (Policy 3.2.3.A.7). Staff conducted a site visit on August 6, 2007, to assess the potential viewshed impacts of the proposed project. Based on the site visit, staff determined that no alternative building site existed on the parcel to which the proposed structure could be relocated (Policy 3.2.3.A.3). The entire parcel is visible within the Big Sur Critical Viewshed, and both the existing and proposed structures are visible when traveling south on Highway One. Staff also determined that visibility will not be increased due to project revisions recommended by the LUAC and accepted by the applicant (Policy 3.2.3.A.3). The applicant revised the plans to reduce the height of the structure from the existing 14 feet, 6 inches, to 12 feet, 8 inches above average natural grade -- a reduction of 22 inches versus the 6 inches recommended by the LUAC. In addition, the applicant proposes to plant five redwood trees on the northwest corner of the project site. These trees would screen the structure from view when traveling south on Highway One. The project, as proposed, is subordinate to the natural and scenic character of the area. The proposed design and materials will blend with the surrounding environment more than the existing structure, and the proposed landscape screening will further obscure the view of structure from the public viewshed.

Environmentally Sensitive Habitat (ESHA): The project includes a Coastal Development Permit to allow development within 100 feet of ESHA, specifically maritime chaparral growing on the hillside approximately 50 feet east of the existing structure at its nearest point. Although the project site is within 100 feet of ESHA, no sensitive habitat will be disturbed during project demolition or construction activities. A biological report (LIB080107) was prepared, which did not identify any species of concern within the area of proposed disturbance. Protection measures will be implemented during all aspects of project demolition, grading, and construction.

Cultural Resources: The project includes a Coastal Development Permit to allow development within a 750 foot cultural resources buffer zone. County records also

identify the project site is within an area of high sensitivity for prehistoric cultural resources; therefore, a preliminary archaeological report (LIB080108) was prepared for the project site. The archaeological report did not identify the potential for impacts to prehistoric cultural resources during project activities. In addition, County records identify the property as the Grimes Homestead, a historic resource. A historic assessment (LIB080109) was prepared, which concluded the structure proposed for demolition does not have any historic or architectural merit (Policy 5.4.3.I.1). Furthermore, staff review also concluded the caretaker unit is not part of the period of historic significance for the property.

## EXHIBIT C RECOMMENDED FINDINGS AND EVIDENCE

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, Big Sur Coast Land Use Plan (LUP), the Monterey County Zoning Ordinance Part 1 (Title 20), and the Monterey County Zoning Ordinance Part 3 (Coastal Implementation Plan for the Big Sur Coast, which designates this area as appropriate for development.

- EVIDENCE:** (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. As proposed, revised, and conditioned, 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) The property is located at 36918 Palo Colorado Road (Assessor's Parcel Number 243-262-006-000), Big Sur Coast LUP. The parcel is zoned Watershed and Scenic Conservation ("WSC"), which allows Caretaker Units as a conditional use (Section 20.17.050.I), provided the proposed use meets the development standards of Section 20.64.030. Therefore, the property is suitable for the proposed development consisting of the demolition and replacement of an existing caretaker unit.
- (c) The project planner conducted a site inspection on August 6, 2007, to verify that the project on the subject parcel conforms to the plans listed above.
- (d) Caretaker Unit: The project is in conformance with the policies of the Coastal Implementation Plan (CIP) for the Big Sur Coast (Section 20.145.140.B.4.b), and is conditioned to require the applicant to record a deed restriction that this unit will be maintained in accordance with these standards (Condition # 8). Although this is a proposed replacement unit and not subject to the density restrictions in the Big Sur Coast LUP, staff has determined that adequate density exists based on staff's review of maximum allowed densities, current zoning designations, number of units allowed, and number of existing caretaker units.
- (e) Visual Resources/Critical Viewshed: This project includes a Coastal Development Permit to allow development within the Big Sur Critical Viewshed. The policies of the Big Sur Coast LUP allow the replacement and enlargement of existing structures on the original site (Policy 3.2.3.A.7). Staff conducted a site visit on August 6, 2007, to assess the potential viewshed impacts of the proposed project. Based on the site visit, no alternative building site outside of the Critical Viewshed exists on the parcel to which the proposed structure could be relocated (Policy 3.2.3.A.3). The entire parcel is visible within the Big Sur Critical Viewshed, and both the existing and proposed structures are visible when traveling south on Highway One. Visibility will not be increased due to project revisions recommended by the LUAC and accepted by the applicant (Policy 3.2.3.A.3). The applicant revised the plans to reduce the height of the proposed structure from the existing 14 feet, 6 inches, to 12 feet, 8 inches above average natural grade – a height reduction of 22 inches versus the 6 inches recommended by the LUAC. In addition, the

applicant proposes to plant five redwood trees on the northwest corner of the project site. These trees will screen the proposed structure from view when traveling south on Highway One. The project, as proposed, is subordinate to the natural and scenic character of the area. The proposed design and materials will blend with the surrounding environment more than the existing structure, and the proposed landscape screening will further obscure the view of the structure from the public viewshed.

- (f) Environmentally Sensitive Habitat (ESHA): The project includes a Coastal Development Permit to allow development within 100 feet of ESHA, specifically maritime chaparral growing on the hillside approximately 50 feet east of the existing structure at its nearest point. Although the project site is within 100 feet of ESHA, no sensitive habitat will be disturbed during project demolition or construction activities. A biological report (LIB080107) was prepared, which did not identify any species of concern within the area of proposed disturbance. Protection measures will be implemented during all aspects of project demolition, grading, and construction.
- (g) Cultural Resources: The project includes a Coastal Development Permit to allow development within a 750 foot cultural resources buffer zone. County records also identify the project site is within an area of high sensitivity for prehistoric cultural resources; therefore, a preliminary archaeological report (LIB080108) was prepared for the project site. The archaeological report did not identify the potential for impacts to prehistoric cultural resources during project activities. In addition, County records identify the property as the Grimes Homestead, a historic resource. A historic assessment (LIB080109) was prepared, which concluded the structure proposed for demolition does not have any historic or architectural merit (Policy 5.4.3.I.1). Furthermore, the existing caretaker unit is not part of the period of historic significance for the property.
- (h) The project was referred to the Big Sur Coast Land Use Advisory Committee (LUAC) for review. The LUAC, at its meeting on January 22, 2008, unanimously recommended approval with conditions by a vote of 6-0. The conditions recommended by the LUAC are that the structure height be reduced by six inches in order to reduce the profile of the new structure within the critical viewshed, and that the applicant use a deeper color for the exterior stucco. The LUAC also commented that the grading would allow preservation of the design elements which do improve the visual impacts of the proposed structure: i.e.; the porch roof which will shelter Highway 1 from interior light intrusion, and the pitch of the roof which will break up the box effect of the existing structure.
- (i) 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 PLN070364.

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, CDF Big Sur Coast Fire Protection District, Parks, 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 historical 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. “Biological Report” (LIB080107) prepared by Jud Vandevere, Monterey, California, October 16, 2007.
  - i. “Archaeological Field Reconnaissance...” (LIB080108) prepared by Archaeological Consulting, Salinas, California, August 30, 2007.
  - ii. “Historic Assessment” (LIB080109) prepared by Enid Sales, Carmel, California, September 1, 2007.
- (c) Staff conducted a site inspection on August 6, 2007, to verify that the site is suitable for this use.
- (d) Materials in Project File PLN070364.

**3. FINDING: CARETAKER UNIT** – In order to grant a discretionary permit for the replacement caretaker unit, the Planning Commission shall make the following findings:

1. Pursuant to Section 20.64.030.D.1, the establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
2. Pursuant to Section 20.64.030.D.2, the proposed project, as conditioned, is consistent and complies with the regulations for caretakers units, as provided at Chapter 20.64 of the Monterey County Zoning Ordinance (Title 20).
3. Pursuant to Section 20.64.030.D.3, the proposed caretaker unit complies with all applicable requirements of the Watershed and Scenic Conservation and Design Control zoning districts (“WSC/40-D”) as provided at Chapters 20.17 and 20.44 of the Monterey County Zoning Ordinance (Title 20).
4. Pursuant to Section 20.64.030.D.4, adequate sewage disposal and water supply facilities exist or are readily available to the site, as approved by the Director of Environmental Health.

- EVIDENCE:**
- (a) The project as described in the application and accompanying materials was reviewed by the Planning Department, CDF Big Sur Coast Fire Protection District, Parks Department, Public Works Department, Environmental Health Division, and the Water Resources Agency. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the county in general.
  - (b) The project for a caretaker unit is an allowed use subject to securing a coastal development permit in accordance with Section 20.64.030.C and is consistent with the development standards of Section 20.17.060 and the regulations for caretaker units as provided at Section 20.64.030.
  - (c) The project complies with the regulations for caretaker units in accordance with Section 20.64.030.

- (d) The project complies with the regulations for Design Control Zoning Districts in accordance with Chapter 20.44 of the Monterey County Zoning Ordinance (Title 20). Design Approval has been incorporated into the project.
- (e) Letter justifying caretaker unit request, dated November 26, 2007, attached as Exhibit I in the April 9, 2008, Planning Commission Staff Report.
- (f) The application, plans, and related support materials were reviewed by the Environmental Health Division during the Inter-Departmental Review (IDR) period from December 31, 2007, to January 30, 2008.
- (g) See Finding No. 6, Health and Safety.
- (h) Staff conducted a site inspection on August 6, 2007, to verify that the project would not present adverse impacts to the general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
- (i) Materials in Planning File No. PLN070364.

4. **FINDING: CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

**EVIDENCE:** (a) California Environmental Quality Act (CEQA) Guidelines Section 15302 (Class 2), categorically exempts the replacement or reconstruction of existing structures where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. The proposed structure will be located on the same site as the existing structure, and will have substantially the same living space and purpose as the structure being replaced.

(b) No adverse environmental effects were identified during staff review of the development application during a site visit on August 6, 2007.

(c) See Finding 1; Evidences c, e, f, and g.

(d) See Finding 2, Evidence b.

5. **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.

6. **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) See Findings 1, 2, 3, and 5.

7. **FINDING: PUBLIC ACCESS** – The project is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust



rights (Monterey County Zoning Ordinance, Section 20.70.050.B.4). The proposed project is in conformity with the public access policies of Chapter 6 of the Big Sur Coast Land Use Plan, and Section 20.145.150 of the Monterey County Zoning Ordinance (Part 3 – Coastal Implementation Plan).

**EVIDENCE:** (a) Figure 2 (Shoreline Access Plan) and Figure 3 (Trails Plan) of the Big Sur Coast LUP do not identify the area of this property for existing or proposed public access. No public access points or trails are located on the parcel.

(b) Materials in Project File PLN070364.

(c) Site visit by the project planner on August 6, 2007

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

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

(b) California Coastal Commission: Section 20.86.080.A.3 of the Monterey County Zoning Ordinance (Title 20).

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| <b>EXHIBIT D</b><br><b>Monterey County Resource Management Agency</b><br><b>Planning Department</b><br><b>Condition Compliance and/or Mitigation Monitoring</b><br><b>Reporting Plan</b> | <b>Project Name: Vita</b><br><br><b>File No.: PLN070364      APN: 243-262-006-000</b><br><br><b>Approved by: Planning Commission      Date: April 9, 2008</b> |
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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.*

| <i>Permit<br/>Cond.<br/>Number</i> | <i>Mitig.<br/>Number</i> | <i>Conditions of Approval and/or Mitigation Measures and<br/>Responsible Land Use Department</i>  | <i>Compliance or Monitoring Actions<br/>to be performed. Where applicable, a<br/>certified professional is required for<br/>action to be accepted.</i> | <i>Responsible<br/>Party for<br/>Compliance</i> | <i>Timing</i>                            | <i>Verification<br/>of<br/>Compliance<br/>(name/date)</i> |
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| 1.                                 |                          | <p><b>PD001 - SPECIFIC USES ONLY</b></p> <p>This Combined Development Permit (PLN070364) allows the demolition of an existing 850 square foot caretaker unit with attached 500 square foot garage/workshop, the construction a new 850 square foot caretaker unit with a 531 square foot attached garage/workshop, a 200 square foot covered porch, a 235 square foot covered porch, a 253 square foot attached carport, a 200 square foot patio, and replacement septic system; development within the Big Sur Critical Viewshed; development within 100 feet of environmentally sensitive habitat; and development within a 750 foot cultural resources buffer zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of 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</p> | Adhere to conditions and uses specified in the permit.   | Owner/<br>Applicant                             | Ongoing<br>unless<br>otherwise<br>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> |
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|                            |                      | 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. <b>(RMA - Planning Department)</b>  |   |   |   |   |
| 2.                         |                      | <b>PD002 - NOTICE-PERMIT APPROVAL</b><br>The applicant shall record a notice which states: "A permit (Resolution PLN070364) was approved by the Planning Commission for Assessor's Parcel Number 243-262-006-000, located at 36918 Palo Colorado Road, on April 9, 2008. The permit was granted subject to twenty-five (25) 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. <b>(RMA - Planning Department)</b>  | Proof of recordation of this notice shall be furnished to the RMA - Planning Department.  | Owner/<br>Applicant                     | Prior to the issuance of grading and building permits or commencement of use. |   |
| 3.                         |                      | <b>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</b><br>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 | 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. | Owner/<br>Applicant/<br>Archaeologist   | Ongoing   |   |

| <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> |
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|                            |                      | required for the discovery. <b>(RMA - Planning Department)</b>   |   |   |   |   |
| 4.                         |                      | <p><b>PD004 - INDEMNIFICATION AGREEMENT</b></p> <p>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. <b>(RMA - Planning Department)</b></p> | <p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p> | Owner/<br>Applicant                     | 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 |   |

| <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> |
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| 5.                         |                      | <b>PD007 - GRADING-WINTER RESTRICTION</b><br>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. <b>(RMA – Planning Department and Building Services Department)</b>   | Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.   | Owner/<br>Applicant  | Ongoing                                    |   |
| 6.                         |                      | <b>PD012(G) - LANDSCAPE PLAN AND MAINTENANCE (OTHER THAN SINGLE FAMILY DWELLING)</b><br>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 plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping and shall include an irrigation plan. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. <b>(RMA – Planning Department)</b> | Submit landscape plans and contractor’s estimate to the RMA - Planning Department for review and approval.  | Owner/<br>Applicant/<br>Licensed Landscape Contractor / Licensed Landscape Architect | Prior to issuance of Building Permits      |   |
|                            |                      |   | The landscaping shall be installed and inspected.   | Owner/<br>Applicant/<br>Licensed Landscape Contractor / Licensed Landscape Architect | Prior to occupancy.                        |   |
|                            |                      |   | All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. | Owner / Applicant  | Ongoing                                    |   |
| 7.                         |                      | <b>PD014(C) – LIGHTING – EXTERIOR LIGHTING PLAN (BIG SUR)</b><br>All exterior lighting shall be unobtrusive, down-lit, compatible with the local area, and constructed or located so that only the intended area is illuminated and off-site  | Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.                    | Owner / Applicant  | Prior to the issuance of building permits. |   |

| <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> |
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|                            |                      | glare is fully controlled. Exterior lights shall have recessed lighting elements. Exterior light sources that would be directly visible from critical viewshed viewing areas, as defined in Section 20.145.020.V, are prohibited. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. <b>(RMA – Planning Department)</b>   | The lighting shall be installed and maintained in accordance with the approved plan.   | Owner / Applicant                       | Prior to occupancy / Ongoing                          |   |
| 8.                         |                      | <b>PD018 B – DEED RESTRICTION – CARETAKER UNIT (COASTAL)</b><br>The applicant shall record a deed restriction stating the regulations applicable to a caretaker unit as follows: <ul style="list-style-type: none"> <li>• Only one caretaker unit per lot shall be allowed.</li> <li>• The caretaker shall be employed principally on the lot for purposes of care and protection of persons, plants, animals, equipment, or other facilities on-site or on contiguous lots under same ownership.</li> <li>• The minimum lot size for establishment of a caretaker unit in areas not served by sewers shall be two acres. The minimum lot size for establishment of a caretaker unit in the Carmel Planning Area shall be 40 acres.</li> <li>• Caretaker units shall not be subject to density requirements of the zoning district in which the lot is located, except in North County. In North County, caretakers units shall not be permitted on lots less than 5 acres if located in an area not served by public sewer systems.</li> <li>• The maximum floor area for a caretaker unit is 850</li> </ul> | Submit signed and notarized document to the Director of RMA – Planning Department for review and signature by the County.                  | Owner / Applicant                       | Prior to the issuance of grading or building permits. |   |
|                            |                      |   | Proof of recordation of the document shall be submitted to the RMA – Planning Department.  | Owner / Applicant                       | Prior to occupancy or commencement of use.            |   |

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|                            |                      | <p>square feet.</p> <ul style="list-style-type: none"> <li>• A minimum of one covered off-street parking space shall be provided for the caretaker unit.</li> <li>• The caretaker unit shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect.</li> <li>• Subsequent subdivisions which divide a main residence from a caretaker unit shall not be permitted except where lots created meet minimum lot size and density requirements of the existing zoning.</li> <li>• Caretaker units are not permitted on any lot less than 10 acres where a senior citizen unit exists. Senior citizen units may be converted to a caretaker unit, subject to a Coastal Administrative Permit.</li> </ul> <p><b>(RMA – Planning Department)</b></p> |  |   |   |   |
| 9.                         |                      | <p><b>PD021 - DEED RESTRICTION - FIRE HAZARD</b><br/> Prior to the issuance of a building permit the applicant shall record a deed restriction which states: "The parcel is located in a high fire hazard area and development may be subject to certain restrictions required as per Section 20.145.80.C.1 of the Coastal Implementation Plan and per the standards for development of residential property."<br/> <b>(RMA – Planning Department)</b></p>   | <p>Submit signed and notarized document to the Director of RMA – Planning Department for review and signature by the County.</p>           | Owner / Applicant                       | Prior to the issuance of grading or building permits. |   |
|                            |                      |  | <p>Proof of recordation of the document shall be submitted to the RMA – Planning Department.</p>   | Owner / Applicant                       | Prior to occupancy or commencement of use.            |   |
| 10.                        |                      | <p><b>PD035 - UTILITIES - UNDERGROUND</b><br/> All new utility and distribution lines shall be placed underground. <b>(RMA - Planning Department; Public Works)</b></p>  | <p>Install and maintain utility and distribution lines underground.</p>  | Owner / Applicant                       | Ongoing   |   |

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| 11.                        |                      | <b>PD040 – CRITICAL VIEWSHED (BIG SUR)</b><br>The applicant shall record a Scenic Easement over all portions of the subject parcel that are in the critical viewshed, including, but not limited to, all existing vegetated areas without which the development would be located within the critical viewshed, pursuant to Sections 20.145.030.A.2 (g) & (h) of the <i>Regulations for Development in the Big Sur Coast Land Use Plan</i> .<br><b>(RMA – Planning Department)</b>  | Submit the scenic easement deed and corresponding map to the RMA - Planning Department for review and approval.<br><br>Record a map showing the approved scenic easement. Submit proof of recordation to the RMA - Planning Department.  | Owner / Applicant<br><br>Owner / Applicant                           | Prior to the issuance of grading or building permits.<br><br>Prior to commencement of use. |   |
| 12.                        |                      | <b>PD041 – HEIGHT VERIFICATION</b><br>The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. <b>(RMA – Planning Department and Building Services Department)</b> | 1) The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection.<br><br>2) The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit. | Owner / Applicant<br><br>Owner / Applicant / Engineer                | Prior to the issuance of grading or building permits.<br><br>Prior to final inspection.    |   |
| 13.                        |                      | <b>PD047 – DEMOLITION/DECONSTRUCTION OF STRUCTURES (MBUAPCD RULE 439)</b><br>In accordance with Monterey Unified Air Pollution Control District Rule 439, construction plans shall include "Demolition and Deconstruction" notes that incorporate the following work practice standards:<br>1. Sufficiently wet the structure prior to deconstruction or demolition. Continue wetting as necessary during active deconstruction or demolition and the debris reduction process;<br>2. Demolish the structure inward toward the   | Applicant shall incorporate a "Demolition/ Deconstruction" note on the demolition site plan that includes, but is not limited to, the standards set forth in this condition.<br><br>Contractor shall obtain any required Air District permits and conduct all deconstruction or demolition activities as required by the Air District.   | Contractor / Owner / Applicant<br><br>Contractor / Owner / Applicant | Prior to the issuance of a demolition permit.<br><br>During demolition.                    |   |



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|                            |                      | <p>building pad. Lay down roof and walls so that they fall inward and not away from the building;</p> <p>3. Commencement of deconstruction or demolition activities shall be prohibited when the peak wind speed exceeds 15 miles per hour.</p> <p>All Air District standards shall be enforced by the Air District.</p> <p><b>(RMA – Planning Department)</b></p>  |  |   |   |   |
| 14.                        |                      | <p><b>EH11 - SEPTIC SYSTEM DESIGN</b></p> <p>Submit plans for review and approval showing the location and design of the proposed septic system meeting the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB.</p> <p><b>(Environmental Health)</b></p>   | Division of Environmental Health must approve plans. Applicant shall obtain a permit to install the septic system.                         | CA Licensed Engineer /Owner/ Applicant  | Prior to filing the final parcel map or issuance of building permits. |   |
| 15.                        |                      | <p><b>FIRE002 - ROADWAY ENGINEERING</b></p> <p>The grade for all roads shall not exceed 15 percent. Where road grades exceed 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than 100 feet. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. Roadway turnarounds shall be required on dead-end roads in excess of 150 feet of surface length. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. <b>(CDF Big Sur</b></p> | Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.  | Owner / Applicant                       | Prior to issuance of grading and/or building permit.                  |   |
|                            |                      |   | Applicant shall schedule fire dept. clearance inspection for each phase of development.  | Owner / Applicant                       | Prior to final building inspection.                                   |   |

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|                            |                      | <b>Coast Fire District)</b>  |  |  |   |   |
| 16.                        |                      | <b>FIRE007 - DRIVEWAYS</b><br>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.<br><b>(CDF Big Sur Coast Fire District)</b> | Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.<br><br>Applicant shall schedule fire dept. clearance inspection. | Owner / Applicant<br><br>Owner / Applicant | Prior to issuance of grading and/or building permit.<br><br>Prior to final building inspection. |   |

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| 17.                        |                      | <b>FIRE008 - GATES</b><br>All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. <b>(CDF Big Sur Coast Fire District)</b>   | Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.  | Owner / Applicant                       | Prior to issuance of grading and/or building permit |   |
|                            |                      |   | Applicant shall schedule fire dept. clearance inspection.  | Owner / Applicant                       | Prior to final building inspection.                 |   |
| 18.                        |                      | <b>FIRE011 - ADDRESSES FOR BUILDINGS</b><br>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 | Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.  | Owner / Applicant                       | Prior to issuance of building permit.               |   |
|                            |                      |   | Applicant shall schedule fire dept. clearance inspection.  | Owner / Applicant                       | Prior to final building inspection.                 |   |

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|                            |                      | access to that site. Permanent address numbers shall be posted prior to requesting final clearance. <b>(CDF Big Sur Coast Fire District)</b>  |  |   |  |   |
| 19.                        |                      | <b>FIRE014 - EMERGENCY WATER STANDARDS - FIRE PROTECTION WATER SUPPLY - (SINGLE PARCEL)</b><br>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. <b>(CDF Big Sur Coast Fire District)</b> | Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.  | Owner / Applicant                       | Prior to issuance of grading and/or building permit. |   |
|                            |                      |   | Applicant shall schedule fire dept. clearance inspection.  | Owner / Applicant                       | Prior to final building inspection.                  |   |
| 20.                        |                      | <b>FIRE015 - FIRE HYDRANTS/FIRE VALVES</b><br>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 may be applied by the Reviewing Authority. Each  | Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.  | Owner / Applicant                       | Prior to issuance of grading and/or building permit. |   |
|                            |                      |   | Applicant shall schedule fire dept. clearance inspection.  | Owner / Applicant                       | Prior to final building inspection.                  |   |

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|                            |                      | 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. <b>(CDF Big Sur Coast Fire District)</b> |  |   |  |   |
| 21.                        |                      | <b>FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS)</b><br>Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional fire protection or firebreaks approved by the Reviewing Authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of RMA – Planning Department. <b>(CDF Big Sur Coast Fire District)</b>  | Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.  | Owner / Applicant                       | Prior to issuance of grading and/or building permit. |   |
|                            |                      |   | Applicant shall schedule fire dept. clearance inspection.  | Owner / Applicant                       | Prior to final building inspection.                  |   |
| 22.                        |                      | <b>FIRE022 - FIRE PROTECTION EQUIPMENT &amp; SYSTEMS - FIRE SPRINKLER SYSTEM - (HAZARDOUS CONDITIONS)</b><br>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   | Applicant shall enumerate as “Fire Dept. Notes” on plans.  | Owner / Applicant                       | Prior to issuance of building permit.                |   |
|                            |                      |   | Applicant shall schedule fire dept. rough sprinkler inspection.  | Owner / Applicant                       | Prior to framing inspection.                         |   |
|                            |                      |   | Applicant shall schedule fire dept. final sprinkler inspection.  | Owner / Applicant                       | Prior to final building inspection.                  |   |

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|                            |                      | inspection must be scheduled by the installing contractor completed prior to requesting a framing inspection. Due to substandard access, or other mitigating factors, small bathroom(s) and open attached porches, carports, and similar structures shall be protected with fire sprinklers. <b>(CDF Big Sur Coast Fire District)</b>  |  |   |   |   |
| 23.                        |                      | <b>FIRE027 - ROOF CONSTRUCTION - (VERY HIGH HAZARD SEVERITY ZONE)</b><br>All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. <b>(CDF Big Sur Coast Fire District)</b>  | Applicant shall enumerate as “Fire Dept. Notes” on plans.  | Owner / Applicant                       | Prior to issuance of building permit.                 |   |
| 24.                        |                      | <b>WR22 - FLOODPLAIN RECORDATION</b><br>The owner shall provide the Water Resources Agency a recorded Floodplain Notice stating: “The property is located within or partially within a floodplain and may be subject to building and/or land use restrictions.” <b>(Water Resources Agency)</b>  | Submit the recorded floodplain notice to the Water Resources Agency for review and approval. (A copy of the County’s standard notice can be obtained at the Water Resources Agency.) | Owner/ Applicant                        | Prior to issuance of any grading or building permits. |   |
| 25.                        |                      | <b>WR40 - WATER CONSERVATION MEASURES</b><br>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:<br>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.<br>b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low | Compliance to be verified by building inspector at final inspection.   | Owner/ Applicant                        | Prior to final building inspection/ Occupancy .       |   |

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|------------------------------------|--------------------------|---|--|---|---------------|---|
|                                    |                          | water use plants and low precipitation sprinkler heads,<br>bubblers, drip irrigation systems and timing devices.<br><b>(Water Resources Agency)</b> |  |   |               |   |