

MONTEREY COUNTY PLANNING COMMISSION

Meeting: May 14, 2008 Time: 9:00 A.M		Agenda Item No.: 1
Project Description: Amendment to a previously approved amendment (PLN030071/Bliss) to a previously approved Combined Development Permit (PLN980149/Bliss). This second amendment consists of 1) a Coastal Administrative Permit for the construction of a two-story 5,363 square foot single family dwelling with a 1,785 square foot attached garage, 160 square foot pool, hot tub, 3,252 square feet of patio area, photovoltaic cells, well, septic system, and access road/driveway; 2) a Coastal Development Permit to allow development within environmentally sensitive habitat; and 3) Design Approval. Grading will consist of 4,604 cubic yards of cut and 246 cubic yards of fill.		
Project Location: 3600 Red Wolf Road, Point Lobos Ridge		APN: 416-011-017-000
Planning File Number: PLN070540		Name: Emmett Murphy, Property Owner
Plan Area: Carmel Area Land Use Plan		Flagged and staked: Yes
Zoning Designation: WSC/80-D(CZ) [Watershed and Scenic Conservation, 80 acres per unit, with a Design Control Overlay (Coastal Zone)]		
CEQA Action: Addendum to a previously adopted Mitigated Negative Declaration, per CEQA Guidelines Section 15164.		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends the Planning Commission:

- 1) Consider an Addendum to a previously prepared Mitigated Negative Declaration and Mitigation and Monitoring Program adopted by the Planning Commission of the County of Monterey on July 28, 2004; and
- 2) Approve the Combined Development Permit based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions and Mitigations (**Exhibit D**).

PROJECT SUMMARY:

The applicant requests to amend an Amendment (PLN030071) to a previously approved Combined Development Permit (PLN980149) to allow a single family residence, accessory structures, and associated grading. The project is located in a visually sensitive and environmentally sensitive area on Point Lobos Ridge, overlooking Point Lobos State Reserve. The proposed Amendment reduces the residence and accessory structures from 9,587 square feet to 7,398 square feet, and reduces the overall area of development impact.

Although it is located near the top of a ridge visible from public viewing areas, the project is approximately two (2) miles from Point Lobos State Reserve and is not visible with unaided eyesight. Project design limits the height of the structure to 8 feet above average natural grade, and uses natural materials and colors. The proposed structure height will be 3 feet lower than the previously approved amendment (1,583 feet versus 1,586 feet above sea level). Conditions and mitigation measures include strict controls on exterior lighting and materials, screening with native vegetation, and restoration of disturbed/exposed areas. Staff finds that the proposed amendment as designed, mitigated, and conditioned does not constitute ridgeline development and minimizes visibility.

Environmentally sensitive maritime chaparral habitat covers the entire property so that impacts to chaparral from development of the property are unavoidable. However, the impacts are less than the previously approved project and amendment. Conditions and mitigation measures include designation of a building and development envelope, restoration of all disturbed areas, 1:1 restoration of newly disturbed habitat, a conservation easement over the undeveloped portion

of the property, weed control, use of only native species in landscaping, and protection of trees and vegetation during construction. Staff finds the proposed amendment as designed, mitigated, and conditioned minimizes biological impacts.

An Initial Study (Mitigated Negative Declaration at **Exhibit I**) was prepared, circulated, considered, and adopted for PLN030071. The Initial Study determined that the project as designed and mitigated had reduced potential impacts to a less than significant level. The current proposal reduces the overall potential impacts, and does not alter the analysis or conclusions reached by this Initial Study. An Addendum (**Exhibit H**) has been prepared for PLN070540 which states that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent Initial Study or EIR have occurred, only minor technical changes (to the project description) have occurred, there are no new significant environmental effects or increase in the severity of previously identified significant effects, and there is no new information of substantial importance that was not known at the time the previous [mitigated] Negative Declaration was adopted. No unresolved issues remain.

See the attached project discussion for a detailed overview of issues (**Exhibit B**).

OTHER AGENCY INVOLVEMENT:

- ✓ Carmel Highlands Fire Protection District
- ✓ Public Works Department
- ✓ Parks Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency
- ✓ California State Parks and Recreation Department
- ✓ California Coastal Commission

The above checked agencies and departments have reviewed this project. Conditions recommended by the Carmel Highlands Fire Protection District, Environmental Health Division, Planning Department, Public Works Department, and the Water Resources Agency have been incorporated into the Condition Compliance and Mitigation Monitoring and Reporting Plan (**Exhibit D**).

The Carmel Highlands Land Use Advisory Committee (LUAC) unanimously recommended approval, at a public hearing held on February 19, 2008 (**Exhibit G**). The concerns raised by the LUAC are addressed in the LUAC portion of the project discussion (**Exhibit B**) and in the Findings and Evidence (**Exhibit C**).

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

Joseph Sidor
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April 30, 2008

cc: Front Counter Copy; Planning Commission Members (10); County Counsel; Carmel Highlands Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Katie Morange, California Coastal Commission; Ken Gray, California State Parks and Recreation Department; Laura Lawrence, Planning Services Manager; Joseph Sidor, Planner; Carol Allen; Emmett Murphy, Applicant; Jay Auburn, Agent; File PLN070540.

Attachments: Exhibit A Project Data Sheet
Exhibit B Project Discussion
Exhibit C Recommended Findings and Evidence
Exhibit D Recommended Conditions of Approval and Mitigation Monitoring and Reporting Program
Exhibit E Vicinity Map
Exhibit F Site Plan, Floor Plan and Elevations
Exhibit G LUAC Minutes
Exhibit H Addendum to the Mitigated Negative Declaration
Exhibit I Mitigated Negative Declaration (PLN030071)
Exhibit J Design Approval Material Samples

Note: Technical reports for this project are available for review with the project file at the RMA-Planning Department.

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

PROJECT DISCUSSION

Background

On January 11, 2000, the Monterey County Board of Supervisors (Resolution No. 00024) approved the Bliss Combined Development Permit (PLN980149) for a Coastal Administrative Permit to construct an 11,617 square-foot single family dwelling, swimming pool, septic system, water tank, and grading and a Coastal Administrative Permit to construct a 425 square-foot guesthouse. Subsequent litigation resulted in a settlement agreement with the California Coastal Commission that modified the design by reducing and limiting the living area and footprint to approximately 8,000 square feet and clarified several conditions. The changes were incorporated as a Minor and Trivial Amendment to the approved project.

The original applicant then applied for an Amendment to relocate the structure approximately 45 feet uphill from the approved location for the smaller, redesigned residence and driveway realignments. An additional Coastal Development Permit was added as required by County Code because development occurs in environmentally sensitive habitat. The first amendment also included detailed information regarding the driveway design, improvements and alignment that were not contained in the original project. In general, this new proposal has lessened chaparral impacts than the approved project. Approval of this second Amendment supersedes the previous project and conditions of Combined Development Permit (PLN030071).

Setting

The subject property is a 40-acre parcel located at the end of Red Wolf Road, easterly of Highway One and Point Lobos above the Carmel Highlands Area of the Coastal Zone. This parcel is zoned Watershed and Scenic Conservation, 80 acre minimum parcel size (WSC/80 (CZ)). It sits along the western slope of the Santa Lucia Mountains and overlooks the Pacific Ocean. See Vicinity Map (**Exhibit E**).

The majority of the parcel slopes downward to the northeast with an average grade of 10 percent. However, the project site is located on the other side of the grade break in a corner of the property that slopes southwesterly at about a 20 percent slope. Isolated portions of the property exceed 30 percent slope (refer to the Site Plan at **Exhibit F**). Vegetation on the property consists of maritime chaparral dominated by shaggy bark manzanita mixed with Hooker's manzanita. Clusters of oak trees are scattered throughout the property. The project area is characterized by numerous ridges divided by steep ravines.

Several miles away and visible from the project site are several public areas: Point Lobos State Reserve to the west, Carmel River State Beach to the northwest, Jack's Peak Park to the north, and Garland Ranch Regional Park to the northeast. Surrounding land uses consist of property owned by the Big Sur Land Trust for conservation, and single family dwellings on similarly-sized, large parcels. Adjacent property to the south and east is owned by California State Parks, and is part of Point Lobos State Park.

Project Comparison

The current proposal will result in a net reduction of 2,189 square feet of structural development (from 9,587 to 7,398). The proposal will also result in a net reduction of non-structural development due to the elimination of the motor court, reduced pool size, and reduced patio area. The subject property still contains an easement for an existing access road that will remain unimproved leading to an adjacent property. The leach field and minor structures (water tank, well, and propane tank) remain in the same locations. The total development area for the structures, utilities, and access road/driveway remains approximately one acre.

PROJECT ISSUES

The project site is located in a visually and environmentally sensitive area. The property is located near the top of Point Lobos Ridge and overlooks several public areas. It is also covered by sensitive maritime chaparral habitat. The project is potentially visible from major public areas and also results in the removal of and disturbance to sensitive habitat. Project impacts and proposed mitigation measures, which are referred to, are discussed in the Initial Study completed for PLN030071 (**Exhibit I**) and addressed in the Conditions Matrix (**Exhibit D**).

Visual Issues

The proposed development is visible from public viewing areas including Point Lobos State Park, Carmel River State Beach, and Highway One. It is located approximately two to three miles away and is only visible from these locations with visual aids. From other public areas such as Jack's Peak Park and Garland Park which are even further away, the project is not visible at all. Although the project is visible with binoculars from Point Lobos State Park, Carmel River State Beach, and Highway One, it does not create a ridgeline silhouette because the backdrop of the higher hills and ridges sit behind it. Other potential visual impacts include visibility of the structure, the addition of a new light source at night, bare slopes resulting from grading and vegetation removal for the structures and the road.

Visual Resource policies of the Carmel Area Land Use Plan (LUP) are designed to protect the public viewshed, which is defined as areas visible from major public use areas including Highway One and Point Lobos State Park. Development visible from these areas is regulated to ensure minimum visual impact based on the visual policies. The overriding Key Policy for Visual Resources (Policy 2.2.2) states that "all future development within the viewshed must harmonize and be clearly subordinate to the natural scenic character of the area" and that it "must conform to the basic viewshed policy of minimum visibility." Specific policies include avoiding ridgeline development, minimizing visibility, using appropriate materials, landscaping to screen development, and donating scenic easements. Staff finds that the project as conditioned and mitigated is consistent with visual resource policies.

In order to minimize visibility of the development, mitigation measures and conditions include: landscaping and restoration of bare and exposed areas (Mitigation #1); a conservation and scenic easement over undeveloped areas (Mitigation #2); incorporating non-reflective materials and glass (Mitigation #3); minimizing exterior lighting (Mitigation #4); deed restrictions regarding future design changes (Condition #19) and landscaping (Condition #20); and verification of structural height (Condition #13).

Impact Comparison

The potential visual impacts of the structure are based on the staking and flagging of the proposed structure, site visits and information submitted by the applicant in a viewshed analysis of the project and project plans. The original amendment allowed a maximum structural height of 1,586 feet above sea level. The proposed amendment/structure will have a maximum height of 1,583 feet above sea level. The elevation of this new proposal is three (3) feet lower than the previously approved structure, with a maximum structural ridge elevation of 283 feet based on staking and flagging.

Ridgeline Development

Ridgeline development which has the "potential to create a silhouette or other substantially adverse impact when viewed from a common public viewing area" is prohibited in the Land Use Plan. Visibility is considered "in terms of normal, unaided vision in any direction for any amount of time at any season." The applicant redesigned the residence to lower it three (3) feet in elevation than originally amended and to avoid ridgeline development. Furthermore, mitigation measures and conditions include restoration of all disturbed and bare areas, screening with landscaping, and height verification. Based on site visits, staff finds that the project as conditioned and mitigated does not create ridgeline development or a substantially adverse impact when viewed from a public viewing area.

Visibility

The LUP policies require "minimum visibility" and development "subordinate to the environment." Visibility of a project is affected by the size and design of the structure, as well as materials, lighting and landscaping. The proposed residence with the garage is approximately 7,100 square feet, and the height of the structure is limited to 8 feet above the average natural grade. The proposed structure's bulk and mass is less than previously approved. Visibility is minimized by use of grading, reduction of height above average natural grade, redesign and reduction of overall square footage, and the use of landscaping to screen the structure.

Colors and materials for the project, and the use of non-reflective glass, will also reduce visibility. While the total area disturbed remains approximately the same as the previously approved project, proposed

grading is changed from 8,770 cubic yards cut/30 cubic yards fill to 4,604 cubic yards cut/246 cubic yards fill. The proposed access road/driveway is not visible from public areas because of its alignment on the eastern side of the ridge and the surrounding vegetation. In addition, a scenic and conservation easement over approximately 38.8 acres and restoration of bare and exposed areas are required as mitigation in order to maintain the visual integrity of the parcel. Staff finds that the project design, combined with appropriate landscaping and materials, minimizes visibility of the development.

Lighting & Landscaping

LUP policies require the use of shielded/downcast lighting and compatible landscaping. Exterior lighting will be downcast and low wattage. Landscaping for the project will utilize native vegetation seed mix for visual consistency and will incorporate native manzanita, ceonothus and lomatium. Also, Monterey pine and coast live oak trees will be used to screen the development from view. Mitigation measures include native landscaping (Mitigations #1 and #5), minimal lighting, and non-reflective glass and materials (Mitigations #3 and #4). Conditions include deed restrictions regarding landscaping (Condition #20) and design (Condition #19). Staff finds that the project as conditioned and mitigated minimizes off-site glare and visibility of development.

Biological Issues

Maritime chaparral habitat which covers the entire property, including the project site, is considered environmentally sensitive habitat according to the California Department of Fish and Game and the Carmel Area Land Use Plan (LUP). Biological reports prepared for the property identify sensitive plant species found in the chaparral habitat on the property include Hooker's manzanita and small leaved lomatium. No other sensitive plant species were noted and no direct evidence of sensitive wildlife species was observed on the property according to the reports. The subject property is a developable lot, and no alternatives exist that would completely avoid impacting maritime chaparral habitat on the property.

LUP policies regulate development to protect environmentally sensitive areas and species. The Key Policy for environmentally sensitive habitat in the Carmel Area states that sensitive habitat "shall be protected, maintained and, where possible, enhanced and restored." Specific policies direct development to avoid sensitive areas, retain contiguous undisturbed areas, cluster development, minimize vegetation removal and land disturbance, and use native species in landscaping. Staff finds that the project as designed, conditioned, and mitigated is consistent with these policies.

In order to minimize disturbance and to protect sensitive maritime chaparral, mitigation measures and conditions of approval include: restoration of all exposed areas on the property (Mitigation #1); a scenic and conservation easement over approximately 38.8 acres of the property (Mitigation #2); landscaping and restoration with native species and replacement of sensitive species disturbed (Mitigation # 6); exotic weed control (Mitigation #7); delineation of the development and building envelopes (Mitigation #8, #9); 1:1 restoration of the disturbed maritime chaparral habitat or invasive weed control in chaparral habitat at a 2:1 ratio if restoration sites are not available (Mitigation #10); controls minimizing new disturbance (Mitigation #11); and deed restrictions regarding fuel reduction (Condition #17) and landscaping (Condition #20).

Impact Comparison

The proposed project includes disturbance to chaparral habitat for the structures, leachfield, driveway and drainage improvements. The previously approved project for the residence and accessory structures limited disturbance to approximately 1.2 acres in order to cluster development and contain the impacts. The remaining 38.8 acres will be protected and put into conservation and scenic easement. Project plans submitted by the applicant for the new proposal keeps the development contained within this previously approved building envelope.

The proposed location of the residence occurs in generally the same area as the approved project. The site plan identifies the building envelope. The building envelope includes the footprint of the structure, driveway, septic and leachfield area. The development envelope surrounds all development activities and marks the limit of construction activities. Grading is changed from approximately 8,770 cubic yards

cut/30 cubic yards fill to 4,604 cubic yards cut/246 cubic yards fill. The structural footprint is reduced from 7,985 square feet to 5,805 square feet.

Maritime Chaparral

The proposed project disturbs chaparral habitat for the structure, leachfield, driveway and drainage improvements. The parcel is largely undisturbed; therefore, equivalent on-site restoration is unlikely. One off-site restoration area has been identified on property owned by the Big Sur Land Trust (Assessor's Parcel Number 416-011-007-000) adjacent to the Murphy property. It contains areas disturbed by a driveway, home site, and access road. Furthermore, due to insufficient areas for off-site restoration in the immediate vicinity, weed abatement at a 2:1 ratio is required. The establishment and expansion of non-native invasive plants threaten sensitive maritime chaparral throughout the area and efforts to abate invasive plants would improve the habitat value for maritime chaparral. Mitigation and conditions include protection and restoration of chaparral habitat, efforts to minimize new disturbance, weed control, conservation easement, and deed restrictions. Given the previously approved suite of restoration and weed abatement measures required for the project, staff finds that the project as conditioned and mitigated minimizes impacts to maritime chaparral.

Sensitive Species

It was estimated that approximately a quarter-acre of Hooker's manzanita and 15 small leaved lomatium would be impacted by the approved development. Mitigation for that development included planting a minimum of half-an-acre of Hooker's manzanita and 30 small-leaved lomatium to allow for some loss. Although there will be less overall impact, this same mitigation has been incorporated in this project. Staff finds that the project as conditioned and mitigated minimizes impacts to sensitive species.

LUAC

The proposed project was reviewed by the Carmel Highlands Land Use Advisory Committee (LUAC) on February 19, 2008. The previously approved project was reviewed by the Carmel Highlands LUAC on May 19, 2003. This committee unanimously recommended approval of the project after both reviews (**Exhibit G**).

During the current review process, the LUAC noted that the house size and grading amount were reduced from the previously approved project and commented favorably on the materials and colors as appropriate and blending in with the site. However, during both reviews the LUAC cited several areas of concern which are addressed by mitigation measures and conditions of approval and are summarized below.

Numerous Truck Trips. There was concern about the number of truck trips and their impact because of the amount of potential soil export. Mitigation #12 requires a construction management plan addressing construction-related truck traffic and the timing and routing of trips to reduce impacts on congestion and avoid peak hour trips.

Visibility from Point Lobos State Reserve. Although the committee was concerned about this potential visual impact, they did not assess it, but recommended the project planner consider it. Potential visibility and visual impacts of the project from Point Lobos State Reserve were assessed in the initial study and measures incorporated to reduce potential impacts to a less than significant level.

Visibility from Palo Corona Ranch. The committee also noted potential visibility of the project from Palo Corona Ranch, which was recently acquired by the Big Sur Land Trust, but did not assess its visibility. While the project is potentially visible from portions of the property and may eventually become open to the public in the future, Palo Corona Ranch is currently owned by a private land trust and its views are not protected under the Land Use Plan. However, the project is sited so that it does not face toward the ranch and the use of appropriate materials and landscaping minimize any visibility.

Exterior Lighting. There was concern about exterior lighting and glare and a recommendation that lighting be the minimum necessary for safety and that it be shaded, downcast and low voltage. Mitigation #4 addresses lighting and glare and incorporates this language. It also requires the

removal of lighting determined to be obtrusive within a five-year period after installation. The committee recommended that the lighting plan be made available to the LUAC. Any interested member of the public may view the lighting plan and staff will notify the LUAC members when the plan is submitted.

Erosion Control Measures. The committee recommended that erosion control measures should be in place prior to any grading activities. An erosion control plan is required as a condition of approval (Condition #9) and includes an implementation schedule and identification of measures to be in place prior to grading.

Protection of Oak Trees. The committee recommended protection of oak trees near construction activities. No tree removal is proposed as part of the project and Mitigation #7 requires individual trees and clusters to be protected and fenced off from construction areas.

Large Motor Court. The committee expressed concern about the impact of the large motor court area on maritime chaparral and increased runoff. This area has been eliminated under the current proposal.

ENVIRONMENTAL REVIEW (CEQA)

Initial Study (Mitigated Negative Declaration)

An Initial Study (Mitigated Negative Declaration) was prepared for PLN030071 (**Exhibit I**) on February 25, 2004 and circulated for public review between March 2, 2004 and April 1, 2004. The Initial Study superseded and built upon the previous Initial Study/Mitigated Negative Declaration for file number PLN980149. Potential areas of impact addressed in the Initial Study include Aesthetics, Biological Resources, Hydrology/Water Quality, and Transportation/Traffic. The Initial Study determined that the project as designed and mitigated had reduced potential impacts to a less than significant level. The current proposal further reduces the overall potential impacts, and does not alter the analysis or conclusions reached by the Initial Study. An Addendum (**Exhibit H**) has been prepared for PLN070540 which states that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent Initial Study or EIR have occurred, only minor technical changes (to the project description) have occurred, there are no new significant environmental effects or increase in the severity of previously identified significant effects, and there is no new information of substantial importance that was not known at the time the previous Mitigated Negative Declaration was adopted. No unresolved issues remain.

Aesthetics

Visual issues and aesthetics are discussed above in relation to LUP policies and concern visibility of the project from public areas and ridgeline development. Mitigations #1, #2, and #3 include minimizing lighting and glare, placing a scenic easement over undeveloped portions of the property, and installing landscaping to screen development to reduce impacts to a less than significant level.

Biological Resources

Biological resources, which are also discussed above in relation to LUP policies, include sensitive maritime chaparral habitat and the sensitive plant species, Hooker's manzanita and small leaved lomatium.

Mitigation reduces impacts to a less than significant level and includes replacement of manzanita and lomatium (Mitigation #5), restoration of all bare and disturbed areas (Mitigation #9), efforts to minimize new disturbance (Mitigation #8), weed control (Mitigation #6), a conservation easement (Mitigation #2) on all undeveloped portions of the property, clustering development in the building envelope and ensuring it does not exceed 1.2 acres (Mitigation #10), 1:1 restoration of maritime chaparral habitat, and abatement of invasive plants off-site at a 2:1 ratio to improve native habitat (Mitigation #5).

Hydrology/Water Quality

The proposed project creates development where none existed before and potentially increases runoff and erosion. Drainage improvements for the access driveway which is currently unpaved will minimize erosion. Runoff and drainage from structures will be controlled and dispersed. Mitigation requires the use of pervious materials for the patio areas to reduce runoff (Mitigation #11). A grading permit condition requires a grading schedule to include paving the access driveway prior to other grading activities in order to minimize erosion and dust from truck traffic (Mitigation #12 and Condition #15). The project has a less than significant impact on hydrology and water quality.

Traffic/Transportation

The proposed project results in a temporary increase in truck traffic for construction and soil export. Mitigation includes preparation of a construction management plan detailing the timing and routing of truck trips to occur during off-peak hours (Mitigation #12). Trips are also spread out over a period of several months and result in a less than significant impact.

Comments

County staff has consulted with both the State Department of Parks and Recreation and the California Coastal Commission to ensure consistency of the current project with previously submitted comments/concerns and a settlement agreement. Mitigation measures included under PLN030071 and retained in PLN070540 have sufficiently addressed their concerns.

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, Carmel Area Land Use Plan (LUP), the Monterey County Zoning Ordinance (Title 20), and the Monterey County Zoning Ordinance Part 4 (Coastal Implementation Plan for the Carmel Area), 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. 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 3600 Red Wolf Road (Assessor’s Parcel Number 416-011-017-000), Carmel Area LUP. The parcel is zoned Watershed and Scenic Conservation, 80 acres per unit, with a Design Control Overlay (Coastal Zone) [“WSC/80-D (CZ)”] which allows residential development as a principal use requiring a Coastal Administrative Permit. Therefore, the property is suitable for the proposed development consisting of a single family dwelling, accessory structures, and associated grading.
- (c) The project planner conducted site inspections on September 19, 2007, and April 16, 2008, to verify that the project on the subject parcel conforms to the plans listed above.
- (d) Scenic Resources. The proposed project is located within a public viewing area. See Finding #6.
- (e) Environmentally Sensitive Habitat. The proposed project disturbs environmentally sensitive maritime chaparral habitat. See Finding #7.
- (f) The project was referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review. The LUAC reviewed the project on February 19, 2008, and unanimously recommended approval. The previously approved project was reviewed by the LUAC on May 19, 2003, and also unanimously recommended for approval. The LUAC’s concerns are addressed below:
- 1) Numerous Truck Trips. The LUAC cited concerns about the number of truck trips and the potential impact. Mitigation #12 requires a construction management plan addressing construction-related truck traffic and the timing and routing of trips to reduce impacts on congestion and avoid peak hour trips.
 - 2) Visibility from Point Lobos State Reserve. The LUAC cited a concern about the potential visual impact. Potential visibility and visual impacts of the project from Point Lobos State Reserve were assessed in the initial study for PLN030071, and measures incorporated to reduce potential impacts to a less than significant level (Mitigations #1, #2, #3, and #4).
 - 3) Visibility from Palo Corona Ranch. The LUAC also noted potential visibility of the project from Palo Corona Ranch, which was recently acquired by the Big Sur Land Trust. While the project is potentially visible from portions of the property and may eventually become open to the public in the future, Palo Corona Ranch is currently owned by a

private land trust and its views are not protected under the Land Use Plan. The project is sited so that it does not face towards the ranch and the use of appropriate materials and landscaping minimize any visibility.

4) Exterior Lighting. The LUAC expressed concern about exterior lighting and glare, and recommended that lighting be the minimum necessary for safety and that it be shaded, downcast and low voltage. Mitigation #4 addresses lighting and glare, and incorporates this language. The measure also requires the removal of lighting determined to be obtrusive within the five-year period after installation. The committee recommended that the lighting plan be made available to the LUAC. Any interested member of the public may view the lighting plan and staff will notify the LUAC members when the plan is submitted.

5) Erosion Control Measures. The LUAC recommended that erosion control measures should be in place prior to any grading activities. An erosion control plan is required as a condition of approval (Condition #9), and includes an implementation schedule and identification of measures to be in place prior to grading.

6) Protection of Oak Trees. The LUAC recommended protection of oak trees near construction activities. No tree removal is proposed as part of the project, and Mitigation #12 requires individual trees and clusters to be protected and fenced off from construction areas.

7) Large Motor Court. The LUAC expressed concern about the impact of the large motor court area on maritime chaparral and increased runoff. This area has been eliminated under the current proposal.

- (g) 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 Nos. PLN980149, PLN030071, and PLN070540.

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, 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, geological, and geotechnical 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” (LIB070478) prepared by Mary Doane, B.A. and Trudy Haversat, SOPA, Archaeological Consulting, dated April 29, 1998.
- ii. “Geotechnical and Geological Hazards Report” (LIB070479) prepared by Grice Engineering and Geology Inc, dated August 14, 1998.
- iii. “Biological Report” (LIB070476) prepared by Jud Vandevere and Associates, dated June 22, 1998.

- iv. "Revised Biological Report" (LIB070477) prepared by Jud Vandevere and Associates, dated July 12, 1999.
 - v. "Revised Biological Report" (LIB080103) prepared by Jud Vandevere and Associates, dated February 14, 2001.
 - vi. "Percolation Study" (LIB070480) prepared by Grice Engineering and Geology Inc, dated August 31, 1998.
 - vii. "Storm Drainage Study" prepared by Grice Engineering and Geology Inc, dated January 10, 2001.
 - viii. Letter regarding review of landscape plan from Dale Hameister, Biological Consultant, Rana Creek Habitat Restoration, dated September 20, 2002.
 - ix. Letter regarding review of site repositioning from Dale Hameister, Biological Consultant, Rana Creek Habitat Restoration, dated October 2, 2002.
 - x. "Public Viewshed Analysis" prepared by Dale Hameister, Biological Consultant, Rana Creek Habitat Restoration, dated December 10, 2002.
- (c) Staff conducted site inspections on September 19, 2007, and April 16, 2008, to verify that the site is suitable for this use. Staff also conducted site visits for PLN030071 on May 20, 2003, April 5, 2004, and May 7, 2004.
 - (d) The property contains an existing permitted well.
 - (e) Materials in Project File Nos. PLN980149, PLN030071 and PLN070540.
 - (f) Finding #3 and supporting evidence.

3. **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 revisions to size and location, and the public interest and profile of the project as a whole.
- (b) On July 28, 2004, the Monterey County Planning Commission approved an Amendment (PLN030071/Bliss) to a previously approved Combined Development Permit (PLN980149/Bliss) consisting of the following:
 - Coastal Administrative Permit for the construction of a 7,985 square foot single family dwelling with a 1,017 square foot attached garage, 425 square foot poolhouse, swimming pool, septic system, spa, well, water tank, 160 square foot pump shed, and retaining walls; Coastal Development Permit to allow development within environmentally sensitive habitat; grading consisting of 8,770 cubic yards of cut and 30 cubic yards of fill; and design approval.
- (c) On August 27, 2007, the applicant submitted a request for an application to amend a previously approved project (PLN030071/Bliss) with a revised site plan that reduces the overall structural development by approximately 2,189 square feet, and reduces non-structural development by eliminating the motor court and reducing patio area. The total development area for the structures, utilities, and access road/driveway remains approximately one acre, and remains within the previously approved building envelope.

(d) As approved and amended, permit number PLN070540 will become and be referred to as the approved permit.

4. **FINDING: CEQA (Addendum)** – An Addendum to the previously adopted (Mitigated) Negative Declaration is appropriate for the proposed project, and no further documentation is necessary.

EVIDENCE: (a) Section 15164 of the California Environmental Quality Act (CEQA) Guidelines allows that an Addendum to an adopted Negative Declaration may be prepared, subject to the provisions of that Section.

(b) The Monterey County RMA-Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study provided substantial evidence based upon the record as a whole, that the project would not have a significant effect on the environment. Staff accordingly prepared a Mitigated Negative Declaration. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN030071). The Mitigated Negative Declaration includes mitigation measures that address potential impacts to Aesthetics, Biological Resources, Hydrology and Water Quality, and Traffic and Transportation. No other potentially significant issues have been identified for the proposed project.

(c) All physical impacts to the development site were reviewed with County File Number PLN030071, and a Mitigated Negative Declaration was considered and adopted on July 28, 2004. The County has considered the proposed project and determined its scope does not alter the conclusions in the Initial Study. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

(d) An Addendum to an adopted Mitigated Negative Declaration may be prepared and considered as allowed by Section 15162 of the CEQA Guidelines if none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or Negative Declaration have occurred.

1) There are no new substantial changes to the project {15162(a)(1)}, or the circumstances under which the project is undertaken {15162(a)(2)};

2) There are no new significant environmental effects or increase in the severity of previously identified significant effects {15162(a)(2)}; and

3) There is no new information of substantial importance that was not known at the time the previous Mitigated Negative Declaration was adopted {15162(a)(3)}.

(e) Staff site visits on September 19, 2007, and April 16, 2008.

(f) The application and materials in Project File Nos. PLN030071, PLN980149, and PLN070540.

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

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 Figures 3, the Public Access Map, of the 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) An existing easement exists on the property allowing access to an adjacent parcel owned by the Big Sur Land Trust, which is expected to be transferred over to the California Department of Parks and Recreation. A condition has been incorporated stating that this project does not interfere with those access rights (Condition 21).
- (e) Staff site visits on September 19, 2007, and April 16, 2008.

6. **FINDING: SCENIC RESOURCES** - The project as designed and conditioned is consistent with scenic resource policies in the Carmel Area Land Use Plan, Local Coastal Program (Chapter 2.2) and the Monterey County Coastal Implementation Plan, Part 4 (Chapter 20.146.030).

- EVIDENCE:**
- (a) The proposed project is within the public viewshed and is visible from public viewing areas including Point Lobos State Park, Carmel River State Beach, and Highway 1. However, it is only visible from these locations with visual aids. From other public areas such as Jack's Peak Park and Garland Park, which are even further away, the project site is not visible.
 - (b) LUP Policy 2.2.3.4 states that the most appropriate site for new structures is the "portion of a parcel least visible from public viewpoints." The subject property is located on Point Lobos Ridge and the entire property is potentially visible from various public viewpoints. However, the property is approximately two to three miles from the nearest public viewpoints and is not visible with unaided vision. The project design limits the height to 8 feet above average natural grade. Conditions and mitigation to minimize visibility include screening and landscaping (Mitigation #1), non-reflective materials (Mitigation #3), minimal exterior lighting (Mitigation #4), deed restrictions regarding design changes (Condition 19), landscaping (Condition 20), and height verification (Condition 13).
 - (c) LUP Policy 2.2.3.6 states that "structures shall be subordinate to and blended into the environment." The height of structures is limited to 8 feet above the average natural grade. The proposed structural bulk and mass has been reduced. Visibility is minimized by use of grading, reduction of height above average natural grade, redesign and reduction of overall square footage, and the use of landscaping to screen the structure. Colors and materials, and the use of non-reflective glass will allow the structure to blend with the surrounding environment. The proposed driveway is not visible from public areas because of its alignment on the eastern side of the ridge and the surrounding vegetation. Conditions and mitigation include native landscaping (Mitigation #1), non-reflective materials (Mitigation #3), minimal exterior lighting (Mitigation #4), deed restrictions regarding design changes (Condition 19) and landscaping (Condition 20).
 - (d) LUP Policy 2.2.3.7 states that structures shall minimize tree removal and grading." No tree removal is proposed. The project utilizes the existing road alignment and disturbed areas where feasible. The proposed amendment changes grading from approximately 8,770 cubic yards cut/30 cubic yards fill to 4,604 cubic yards cut/246 cubic yards fill,

- compared to the previously approved project.
- (e) LUP Policy 2.2.3.8 states that “landscaping and restoration shall consist of plant and tree species consistent with the surrounding vegetation.” The project requires native landscaping to be used in all restoration and landscaping (Mitigation #1) and a deed restriction regarding future landscaping (Condition 20).
 - (f) LUP Policy 2.2.3.9 encourages scenic easements and easement protection. The project includes placement of all undeveloped portions of the property, approximately 38.8 acres, into a conservation and scenic easement (Mitigation #2) and protection of an existing access easement over the subject property (Condition 21).
 - (g) Application and materials in Project File Nos. PLN980149, PLN030071, and PLN070540.
 - (h) Staff site visits on September 19, 2007, and April 16, 2008.

7. FINDING: ENVIRONMENTALLY SENSITIVE HABITAT AREA (ESHA) –

The project as designed and conditioned is consistent with Environmentally Sensitive Habitat Area policies of the Carmel Area Land Use Plan, Local Coastal Program (Chapter 2.5) and the Monterey County Coastal Implementation Plan (Chapter 20.146.060).

- EVIDENCE:**
- (a) The proposed project includes disturbance to chaparral habitat for the structures, leach field, driveway and drainage improvements. Approval of the previous project for the residence and accessory structures limited disturbance to approximately 1.2 acres in order to cluster development and contain the impacts. The remaining 38.8 acres will be protected and put into conservation and scenic easement. Project plans submitted by the applicant for the new proposal keeps the development contained within this previously approved building envelope.
 - (b) The proposed location occurs in generally the same area as the approved project. The site plan identifies the building envelope. The building envelope includes the footprint of the structure, driveway, septic, and leachfield area. The development envelope surrounds all development activities and marks the limit of construction activities. Grading is changed from approximately 8,770 cubic yards cut/30 cubic yards fill to 4,604 cubic yards cut/246 cubic yards fill.
 - (c) Approximately one-quarter acre of Hooker’s Manzanita and 15 small-leaved lomatium would be impacted by the approved development. Mitigation for that development included planting a minimum of half-an-acre of Hooker’s Manzanita and 30 small-leaved lomatium to allow for some loss (Mitigation #5).
 - (d) LUP Policy 2.3.2.2 states that “land uses adjacent to environmentally sensitive habitats shall be compatible with the long-term maintenance of the resource.” The project is for a single-family residence and accessory structure and does not adversely affect long-term maintenance of the resource. The project includes restoration of all bare and exposed areas (Mitigation #1 & Mitigation #9), conservation easement (Mitigation #2), replacement of Manzanita (Mitigation #5), weed control (Mitigation #6), building and development envelopes (Mitigation #8).
 - (e) LUP Policy 2.3.2.4 states that parcels with environmentally sensitive habitat should retain large contiguous areas of land in open space and LUP Policy 2.3.2.6 requires conservation easements for sensitive habitat areas.

Mitigation #2 places all undeveloped portions of the property, approximately 39 acres, in conservation and scenic easement.

- (f) LUP Policy 2.3.2.7 states that development within environmentally sensitive areas “shall restrict the removal of indigenous vegetation and land disturbance. The amendment reduces the structural footprint from 7,985 square feet to 5,805 square feet. Mitigation and conditions include delineation of building and development envelopes (Mitigation #8), fencing and protection of trees and native vegetation during construction (Mitigation #7), limiting disturbance (Mitigation #10).
- (g) LUP Policy 2.3.2.8 requires the use of native species in landscaping. The project includes measures for native landscaping (Mitigation #1).
- (h) Application and Materials in Project File Nos. PLN980149, PLN030071, and PLN070540.
- (i) Staff site visit on on September 19, 2007, and April 16, 2008.

8. **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.

9. **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 1, 2, and 4 and supporting evidence.

10. **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). Development that is permitted as a conditional use is appealable to the Coastal Commission. Development within 100 feet of environmentally sensitive habitat, which requires a Coastal Development Permit, is a conditional use.

EXHIBIT D Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: Murphy File No: PLN070540 Approved by: Planning Commission	APN: 416-011-017-000 Date: May 14, 2008
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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 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.		PD001 - SPECIFIC USES ONLY This Amendment to a previously approved Amendment (PLN030071/Bliss) to a previously approved Combined Development Permit (PLN980149/Bliss) allows the construction of a two-story 5,363 square foot single family dwelling with a 1,785 square foot attached garage, 160 square foot pool, hot tub, 3,252 square feet of patio area, photovoltaic cells, well, septic system, access road/driveway. It also allows development within environmentally sensitive habitat, and grading consisting of 4,604 cubic yards of cut and 246 cubic yards of fill. The property is located at 3600 Red Wolf Road, Point Lobos Ridge (Assessor's Parcel Number 416-011-017-000), Carmel Area 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	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>
		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)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "An Amendment to a previously approved Amendment (PLN030071/Bliss) to a previously approved Combined Development Permit (PLN980149/Bliss) (Resolution _____) was approved by the Planning Commission for Assessor's Parcel Number 416-011-017-000 on May 14, 2008. The Amendment was granted subject to forty-eight (48) conditions of approval which run with the land. A copy of the Amendment 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.		PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT 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	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	Owner / Applicant / 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>
		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)	required for the discovery.			
4.		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	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	Concurrent with 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>
		hold the county harmless. (RMA - Planning Department)				
5.		PD005 - FISH AND GAME FEE-NEG DEC/EIR Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning Department)	The applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department. If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner / Applicant	Within 5 working days of project approval.	Fees paid on July 30, 2004.
				Owner / Applicant	Prior to the start of use or the issuance of building or grading permits.	Cleared to pull permits.
6.		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.	Cleared to pull permits. Recorded on 11/29/2006. Doc.# 2006104928
7.		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)	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	

<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>
8.		PD009 - GEOTECHNICAL CERTIFICATION Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA – Planning Department)	Submit certification by the geotechnical consultant to the RMA – Building Services Department showing project’s compliance with the geotechnical report.	Owner / Applicant / Geotechnical Consultant	Prior to final inspection.	
9.		PD010 - EROSION CONTROL PLAN AND SCHEDULE The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA – Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)	An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.	Owner / Applicant	Prior to the issuance of grading and building permits.	
			Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.	Owner / Applicant	Ongoing	
			Evidence of compliance with the Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department.	Owner / Applicant	Prior to final inspection.	
10.		PD021 - DEED RESTRICTION - FIRE HAZARD 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 20.146.080.D.3 of the Coastal Implementation Plan and per the standards for development of residential property." (RMA – Planning Department)	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.	Cleared to pull permits.
			Proof of recordation of the document shall be submitted to the RMA – Planning Department.	Owner / Applicant	Prior to occupancy or commencement of	Recorded on 11/29/2006. Doc.# 2006104929

<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>
					use.	
11.		PD035 - UTILITIES - UNDERGROUND All new utility and distribution lines shall be placed underground. (RMA - Planning Department; Public Works)	Install and maintain utility and distribution lines underground.	Owner / Applicant	Ongoing	
12.		PD038 - WATER TANK APPROVAL 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)	Submit proposed color of water tank and landscaping plans to the RMA - Planning Department for review and approval.	Owner / Applicant	Prior to the issuance of grading or building permits.	
			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.	Owner / Applicant	Prior to the final inspection or occupancy.	
			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.	Owner / Applicant	Ongoing	
13.		PD041 – HEIGHT VERIFICATION 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	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.	Owner / Applicant	Prior to the issuance of grading or 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>
		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. (RMA – Planning Department and Building Services Department)	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 / Engineer	Prior to final inspection.	
14.		PD042 – GRADING/EASEMENT STAKING The conservation and scenic easement(s) and proposed grading shall be staked with 18” stakes at intervals as necessary to clearly delineate the easement and grading. The staking shall be consistent with recorded easement lines and proposed grading as indicated in the official record at the Monterey County RMA – Building Services Department. The staking shall be verified at the grading pre-site inspection by the grading inspector. (RMA – Planning Department and Building Services Department)	The easement(s) and proposed grading shall be staked with 18” stakes at intervals as necessary to clearly delineate the easement and grading. The staking shall be consistent with recorded easement lines and proposed grading as indicated in the official record at the Monterey County RMA – Building Services Department.	Owner / Applicant	At presite inspection by the grading inspector.	
15.		PD043 – GRADING PERMITS REQUIRED A grading permit is required for new private single family access driveways greater than fifty (50) feet in total length that require 100 cubic yards or more of earthwork. An over the counter (OTC) grading permit may be issued for new private single family access driveways greater than fifty (50) feet in total length that require less than 100 cubic yards of earthwork. (RMA – Planning Department and Building Services Department)	If applicable, apply and receive the appropriate grading permit from Monterey County RMA – Building Services Department.	Owner / Applicant / Engineer	Prior to issuance of grading or building permits.	
16.		PDSP001 - LANDSCAPE MAINTENANCE (NON-STANDARD) The site shall be landscaped. 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.	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	

<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>
		(RMA – Planning Department)				
17.		PDSP002 - DEED RESTRICTION – FUEL REDUCTION PROGRAM (NON-STANDARD) Prior to the issuance of a building permit the applicant shall record a deed restriction which states: "If any limited fuel reduction program should become necessary in the native habitat for fire protection, it shall be developed with the aid of a qualified forester, biologist, Fire Department and Planning and Building Inspection staff so as to best help reduce the fire danger and maintain or improve habitat values." (RMA – Planning Department)	Submit signed and notarized document to the Director of RMA – Planning Department for review and signature by the County.	Owner / Applicant	Prior to issuance of grading or building permits.	Cleared to pull permits.
			Proof of recordation of the document shall be submitted to the RMA – Planning Department.	Owner / Applicant	Prior to occupancy or commencement of use.	Recorded on 11/29/2006. Doc.# 2006104929
18.		PDSP003 – DEED RESTRICTION – SHORT-TERM RENTAL (NON-STANDARD) Prior to the issuance of a building permit the applicant shall record a deed restriction which states: "There shall be no short-term (less than thirty (30) days) rental of the single family home or any accessory buildings (e.g. pool house, guest house, etc)." (RMA – Planning Department)	Submit signed and notarized document to the Director of RMA – Planning Department for review and signature by the County.	Owner / Applicant	Prior to issuance of grading or building permits.	Cleared to pull permits.
			Proof of recordation of the document shall be submitted to the RMA – Planning Department.	Owner / Applicant	Prior to occupancy or commencement of use.	Recorded on 11/29/2006. Doc.# 2006104929
19.		PDSP004 – DEED RESTRICTION – DESIGN APPROVAL (NON-STANDARD) Prior to the issuance of a building permit the applicant shall record a deed restriction which states: "Because of	Submit signed and notarized document to the Director of RMA – Planning Department for review and signature by the County.	Owner / Applicant	Prior to issuance of grading or building permits.	Cleared to pull 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>
		the visual sensitivity of the area, all landscaping shall be approved by the Planning and Building Inspection Department. All exterior design changes, including color changes associated with repainting, re-roofing, exterior lighting changes, and landscaping changes shall be approved through the design approval process." (RMA – Planning Department)	Proof of recordation of the document shall be submitted to the RMA – Planning Department.	Owner / Applicant	Prior to occupancy or commencement of use.	Recorded on 11/29/2006. Doc.# 2006104929
20.		PDSP005 – DEED RESTRICTION – LANDSCAPING (NON-STANDARD) Prior to the issuance of a building permit the applicant shall record a deed restriction which states: "Landscaping within development areas shall emphasize preservation of the natural character of the communities present. Individual trees and larger shrubs originally present on the land shall be integrated into approved landscape plans where possible. No invasive plants shall be planted on the property, which include but are not limited to pampas grass (<i>Cortaderia jubata</i>), Hottentot fig or iceplant (<i>Carpobrotus edule</i>)." (RMA – Planning Department)	Submit signed and notarized document to the Director of RMA – Planning Department for review and signature by the County. Proof of recordation of the document shall be submitted to the RMA – Planning Department.	Owner / Applicant Owner / Applicant	Prior to issuance of grading or building permits. Prior to occupancy or commencement of use.	Cleared to pull permits. Recorded on 11/29/2006. Doc.# 2006104929
21.		PDSP006 - EXISTING EASEMENTS & ACCESS (NON-STANDARD) Approval of this amendment (PLN070540 for APN 416-011-017-000) shall not be interpreted to affect any rights of use for access across the Murphy property by the Big Sur Land Trust to gain access to property owned by the Big Sur Land Trust. The property owner shall not interfere with any use of existing easements and access rights across the property held by the Big Sur Land Trust. (RMA – Planning Department)	None.	Owner / Applicant	Ongoing	
22.		EH14 - ENGINEERED SEPTIC SYSTEM Submit an engineered wastewater disposal system design to the Director of Environmental Health for review and approval meeting the regulations found in	Submit an engineered wastewater disposal system design to the Environmental Health Division for review and approval.	CA Licensed Engineer / Owner / Applicant	Prior to issuance of building permits.	

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		Chapter 15.20 of the Monterey County Code, and <u>Prohibitions</u> of the Basin Plan, RWQCB. (Environmental Health)				
23.		FIRE001 - ROAD ACCESS Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name. (Carmel Highlands Fire Protection District)	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.	
24.		FIRE002 - ROADWAY ENGINEERING 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	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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		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. (Carmel Highlands Fire Protection District)				
25.		FIRE006 - DEAD-END ROADS (4) For parcels greater than 20 acres, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed 5280 feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have turnarounds at its terminus and at no greater than 1320-foot intervals. 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. (Carmel Highlands Fire Protection District)	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.	
26.		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,	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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		<p>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.</p> <p>(Carmel Highlands Fire Protection District)</p>				
27.		<p>FIRE008 - GATES</p> <p>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. (Carmel Highlands Fire Protection District)</p>	<p>Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.</p>	Owner / Applicant	Prior to issuance of grading and/or building permit.	
			<p>Applicant shall schedule fire dept. clearance inspection.</p>	Owner / Applicant	Prior to final building inspection.	

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28.		<p>FIRE011 - ADDRESSES FOR BUILDINGS</p> <p>All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Carmel Highlands Fire Protection District)</p>	<p>Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.</p>	Owner / Applicant	Prior to issuance of building permit.	
			<p>Applicant shall schedule fire dept. clearance inspection.</p>	Owner / Applicant	Prior to final building inspection.	

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29.		<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. (Carmel Highlands Fire Protection District)</p>	<p>Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.</p>	Owner / Applicant	Prior to issuance of grading and/or building permit.	
			<p>Applicant shall schedule fire dept. clearance inspection.</p>	Owner / Applicant	Prior to final building inspection.	
30.		<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>	Owner / Applicant	Prior to issuance of grading and/or building permit.	

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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. (Carmel Highlands Fire Protection District)	Applicant shall schedule fire dept. clearance inspection.	Owner / Applicant	Prior to final building inspection.	
31.		FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS) Remove combustible vegetation from within a minimum of ____ 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 Planning and Building Inspection. (Carmel Highlands Fire Protection District)	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.	
32.		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	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	

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		issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (Carmel Highlands Fire Protection District)			inspection.	
33.		FIRE027 - ROOF CONSTRUCTION - (VERY HIGH HAZARD SEVERITY ZONE) 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. (Carmel Highlands Fire Protection District)	Applicant shall enumerate as “Fire Dept. Notes” on plans.	Owner / Applicant	Prior to issuance of building permit.	
34.		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: 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.	
35.		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	

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36.		<p>WRSP001 – DRAINAGE IMPROVEMENTS (NON-STANDARD)</p> <p>A drainage plan shall be prepared by a registered civil engineer or architect to address on-site and off-site impacts. The plan shall incorporate recommendations in the Storm Drainage Study, prepared by Grice Engineering, Inc., dated January, 2001. Necessary improvements shall be constructed in accordance with approved plans. (Water Resources Agency)</p>	<p>Submit 3 copies of the drainage plan to the Water Resources Agency for review and approval.</p>	<p>Owner / Applicant</p>	<p>Prior to issuance of any grading or building permits.</p>	
37.	1.	<p>MITIGATION #1:</p> <p>In order to minimize visibility of the development and reduce the impact to the ridgeline silhouette, a landscaping plan shall be provided to the County of Monterey, with evidence of review by the landscape consultant and consulting biologist. The plan shall include:</p> <ol style="list-style-type: none"> Plants which are native to the site. A restoration/replanting plan as required by the biological reports, prepared by Jud Vandever dated June 22, 1998 and July 12, 1999. Restoration shall include, but not be limited to, the following areas: <ul style="list-style-type: none"> Abandoned sections of road. Areas exposed and disturbed by construction. Septic tank and leach field area provided it does not interfere its operation. All other exposed and disturbed areas on the property. Any areas off-site that are identified or required for restoration and replanting. The location, species, and size of the proposed landscaping materials. A nursery or contractor's estimate of the cost of installation of the plan. Planting of native vegetation, including mature 	<p><u>Monitoring Action 1A:</u> <i>Prior to the issuance of grading or building permits,</i> the applicant shall:</p> <ol style="list-style-type: none"> Submit a landscaping plan to the Monterey County Director of Planning for review and approval with the applicable fees. Execute and record with the Monterey County Recorder's office a deed restriction requiring all landscaping to be installed prior to occupancy and permanently maintained in a healthy condition pursuant to the landscaping plan. <p>Submit the landscaping plan, installation estimate and deed restriction, to the Executive Director of the California Coastal Commission for his review and approval. The Executive Director may submit the landscaping plan to the California Department of Parks and Recreation for its review. The Department of Parks shall provide any comments it may have on the landscaping plan to the Executive Director prior to the deadline for</p>	<p>Owner / Applicant / Landscape Consultant / Biologist</p>	<p>Prior to the issuance of grading or building permits.</p>	

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		<p>trees.</p> <p>f. Plant materials so that the home is not visible by unaided vision from existing common public viewing areas as specified in the Carmel Area Local Coastal Program including, but not limited to, Point Lobos State Reserve and Highway One, for the life of the project. Portions of the home may be visible for an interim period not to exceed five years to permit growth of planted trees and other landscaping.</p> <p>g. Plant materials to minimize visual impacts of the project from any other property owned by the California Department of Parks and Recreation. Plant materials that will not alter the ridgeline silhouette at their mature height. If necessary, the height of planted trees will be controlled so that they do not grow above the ridgeline elevation.</p>	<p>completion of the Executive Director's review. The Executive Director shall complete his review and approval and respond to the landscaping plan within thirty (30) days after receipt of the landscaping plan. The Executive Director's approval of the landscaping plan shall be conclusive proof that the applicant/owner has fully complied with the visual screening requirements under this Condition; provided, however, that this does not apply to the property owner's compliance with, or implementation of, the landscaping plan and deed restriction.</p>			
			<p><u>Monitoring Action 1B:</u> <i>Prior to final or occupancy</i>, the landscaping shall be inspected by the Director of Planning and Building Inspection for conformance to the approved plans and for screening effectiveness. If determined necessary by the Director of Planning and Building Inspection, additional landscaping may be required.</p>	<p>Owner / Applicant / Landscape Consultant / Biologist</p>	<p>Prior to final or occupancy</p>	

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			<u>Monitoring Action 1C:</u> Five years after date of final or occupancy, the applicant shall submit documentation and photos of the landscaping and its screening effectiveness from public viewing areas (including Point Lobos) to the Director of Planning and Building Inspection for review and approval. Landscaping and planted trees shall not visibly alter the ridgeline silhouette. If necessary to provide adequate screening, additional landscaping and monitoring may be required by the Director of Planning and Building Inspection.	Owner / Applicant / Landscape Consultant / Biologist	Five years after date of final or occupancy.	
38.	2.	MITIGATION #2: In order to minimize impacts to scenic and biological resources, a scenic and conservation easement shall be granted to the County of Monterey for all areas outside of the approved development envelope and driveway alignment (approximately thirty-nine (39) acres). No development shall occur outside of the approved envelope (approximately one acre) as shown on the approved project plans.	<u>Monitoring Action 2:</u> Prior to the issuance of building or grading permits, the applicant/owner shall record a Scenic and Conservation Easement that has been submitted to and approved by the County Director of Planning and the Executive Director of the California Coastal Commission. The Executive Director shall complete his review and approval and respond to the County Director of Planning within thirty (30) days after receipt of the Scenic and Conservation Easement.	Owner/ Applicant	Prior to the issuance of building or grading permits.	Cleared to pull permits. Recorded on 01/24/2007. Doc. # 2007006597
39.	3.	MITIGATION #3: In order to minimize potential glare and visibility of the development, all materials shall be non-reflective materials or painted in earth tones to blend into the surroundings, and glass surfaces shall be of tinted, “non-reflective” glass.	<u>Monitoring Action 3A:</u> Prior to final or occupancy, all exterior surfaces shall be identified on the final building plans, subject to the approval of the County Director of Planning. The building plans shall also be submitted to the Executive Director of the California Coastal	Owner/ Applicant	Prior to final or occupancy.	

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			Commission for his review and approval. The Executive Director shall complete his review and approval and respond to the County Director of Planning within thirty (30) days after receipt of the building plans.			
			<u>Monitoring Action 3B:</u> <i>Prior to final or occupancy</i> , exterior colors and materials shall be inspected by the Planning Department for conformance to the approved plans.	Owner/ Applicant	Prior to final or occupancy.	
			<u>Monitoring Action 3C:</u> <i>During the 5 year period after final or occupancy</i> , any materials or glass surfaces determined to be obtrusive or resulting in off-site glare to a public viewing area, as determined by the Monterey County Planning Department, shall be corrected or replaced to minimize glare and visibility.	Owner/ Applicant	Ongoing during the 5 year period after final or occupancy.	
40.	4.	MITIGATION #4: In order to minimize lighting impacts, all exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and all off-site glare is fully controlled and not visible from Point Lobos Reserve. Outside lighting shall be downcast, low wattage and the minimum necessary for safety as determined by the Building Official. Landscaping shall be designed to screen all site light sources visible from off site. Any changes or additions to exterior lighting must be approved by the Monterey County Planning Department.	<u>Monitoring Action 4A:</u> <i>Prior to the issuance of building or grading permits</i> , the applicant shall submit a lighting plan showing the location, type and wattage of all exterior lights to the Director of Planning for approval. The plans shall also be submitted to the Executive Director of the California Coastal Commission for his review and approval. The Executive Director shall complete his review and approval and respond to the County Director of Planning within thirty (30) days after receipt of the building plans.	Owner/ Applicant	Prior to the issuance of building or grading permits.	

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			<u>Monitoring Action 4B:</u> <i>Prior to final or occupancy, the exterior lighting shall be inspected by the Planning Department for conformance to the approved plans.</i>	Owner / Applicant	Prior to final or occupancy.	
			<u>Monitoring Action 4C:</u> <i>During the 5 year period after final or occupancy, any exterior lighting determined to be obtrusive to a public viewing area, as determined by the Monterey County Planning Department, shall be removed.</i>	Owner / Applicant	Ongoing during the 5 year period after final or occupancy.	
41.	5.	MITIGATION #5: In order to mitigate the loss of sensitive plants, Hooker’s manzanita shall be used for native landscaping and within infill areas. A minimum of one-half acre of Hooker’s manzanita shall be planted in bare or exposed areas outside the development area to replace at a 2:1 ratio the one-quarter-acre lost for the building envelope. Small-leaved lomatium and Monterey ceonothus (<i>Ceonothus cuneatus var. rigidus</i>) shall be incorporated in landscaping and within infill areas to replace lost plants at a 2:1 ratio, but not less than 30 plants each. These plantings shall allow for 50% loss or 15 plants of each. They shall be kept watered and weeded until established as determined by a qualified biologist. Other appropriate central maritime chaparral vegetation shall be included to assure adequate vegetation cover. Existing native trees and vegetation shall be retained and incorporated into the landscaping plan.	<u>Monitoring Action 5A:</u> <i>Prior to the issuance of building or grading permits, a landscaping/restoration plan (Mitigation #1) shall be submitted that incorporates the required Hooker’s manzanitas, Small-leaved lomatium and Monterey ceonothus. The plan shall be prepared in consultation with a qualified biologist.</i>	Owner / Applicant / Biologist	Prior to the issuance of building or grading permits.	
			<u>Monitoring Action 5B:</u> <i>Prior to final or occupancy, the replacement planting shall occur according to the approved landscaping/restoration plan and documentation submitted to the Director of Planning for approval.</i>	Owner / Applicant / Biologist	Prior to final or occupancy.	
			<u>Monitoring Action 5C:</u> <i>At the first, third and fifth years after final, the applicant shall submit a revegetation report prepared by a qualified biologist to the Director of Planning for review</i>	Owner / Applicant / Biologist	First year after final.	

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			and approval. The update shall evaluate the restoration and revegetation, establish success criteria and include any additional or ongoing measures necessary to establish the habitat. If after five years the habitat is not established, further restoration and monitoring may be required by the Director of Planning.		Third year after final.	
					Fifth year after final.	
42.	6.	MITIGATION #6: In order to minimize impacts to sensitive habitat and species, a weed control program shall be developed and implemented during and after construction. Appropriate native grasses and vegetation shall be planted on exposed or bare areas to prevent erosion. The program shall be prepared by a qualified biologist and be consistent with the landscaping plan and other mitigation measures.	<u>Monitoring Action 6A:</u> <i>Prior to the issuance of building or grading permits,</i> the applicant shall submit a weed control program to be carried out during construction prepared by a qualified biologist to the Director of Planning for approval.	Owner / Applicant / Biologist	Prior to the issuance of building or grading permits.	
			<u>Monitoring Action 6B:</u> <i>Prior to final or occupancy,</i> the applicant shall submit an updated program by a qualified biologist to the Director of Planning for review and approval. The updated program shall include a survey of weeds on the property, evaluation of previously treated areas, assessment of the effectiveness of the weed control program, and necessary adjustments to the program. The applicant shall documentation that that program has been implemented and that the weeds are abated.	Owner / Applicant / Biologist	Prior to final or occupancy.	
			<u>Monitoring Action 6C:</u> <i>At the first,</i>	Owner /	First year after final.	

<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>
			<i>third and fifth years after final, the applicant shall submit an updated program for implementation by a qualified biologist to the Director of Planning and Building Inspection for review and approval. This update shall include a survey of weeds on the property, evaluation of previously treated areas, assessment of the effectiveness of the weed control program, and necessary adjustments to the program. The applicant shall submit documentation that the program has been implemented. After the fifth year if necessary, an ongoing program may be required by the Director of Planning.</i>	Applicant / Biologist	Third year after final. Fifth year after final.	
43.	7.	MITIGATION #7: In order to protect sensitive maritime chaparral habitat and trees from inadvertent damage caused by construction activities, protective fencing shall be placed around sensitive vegetation and trees as determined by a qualified biologist. The building envelope area where construction, stockpiling and staging is approved shall be clearly delineated with staked orange fencing and maintained during construction. Stockpiling, grading and construction activities shall not occur outside of the fenced area. Native trees along the access road where grading will occur shall be protected from damage and protection zones around the trees shall be established. The protection zones marked by orange fencing shall include the entire dripline under the canopy of the tree or cluster of trees.	<u>Monitoring Action 7:</u> <i>Prior to the issuance of building or grading permits, installation of protective fencing shall be demonstrated and subject to the approval of a qualified biologist and the Director of Planning.</i>	Owner / Applicant / Biologist	Prior to the issuance of building or grading 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>
44.	8.	MITIGATION #8: In order to limit the disturbed area and minimize biological impacts, construction activities and development shall be restricted to the development envelope to be shown on the site plan. A qualified biologist shall identify the minimum area of disturbance for a stock pile area and staging area for construction equipment within this envelope. Following construction, disturbed areas within the development envelope but outside the building envelope shall be restored and included in the restoration plan. These areas shall not count towards the equivalent restoration required for the development.	<u>Monitoring Action 8:</u> <i>Prior to the issuance of building or grading permits, the applicant shall submit building plans identifying the location of the stock pile and staging areas with documentation from a qualified biologist to the Director of Planning for review and approval.</i>	Owner / Applicant / Biologist	Prior to the issuance of building or grading permits	
45.	9.	MITIGATION #9: In order to mitigate for the loss of maritime chaparral habitat and to maintain contiguous areas of existing habitat, all bare and disturbed areas and areas affected by road cuts on the Murphy property shall be restored, with the exception of the unimproved road that provides access to property owned by the Big Sur Land Trust and California Department of Parks and Recreation.	<u>Monitoring Action 9A:</u> <i>Prior to issuance of building or grading permits, a restoration and landscape plan consistent with other mitigation measures and approved by a qualified biologist shall be submitted to the Director of Planning for review and approval.</i>	Owner/ Applicant/ Biologist	Prior to the issuance of building or grading permits.	
			<u>Monitoring Action 9B:</u> <i>Prior to final or occupancy, the applicant shall submit documentation that restoration of all areas and abatement of non-native invasive species has been completed according to the approved landscaping/restoration plans subject to the approval of the Director of Planning.</i>	Owner/ Applicant/ Biologist	Prior to final or occupancy.	
			<u>Monitoring Action 9C:</u> <i>At the first, third and fifth years after final, the applicant shall submit a restoration report prepared by a qualified biologist to the Director of Planning for review</i>	Owner/ Applicant/ Biologist	First year after final.	

<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>
			and approval. The update shall address all areas included in restoration and abatement activities. It shall evaluate the restoration and revegetation, establish success criteria and include any additional or ongoing measures necessary to establish the habitat. If after five years the habitat is not established, further restoration and monitoring may be required by the Director of Planning.		Third year after final.	
					Fifth year after final.	
46.	10.	MITIGATION #10: In order to minimize impacts and disturbance to maritime chaparral: a) Any new driveway/road area shall be the minimum length and width (maximum 12 feet) necessary to provide access and to meet Fire requirements. b) Building envelope area for the residence, garage, cabana, pool, pumphouse, water tank and driveway alignment shall not exceed 1.2 acres. Disturbed or bare areas shall be restored and replanted with native vegetation in accordance with the approved landscaping plan and Mitigation #8.	<u>Monitoring Action 10:</u> <i>Prior to issuance of building or grading permits</i> , the applicant shall either: a) Submit a Final Site Plan and verification that the building envelope does not exceed 1.2 acres. Said documents shall be subject to review and approval of the Director of Planning.	Owner / Applicant	Prior to issuance of building or grading permits.	
47.	11.	MITIGATION #11: Only pervious materials shall be used in construction of the patio areas.	<u>Monitoring Action 11A:</u> <i>Prior to issuance of building or grading permits</i> , building and grading plans shall reflect the use of pervious materials.	Owner / Applicant	Prior to issuance of building or grading permits.	
			<u>Monitoring Action 11B:</u> <i>Prior to final or occupancy</i> , the applicant shall demonstrate that the pervious materials were installed as approved to the Director of Planning.	Owner / Applicant	Prior to final or occupancy.	

<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>
48.	12.	<p>MITIGATION #12: In order to minimize the impacts of construction-related traffic and truck hauling operation on the local road system, the applicant shall prepare a construction management plan to be followed by the contractor. The plan shall include details on the truck hauling operation and indicate the timing and routing of trips which shall occur during non-peak hours and utilize routes that will not adversely impact congestion and include additional specifications.</p>	<p><u>Monitoring Action 12:</u> <i>Prior to issuance of building or grading permits, the applicant shall submit a construction management plan to the Departments of Public Works and Planning for review and approval.</i></p>	Owner / Applicant	Prior to issuance of building or grading permits.	