

MONTEREY COUNTY PLANNING COMMISSION

Meeting: July 8, 2009	Time: P.M	Agenda Item No.:
Project Description: Combined Development Permit consisting of: 1) A Coastal Administrative Permit to allow construction of a new 4,254 square-foot single-family residence with a 626 square-foot attached garage, 511 square feet of balconies, 223 square feet of porches, a 48 square-foot entrance porch, the installation of a new septic system and water tank, and approximately 5,000 cubic yards of grading; 2) A Coastal Development Permit to allow development on slopes greater than 25%; and 3) A Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat.		
Project Location: 283 Maher Road, Royal Oaks		APN: 181-091-004-000
Planning File Number: PLN070121		Owner: Gloria & Gonzalo Fernandez Agent: Lucino Escutia
Planning Area: North County Land Use Plan		Flagged and staked: Yes
Zoning Designation: : RDR/5 CZ (Rural Density Residential, 5 acre per unit, 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 (**Exhibit F**) with Mitigation Monitoring and Reporting Plan (**Exhibit C-1**); and
- 2) Approve PLN070121, based on the findings and evidence and subject to the conditions of approval (**Exhibit C-1**):

PROJECT OVERVIEW:

The proposed project includes the construction of a new 4,254 square-foot single-family residence with a 626 square-foot attached garage, 511 square feet of balconies, 223 square feet of porches, a 48 square-foot entrance porch, installation of a new water tank and septic system and approximately 5,000 cubic yards of grading on this 56 acre site. Currently, the majority of the site is in strawberry production which is surrounded by Maher Road (the access point) and oak woodlands mixed with maritime chaparral. The new dwelling would be located at the highest elevation of the property, beyond the strawberry production area, on an area previously disturbed by what has been described as an abandoned reservoir. The site is accessed by a long driveway through the agricultural fields, up a steep dirt access road to an area that was previously cut into the hill side to form a level rounded pad with a fairly large depression in the middle (the reservoir). Much of the driveway and the entire building pad are surrounded by invasive plant species such as pampas grass within the disturbed areas and oaks and chaparral beyond that. The location where the new dwelling is proposed contains unconsolidated fill material and will need to be excavated and re-compacted to provide adequate soils characteristics for support of the foundation and structure.

An Initial Study/Mitigated Negative Declaration was prepared for the proposed project. Primary issues involve consistency with the North County Land Use Plan (LUP) regarding biological resources and development on slopes greater than 25%. Appropriate siting of the proposed development including the driveway, house, water tank, and septic system were reviewed for impacts to agriculture, sensitive habitat, and slopes. It was found that as designed, sited, conditioned, and mitigated, the project will have a less than significant effect on the environment.

See **Exhibit B** for a more detailed discussion.

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

- ✓ RMA - Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency
- ✓ Aromas Tri-County Fire Protection District
- California Coastal Commission

Agencies that submitted comments are noted with a check mark (“✓”). Conditions recommended by the Water Resources Agency and Aromas Tri-County Fire Protection District have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached as **Exhibit 1** to the draft resolution (**Exhibit C**).

On July 2, 2007 the North County Coastal Land Use Advisory Committee (LUAC) voted 4-1 to recommend approval of the Fernandez Combined Development Permit (PLN070121). One member had concerns over the large size of the house for one single family. No other concerns or recommendations were expressed. The house well within the allowable size limitations and appears to have a relatively typical floor plan for a single family residence.

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

Craig W. Spencer
(831) 755-5233, spencerc@co.monterey.ca.us
May 6, 2009

cc: Front Counter Copy; Zoning Administrator; Aromas Tri-County Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; California Coastal Commission; Laura Lawrence, Planning Services Manager; Craig Spencer, Project Planner; Carol Allen, Senior Secretary; Gloria & Gonzalo Fernandez, Owner; Lucino’s General Construction, Agent; Planning File PLN070121

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
Exhibit D Vicinity Map
Exhibit E Land Use Advisory Committee Minutes
Exhibit F Mitigated Negative Declaration
Exhibit G Biological Report prepared by Biotic Resources Group 06/18/2007
Exhibit H Supplemental Biological Report prepared by Biotic Resources Group 03/02/2009
Exhibit I Geotechnical Report prepared by Tharp & Assoc. 05/2006
Exhibit J Comments on Mitigated Negative Declaration

This report was reviewed by Laura Lawrence, Planning Services Manager

EXHIBIT B
DETAILED PROJECT DISCUSSION
PLN070121 (Fernandez)

A. PROJECT SETTING AND DESCRIPTION:

Setting The Fernandez parcel is approximately 56 acres in size with a majority of that acreage in strawberry production. The parcel is accessed from Maher Road via an existing right-of-way easement that runs along the northwestern property line. The parcel is irregular in shape but, in general, the north, south, and east sides of the parcel contain oak woodland and maritime chaparral along the fringe of the strawberry fields with the exception of the proposed building site, which according to the applicant was historically a reservoir. The reservoir is accessed via the improved easement and then along the unimproved dirt roads running through the strawberry fields and up an existing dirt path from the edge of the row crop area. The reservoir is comprised of a cut in the hill side with cut material pushed out to form a large pad. In the center of the pad is a depression where apparently the water was stored (reservoir has been abandoned). Vegetation surrounding the dirt path and reservoir is mixed with invasive species such as pampas grass growing in previously disturbed areas with Manzanita and oaks beyond that.

Project Description The proposed project includes construction of a new 4,254 square-foot single-family residence with a 626 square-foot attached garage, 511 square feet of balconies, 223 square feet of porches, a 48 square-foot entrance porch, the installation of a new water tank and septic system. The proposed project would require approximately 5,000 cubic yards of grading, 2,500 cubic yards of cut and 2,500 cubic yards of fill. Grading will include improvements to the over 4,000 foot long driveway and reconstruction of the building pad area.

B. ANALYSIS

Development Standards The project is consistent with the applicable RDR/5 (CZ) zoning district standards including setbacks, height, and lot coverage. Additionally the proposal was reviewed for consistency with the North County Land Use Plan and the Coastal Implementation Plan (CIP) Part 2. The property is located within a Rural Density Residential land use designation, which allows residential use and is suitable for the proposed use. Staff identified three key resource constraints at the site including Biological Resources, Agricultural Resources, and Soils due to slopes and existing soils characteristics.

Land Use Advisory Committee The North County Coastal Land Use Advisory Committee (LUAC) reviewed the proposed project on July 2, 2007 and recommended approval by a vote of 4-1. One concern was expressed over the large size of the house for a single family. Staff reviewed the plans for the new house and finds that they are substantially under the allowable site development standards and the floor plan appears to be relatively normal with one kitchen and internal circulation throughout.

Local Coastal Policies (LCP) Staff identified some site constraints at the site that were reviewed for consistency with the North County Land Use Plan and other LCP policies. The primary areas of concern are impacts to biological resources, agricultural resources, and soils. The project was found to be consistent with site development standards including setbacks, coverage, and height for the RDR/5 (CZ) zoning district and with the policies and development standards contained in the North County Land Use Plan and Coastal Implementation Plan Part 2, including environmentally sensitive habitat development standards (Section 20.144.040 CIP),

Hazards area development standards (Section 20.144.100 CIP), and Agricultural Development Standards (Section 20.144.080 CIP). (see discussion below)

Biological Resources Staff's review of the project site on September 2, 2008 identified the potential sensitive vegetation on the site and near the proposed dwelling location. A biological report was requested and submitted for the project. The biological report, prepared by Biotic Resources Group March 2, 2009, identified sensitive habitat and evaluated potential impacts based on the proposed construction. It was found that the proposed development would not adversely affect the long-term maintenance of the habitat provided recommendations contained in the report are followed. Several mitigations were suggested to minimize impacts to the maximum extent. The direct impacts have been identified as removal of several isolated shaggy-bark manzanita that exist on the sides of the fill material that makes up the reservoir. These manzanita are intermixed in this disturbed area with invasive plant species. The shaggy-bark manzanita must be removed for the reconstruction of the soils as part of the proposed project. The project does not propose removal of oaks; however, limbing of approximately 12 Oak trees has been identified for vertical fire clearance along the driveway. Because portions of the driveway and residence are proposed adjacent to Pajaro manzanita and maritime chaparral, mitigation measures and conditions of approval have been included to avoid impacting sensitive plants and plant communities beyond that required for construction of the project.

When considering applications for development within 100 feet of environmentally sensitive habitat, it is important to ensure that all the development is situated on the site to avoid impacts if feasible. In this case there are 56 acres in which to site a 4,254 square foot dwelling, however, most of the site is currently in strawberry production and the rest of the site contains oak woodlands and maritime chaparral. The application proposes to take advantage of a disturbed area, above the row crops, on an area that was at one point a small reservoir. Although, there may be minor impacts associated with the development application, the siting is appropriate to minimize impacts to agriculture and sensitive habitat.

Recommended fire conditions frequently conflict with tree and vegetation resources adjacent to proposed development. The Aromas Tri-County Fire Protection district recommended conditions to require a 30 foot "defensible space" around the proposed house (Condition 20) and turnouts on the driveway every 400 feet (Condition 17). Defensible Space around the proposed structure can be provided without impacting sensitive habitat because the new house will be located in the center of the reservoir area that provides approximately 30 feet of bare soil on all sides. The proposed driveway is over 4,000 feet in length and is located adjacent to agriculture and/or oak woodlands and chaparral. A minimum of 10 turnouts each 12 feet wide by 30 feet long with a minimum of 25-foot taper at both ends is required. There is adequate area to provide turnouts without impacting environmentally sensitive habitat including the areas in strawberry production (see discussion on Agricultural Resources below) and the area near the proposed septic system.

In compliance with the CIP (part 2, section 20.144.040 B 6), the owner will be required to dedicate a permanent conservation easement over the areas of the property containing sensitive vegetation (Condition 23). Staff determined, based on this information, that the proposed dwelling is adequately located on the lot, using previously disturbed areas and limiting land disturbance to that necessary for structural improvements and driveway access. Therefore, the project is in compliance with the LCP and will not significantly impact biological resources.

Agricultural Resources Although the Fernandez property is zoned for rural density residential use, a portion of the site is designated as unique farmlands and most of the site is in strawberry production. The proposed dwelling and driveway were sited to avoid encroachment of the

development on the existing row crop areas. The house is proposed higher in elevation than the row crops and will be provided a vegetated buffer from the edge of the crops to the proposed structure. The driveway will encroach on the agricultural production because the proposed building site can only be accessed through the strawberry fields. For the most part, the driveway was planned to follow an existing dirt agricultural road along the property line, across the field and the property, and up to the building pad area; however, the fire department requires that turnouts be provided at a minimum of 400 feet apart for driveways over 800 feet in length. This means that up to 5,000 square feet of strawberry production could be affected by the driveway with the required turnouts. The actual square footage of row crops affected will be significantly less than 5,000 square feet because turnouts will be provided near the septic system area, and at areas where farm access roads already intersect with the proposed driveway. Ultimately, a small amount of productive farmland will be impacted but on the 56 acre parcel the impacts are relatively negligible. The small impact to the strawberry production is the environmentally superior alternative to providing turnouts that would affect environmentally sensitive habitat.

25% Slope An entitlement to allow development on slopes greater than 25% is required pursuant to the zoning regulations Title 20 Section 20.64.230. In order to grant approval of this entitlement Section 20.64.230 requires findings that either 1) there is no feasible alternative, or 2) that the development better achieves the goals and objectives of the Monterey County Local Coastal Plan (LCP). The entitlement is required for the proposed development because a portion of the existing dirt road accessing the building pad/reservoir contains slopes over 25% and the building pad/reservoir itself contains slopes around its side that will need to be processed as engineered fill for the new house. In this case there is a significant amount of area on the site that is not over 25% but there are resource constraints to consider including agriculture and sensitive habitats. As mentioned in the discussions above, the siting of the proposed development was considered. In this case the siting is appropriate to avoid agriculture and sensitive habitat impacts by using a previously disturbed area, meeting the goals and policies of the LCP.

Generally, soils stability and erosion are of concern when reviewing applications for development on slopes. In this case, the existing building pad/reservoir will need to be rebuilt to provide adequate engineering characteristics, thus improving and creating a stable building pad. Erosion control is required both during construction and following construction in the form of permanent drainage facilities (Condition 9). Currently, the reservoir and access road are large, bare soils areas that do present some erosion and runoff concerns. Following construction, the site will have permanent drainage facilities, and exposed soils will be seeded with native plant material (Conditions 9 & 25). Findings are recommended that the entitlement be granted based on protection of resources which better meets the goals and policies of the LCP and, as stated in the geotechnical report, the project will not have significant effects relating to development on slopes.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Environmental Review An Initial Study/Mitigated Negative Declaration was prepared and circulated from May 7, 2009 to June 8, 2009 in accordance with the CEQA. The Initial Study (IS) identified potential impacts to agricultural resources, air quality, biological resources, geology and soils, hydrology/water quality, land use planning, traffic, and utilities and service systems. Mitigations were recommended to reduce potential impacts to biological resources to a less than significant level. As mitigated the project was found to have a less than significant impact on the environment.

Public Comment

During the Initial Study comment period from May 7 through June 8, 2009 two comments from other agencies were received. One comment came from the Native American Heritage Commission stating that they reviewed the Notice of Completion (NOC) and then proceeded to recommend measures to adequately assess potential impacts to archaeological resources. The Initial Study prepared for the project found no impact relative to cultural resources because of its location within a “low” sensitivity zone and because the development will be located on previously disturbed areas. There is no indication in the letter that the explanation in the Initial Study was reviewed and/or inaccurate.

The other comment received was from the California Department of Fish and Game. Their comment suggested expanding the bird nesting season to February 1 through August 31 instead of March 1 through August 15. The appropriate changes are reflected in the proposed resolution and conditions below. Additionally, a concern was raised regarding Mitigation Measure number 2. The way the Mitigation is worded it can be construed to sound like deferred mitigation. The intent of the mitigation was to have a fail safe of sorts to require additional review if unpredicted or unexpected construction related impacts do occur. The wording of this mitigation has also been clarified.

The changes made from the original Mitigated Negative Declaration are minor and simply clarify and amplify the mitigation wording. No new impacts have been identified.

**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:

Fernandez (PLN070121)

RESOLUTION NO. 070121

Resolution by the Monterey County Planning
Commission:

- 1) Adopting the Mitigated Negative Declaration with Mitigation Monitoring and Reporting Plan; and
- 2) Approving a Combined Development Permit consisting of: 1) A Coastal Administrative Permit to allow construction of a new 4,254 square-foot single-family residence with a 626 square-foot attached garage, 511 square feet of balconies, 223 square feet of porches, a 48 square-foot entrance porch, the installation of a new septic system and water tank, and approximately 5,000 cubic yards of grading; 2) A Coastal Development Permit to allow development on slopes greater than 25%; and 3) A Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat.

(PLN070121, Fernandez, 283 Maher Road, Royal Oaks, North County Land Use Plan (APN: 181-091-004-000))

The Fernandez application (PLN070121) came on for public hearing before the Monterey County Planning Commission on July 8, 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) Plan Conformance 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,
- North County Land Use Plan,
- Coastal Implementation Plan Part 2,
- 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) Zoning Consistency The property is located at 283 Maher Road, Royal Oaks (Assessor's Parcel Number 181-091-004-000, North County Land Use Plan. The parcel is zoned Rural Density Residential, 5 units per acre, in the Coastal Zone [RDR/5 (CZ)], which allows single family dwellings subject to a Coastal Administrative Permit in each case. Therefore, the project is an allowed land use for this site.
 - c) Site Visit The project planner conducted a site inspection on September 2, 2008 to verify that the project on the subject parcel conforms to the plans listed above.
 - d) 25% Slope Development on slopes that excess 25% is prohibited unless there is no feasible alternative that would allow development to occur on slopes of less than 25%, or the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan than other development alternatives. (*see Finding 7*)
 - e) Environmentally Sensitive Habitat Land uses adjacent to sensitive habitat are allowed subject to appropriate, siting and design and provided that the use is compatible with the long-term maintenance of the habitat (Policy 2.3.2.2). Direct impacts to sensitive plant and animal communities including Maritime Chaparral is highly discouraged (Policy 2.3.3.A.2). (*see Finding 8*)
 - f) Agriculture Farm outbuildings and low-density residential uses are allowed in this area provided that structures are located to conserve agricultural lands where feasible (Policy 2.6.3.4). The area where the house is proposed is not considered prime or unique farmlands and appears to be unsuitable for agricultural production due to the erodible soils, steep slopes, and sensitive habitat (Policy 2.6.2.3). The project is not under Williamson Act contract, nor is the property zoned specifically for agricultural use. The proposed driveway access would traverse through the agricultural area and unique farmland along an existing dirt road to the project site. The driveway was planned to follow an existing dirt agricultural road; however, the fire department requires that turnouts be provided at a minimum of 400 feet apart for driveways over 800 feet in length. This means that up to 5,000 square feet of strawberry production could be affected by the driveway with the required turnouts. The actual square footage of row crops affected will be significantly less than 5,000 square feet because turnouts will be provided near the septic system area, and at areas where farm access roads already intersect with the proposed driveway. Ultimately, a small amount of productive farmland will be impacted but, on the 56 acre parcel, the impacts are relatively negligible. The small impact to the strawberry production is the environmentally superior alternative to providing turnouts that would affect environmentally sensitive habitat.
 - g) LUAC The project was referred to the North County Coastal Land Use Advisory Committee (LUAC) for review. On July 2, 2007 the LUAC recommended approval by a vote of 4-1, of the Fernandez Combined Development Permit. A concern was raised over such a large house for a single family. The proposed dwelling is approximately 4,254 square feet, well within the allowable size limitations, and has a relatively

typical single family floor plan.

- h) File 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 PLN070121.

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, Aromas Tri-County 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 Biological Resources, Soil/Slope Stability, and Agriculture. The project is consistent with the applicable policies relating to these issues. Technical reports by outside 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 independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:

- *“Biological Report” (LIB070365) prepared by Biotic Resources Group, Soquel, CA, June 18, 2007.*
- *“Biological Report (2)” (LIB0900279) prepared by Biotic Resources Group, Soquel, CA, March 2, 2009.*
- *“Geotechnical Report” (LIB070257) prepared by Tharp & Associates Inc., Aptos, CA, May 2006.*

- c) Staff conducted a site inspection on September 2, 2008 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 PLN070121.

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, Aromas Tri-County 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 facilities will be provided including connecting to an existing well at the site and installation of a new septic system. The location and size of the septic system and necessary infrastructure has been evaluated by the appropriate reviewing agencies. The systems will meet minimum standards required for new construction and the location will not have direct impacts on slopes, biological resources, or agriculture.
- c) Preceding findings and supporting evidence for PLN070121.

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 September 2, 2008 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 PLN070121.

5. **FINDING:** **CEQA (Mitigated Neg Dec)** - 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 (PLN070121).
 - c) The Initial Study identified several potentially significant effects, but the applicant has agreed 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 (PLN070121).
 - d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made 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 6**)

- e) The Draft Mitigated Negative Declaration (“MND”) for PLN070121 was prepared in accordance with CEQA and circulated for public review from May 7, 2009 through June 8, 2009 (SCH#: 2009051024). Issues that were analyzed in the Draft Mitigated Negative Declaration (“MND”) include agricultural resources, air quality, biological resources, geology and soils, hydrology and water quality, land use and planning, traffic and transportation and utilities and service systems.
- f) 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 (PLN070121) and are hereby incorporated herein by reference.
- g) Staff analysis contained in the Initial Study and the record as a whole indicate the project could 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. The site supports Oak woodland and maritime chaparral. For purposes of the Fish and Game Code, the project will have an adverse impact on the fish and wildlife resources upon which the wildlife depends. State Department of Fish and Game reviewed the MND to comment and recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee of \$1,993 plus a fee of \$50 payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).
- h) The County has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration. Minor revisions were made to Mitigation Measures 2 and 4 in response to comments (see Finding 6).
- i) 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:** **SUBSTITUTION OF MITIGATION MEASURES** – The new mitigation measures are equivalent or more effective in mitigation or avoiding potentially significant effects and in themselves will not cause any potentially significant effects on the environment.

EVIDENCE: a) Mitigation Measure 2 has been revised as follows: Trees and native plants including manzanita, 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 qualified biologist, shall be demonstrated prior to issuance of building permits subject to the

approval of the RMA – Director of Planning. ~~If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by a qualified biologist. Should any additional trees or manzanita 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. If previously unidentified impacts to trees or shrubs are required, the RMA-Planning Department and a qualified biologist must be consulted to determine if additional permitting and mitigations are required. If new permits are required, the entitlements must be obtained prior to removal of the vegetation.~~ This change clarifies the language of the condition in order to eliminate references or inferences to deferred permitting and/or mitigation.

- b) Mitigation Measure 4 has been revised as follows: A pre-construction survey for special status nesting avian species (and other species protected under the Migratory Bird Act) shall be conducted by a qualified biologist at least two weeks prior to tree removal or initiation of construction activities that occur during the nesting/breeding season of native bird species (~~March 1 through August 15~~ February 1 through August 31). The same change was made to the Mitigation Monitoring Action. The change expands the bird nesting period in response to comments submitted by the Department of Fish & Game.
- c) Revisions made to Mitigation Measures 2 and 4 are more effective in mitigating or avoiding potential significant effects and it itself will not cause any potentially significant effect on the environment. The revised mitigation measures are incorporated into project approval or made a condition of project approval.
- d) Revision made to Mitigation Measures 2 and 4 clarify and amplify the language in response to comments. No new impacts were identified and only minor changes are required. Therefore, recirculation of the Mitigated Negative Declaration is not required pursuant to 15073.5 (c) of CEQA.

7. **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 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan (Part 1) can be demonstrated.
 - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 6, the Shoreline Access/Trails Map, of the North County 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 PLN070121.
 - e) The project planner conducted a site inspection on September 2, 2008.

8. **FINDING:** **DEVELOPMENT ON SLOPE** – The proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and the North County Land Use Plan than other development alternatives.

- EVIDENCE:**
- a) In accordance with the applicable policies of the North County Land Use Plan 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) The project includes application for development on slopes exceeding 25%. A portion of the proposed driveway and the need to reconstruct the building pad will require work on slopes between 25-50%.
 - c) The proposed driveway, water tank, dwelling, and septic system have been sited on the property to take advantage of a previously disturbed area on a site that, other than this disturbed area, is occupied by strawberry production and environmentally sensitive habitat. Minimizing removal of land from agricultural production and minimizing impacts to environmentally sensitive habitat better meets the goals and policies of the North County Land Use Plan than other development alternatives that would impact these resources.
 - d) The Planning Commission shall require such conditions and changes in the development as it may deem necessary to assure compliance with Section 20.64.230.E.2 Monterey County Code (Title 20).
 - e) 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 PLN070121.
 - f) The project planner conducted a site inspection on September 2, 2008.
 - g) The geotechnical report submitted for the proposed development indicates that the proposed configuration will not adversely affect the stability of the site and provided the recommendations in the report are implemented, the site is suitable for the proposed development from a geotechnical standpoint. Erosion control measures will be required during grading and construction activities to prevent siltation off-site. Following construction the area will be landscaped to replace current and future bare soils improving drainage conditions associated with the development. Conditions requiring compliance with the geotechnical report (Condition 12), erosion control plans and measures (Condition 9), and landscaping (Condition 25) have been included in **Exhibit 1**.

9. **FINDING:** **ESHA** – The subject project minimizes impact on environmentally sensitive habitat areas 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 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the North County Land Use Plan 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) The application proposes to take advantage of a disturbed area, above the row crops, on an area that was at one point a small reservoir. Although, there may be minor impacts associated with the development, the siting is appropriate to minimize impacts to agriculture and sensitive

habitat.

- c) As designed, conditioned, and mitigated, the project is consistent with the North County Land Use Plan policies (LUP) dealing with environmentally sensitive habitat development standards (Section 2.3). The biological report prepared for the project indicates that the proposed development and fire clearance will not adversely affect the long term maintenance of the habitat (2.3.2.3 LUP). The development has been appropriately sited and removal of indigenous vegetation and land disturbance will be kept to the minimum necessary for structural improvements (2.3.2.8 LUP). Native plant species are required in the landscaping (2.3.2.9). The owner will be required to dedicate a permanent conservation easement over the areas of the property containing sensitive vegetation, including the areas surrounding the dwelling and driveway (2.3.2.6 LUP). Conditions requiring implementation of the recommendations in the biological report and in compliance with the LUP policies above have been included in **Exhibit 1** (Conditions 11, 23, 24, 25, & 26).
- d) No trees or Pajaro Manzanita are proposed or permitted for removal and only approximately 6 isolated shaggy bark manzanita will be affected by the required structural improvements.
- e) The project planner conducted a site inspection on September 2, 2008 to verify ESHA locations and potential project impacts to ESHA.
- f) 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 PLN070121.

10. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission
- EVIDENCE:**
- a) Section 20.86.030 of the Monterey County Zoning Ordinance, Title 20 (Board of Supervisors).
 - b) Section 20.86.080 Monterey County Zoning Ordinance (Coastal Commission). The project is subject to appeal by/to the California Coastal Commission because the project includes a conditional use (Coastal Development Permit) for development on slopes greater than 25% and for development within 100 feet of environmentally sensitive habitat.

DECISION

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

- A. Adopt the Mitigated Negative Declaration;
- B. Adopt the Mitigation Monitoring and Reporting Program (**Exhibit 1**)
- C. Approve a Combined Development Permit (PLN070121) consisting of: 1) A Coastal Administrative Permit to allow construction of a new 4,254 square-foot single-family residence with a 626 square-foot attached garage, 511 square feet of balconies, 223 square feet of porches, a 48 square-foot entrance porch, the installation of a new septic system and water tank, and approximately 5,000 cubic yards of grading; 2) A Coastal Development Permit to allow development on slopes greater than 25%; and

3) A Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat, 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 8th day of July, 2009.

Mike Novo, 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 070121 - EXHIBIT 1
Monterey County Resource Management Agency
Planning Department
Condition Compliance and Mitigation Monitoring
Reporting Plan

Project Name: Gloria & Gonzalo Fernandez
File No: PLN070121 **APNs:** 181-091-004-000
Approved by: Planning Commission **Date:** July 8, 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 Combined Development Permit (PLN070121) allows: 1) Construction of a new 4,254 square-foot single-family residence with a 626 square-foot attached garage, 511 square feet of balconies, 223 square feet of porches, a 48 square-foot entrance porch, the installation of a new septic system and water tank, and approximately 5,000 cubic yards of grading; 2) A Coastal Development Permit to allow development on	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.	Owner/ Applicant 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>
		slopes greater than 25%; and 3) A Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat. The property is located at 283 Maher Road, Royal Oaks (Assessor's Parcel Number 181-091-044-000), North County 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)	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.	WRA RMA - Planning		
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 181-091-004-000 on July 8, 2009 . The permit was granted subject to 26 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 4 years, to expire on July 8, 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 least 30 days prior to the expiration date.	Owner/ Applicant	As stated in the conditions of approval	

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)
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 whichever occurs first and as applicable	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
5.		PD005 - FISH AND GAME FEE-NEG DEC/EIR Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning Department)	The applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department. If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	Within 5 working days of project approval.	
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	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
8.		PD009 - GEOTECHNICAL CERTIFICATION Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA – Planning Department and Building Services Department)	Submit certification by the geotechnical consultant to the RMA – Building Services Department showing project’s compliance with the geotechnical report.	Owner/ Applicant/ Geotechnical Consultant	Prior to final inspection	
9.		PD010 - EROSION CONTROL PLAN AND SCHEDULE The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA – Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)	An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.	Owner/ Applicant	Prior to the issuance of grading and building permits	
			Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.	Owner/ Applicant	Ongoing	
			Evidence of compliance with the Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department	Owner/ Applicant	Prior to final inspection	
10.		PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN 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	Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.	Owner/ Applicant	Prior to the issuance of building permits.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		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)	The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to Occupancy / Ongoing	
11.		PD016 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A biological report has been prepared for this parcel by Biotic Resources Group, dated March 2, 2009 and is on record in the Monterey County RMA - Planning Department , Library No. 090279. 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.	
			Submit proof that all development has been implemented in accordance with the report to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to Occupancy	
12.		PD016 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical report has been prepared for this parcel by Tharp & Associates Inc., dated May 2006 and is on record in the Monterey County RMA - Planning Department , Library No. LIB070257. 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.	
			Submit proof that all development has been implemented in accordance with the report to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to Occupancy	
13.		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	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	

<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>
		Department, prior to the issuance of building permits. (RMA – Planning Department)	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	
14.		PD043 – GRADING PERMITS REQUIRED A grading permit is required for new private single family access driveways greater than fifty (50) feet in total length that require 100 cubic yards or more of earthwork. An over the counter (OTC) grading permit may be issued for new private single family access driveways greater than fifty (50) feet in total length that require less than 100 cubic yards of earthwork. (RMA – Planning Department and Building Services Department)	If applicable, apply and receive the appropriate grading permit from Monterey County RMA – Building Services Department.	Owner/ Applicant/ Engineer	Prior to the issuance of grading or building permits	
Monterey County Water Resources Agency						
15.		WR2 - STORMWATER CONTROL 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)	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	

<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>
16.		<p>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:</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	
Fire Agency (Aromas Tri-County FPD)						

<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>
17.		<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. (Aromas Tri-County 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.	

<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>
18.		<p>FIRE011 - ADDRESSES FOR BUILDINGS</p> <p>All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Aromas Tri-County 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 building permit.	
			<p>Applicant shall schedule fire dept. clearance inspection</p>	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>
19.		<p>FIRE015 - FIRE HYDRANTS/FIRE VALVES A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. (Aromas Tri-County 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	
20.		<p>FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD) 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 and/or alternate fire protection or firebreaks</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.	

<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>
		approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Aromas Tri-County Fire District)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
21.		FIRE025 - SMOKE ALARMS – (SINGLE FAMILY DWELLING) Where a household fire warning system or combination fire/burglar alarm system is installed in lieu of single-station smoke alarms required by the Uniform Building Code the alarm panel shall be required to be placarded as permanent building equipment. (Aromas Tri-County Fire District)	Applicant shall enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire alarm system acceptance test.	Applicant or owner	Prior to final building inspection	
22.		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. (Aromas Tri-County Fire District)	Applicant shall enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of building permit.	
Mitigation Measures						

<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>
23.	1	MITIGATION MEASURE #1: CONSERVATION AND SCENIC EASEMENT To ensure the long-term maintenance and protection of chaparral on the slopes surrounding the proposed development, a conservation and scenic easement shall be conveyed to the County over those portions of the property where oak woodlands and maritime chaparral exists. The easement shall be developed in consultation with certified professional. An easement deed shall be submitted to, reviewed and approved by, the Director of the RMA - Planning Department prior to issuance of grading and building permits. (RMA- Planning Department)	Prior to the issuance of grading or building permits the applicant shall submit the conservation and scenic easement deed and corresponding map, showing the exact location of the easement on the property along with the metes and bound description developed in consultation with a certified professional, to the RMA - Planning Department for review and approval.	Owner/ Applicant/ Certified Professional	Prior to issuance of grading and building permits	
			Prior to final building inspection the applicant shall record the deed and map showing the approved conservation and scenic easement and submit a copy of the recorded deed and map to the RMA – Planning Department.	Owner/ Applicant	Prior to final building inspection	
24.	2	MITIGATION MEASURE #2: TREE AND SHRUB PROTECTION Trees and native plants including manzanita, 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 qualified biologist, shall be demonstrated prior to issuance of building permits subject to the approval of the RMA – Director of Planning. If there is any potential for damage, all work	Prior to the issuance of grading and/or building permits the applicant shall submit evidence of tree and mazanita protection to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of grading and/or building permits	
			During Construction the applicant shall 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 qualified biologist.	Owner/ Applicant/ Arborist	During Construc- tion	

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>must stop in the area and a report, with mitigation measures, shall be submitted by a qualified biologist. Should any additional trees or manzanita 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. If previously unidentified impacts to trees or shrubs are required, the RMA-Planning Department and a qualified biologist must be consulted to determine if additional permitting and mitigations are required. If new permits are required, the entitlements must be obtained prior to removal of the vegetation. (RMA-Planning Department)</p>	<p>Prior to final building inspection the applicant shall submit photos of the trees and manzanita 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.</p>	<p>Owner/ Applicant</p>	<p>Prior to final inspection</p>	
25.	3	<p>MITIGATION MEASURE #3: NATIVE LANDSCAPING The site shall be landscaped. The use of native species consistent with and found in the project area shall be required in all landscaping plans as a condition of project approval. A list of appropriate native plant species identified in Attachment #2 and #3 in the North County Implementation Plan Development Regulations is available in brochure form (<i>Suggested Native Species Landscaping List - North County Coastal Zone</i>) from the RMA - Planning Department. The landscape plan shall also include removal and maintenance of invasive species at the site including pampas grass. (RMA-Planning Department)</p>	<p>Prior to issuance of Building Permits the applicant shall submit landscape plans and contractor’s estimate to RMA - Planning Department for review and approval. Landscaping plans shall include the recommendations from the Biological Survey.</p>	<p>Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect</p>	<p>Prior to issuance of Building Permits</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>
26.	4	<p>MITIGATION MEASURE #4: PRECONSTRUCTION SURVEY FOR NESTING BIRDS</p> <p>The following mitigation is required in order minimize potentially adverse impacts to native resident special status nesting avian species:</p> <ul style="list-style-type: none"> • A pre-construction survey for special status nesting avian species (and other species protected under the Migratory Bird Act) shall be conducted by a qualified biologist at least two weeks prior to tree removal or initiation of construction activities that occur during the nesting/breeding season of native bird species (March 1 through August 15 <u>February 1 through August 31</u>). • If nesting birds are not found, no further action would be necessary. <p>If a nesting bird or an active nest is found, construction within 200 feet of the nest site, or an appropriate construction buffer established in consultation with the CDFG, should be postponed until after the bird has fledged (or the nest appears to be inactive). (RMA-Planning Department)</p>	<p>At least two weeks prior to tree removal or initiation of construction activities that occur during the nesting/breeding season of native bird species (March 1 through August 15 <u>February 1 through August 31</u>), a qualified biologist shall be retained to conduct nesting bird surveys and establish adequate protection fencing limits if necessary. Proof and results of the survey shall be submitted to the RMA – Planning Department for review and approval.</p>	<p>Owner/ Applicant/ Qualified Biologist</p>	<p>Prior to trimming any trees</p>	

END OF CONDITIONS