

MONTEREY COUNTY PLANNING COMMISSION

Meeting: April 29, 2009.	Time: 9:00 A.M	Agenda Item No.: 1
Project Description: Coastal Development Permit and Design Approval to allow grading consisting of 105 cubic yards of cut and 105 cubic yards of fill on a site with a positive archaeological report, remodeling of an existing house including modification to a portion of the roof line and portions of the east and west exterior walls, the installation of two retaining walls totaling 138 linear feet, the installation of pavers for a proposed patio on the northeast portion of the parcel and the replacement and extension of an existing patio.		
Project Location: 2507 16th Avenue, Carmel		APN: APN 009-403-033-000, 009-403-034-000
Planning File Number: PLN080529		Owner: Alan and Caron Lacy Agent: Eric Miller Architects
Planning Area: Carmel Area Land Use Plan		Flagged and staked: No
Zoning Designation: : “MDR/2-D-18 (CZ) [Medium Density Residential, 2 units per acre with Design Control and an 18-foot height limit (Coastal Zone)]		
CEQA Action: Mitigated Negative Declaration		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit C**) to:

- 1) Adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program; and
- 2) Approve PLN080529, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**):

PROJECT OVERVIEW:

The goal of this project is to increase the ceiling height of both the first floor and second floor of the central portion of the existing house, without raising the overall height of the house above the zoning district maximum of 18 feet. In order to accomplish this, the applicant proposes to remove 18 inches of soil from under the family room, kitchen and in the court yard area. This material will be placed on the east side of the house where retaining walls will be constructed to allow the courtyard patio to be extended. The area will be terraced and landscaped. The floor of the family room and kitchen area would then be replaced at a lower level. Portions of the western wall and the eastern wall of the dwelling will be raised, and the pitch of the roof will be modified to allow the second floor ceiling height to be raised while maintaining the 18-foot height limit of the zoning district. The project does not include any expansion of floor area for the existing house.

The subject site is within close proximity to locations where archaeological resources have been identified. An archaeologist's survey of this site did not find anything on the surface, but a test bore found a small shell fragment and several chert flakes. Based upon these findings the archaeologist recommended several mitigation measures to ensure that if resources are found on site during construction that they are protected. Based upon these findings and recommendations an Initial Study was prepared which determined that a Mitigated Negative Declaration was an appropriate environmental determination for this project.

For a more detail discussion please refer to Exhibit B.

OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

RMA - Public Works Department
Environmental Health Division
Water Resources Agency
Cypress Fire Protection District
California Coastal Commission

Agencies that submitted comments are noted with a check mark ("✓"). No conditions have been requested by other departments or agencies.

This project was reviewed by the Carmel Area Land Use Advisory Committee because it involved the preparation of an environmental document. The Carmel Area LUAC recommends approval of the project with a 7-0 vote. The LUAC liked the use of copper roofing material in the area where the roof pitch was going to be by 1:12. They did not want to see another less attractive material substituted for the proposed copper with standing seams.

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

/s/ John Ford
John Ford, Senior Planner
(831) 796-6049, fordjh@co.monterey.ca.us
April 15, 2009

cc: Front Counter Copy; Planning Commission; Cypress Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; California Coastal Commission; Laura Lawrence, Planning Services Manager; John Ford, Project Planner; Carol Allen, Senior Secretary; Alan and Caron Lacy, Owner; Eric Miller Architects, Agent; Planning File PLN080529

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Discussion
	Exhibit C	Draft Resolution, including:
		1. Conditions of Approval and Mitigation Monitoring and Reporting Program
		2. Site Plan, Floor Plan and Elevations, Parcel Map, Tentative Map
	Exhibit D	Vicinity Map
	Exhibit E	Advisory Committee Minutes (Carmel Area)
	Exhibit F	Mitigated Negative Declaration

This report was reviewed by Laura Lawrence, Planning Services Manager

Exhibit B

Overview of Proposed Project

The initiative for this project is the desire to remodel the interior portion of the house. As part of the remodel the property owner would like to increase the ceiling height from under seven feet to eight feet. This is complicated by the height limitation in the Carmel Point area. The maximum building height is 18 feet. The ridgeline of the existing structure is already at 18 feet, so it is not possible to increase the overall height of the house.

In order to increase the height of the ceiling on the first floor in the family room, kitchen, and hallway, the foundation is being removed and 18 inches of soil is being taken out so that the floor can be lowered. The court yard area in the middle of the house is also being lowered by 18 inches so that the level of the courtyard and the entry into the home will be at the same elevation. This corresponds to the existing grade elevation along the eastern side of the house (The courtyard currently is above the pad grade for the house.) There is an existing stucco wall along the old property line for this site. Beyond this wall, the site slopes down away from the house. The soil which is being excavated will be moved onsite to beyond the existing stucco wall. The stucco wall will be removed and the yard area will be extended. The patio associated with the courtyard will be extended, and the small outdoor fireplace will be moved from it's present location approximately nine feet to the east. There will be an additional terrace stepping down beyond that. There will be 105 cubic yards of soil removed and 105 yards of soil replaced on site.

In order to increase the height of the master bedroom living area on the second floor, the application proposes to increase portions of the wall height of the east and west building elevations (side elevations). Because the ridgeline is already at the zoning district maximum of 18 feet, this would result in a roof with a shallow pitch. The pitch will change from a 2.5:12 to 1:12. This is fairly flat for a pitched roof. In order to maintain positive drainage, the applicant is proposing a copper roof with standing seams. This is already a design element on the house. This is not the most ideal of designs, but given that these elevations are not significantly visible from the street, and the roof in the areas to be modified are already fairly flat, this is not a significant change to the design of the house. The front elevation of the house will not change.

One point of confusion in the review of this project is whether it is a single lot or two lots. This is a single lot. It was configured by a Lot Line Adjustment approved in 2006. A Record of Survey and a Certificate of Compliance have been recorded. Unfortunately after all this was done, the Assessor's office issued a new number for the piece added to this parcel, and not one number for the whole parcel. The result is that there are two Assessor's parcel numbers on one legal lot. This parcel is one legal lot and should only have one parcel number.

Portions of the existing building wall facing west are less than five feet from the property line. This wall is being structurally altered, and is non-conforming. The non-conforming provisions of the Zoning Ordinance do not allow structural alterations unless the alterations are in conformance with the set back provisions of the Zoning Ordinance. The applicant has designed the modifications to maintain the five foot side yard setback. Thus this project complies with the non-conforming provisions of the Zoning Ordinance and can proceed.

The Carmel Point area is rich in archaeological resources. There are several sites in Carmel Point that have yielded artifacts. An archaeological survey was conducted for the subject site. The survey did not determine the presence of any resources based upon a surface investigation, PLN080529

but did find some pieces of chert and shell fragments during a test bore. Based upon this the site is considered to have a positive archaeological report and requires a Coastal Development Permit. The Carmel Area Land Use Plan requires an Initial Study for a site which is archaeologically sensitive. An Initial Study found that the only potential impact from the proposed project is related to the findings of the archaeologist. The Initial Study followed the recommendations of the archaeologist to mitigate potentially adverse impact to undiscovered resources by monitoring the removal and relocation of soil. The archaeologist recommended that monitoring and sampling be done during the course of excavation. There may or may not be resources present in the project area. In this circumstance it is common practice to have a monitor on site to investigate the relocated soil. With these recommendations and mitigation measures a Mitigated Negative Declaration has been prepared. If during the excavation process anything of consequence is found, the archaeologist will need to re-evaluate the situation and artifacts will need to be preserved.

In summary this is a typical infill remodel that is complicated by its location within an area that has produced archaeological resources. Care needs to be taken to preserve and protect those resources, and conditions have been added to this project to accomplish that.

EXHIBIT C
DRAFT RESOLUTION

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

Alan and Caron Lacy (PLN080529)

RESOLUTION NO. ----

Resolution by the Monterey County Planning
Commission:

- 1) Adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and
- 2) Approving a Coastal Development Permit and Design Approval to allow grading consisting of 105 cubic yards of cut and 105 cubic yards of fill on a site with a positive archaeological report, remodeling of an existing house including modification to a portion of the roof line and portions of the east and west exterior walls, the installation of two retaining walls totaling 138 linear feet, the installation of pavers for a proposed patio on the northeast portion of the parcel and the replacement and extension of an existing patio. (PLN080529, Alan and Caron Lacy, 2507 16th Avenue, Carmel, Carmel Area Land Use Plan (APN: 009-403-033-000, 009-403-034-000))

The Lacy application (PLN080529) came on for public hearing before the Monterey County Planning Commission on April 29, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

- EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
- the Monterey County General Plan,
 - Carmel Area Land Use Plan,
 - Carmel Area Land Use Plan, Coastal Implementation Plan,
 - Monterey County Zoning Ordinance (Title 20)

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 2507 16th Avenue, Carmel, (Assessor's Parcel Number: APN 009-403-033-000, and 009-403-034-000, Carmel Area Land Use Plan. The parcel is zoned "MDR/2-D-18 (CZ) [Medium Density Residential, 2 units per acre with Design Control and an 18-foot height limit (Coastal Zone), which allows the single family residential unit on the subject site. Therefore, the project is an allowed land use for this site.
- c) Portions of the east and west wall will be increased in height, but the overall height of the dwelling will continue to be 18 feet. This is in compliance with the 18-foot height limit for the subject site. A condition has been added requiring that the roof height not be increased above the existing ridgelines.
- d) The existing west facing building wall is within 5 feet of the property line. The project will construct this wall such that it complies with the 5-foot setback. The structural alterations made to this wall will be in conformance with the setback requirements of the Zoning Ordinance.
- e) The project planner conducted a site inspection on February 13, 2009 to verify that the project on the subject parcel conforms to the plans listed above.
- f) *ARCHAEOLOGICAL RESOURCES*. An archaeological report has been prepared for the subject site. Shell fragments and pieces of chert have been identified in material taken from a core sample and therefore a Coastal Development Permit is required for any work on this site. The modifications to the existing dwelling that potentially affect archaeological resources include lowering a portion of the floor level in the family room and kitchen and in the courtyard. The material taken from these locations will be replaced on site. Conditions **12-16** are included in the project approval which requires sampling of the material to insure that no significant artifacts are lost or destroyed.
- g) The project was referred to the Carmel Area Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the project included preparation of an Initial Study and Negative Declaration. The LUAC recommended approval of the project with a 7-0 vote. The LUAC liked the use of copper roofing material with standing seams in the area where the roof pitch is going to be 1:12. The LUAC did not want to see a less attractive material substituted for the proposed copper with standing seams. A condition has been added requiring the use of the copper standing seam roof.
- h) 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 PLN080529.

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, Cypress 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.

- b) Staff identified potential impacts to Archaeological Resources. An archaeological report has been prepared for the subject property which identified mitigation. The archaeological report by an outside consultant indicates that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. The report recommends sampling soil material as it is moved on site to determine if there are resources of any significance on site. County staff independently reviewed the report and concurs with the conclusions. The following report has been prepared:
 - *“Preliminary Archaeological Reconnaissance and Archaeological Mitigation Plan” (LIB090136) prepared by Archaeological Consulting, Salinas, CA, December 12, 2008.*
- c) Staff conducted a site inspection on February 13, 2009 to verify that the site is suitable for this use.
- d) 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 PLN080529.

3. **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) The project was reviewed by RMA - Planning Department, Cypress Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. The respective departments/agencies have not recommended any conditions.
 - b) Necessary public facilities are available to the site. The site is served by CAL AM water service, and CAWD sewer.
 - c) Preceding findings and supporting evidence for PLN080529. The site supports an existing single family residence. Modifications will be made to the house to provide an eight foot ceiling height, but will not increase the size of the house. The dwelling located on this lot has not been detrimental to the health and safety of the area, the modifications to the house will not cause any change in the use or operation associated with the dwelling that would create a detriment to the neighborhood.

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.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and

Building Services Department Monterey County records and is not aware of any violations existing on subject property.

- b) Staff conducted a site inspection on February 13, 2009 and researched County records to assess if any violation exists on the subject property.
- c) There are no known violations on the subject parcel.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080529

5. **FINDING:** **CEQA** On the basis of the whole record before the Monterey County 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) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN080529).
 - c) The Initial Study identified a potentially significant effect, but the applicant has agreed in writing (letter dated 3/26/2009) to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur. The Initial Study is on file in the RMA-Planning Department and is hereby incorporated by reference (PLN080529).
 - d) Issues that were analyzed in the Mitigated Negative Declaration include: cultural resources.
 - e) One of the mitigation measures recommended by the archaeologist requires steps to be taken if human remains are found. The language of the County of Monterey's standard condition gives more specific direction in the event of such a find. The County of Monterey's standard condition has been substituted for mitigation measure 3.
 - f) All project changes required to avoid significant effects on the environment have been incorporated into the conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference as **Exhibit 1**. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval (**Condition 7**)
 - g) The Draft Mitigated Negative Declaration ("MND") for PLN080529 was prepared in accordance with CEQA and circulated for public review from 03/27/2009 through 04/27/2009 (SCH#: 2009031098). Issues that were analyzed in the Draft Mitigated Negative Declaration ("MND") include cultural resources.

- h) Evidence that has been received and considered includes: the application, technical studies/reports (*see Finding 2/Site Suitability*), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN080529) and are hereby incorporated herein by reference.
- i) *DFG FEES/EXEMPTION*
Staff analysis contained in the Initial Study and the record as a whole indicate the project could not result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.
- j) No comments from the public were received.
- k) The Monterey County Planning Department, located at 168 W. Alisal, Second Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

6. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and not the California Coastal Commission
- EVIDENCE:** a) Section 20.86.030.A Monterey County Zoning Ordinance (Board of Supervisors).
- b) Section 20.86.080.A Monterey County Zoning Ordinance (Coastal Commission). The project is not subject to appeal by/to the California Coastal Commission because the project is not between the sea and the first public road, or within 300 feet of the inland extent of any beach or mean high tide line, the use is permitted and not conditionally permitted, and the project does not involve a public works project.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

- A. Adopt the Mitigated Negative Declaration and (the Mitigation Monitoring and Reporting Program (**Exhibit 1**); and
- B. Approve the Coastal Development Permit and Design Approval to allow grading consisting of 105 cubic yards of cut and 105 cubic yards of fill on a site with a positive archaeological report, remodeling of an existing house including modification to a portion of the roof line and portions of the east and west exterior walls, the installation of two retaining walls totaling 138 linear feet, the installation of pavers for a proposed patio on the northeast portion of the parcel and the replacement and extension of an existing, in general conformance with the attached sketch (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 29th day of April, 2009.

Mike Novo, Planning Commission

COPY OF THIS DECISION MAILED TO APPLICANT ON **DATE**

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **DATE**

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS NOT APPEALABLE TO THE COASTAL COMMISSION.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.

RESOLUTION ### - EXHIBIT 1
Monterey County Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: Lacy
File No: PLN080529 **APNs:** 009-403-033-000,
009-403-034-000
Approved by: Planning Commission **Date:** April 29, 2009

**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>
RMA – Planning Department						
1.		PD001 - SPECIFIC USES ONLY This Coastal Development Permit and Design Approval (PLN080529) allows grading consisting of 105 cubic yards of cut and 105 cubic yards of fill on a site with a positive archaeological report, remodeling of an existing house including modification to a portion of the roof line and portions of the east and west exterior walls, the installation of two retaining walls totaling 138 linear feet, the installation of pavers for a proposed patio on the northeast portion of the parcel and the replacement and extension of an existing patio. The property is located at 2507 16th Avenue, Carmel, (Assessor's Parcel Number APN 009-403-033-000, 009-403-034-000), 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. 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	Adhere to conditions and uses specified in the permit. 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. 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.	Owner/ Applicant RMA - Planning WRA RMA - Planning	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>
		permits are approved by the appropriate authorities.				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution [REDACTED]) was approved by the Planning Commission for Assessor's Parcel Number APN 009-403-033-000 and 009-403-034-000 on April 29, 2009. The permit was granted subject to 16 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA - Planning Department)	Obtain appropriate form from the RMA-Planning Department. The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner/ Applicant RMA- Planning	Prior to the issuance of grading and building permits or commencement of use.	
3.		PD032 - PERMIT TIME/YEAR & DATE The permit shall be granted for a time period of 2 years, to expire on April 28, 2011. (RMA - Planning Department)	The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.	Owner/ Applicant	As stated in the conditions of approval	
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	Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County. Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits,	

<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>
		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)				
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.	Owner/ Applicant	Within 5 working days of project approval.	
			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	Prior to the issuance of building or grading permits	
6.		PDSP001 - MITIGATION MONITORING PROGRAM (NON-STANDARD) 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. (RMA - Planning Department)	1) Enter into agreement with the County to implement a Mitigation Monitoring Program.	Owner/ Applicant	Within 60 days after project approval or prior to the issuance of grading and	

<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>
					building permits, whichever occurs first.	
7.		<p>PD012(F) - LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY)</p> <p>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 materials and shall include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA – Planning Department)</p>	<p>Submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable.</p> <p>Landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department.</p>	<p>Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect</p> <p>Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect</p>	<p>Prior to issuance of Building Permits</p> <p>Prior to Occupancy</p>	
8.		<p>PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN</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. 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</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> <p>The lighting shall be installed and maintained in accordance with the</p>	<p>Owner/ Applicant</p> <p>Owner/ Applicant</p>	<p>Prior to the issuance of building permits.</p> <p>Prior to Occupancy</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>
		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)	approved plan.		y/ Ongoing	
9.		PDSP002 – ROOF MATERIALS – (NON-STANDARD) The roof areas which the plans propose a 1:12 pitch with roofing material of copper with a standing seam shall be constructed of copper with a standing seam. Other areas shall match the existing roofing materials. (RMA - Planning Department)	All roofing materials shall be shown on the plans submitted for issuance of Building Permit.	Owner/ Applicant	Prior to the issuance of building permits.	
10.		PDSP003 – ASSESSOR’S PARCEL NUMBER – (NON-STANDARD) Prior to issuance of Building Permits the applicant shall obtain a single Assessor’s Parcel Number for the lot from the Monterey County Assessor’s Office. (RMA - Planning Department)	The applicant shall demonstrate proof of having obtained the new Assessor’s Parcel number to the Planning Department prior to issuance of Building Permits.	Owner/ Applicant	Prior to the issuance of building permits.	
11.		PDSP004 – Roof Height (NON-STANDARD) The house shall not exceed the existing roof height of 18-feet. The area in which the roof pitch is being modified shall remain at or below the ridgelines of the remainder of the house. (RMA - Planning Department)	The Plans submitted for building permit shall show the ridgelines at the existing or lower height.	Owner/ Applicant	Prior to the issuance of building permits.	
Mitigation Measures						
12.	1	Mitigation Measure #1: Archaeological Monitor. A qualified archaeological monitor shall be present during soil disturbing activities, such as grading, foundation excavations, etc. If, at any time, potentially significant archaeological resources or intact features are	The applicant shall submit a contract with a Registered Professional Archeologist to the Director of the RMA – Planning Department for approval. The contract shall include	Owner/ Applicant	Prior to issuance of any building or grading	

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		discovered, the monitor shall temporarily halt work on the parcel until the find can be evaluated by the monitor and or the principal archaeologist. If the find is determined to be significant, work shall remain halted until mitigation measures have been formulated, with the concurrence of the County of Monterey, RMA Planning Department, and implemented. (RMA Planning Department)	provisions to complete all the elements of the Mitigation Measures contained in these conditions, including the required sampling, and providing all required follow up and final reports.		permits	
13.	2	Mitigation Measure #2: Archaeological Sampling. A large sampling of excavated soil shall be screened during monitoring in order to facilitate data recovery of the relative sparse but potentially significant prehistoric materials. a. At least two single specimen radiocarbon dates should be obtained, if suitable shell is recovered, as partial mitigation for impacts to the cultural resources. b. If data recovery screening produces adequate amounts of other cultural materials, such as obsidian or other lithic debitage, professional analysis of those materials should be performed to provide adequate mitigation of project impacts. (RMA Planning Department)	The archaeologist shall submit a written report detailing the sampling which was done, itemizing what was found, and indicating the significance of the find to the RMA – Planning Department prior to final occupancy of the dwelling. The fact that sampling will be conducted by the archaeologist shall be noted on the grading plan and on the building plans. The note shall give the archaeologist the ability to sample at any time.	Owner/ Applicant	Prior to issuance of any building or grading permits	
14.	3	Mitigation Measure #3 -- PD003(B) – CULTURAL RESOURCES – POSITIVE ARCHAEOLOGICAL REPORT If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken: There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and	The applicant shall submit the contract with a Registered Professional Archeologist to the Director of the RMA – Planning Department for approval.	Owner/ Applicant per archaeolo- gist or anthropol- ogist	Prior to the issuance of any 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>
		<p>If the coroner determines the remains to be Native American:</p> <ul style="list-style-type: none"> - The coroner shall contact the Native American Heritage Commission and the RMA – Planning Department within 24 hours. - The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costonoans/ Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent. - The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, or - Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance: 				
		<ol style="list-style-type: none"> 1. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission. 2. The descendent identified fails to make a recommendation; or 3. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner. 	The requirements of this condition shall be included as a note on all grading and building plans, on the Subdivision Improvement Plans.	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>
		(RMA - Planning Department)				
15.	4	Mitigation Measure #4: Archaeological Report Following monitoring and data recovery, a Preliminary Archaeological Report suitable for compliance documentation shall be prepared. This report shall document the field findings and make appropriate management recommendations as appropriate. (RMA Planning Department)	A note shall be placed on the building and grading permit plans that the archaeologist must submit this report to the RMA Planning Department prior to pour any concrete or placement of any masonry material.	Owner/ Applicant	Prior to issuance of any grading permits	
			A copy of this report shall be provided to the contractor, applicant and RMA Planning Department, prior to pouring any concrete or placement of any masonry. The recommended Mitigation Measures shall be completed prior to installation of any masonry or concrete material.	Owner/ Applicant	Prior to pouring concrete or placement of any masonry material.	
16.	5	Mitigation Measure #5: Final Technical Report A Final Technical Report which includes the results of all analysis shall be completed within one year of completion of the field work. This report shall be submitted to the County of Monterey RMA Planning Department, and the Regional Information Center at Sonoma State University. (RMA Planning Department)	The final technical report shall be submitted to the RMA Planning Department for review and approval. The approved report shall be submitted to the Regional Information Center at Sonoma State University.	Owner/ Applicant	Within one year of completion of field work.	

END OF CONDITIONS

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