

MONTEREY COUNTY PLANNING COMMISSION

Meeting: July 30, 2008. Time: A.M	Agenda Item No.:
Project Description: Combined Development Permit consisting of the following: 1) A Coastal Administrative Permit to allow the construction of a new 6,894 square foot, three-story single family dwelling including an 891 square foot attached 3-car garage, grading of approximately 942 cubic yards (750 cubic yards cut and 191 cubic yards fill), two-5,000 gallon water tanks, a new septic system and a new domestic well; 2) A Coastal Development Permit to allow the removal of 36 pine trees; and 3) A Coastal Development Permit to allow development with 100 feet of environmentally sensitive habitat (Dwarf Coastal Chaparral).	
Project Location: 309 Mount Devon Road, Carmel	APN: 241-221-009-000
Planning File Number: PLN070214	Name: Joan & Jerry Lauch, Property Owners Brian Foucht/Agent
Plan Area: Carmel Land Use Plan	Flagged and staked: Yes
Zoning Designation: : "WSC/40 (CZ)" [Watershed and Scenic Conservation, 40 acres per unit (Coastal Zone)]	
CEQA Action: Mitigated Negative Declaration	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Adopt the Mitigated Negative Declaration (**Exhibit H**) with Mitigation Monitoring and Reporting Plan (**Exhibit D**); and
2. Approve the Combined Development Permit based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions (**Exhibit D**).

PROJECT SUMMARY:

The proposed project entails the construction of a new 6,894 square foot single family dwelling including an 891 square foot attached garage, a new driveway (7,853 square feet), 2,576 square feet of patio and walkways, new retaining walls along the driveway and below the driveway, forming a 920 square foot area that is proposed to contain two 500 gallon liquid petroleum tanks, two 5,000 gallon water tanks, a generator, and water filter system, conversion of a test well to a production well, and 942 cubic yards of grading (750.7 cut/ 191.4 fill) to accommodate the new structures. The excess fill material is proposed to be used to repair and improve the existing access road.

Also associated with the proposed development are improvements to the existing access roads in order to provide adequate emergency services access. The road improvements consist of minor amounts of grading and vegetation removal to improve two hair-pin turns on Mt. Devon Road. Development at the site, including the road improvements, will require removal of 36 Monterey Pine trees ranging in size from 6 inches to 32 inches. Also proposed for removal is approximately 12,000 square feet of Coastal Scrub habitat including removal of 10 buckwheat plants associated with the road improvements.

The mostly undeveloped surroundings provide good habitat for native wildlife and vegetation. It also lends itself to high fire hazards, especially during hot, dry periods. Loose top soils in the area, combined with steep slopes on both sides of the proposed development and the grading and site preparatory work, require strict adherence to prevent soils runoff and erosion at the site. The site will be served by electric power by an existing overhead PG&E service, combined with a

proposed photo voltaic system. Water comes from a test well installed and inspected under a previous permit (PLN070363) and sewage disposal will be through a proposed new septic system. A Mitigated Negative Declaration has been prepared for the subject development application (**Exhibit H**). For a more detailed discussion of the project see **Exhibit B**.

OTHER AGENCY INVOLVEMENT:

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

The above checked agencies and departments have reviewed this project. Conditions recommended by Carmel Highlands FPD, Environmental Health, and the Water Resources Agency have been incorporated into the condition compliance reporting plan (**Exhibit D**).

On October 15, 2007 the Carmel Unincorporated/ Highlands Land Use Advisory (LUAC) voted 4 to 1 to approve the project as proposed. Concerns were raised regarding tree removal and ridgeline development. It was recommended that compliance with mitigation measures contained in the biological report be followed to minimize impacts. The colors and materials were found to be appropriate.

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

Craig W. Spencer
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July 10, 2008

cc: Front Counter Copy; Planning Commission Members (10); County Counsel; Carmel Highlands Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Laura Lawrence, Planning Services Manager; Craig Spencer, Planner; Carol Allen; Joan & Jerry Lauch, Applicant; Brian Foucht, Agent; File PLN070214.

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 Mitigated Negative Declaration (Without Attachments)
Exhibit I Biological Reports
Exhibit J Forest Management Plan
Exhibit K Fire Hazard Mitigation Plan
Exhibit L Initial Study Comments

This report was reviewed by Laura Lawrence, Planning Services Manager – Coastal Team

EXHIBIT B
PROJECT DISCUSSION
PLN070214 (Lauch)

I. PROJECT SETTING:

Setting

The subject parcel is located in the Coastal Mountain range above the Carmel Highlands, east of Point Lobos State Park. The site is 80 acres spanning an east to west trending ridge top between Gibson Creek to the north and Wildcat Creek to the south. With the exception of the ridge top, where a building envelope was created, the site is steep and densely covered with chaparral. The site is accessed from Highway 1, through the Carmel Highlands to the top of Mount Devon Road where the county maintained road ends. The road travels from there and becomes a decomposed granite surface that meanders through the rough terrain with switch-backs. The building envelope is approximately one half mile from the gate on Mount Devon Road and is 1.16 acres in size located on the ridge just off the access road. Vegetation at the site is divided in line with the topography consisting of a dense stand of Monterey Pine trees along the ridge top that appears to have been a fire break in the past. On the down slopes, on either side of the ridge, is dense Coastal Scrub habitat consisting of Shaggy Bark Manzanita, Ceanothus, and other related chaparral community plants.

II. ANALYSIS

Development Standards

The site is designated for Watershed and Scenic Conservation (WSC/40 (CZ)). Standards for height and lot coverage are all met. Staff identified issues relative to compliance with the Carmel Land Use Plan policies (tree removal, hazardous area development, biological impacts, and potentially visual impacts) and suggested changing the project design in order to address these issues. The project was slightly redesigned by eliminating a guest parking area and walkways, in order to reduce the total number of trees proposed for removal.

Aesthetics

Views from the property provide a line of sight to public viewing areas including Highway 1 to the north of the property and Point Lobos to the west. Staking and flagging were required for the proposed project to determine visual impacts from the common public viewing areas. The staking and flagging could not be located with unaided vision from Highway 1 or Point Lobos due to topography, vegetation, and distance. The site and building envelope are located approximately two miles east of Highway 1 at an elevation of around 500-600 feet above sea level. Visibility of the site is limited to a few select private dwellings and a small portion of Red Wolf Drive. Because the staking and flagging could not be located, it proved difficult to locate the building site and trees to be removed at distance (i.e. Highway 1 and Point Lobos).

To ensure consistency with the policies in the Carmel LUP, so the site will not become visible due to tree removal, trees screening the development will be retained. In addition, the proposed dwelling will use earth-toned colors and materials, including brown shake roofing, stone veneer, and beige stucco. A standard condition of approval will be applied to minimize lighting and off site glare by requiring down-lit fixtures (Condition #11).

Biological Impacts

On the project site, four species maintaining a protected status will be impacted by the proposed development. Dusky-Footed Wood Rat, Dwarf Coast Chaparral, Monterey Pine trees, and Smith's Blue butterfly, due to removal of buckwheat plants. The buckwheat plants themselves are not protected separately protected but are protected as habitat for the butterfly. The Carmel Land Use Plan Section 2.3.1 lists Dwarf Coastal Chaparral and Monterey Pine forest as sensitive environments for their habitat wildlife value and watershed protection qualities. The Dusky-Footed Wood Rat is listed by the California Department of Fish and Game as a species of concern and the Smith's Blue butterfly is listed by the U.S. Fish and Wildlife Services as rare and endangered.

Dwarf Coast Chaparral covers most of the 84 acre site; over 82 acres of that are in permanent conservation and scenic easement. The area of proposed development is located at the fringe of the chaparral community where the habitat transitions from chaparral to pine forest, so impacts will not divide or create pockets in the habitat. Potential impacts to the habitat were evaluated under the permit that created the building envelope (PC6251) and those impacts were fully mitigated by placing the property outside the envelope in an easement; however the biologist recommends that areas within the chaparral habitat, disturbed by grading, should be replanted the chaparral following construction activities, where it would not interfere with the Fire Hazard Mitigation Plan described later. A Condition of Approval requiring restoration of native vegetation has been included in **Exhibit D** (Condition #15).

Monterey Pine trees occupy much of the building envelope that was created in 1989 through a major lot line adjustment. The pines are on a watch list because of their limited distribution and the growing threats to the trees within their indigenous area from development, pests, and disease. Thirty six Monterey Pine trees are proposed for removal to accommodate roadway improvements and the construction of the new dwelling. Pursuant to the Carmel Land Use Plan (LUP) and Coastal Implementation Plan Part 4, a Forest Management Plan (FMP) was prepared and submitted for the proposed project. Impacts on the forest resources were determined to be insignificant because the area of disturbance is only four tenths of a percent (.4%) of the overall lot size. Recommendations contained in the FMP will be included as conditions of approval, including tree replacement planting for the project. See the discussion on tree removal below for more information.

The wood rat nest should be removed by hand, prior to construction to reduce risk of harm to the rat from heavy equipment (Condition #20). This will allow the rodent to relocate on its own, if, in fact, the nest hasn't already been abandoned.

Ten (10) dune buckwheat plants will need to be removed for road way improvements at two separate switchback locations. Access road improvements have been required by the Carmel Highlands Fire Department to provide adequate emergency access to the site. Access improvements were also required as a condition of approval from a previous permit that created the building envelope at the site. The dune buckwheat plants are habitat for the federally endangered Smith's Blue butterfly and mitigations have been recommended by the project's biologist to replant on a 2:1 basis within the area disturbed by the proposed 10 foot wide by 75 foot long utility trench within the building envelope. This mitigation has been incorporated in the Conditions of Approval in **Exhibit D** (Condition #33) and was found to reduce potential impacts to the Smith's Blue butterfly to a less than significant level.

Tree Removal

The proposed project consists of the removal of 36 Monterey Pine trees. According to the Carmel CIP, removal of native trees or other major vegetation requires a Coastal Development Permit (Section 20.146.060.A.1 CIP). A waiver or exception can be given to three pines that are

dead, diseased, or hazardous according to the Forest Management Plan (FMP) prepared by Matt Horowitz on September 7, 2007 (Section 20.146.060 A.1.b CIP), leaving the total removal of 33 healthy Monterey Pines greater than or equal to 6 inches Diameter at Breast Height (DBH). Replacement planting of 25 pine trees was recommended in the FMP, consistent with the CIP policies, reducing the net loss of pines to 8. The FMP evaluated the placement and design of the proposed development for appropriate tree preservation goals, assessed short and long-term impacts of the proposed development on the forest, and recommended conditions to replant trees consistent the LUP requirements, and to protect retained trees from damage. Conditions recommended in the FMP have been incorporated as conditions of approval **Exhibit D** (Condition #'s 9, 13, & 19).

Staff has worked with the project proponents to explore alternatives that would better meet the policies of the Carmel LUP regarding tree removal. Through design modifications, the removal of healthy, mature pine trees was reduced from 44 to 32 for the construction of the proposed dwelling. Due to the number of trees within the established building envelope, staff has determined that the proposed development is adequately located. The size and footprint of the proposed dwelling and patios could be reduced from over 7,000 square feet to further reduce the number of trees required to be removed; however, the project is well within the site development standards set forth in the Zoning Ordinance (Title 20). Staff, working with the given design, within the established building envelope, has found that the project meets Policies of the Coastal Implementation Plan Section 20.146.060 through adequate siting, which retains the natural forest character and minimizes removal of vegetation to that necessary for the proposed development. This determination was reached considering the established building envelope and existing vegetation within that envelope including the chaparral. The determination is also supported in the Forest Management Plan which states "Due to setback requirements, existing slopes and existing tree locations this is the best site for the home. Moving the footprint of the home will affect other mature pines with fewer defects. This project has been designed to work with and protect existing landmark trees as much as possible." Recommendations contained in the report have been made conditions of approval to protect the trees not proposed for removal and to require the planting of 1 Monterey Pine tree for each tree greater than 12 inches (DBH) removed.

Hazardous Area Development

The property is located in a remote area above the residential community of the Carmel Highlands to the west. The site is predominantly covered with Coastal dwarf chaparral consisting of shaggy bark manzanita, ceanothus, and other high fire load chaparral plant species. According to the biological report, this chaparral community typically would burn by natural causes, such as a lightning strike, every 40 to 80 years. Many of the plant species within the chaparral community benefit from these regular burns and, in fact, some species need the fire to propagate. The situation is compounded by the access road conditions and topography of the site. The access road is long narrow and winding making it difficult for emergency services vehicles, such as fire trucks, to access the site. Topography also creates a more dangerous situation because the building site is located on a ridge and fires burn uphill faster than on flat ground or down slope.

The proposed development has been reviewed by the Carmel Highlands Fire Protection District and conditions were recommended to reduce risks from fire including improvements to the access road, emergency water standards (water tanks), fire sprinkler requirements, very high hazard roof construction standards, and clearance for defensible space. These are standard conditions of approval from the fire department and will be included as conditions of approval for the proposed development.

More information was determined to be required to clarify the defensible space requirement due to the sensitive biological nature of the site and surroundings. A Fire Hazard Mitigation Plan

(FHMP) was prepared by Brian Foucht of BGF Planning Consultants to address this condition and its impacts. The FHMP addressed two zones of fire protection, the first being the “lean and green zone”, within an approximately 30-foot radius of the structure, and beyond that, the 100-foot fuel reduction area. The lean and green zone is proposed to be kept free of debris and contain green landscaping and vegetation. This 30-foot radius has been modified to stay within the building envelope and includes limbing of trees up to approximately nine (9) feet. Beyond the 30-foot radius, up to 100 feet, hand removal of dead vegetation and underbrush will be carried out. On-going maintenance and removal of dead vegetation is proposed once a year and will be the responsibility of the home owner. No removal of live vegetation was required or proposed within these areas.

The FHMP plan was reviewed and approved by the Carmel Highlands Fire Protection District. Adherence to the plan will allow for more time for the fire department to respond and make it easier for the fire agencies to protect life and structure in the event of a fire. A deed notice has previously been recorded on the subject property, required by permit PC6251, stating that the site is within a high fire hazard zone consistent with the requirements of the Carmel Land Use Plan. Mitigation requiring adherence to the FHMP has been incorporated in the Mitigation Monitoring and Reporting Plan (Condition #34).

CEQA

Initial Study and Mitigated Negative Declaration

Potential Impacts to Aesthetics, Air Quality, Biological Resources, Geology/Soils, Hazards/Hazardous Materials, and Land Use/Planning were identified in the project review. Subsequently, as described above, an Initial Study/Mitigated Negative Declaration was prepared and circulated from June 13, 2008 to July 14, 2008.

Mitigations were recommended to reduce potential impacts to biological resources and fire hazards to a less than significant level. Comments were received during the circulation period from the Monterey Bay Unified Air Pollution Control District (MBUAPCD), the Native American Heritage Commission, and the Department of Fish & Game (DFG), attached as **Exhibit L**.

Comments from MBUAPCD suggested that the contractor of the proposed development be notified of the anti-idling state law for diesel vehicles. The law requires that diesel vehicles not idle for more than 5 minutes, meaning that contractors should turn off their engines while loading and unloading material if it will take more than five (5) minutes. Operators of these large diesel vehicles should already be aware of the laws pertaining to their fields; however this discussion and Finding 3 Evidence c will serve as a notification to the owner/applicant. A later email was received from MBUAPCD indicating that, at this time, MBUAPCD is suspending their reference exposure levels from diesel pending further notice. The Air Quality discussion and conclusion in the Initial Study remain valid and accurate.

Comments from the Native American Heritage Commission suggested that records be searched to determine if the project had been previously surveyed or if cultural resources have already been recorded on or adjacent to the site and that mitigations be applied for accidentally identified resources including reporting and other provisions. The archaeological survey for the proposed development, both during creation of the building envelope and the more current survey for the proposed development, did include a background research of the appropriate cultural resources databases and found no previously recorded sites and no surface evidence of potential resources at the site. As described in the Initial Study and in this report a condition has been added to the project in case previously unidentified resources are discovered (Condition #3). The report was

not attached to the Initial Study for public review due to the sensitive nature of archaeological information.

Comments from the Department of Fish and Game focused on the potential for nesting birds within the trees to be removed, the Monterey Dusky-Footed Woodrat, and potential plant species. Suggestions were made to limit tree removal to mid-September through January to avoid breeding season of nesting birds, dismantling of the Woodrat nest between October 1 and December 31 to avoid their breeding season, and to have repeated floristic surveys during appropriate floristic periods to locate and identify potentially sensitive species at the site. The appropriate time periods for removal of trees (Condition #19) and the Woodrat nest (Condition #20) have been included in the already suggested conditions of approval for the project. The suggested floristic surveys would unduly delay the project as the applicant's biologist has been to the site during spring and summer months and provided lists of identified species during those times. The proposed development is within an established building envelope that had previous biological and CEQA analysis. Additionally, impacts from roadway improvements are described in the Initial Study and this staff report but also were required as a condition of approval from that previous Lot Line Adjustment application and would therefore not require a separate entitlement.

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, Coastal Implementation Plan Part 4, and the Monterey County Zoning Ordinance (Title 20), which designates this area as appropriate for development.

- EVIDENCE:** (a) Plan Conformance The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
- (b) Zoning Consistency The property is located at 309 Mt. Devon Road, Carmel (Assessor's Parcel Number 241-221-009-000), Carmel Area Land Use Plan. The parcel is zoned Watershed and Scenic Conservation, 40 acres per unit in the Coastal Zone ("WSC/40 (CZ)") which allows the first single family dwelling per legal lot of record as a principal use allowed subject to a Coastal Administrative Permit in each case. The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 20, and is therefore suitable for the proposed development.
- (c) Site Visit The project planner conducted a site inspection on May 11, 2007 and on October 29, 2007 to verify that the project on the subject parcel conforms to the plans listed above.
- (d) Biological Impacts Potential impacts to biological resources were identified including 10 (ten) dune buckwheat plants - host plants for the federally endangered Smith's Blue butterfly, 36 Monterey Pine trees, approximately 7,000 square feet of dwarf coast chaparral, and 1 (one) dusky footed wood rat nest. With the exception of the buckwheat plants and 4 (four) pine trees, the area of disturbance is limited to the established building envelope on the site. The building envelopes were created by a Lot Line Adjustment (PC6251) and potential impacts within those envelopes were evaluated with an Initial Study/Mitigated Negative Declaration at that time. Most of the 84 acre site has been placed in a conservation scenic easement to protect the long term maintenance of the habitat (20.146.040.B.3 CIP). Biological reports and a Forest Management Plan have been prepared for the new proposed development and mitigations have been incorporated to reduce potential impacts to a less than significant level.
- (e) Visual The building envelope and proposed structure are located on a ridge line high above Highway 1 and the Carmel Highlands offering views of Highway 1 north and Point Lobos. The project was staked and flagged and a site visit was conducted to determine potential visual impacts of the proposed development. The staking and flagging could not be identified from Highway 1 or point lobos due to existing vegetation, topography, and distance. To ensure that tree removal will not expose the structure to the viewshed, trees screening the proposed development to the north and west will be preserved and protected. Appropriate colors and materials have been proposed to blend the structure with the site and a standard condition

of approval requiring minimal, down-lit lighting has been applied (Condition # 11).

- (f) Hazards The building site is located in a remote mountainous area mostly covered with chaparral. Access to the site is by a long, narrow, winding dirt road from the top of the Carmel Highlands on Mt. Devon Road. The project includes improvements to this access road that are required by the Carmel Highlands Fire Protection District (FPD). The improvements are necessary to improve the turning radius at two separate switch-backs on the road for fire engine access in emergencies. Improvements to maintain adequate emergency access was required as a condition of approval under the Lot Line Adjustment that created the current lot configuration and building envelope (PC6251). Other measures to protect life and structures from hazards have been recommended by the Carmel Highlands FPD including fire sprinklers, roof construction, and defensible space. A Fire Hazard Mitigation Plan has also been prepared due to the potential conflicts with defensible space and biological resources (Condition #34).
- (g) Forest Resources A Coastal Development Permit is required for removal of native trees measuring 6-inches in diameter or greater (20.146.060.A CIP). Construction of a new 6,894 square foot dwelling with associated driveway, patios, and walkways will require removal of 32 Monterey Pine Trees. Four trees are proposed for removal for access road improvements. A Forest Management Plan has been prepared for this project (See Finding 7 with associated Evidence).
- (h) Archaeological Resources The site is located in an area that is high in archaeological sensitivity. A Preliminary Archaeological Reconnaissance was prepared for the project, pursuant to the Carmel Coastal Implementation Plan Policy 20.16.090.B.1, by Archaeological Consulting. The results of that reconnaissance were negative for potentially significant resources. Conditions recommended in the report have been included in the event that previously unidentified resources are discovered during construction (Condition # 3).
- (i) LUAC The project was referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review. On October 15, 2007, the committee voted 4 to 1 recommending approval of the project. Concerns were raised regarding tree removal and ridgeline development. It was recommended that compliance with mitigation measures contained in the biological report be followed to minimize impacts. The colors and materials were found to be appropriate.
- (j) Application The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN070214.

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

- EVIDENCE:**
- (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Carmel Highlands Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - (b) Technical reports by outside biological, archaeological, and geological consultants indicated that there are no physical or environmental

constraints that would indicate that the site is not suitable for the use proposed. County staff concurs. The following reports have been prepared:

- i. "Fire Hazard Mitigation Plan" prepared by Brian Foucht, Salinas, CA, April 21, 2008.
 - ii. "Biological Report" (LIB070453) prepared by Jud Vandever, Carmel, CA, July 2007.
 - iii. "Biological Report #2" prepared by Jud Vandever, Carmel, CA, April 23, 2008.
 - iv. "Biological Report #3" prepared by Jud Vandever, Carmel, CA, April 25, 2008.
 - v. "Forest Management Plan" (LIB070450) prepared by Forest City Consulting, Carmel, CA, September 7, 2007.
 - vi. "Geotechnical and Geoseismic Report" (LIB070451) prepared by Grice Engineering, Inc., Salinas, CA, August 2007.
 - vii. "Preliminary Cultural Resources Reconnaissance" (LIB070455) prepared by Susan Morely, Carmel, CA, July 2007.
- (c) Staff conducted a site inspection on May 11, 2007 and on October 29, 2007 to verify that the site is suitable for this use.
- (d) Materials in Project File PLN070214.

3. **FINDING: CEQA (Mitigated Negative Declaration):** - On the basis of the whole record before the Planning Commission there is no substantial evidence that the proposed project as designed, conditioned, and mitigated will have a significant effect on the environment. The mitigated negative declaration reflects the independent judgment and analysis of the County.

EVIDENCE: (a) Initial Study. The Resource Management Agency – Planning Department prepared an initial study pursuant to CEQA. The Initial Study identified the potential for impacts to aesthetics, air quality, biological resources, geology and soils, hazards, and land use planning on the site but the applicant has agreed to proposed mitigation measures that avoid or mitigate the effects to a point less than significant level. Subsequently a Mitigated Negative Declaration was prepared. The Initial Study reflects the independent judgment and analysis of the County and is hereby incorporated by reference.

- (b) Mitigated Negative Declaration. A Mitigated Negative Declaration was filed with the County Clerk on June 13, 2008 and circulated to the State Clearinghouse from June 13, 2008 to July 14, 2008. Among the studies, data, and reports analyzed as part of the environmental determination are the following:
1. Fire Hazard Mitigation Plan, prepared by Brian Foucht (April 21, 2008);
 2. Biological Reports, prepared by Jud Vandever (April 23, 2008, April 25, 2008 and July 2007);
 3. Forest Management Plan, prepared by Forest City Consulting (September 7, 2007);
 4. Geotechnical and Geoseismic Report, prepared by Grice Engineering, Inc. (August 2007); and
 5. Preliminary Cultural Resources Reconnaissance, prepared by Susan Morely (July 2007).

- (c) Comments Comments were received from the Monterey Bay Unified Air Pollution Control District (MBUAPCD), the Native American Heritage

Commission, and the Department of Fish and Game (DFG). Comments from MBUAPCD suggested that the contractors be advised of the anti-idling law dealing with diesel engines. A later email, dated July 15, 2008, from MBUAPCD, suspended application of the reference exposure levels from diesel pending further notice. The Native American Heritage Commission suggested research and mitigations for cultural resources. The research was conducted as described in the Archaeological Survey submitted for the proposed development and a standard Monterey County Condition of approval (Condition #3) has been included consistent with the recommendations in the comment letter. DFG comments consisted of appropriate time periods for tree removal and disassembling the Dusky-Footed Woodrat nest to avoid breeding seasons which have been incorporated into the Conditions of approval for the project (Condition #'s 19 & 20). The DFG also suggested floristic surveys during different periods of the year to identify any potentially sensitive plant species at the site. The project biologist has conducted several site visits at different times of the year and has not indicated presence of any state listed plant species at the site. The proposed project is within an established building envelope that was created through a previous Lot Line Adjustment (PC6251) that had biological and CEQA review at that time.

(d) Conclusion Suggestions from responsible agencies have been incorporated in the staff report and conditions of approval. Those suggestions offered clarification and amplification to the proposed conditions and mitigations. No new significant impacts have been identified.

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

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

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

EVIDENCE: See Findings 1, 2, 3, & 7 with supporting Evidence.

6. **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. No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

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

(b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 3, the Shoreline Access/Trails 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) Staff site visit on May 11, 2007 and on October 29, 2007.

7. **FINDING: TREE REMOVAL** – The subject project limits the removal of native trees to that which is necessary for the proposed development in accordance with the applicable goals and policies of the Carmel Land Use Plan and Coastal Implementation Plan (Part 4).

- EVIDENCE:**
- (a) The project includes a Coastal Development Permit for the removal of 36 Monterey pines. Three of these 36 pines proposed for removal have been identified in the Forest Management Plan as dead, leaving the total number of healthy pines to be removed at 33.
 - (b) Section 20.146.060.D.3 of the Monterey County Coastal Implementation Plan, Part 4, states that “Removal of native trees shall be limited to that which is necessary for the proposed development. Prior to the application being considered complete, the development shall be adjusted for siting, location size and design as necessary to minimize tree removal.” Trees proposed are located within the immediate disturbance area required for construction of the structures and roadway access improvements. Trees proposed for removal are also within the established building envelope and right-of-way. The proposed structure is adequately located, as moving the structure will require removal of other trees and the proposed development is well within the site development standards set forth in the Zoning Ordinance (Title 20). Therefore the project complies with policy 20.146.060.D.3.
 - (c) Policy 20.146.060.D. of the Monterey County Coastal Implementation Plan, Part 4, states that “Removal of any trees which would result in the exposure of structures in the critical viewshed shall not be permitted.” As designed the project would be screened from the north and west by existing trees that are not proposed for removal. A standard condition requiring protection of the trees not proposed for removal has been incorporated (Condition # 9).
 - (d) Removal of trees that measure 12-inches or greater Diameter at Breast Height (DBH) are required to be replaced on site at a 1:1 ratio by Section 20.146.060.D.6. Twenty five (25) of the thirty six (36) trees to be removed are 12 inches or greater DBH. The Forest Management Plan also recommends a 1:1 ratio for replacement planting; this has been incorporated in the standard conditions of approval (Conditions #'s 10 & 19).
 - (e) A Monterey County standard condition of approval (Condition # 13) has been implemented requiring the applicant to record a notice stating that a Forest Management Plan has been prepared and any tree removal shall be in accordance with the approved plan (20.146.060.D.7).
 - (f) The removal will not significantly impact the overall health of the forest as the property is over 84 acres in size and the Forest Management Plan and Biological Reports concur.

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

- EVIDENCE:**
- (a) Section 20.86.030 of the Monterey County Coastal Implementation Plan - Part 1 (Board of Supervisors).

(b) The project may be appealed to the California Coastal Commission pursuant to Section 20.86.080 of the Monterey County Coastal Implementation Plan - Part 1 because tree removal and development within 100 feet of environmentally sensitive habitat are subject to a Coastal Development Permits.

EXHIBIT D Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: <u>Joan & Jerry Lauch</u> File No: <u>PLN070214</u> Approved by: Planning Commission	APNs: <u>241-221-009-000</u> Date: July 30, 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.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Combined Development Permit (PLN070214) allows 1) A Coastal Administrative Permit to allow the construction of a new 6,894 square foot, three-story single family dwelling including an 891 square foot attached 3-car garage, grading of approximately 942 cubic yards (750 cubic yards cut and 191 cubic yards fill), two- 5,000 gallon water tanks, a new septic system and a new domestic well; 2) A Coastal Development Permit to allow the removal of 36 pine trees; 3) A Coastal Development Permit to allow development with 100 feet of environmentally sensitive habitat (Dwarf Coastal Chaparral); and 4) A Design Approval. The property is located at 309 Mt. Devon Road, Carmel (Assessor's Parcel Number 241-221-009-000), 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 allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

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2.		<p>PD002 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Planning Commission for Assessor's Parcel Number 241-221-009-000 on July 30, 2008. The permit was granted subject to 34 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)</p>	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.		<p>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</p> <p>If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)</p>	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeologist	Ongoing	

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4.		<p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable	

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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 Owner/ Applicant	Within 5 working days of project approval. Prior to the recordation of the final map, the start of use or the issuance of building or grading 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.	
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 and Building Services Department)	Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.	Owner/ Applicant	Ongoing	

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8.		<p>PD010 - EROSION CONTROL PLAN AND SCHEDULE</p> <p>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)</p>	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	
9.		<p>PD011 – TREE AND ROOT PROTECTION</p> <p>Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by a certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of the RMA – Director of Planning. If there is</p>	Submit evidence of tree protection to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of grading and/or building permits	
			Submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.	Owner/ Applicant/ Arborist	During Construction	

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		any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by a certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning Department)	Submit photos of the trees on the property to the RMA – Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.	Owner/ Applicant	Prior to final inspection	
10.		PD012(G) - LANDSCAPE PLAN AND MAINTENANCE (OTHER THAN SINGLE FAMILY DWELLING) The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping and shall include an irrigation plan. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA – Planning Department)	Submit landscape plans and contractor’s estimate to the RMA - Planning Department for review and approval.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to issuance of Building Permits	
			The landscaping shall be installed and inspected.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to Occupancy	
			All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.	Owner/ Applicant	Ongoing	

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11.		<p>PDSP001 – LIGHTING – EXTERIOR LIGHTING PLAN (NON-STANDARD)</p> <p>All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior lights shall have recessed lighting elements. Exterior light sources that would be directly visible from when viewed from a common public viewing area, as defined in Title 20 Section 20.06.197, are prohibited. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)</p>	<p>Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.</p>	Owner/ Applicant	Prior to the issuance of building permits.	
			<p>The lighting shall be installed and maintained in accordance with the approved plan.</p>	Owner/ Applicant	Prior to Occupancy / Ongoing	
12.		<p>PD016 – NOTICE OF REPORT (GEOTECHNICAL REPORT)</p> <p>Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical and Geoseismic report has been prepared for this parcel by Grice Engineering and Geology Inc., dated August 2007 and is on record in the Monterey County RMA - Planning Department , Library No. 070451. All development shall be in accordance with this report." (RMA – Planning Department)</p>	<p>Proof of recordation of this notice shall be furnished to the RMA - Planning Department.</p>	Owner/ Applicant	Prior to the issuance of grading and building permits.	

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13.		PD016 – NOTICE OF REPORT (FOREST MANAGEMENT PLAN) Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Forest Management Plan has been prepared for this parcel by Forest City Consulting, dated September 7, 2007 and is on record in the Monterey County RMA - Planning Department , Library No. 070450. All development shall be in accordance with this report." (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.	
14.		PD016 – NOTICE OF REPORT (BIOLOGICAL REPORT) Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Biological reports have been prepared for this parcel by Jud Vandevere, dated April 23, 2008, April 25, 2008 and July 2007 and is on record in the Monterey County RMA - Planning Department , Library No 070453. All development shall be in accordance with this report." (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.	
15.		PD033 - RESTORATION OF NATURAL MATERIALS Upon completion of the development, the area disturbed shall be restored to a condition to correspond with the adjoining area, subject to the approval of the Director of the RMA - Planning Department. Plans for such restoration shall be submitted to and approved by the Director of the RMA - Planning Department prior to commencement of use. (RMA – Planning Department)	Submit restoration plans to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to commencement of use.	

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16.		<p>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)</p>	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	On-going		
17.		<p>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 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)</p>	1) The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection	Owner/ Applicant	Prior to the issuance of grading or building permits	
	2) The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.		Owner/ Applicant/ Engineer	Prior to the final inspection		

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18.		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	
19.		PDSP002 – TREE REMOVAL AND REPLACEMENT (NON-STANDARD) The twenty five (25) Monterey Pine trees to be removed shall be removed only during the non-breeding season of nesting birds from mid-September through January. All trees removed under this permit shall be replaced on a one-to-one basis on the subject property. The trees shall be 5 gallon or larger Monterey pines. Spacing between the trees shall be at least eight feet. (RMA – Planning Department)	Submit proposed tree removal time frames and provide evidence of compliance with those timeframes to the Director of Planning for review and approval.	Owner/ Applicant	Prior to issuance of grading or building permits	
			Submit evidence tree replacement quantities and locations to the Director of Planning for review and approval	Owner/ Applicant	Prior to final inspection	
20.		PDSP003 – DUSKY-FOOTED WOOD RAT NEST REMOVAL (NON-STANDARD) The Dusky-Footed Wood Rat nest identified in the biological report, prepared by Jud Vandevere, shall be disassembled by hand during the non-breeding season between October 1 and December 31 and prior to the commencement of grading activities. (RMA – Planning Department)	Submit a letter from a qualified biologist indicating that the Dusky-Footed Wood Rat nest was properly disassembled during the required time period to the RMA-Planning Department for review and approval	Owner/ Applicant/ Biologist	Prior to issuance of grading or building permits.	

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21.		<p>WR2 - STORMWATER CONTROL</p> <p>The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Stormwater runoff from impervious surfaces shall be dispersed at multiple points, away from and below any septic leach fields, over the least steep available slopes, with erosion control at outlets. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)</p>	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer	Prior to issuance of any grading or building permits	
22.		<p>WR40 - WATER CONSERVATION MEASURES</p> <p>The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:</p> <p>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.</p> <p>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)</p>	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	

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23.		WR43 - WATER AVAILABILITY CERTIFICATION The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	
24.		EHSP001 - SEPTIC INSTALLATION (NON-STANDARD) Due to lot constraints, the septic system shall be installed per Grice Engineering design. The Engineer must be onsite to oversee installation and verify the system is installed per approved plans. The approved plans meet all setbacks and are on file with EHD. Any changes to the design must be approved by EHD. (Environmental Health)	Install septic system under permit by EHD, per Grice Engineering design. Engineer must sign off and verify installation and submit a signed as-built plan to the Environmental Health Department for review and approval.	CA Licensed Engineer /Owner/ Applicant	Prior to final of building permit	
25.		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 District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection	

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26.		<p>FIRE002 - ROADWAY ENGINEERING</p> <p>The grade for all roads shall not exceed 15 percent. Where road grades exceed 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than 100 feet. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. Roadway turnarounds shall be required on dead-end roads in excess of 150 feet of surface length. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (Carmel Highlands Fire District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of grading and/or building permit.	
			<p>Applicant shall schedule fire dept. clearance inspection for each phase of development.</p>	Applicant or owner	Prior to final building inspection	

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27.		<p>FIRE007 - DRIVEWAYS Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (Carmel Highlands Fire District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of grading and/or building permit.</p>	
			<p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p>	<p>Prior to final building inspection.</p>	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
28.		<p>FIRE008 - GATES 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 District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of grading and/or building permit.	
			<p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	Prior to final building inspection.	
29.		<p>FIRE011 - ADDRESSES FOR BUILDINGS 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.</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of building permit.	

<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>
		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 District)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
30.		FIRE014 - EMERGENCY WATER STANDARDS - FIRE PROTECTION WATER SUPPLY - (SINGLE PARCEL) 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 District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

<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>
31.		<p>FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (Carmel Highlands Fire District)</p>	Applicant shall enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection	
			Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	
32.		<p>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 District)</p>	Applicant shall enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of building permit.	
33.	1	<p>PDSP003 – DUNE BUCKWHEAT (MITIGATION) After backfilling the 10 foot wide “joint utility trench” and prior to occupancy of the proposed residence, the owner shall coordinate with a qualified biologist to replant buckwheat plants on a 2:1 basis (two plants for each plant removed) on the disturbed soil within that utility trench area, by creating two plots of eight plants arranged in a three foot diameter circle with two plants in the center (twenty plants total). The buckwheat plants shall be kept weeded and watered as necessary until they are established. Success criteria shall be a minimum of 50% survival rate to provide for a no net loss of habitat. (RMA – Planning Department)</p>	Prior to occupancy or final of building and grading permits, the owner shall have a qualified biologist inspect the plants, and report to the RMA – Planning Department in writing, regarding quality and survivability of the plants. If the minimum success criteria are not met than new plants shall be planted and inspected by a qualified biologist in the same manner, until a no net loss is achieved.	Owner/ Applicant/ Biologist	Prior to occupancy or final of building and grading permits/ Ongoing until no net loss is achieved.	

<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>
34.	2	<p>PDSP004 – FIRE HAZARD MITIGATION PLAN (MITIGATION)</p> <p>The owner/applicant shall comply with the Fire Hazard Mitigation Plan submitted for the project dated April 21, 2008. Prior to final building inspection the owner/applicant shall remove combustible vegetation from within 30 feet of structures. Limb trees 9 feet up from ground. Remove limbs within 10 feet of chimneys. Additional fire protection beyond 30 feet, up to 100 feet, from structures is required, including removal of dead vegetation under the direction of a qualified biologist. (RMA – Planning Department/ Carmel Highlands Fire District)</p>	<p>Prior to issuance of building permits the owner/applicant shall incorporate the Fire Hazard Mitigation Plan into the design and enumerate as “Fire Dept. Notes” on plans.</p>	<p>Owner/ Applicant/ Architect</p>	<p>Prior to issuance of building permits</p>	
			<p>Prior to final inspection the owner/applicant shall schedule a fire department clearance inspection for review and approval of fire clearance around the structure and other appropriate fire conditions.</p>	<p>Owner / Applicant/ Contractor</p>	<p>Prior to final building inspection</p>	
			<p>Ongoing annual maintenance to remove dead vegetation within the defensible space as directed by the Carmel Highlands Fire Department shall be required and is the sole responsibility of the owner/occupant.</p>	<p>Owner/ Applicant</p>	<p>Ongoing</p>	