

MONTEREY COUNTY PLANNING COMMISSION

Meeting: June 24, 2009	Time: A.M/P.M	Agenda Item No.:
Project Description: After-the-fact Coastal Development Permit to allow development within the Critical Viewshed and Design Approval for the construction of a 147 square foot addition to an existing 2,356 square foot two-story single family residence, with a 600 square foot detached garage and 480 square foot detached barn; and a request for waiver of fees for the Coastal Development Permit.		
Project Location: 36496 Highway 1, Garrapata Ridge, Big Sur		APN: 243-301-010-000
Planning File Number: PLN080348 (Related to BP060643)		Owners: Pottier, Charles and Monica Agent: Pottier, Charles
Planning Area: Big Sur Coast Land Use Plan		Flagged and staked: No
Zoning Designation: : RDR/40-D (CZ) [Rural Density Residential, 40 acres per unit with Design Control Overlay (Coastal Zone)]		
CEQA Action: Categorically Exempt per Section 15301(e)		
Department: RMA - Planning Department		

RECOMMENDATION:

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

- 1) Categorically exempt this project per Section 15301(e) of the CEQA Guidelines;
- 2) Approve PLN080348, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**); and
- 3) Approve the waiver of fees for the Coastal Development Permit.

PROJECT OVERVIEW:

The applicant requests an after-the-fact Coastal Development Permit to allow development within the Critical Viewshed, specifically the construction of a 147 square foot addition to an existing 2,356 square foot two-story single family residence, with a 600 square foot detached garage and a 480 square foot detached barn. The applicant also requests a waiver of fees. See **Exhibit B** for a detailed discussion of the project and related issues.

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

- RMA - Public Works Department
- Environmental Health Division
- √ Water Resources Agency
- √ Cal-Fire Coastal (Fire Protection District)
- California Coastal Commission

Agencies that submitted comments are noted with a check mark (“√”). Conditions recommended by the Water Resources Agency, Cal-Fire Coastal, and the Planning Department have been incorporated into the Condition Compliance Reporting Plan attached as **Exhibit 1** to the draft resolution (**Exhibit C**).

LUAC RECOMMENDATION:

The Big Sur Coast Land Use Advisory Committee (LUAC), at a public meeting on April 28, 2009, reviewed and unanimously recommended approval of PLN080348. The LUAC recommended conditions to restore vegetation around the residence and to paint the corral fence

in order to further lessen the overall visual impact from the property on the Critical Viewshed (**Exhibit E**). In addition, the LUAC was highly supportive of a fee waiver.

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

Joseph Sidor, Associate Planner
(831) 755-5262, SidorJ@co.monterey.ca.us
June 5, 2009

cc: Front Counter Copy; Planning Commission Members, County Counsel; Cal-Fire Coastal (Fire Protection District); Public Works Department; Environmental Health Division; Water Resources Agency; California Coastal Commission; Big Sur Land Use Advisory Committee; Laura Lawrence, Planning Services Manager; Joseph Sidor, Project Planner; Carol Allen, Senior Secretary; Charles and Monica Pottier, Owners and Agent; Planning File PLN080348

Attachments: Exhibit A Project Data Sheet
 Exhibit B Project Discussion
 Exhibit C Draft Resolution, including:
 1. Conditions of Approval
 2. Site Plan, Floor Plan and Elevations
 Exhibit D Vicinity Map
 Exhibit E Advisory Committee Minutes
 Exhibit F Project Correspondence
 Exhibit G Fee Waiver Policy

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

EXHIBIT B PROJECT DISCUSSION

Project Description and Setting

The project applicant requests an after-the-fact Coastal Development Permit to allow development within the Critical Viewshed and Design Approval for the construction of a 147 square foot addition to an existing 2,356 square foot two-story single family residence, with an existing 600 square foot detached garage and an existing 480 square foot detached barn. In addition, the applicant requests approval for the waiver of fees for the Coastal Development Permit. This planning file is related to Building Permit No. BP060643.

The property is located at 36496 Highway 1, Big Sur, on the southern slope of the Garrapata Ridge, and east of Highway 1 and the Rocky Point area. At its closest point, the project site is approximately 500 feet east of Highway 1, within the Critical Viewshed. The site is bordered by rural residential uses to the south, east, west, and north. The parcel is zoned Rural Density Residential (RDR/40-D), and is approximately 6.16 acres. It is located in the Coastal Zone and is therefore subject to the requirements of the Big Sur Coast Land Use Plan, Big Sur Coastal Implementation Plan, and Title 20 - Coastal Zoning Ordinance.

Existing development on the 6.16 acre property includes one existing single family residence, one detached garage, and one detached barn and corral. The existing residence on the property is served by the Garrapata Creek Water System and an individual septic system. All existing structures meet the site development standards of Title 20, Section 20.16.060. The property contains two existing right-of-way easements that provide access across the subject parcel and to adjacent parcels.

County records identify the project site is within an area of high sensitivity for prehistoric cultural resources. However, a preliminary archaeological report prepared for this project did not identify any potential resources; therefore, the potential for inadvertent impacts is limited and will be controlled by the use of standard project conditions (Condition No. 3).

Project Issue

BP060643 was originally submitted as a request for over 300 square feet of additions to the existing residence, including the subject 147 square foot master bath addition and a separate 160 square foot laundry room addition. The building permit was routed to the Planning Department for review and permit determination; however, due to a clerical error, BP060643 was identified as “approved” by the Planning Department when it had not been approved. The Building Department subsequently issued BP060643, and the applicant proceeded to construct the master bath addition.

In July of 2008, the applicant submitted revised plans to the Building Department; however, by this time, the master bath addition had been completed, and was awaiting final inspection from the Building Department. The revised plans were routed to the Planning Department for review. On August 1, 2008, planning staff conducted a site visit and determined that a Coastal Development Permit (CST) should have been required for development within the Big Sur Critical Viewshed.

On September 5, 2008, the Planning Department sent a letter of explanation to the applicant, informing him of the requirement for a CST (**Exhibit F**). After receiving notification of the CST permit requirement, the applicant voluntarily revised the project scope to remove the laundry room addition and submitted an application request for a CST for the addition that was already

constructed. Throughout the process, the applicant has acted in good faith, based on information provided by the Building Services Department, and constructed the master bath addition based on plans submitted to and approved by the Building Services Department.

The addition is in front of the existing 600 square foot garage, and does not increase the mass or bulk visible within the Critical Viewshed. The addition was also previously screened by tree branches. The property owner, due to the proximity of the 2008 Basin Complex Wildfire, trimmed the tree for fire clearance. By doing so, the branches which were screening the addition were removed. The project is conditioned to restore the previously existing screening by the planting of landscaping in front of the addition (Condition No. 5). Furthermore, the addition is required to use anti-glare, non-reflective materials to aid in reducing visibility (Condition No. 8).

Fee Waiver

The request for the fee waiver is subject to consideration by the Planning Commission per the Fee Waiver Policy adopted by the Board of Supervisors on August 29, 2000.

On March 25, 2009, in conjunction with the application submittal for Planning File No. PLN080348, the applicant submitted a Fee Waiver Request for the Coastal Development Permit. The amount of the waiver is based on the current Monterey County Land Use Fee Schedule, adopted July 1, 2008. The fee breakdown by department is as follows:

Planning	\$ 4,950.00
Public Works Department	\$ 605.00
Environmental Health Division	\$ 1,026.00
Water Resources Agency	\$ 907.00
County Counsel	\$ 850.00
Document Management	\$ 49.50
Technology Implementation	\$ 297.00
General Plan Update	\$ 250.14
Total	\$ 8,934.64

RMA-Public Works, Environmental Health Division, Water Resources Agency, and County Counsel have reviewed the application and fee waiver request. In addition, the Big Sur Coast Land Use Advisory Committee, at its public meeting on April 28, 2009, was highly supportive of a fee waiver.

**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:

POTTIER (PLN080348)

RESOLUTION NO.

Resolution by the Monterey County Planning
Commission:

- 1) Categorically exempting this project per Section 15301(e) of the CEQA Guidelines;
- 2) Approving an after-the-fact Coastal Development Permit to allow development with the Critical Viewshed and Design Approval for the construction of a 147 square foot addition to an existing 2,356 square foot single family residence, with an existing 600 square foot detached garage and an existing 480 square foot detached barn; and
- 3) Approving the waiver of fees.
(PLN080348, POTTIER, 36496 Highway 1, BIG SUR COAST LAND USE PLAN, APN: 243-301-010-000)

The Pottier application (PLN080348) came on for public hearing before the Monterey County Planning Commission on June 24, 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,
 - the Big Sur Coast Land Use Plan,
 - the Big Sur Coastal Implementation Plan, and
 - the 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 36496 Highway 1 (Assessor’s Parcel Number 243-301-010-000), Big Sur area, Coastal Zone. The parcel is zoned RDR/40-D (CZ) [Rural Density Residential, 40 acres per unit with Design Control Overlay (Coastal Zone)], which allows additions to

existing residences. Therefore, the project is an allowed land use for this site.

- c) The project planner conducted site inspections on August 1, 2008, and April 28, 2009, to verify that the project on the subject parcel conforms to the plans listed above.
- d) Big Sur Critical Viewshed. See Finding 7.
- e) The project was referred to the Big Sur Coast 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 it involves a Design Approval subject to review by the Planning Commission. The LUAC, at a public meeting on April 28, 2009, reviewed and unanimously recommended approval of PLN080348. There was no public comment at the LUAC meeting in opposition to the project.
- f) 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 PLN080348.

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, Cal-Fire Coastal (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) Staff identified potential impacts to archaeological resources. A technical report by an outside archaeological consultant indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed the report and concurs with the conclusions. The following report has been prepared:
 - Preliminary Cultural Resources Reconnaissance (LIB090155), prepared by Susan Morley, Pacific Grove, California, November 16, 2008.
 - c) Staff conducted site inspections on August 1, 2008, and April 28, 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 PLN080348.

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, Cal-Fire Coastal (Fire Protection District), Public Works, Environmental Health Division, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions (**Exhibit 1**).
- b) Necessary public facilities are available. The existing development is, and will continue to be, serviced by an existing water system (Garrapata Creek Water System). The single family dwelling has an existing septic system. The Environmental Health Division reviewed the project application, and did not impose any conditions.
- c) Findings 1, 2, 4, 5, and 6; and supporting evidence for PLN080348.

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 records and is not aware of any violations existing on the subject property.
- b) Staff conducted site inspections on August 1, 2008, and April 28, 2009, and researched County records to assess if any violation exists on the subject property.
- c) The property owner has acted in good faith based on information provided and permits issued by the Building Services Department. The property owner has also promptly responded to all inquiries. Therefore, the Planning and Building Departments have not pursued code enforcement action.
- 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 PLN080348.

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

- EVIDENCE:** a) California Environmental Quality Act (CEQA) Guidelines Section 15301(e), categorically exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less.
- b) The project involves a minor 147 square foot addition to an existing 2,356 square foot residence, or 6 percent of the floor area of the structure before the addition.
- c) The addition is in front of the existing 600 square foot garage, and does not increase the mass or bulk visible within the Critical Viewshed. The addition was also previously screened by tree branches. The property owner, due to the proximity of the 2008 Basin Complex Wildfire,

trimmed the tree for fire clearance. By doing so, the branches which were screening the addition were removed. The project is conditioned to restore the previously existing screening by the planting of landscaping in front of the addition (Condition No. 5). Furthermore, the addition is required to use anti-glare, non-reflective materials to aid in reducing visibility (Condition No. 8).

- d) No adverse environmental effects were identified during staff review of the development application during site visits on August 1, 2008, and April 28, 2009.
- e) See preceding and following findings and supporting evidence.

6. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.145.150 of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3, Trails Plan, in the Big Sur Coast 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) 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 PLN080348.
 - e) The project planner conducted site inspections on August 1, 2008, and April 28, 2009.

7. **FINDING:** **VIEWSHED** – The subject project minimizes development within the viewshed in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

- EVIDENCE:**
- a) The project includes application for development within a critical viewshed. In accordance with the applicable policies of the Big Sur Coast Land Use Plan (LUP) and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.
 - b) Staff conducted site visits on August 1, 2008, and April 28, 2009, to assess the potential viewshed impacts of the project and ensure consistency with applicable LUP policies. LUP Policy 3.2.3.A.7 directs that replacement or enlargement of structures within the Critical Viewshed not increase the visibility of the structure. The addition is in front of the existing 600 square foot garage, and does not increase the mass or bulk visible within the Critical Viewshed. The addition was also previously screened by tree branches. The property owner, due to the proximity of the 2008 Basin Complex Wildfire, trimmed the tree for fire clearance. By doing so, the branches which were screening the addition were removed. The project is conditioned to restore the previously existing screening by the planting of landscaping in front of

the addition (Condition No. 5). Furthermore, the addition is required to use anti-glare, non-reflective materials to aid in reducing visibility (Condition No. 8). The addition uses colors that match the existing residence, and blend with the surrounding environment. The project as proposed and conditioned is consistent with policies of the Big Sur Coast Land Use Plan dealing with visual resources and will have no significant impact on the Critical Viewshed.

- c) 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 PLN080348.
- d) The project planner conducted site inspections on August 1, 2008, and April 28, 2009, to verify that the project minimizes development within the viewshed and to identify methods to further minimize the visibility of the development.

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

- EVIDENCE:**
- a) Board of Supervisors: Section 20.86.030.A of the Monterey County Zoning Ordinance (Title 20).
 - b) Coastal Commission: Section 20.86.080.A.3 of the Monterey County Zoning Ordinance (Title 20). The project is subject to appeal by/to the California Coastal Commission because it involves development that is permitted in the underlying zone as a conditional use.

DECISION

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

- A. Categorically exempt this project per Section 15301(e) of the CEQA Guidelines;
- B. Approve an after-the-fact Coastal Development Permit to allow development within the Critical Viewshed and Design Approval for the construction of a 147 square foot addition to an existing 2,356 square foot single family residence, with an existing 600 square foot detached garage and an existing 480 square foot detached barn, 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; and
- C. Approve the waiver of fees.

PASSED AND ADOPTED this 24th day of June, 2009.

Mike Novo, Secretary, Planning Commission

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

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 _____.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

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 4 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: POTTIER

File No: PLN080348

APN: 243-301-010-000

Approved by: Planning Commission

Date: June 24, 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.		<p>PD001 - SPECIFIC USES ONLY This Coastal Development Permit (PLN080348) allows development within the Critical Viewshed and Design Approval for the construction of a 147 square foot addition to an existing 2,356 square foot two-story single family residence, with an existing 600 square foot detached garage and an existing 480 square foot detached barn. The property is located at 36496 Highway 1 (Assessor’s Parcel Number 243-301-010-000), Big Sur 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 permits are approved by the appropriate authorities. (RMA-Planning Department)</p>	<p>Adhere to conditions and uses specified in the permit.</p>	Owner / Applicant	Ongoing unless otherwise stated.	
			<p>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.</p>	RMA - Planning		
			<p>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.</p>	WRA RMA - Planning		

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Planning Commission for Assessor's Parcel Number 243-301-010-000 on June 24, 2009. The permit was granted subject to twelve (12) 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.		PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the 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)	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	
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	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 –	Owner / Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits,	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>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>	Planning Department.		use of the property, whichever occurs first and as applicable.	
5.		<p>PD012(F) - LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY) (NON-STANDARD)</p> <p>The site shall be landscaped. Prior to the final inspection 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</p>	<p>Submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval.</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</p>	<p>Owner / Applicant / Licensed Landscape Contractor / Licensed Landscape Architect</p> <p>Owner / Applicant / Licensed Landscape Contractor</p>	<p>Prior to building permit final.</p> <p>Prior to occupancy.</p>	

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			Department.	/ Licensed Landscape Architect		
			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	
6.		PD014(C) – LIGHTING – EXTERIOR LIGHTING PLAN (BIG SUR) All exterior lighting shall be unobtrusive, down-lit, compatible with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior lights shall have recessed lighting elements. Exterior light sources that would be directly visible from critical viewshed viewing areas, as defined in Section 20.145.020.V, are prohibited. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)	Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.	Owner / Applicant	Prior to building permit final.	
			The lighting shall be installed and maintained in accordance with the approved plan.	Owner / Applicant	Prior to building permit final. / Ongoing	
7.		PD032 - PERMIT TIME/YEAR & DATE The permit shall be granted for a time period of 4 years, to expire on June 24, 2013. (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	Owner / Applicant	As stated in the conditions of approval	

<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>
			least 30 days prior to the expiration date.			
8.		PDSP001 – EXTERIOR COLORS/FINISHES (NON-STANDARD) The addition, including all new windows shall be constructed or laminated utilizing anti-glare, non-reflective materials to aid in reducing the visibility of the structure and to maintain consistency with viewshed policies. (RMA – Planning Department)	Submit written material to the RMA-Planning Department for review and approval verifying the anti-glare and non-reflective quality of the materials utilized in constructing the addition.	Owner / Applicant	Prior to building permit final.	
Monterey County Water Resources Agency						
9.		WR40 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to: a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system. b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)	Compliance to be verified by building inspector at final inspection.	Owner / Applicant	Prior to final building inspection / occupancy.	
Fire Agency (CAL FIRE – Coastal)						

<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>
10.		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. (CAL FIRE - Coastal)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or Owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. clearance inspection.	Applicant or Owner	Prior to final building inspection.	
11.		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. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or Owner	Prior to issuance of 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>
12.		<p>FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS) Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional fire protection or firebreaks approved by the Reviewing Authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning or the Director of Building Inspection. (CAL FIRE - Coastal)</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.	
			<p>Applicant shall schedule fire dept. clearance inspection.</p>	Applicant or Owner	Prior to final building inspection.	

END OF CONDITIONS