

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

In the matter of the application of:

**Nicola (PLN160205)**

**RESOLUTION NO. 16-019**

Resolution by the Monterey County Planning  
Commission:

- 1) Finding the project categorically exempt from the California Environmental Quality Act provisions; and
- 2) Approving a Design Approval and Use Permit for the construction of a new 4,052 square foot, two-story single family dwelling including removal of 21 Coast Live Oak trees.

[PLN160205, Nicola, 113 San Benancio Road, Toro Planning Area (APN: 416-221-041-000)]

**The Nicola application (PLN160205) came on for public hearing before the Monterey County Planning Commission on August 31, 2016. 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) Regulations: During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
    - the 2010 Monterey County General Plan;
    - Toro Area Plan; and
    - Monterey County Zoning Ordinance (Title 21).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) Use Allowed: The property is located at 113 San Benancio Road, Salinas (Assessor's Parcel Number 416-221-041-000), Toro Area Plan. The parcel is zoned Low Density Residential, 5 acre minimums, with a Design Control Overlay (LDR/5-D), which allows single family residential uses. The project includes construction of one single family dwelling on the lot. Therefore, the project is an allowed land use for this site.
  - c) Design Control: Location, size, configuration, materials and colors of the structure are appropriate given the circumstances of the case. All of the site development standards including height, setbacks, and lot coverage are met. Colors and materials proposed include beige stucco and tile roofing which are common features in the County. While the

two-story design will have a greater mass than the homes on neighboring properties, the two-story design allows a reasonable square footage for the neighborhood while minimizing the footprint of the home for tree removal purposes. The project will be minimally visible from public viewing areas due to screening provided by trees. A condition has been added to ensure that lighting complies with General Plan requirements and minimizes night time lighting impacts (Condition #13).

- d) Site Visit: The project planner conducted a site inspection on August 11, 2016 to verify that the project on the subject parcel conforms to the plans listed above.
- e) Tree removal: Mostly healthy, mid to lower canopy oak trees cover the entire one acre property making it necessary to remove trees for the construction of a new home on the lot. 21 Coast Live Oak Trees will be removed due to the proposed development. A Use Permit is required for the tree removal. Findings for the granting of the Use Permit are provided in Finding 6 below.
- f) Land Use Advisory Committee Review: The project was referred to the Toro Area Land Use Advisory Committee (LUAC) for review. The LUAC recommend approval of the project but suggested that the height of the structure be lowered to fit the neighborhood character. Other suggestions provided by the LUAC include updating the plans to reflect setback requirements, utilities locations, and grading quantities, analysis of the impacts of the leach fields on oak trees, and verification of the address. Plans have been updated to reflect more information, address assignment has been verified with Public Works and Fire, and impacts of the utilities and leach fields have been considered. The home is proposed at a height of 27 feet from average natural grade, 3 feet under the maximum allowable height limit in the area. The two-story home will not create a substantial adverse visual impact and will be minimally visible from off-site.
- g) Plans and Reports: The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN160205.

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, Salinas Rural Fire Protection District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, 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 by Public Works, Water Resources, and Environmental Services have been incorporated.
  - b) Staff identified potential impacts to oaks woodlands and archaeological resources on the site. The following reports have been prepared:
    - “Forest Management Plan” (LIB160167) prepared by Rob Thompson, Monterey, California, May 2, 2016.

- "Fuel Management Plan" (LIB160166) prepared by Rob Thompson, Monterey, California, May 2, 2016.
- "Preliminary Cultural Resources Reconnaissance" prepared by Susan Morley, Marina, California, December 2015.

The above-mentioned 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 has independently reviewed these reports and concurs with their conclusions.

- c) The ecological impacts of the proposed tree removal are minimal due to the fact that the site is surrounded by residential development, oak trees surrounding the proposed development area will be retained, and trees removed will be replaced (See Finding 6 below).
- d) No evidence has been found that the project should be delayed for archaeological reasons. A condition requiring the applicant and/or contractor to stop work and contact the County and archaeologist is suggested in the event that resources are accidentally uncovered during construction (Condition #4).
- e) Staff conducted a site inspection on August 11, 2016 to verify that the
- f) site is suitable for this use.

The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN160205.

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 the RMA - Planning, Salinas Rural Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective 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.
- b) Necessary public facilities are available to serve the project. The new home is conditioned upon securing an adequate water supply that meets minimum standards for both quality and quantity (Condition #25) as determined by the Director of the Environmental Health Bureau. A construction permit will not be issued until this condition has been satisfied. The project also includes a new septic system meeting health standards, a propone tank meeting fire department and building code setback requirements, and electricity will be provided from Pacific Gas and Electric overhead lines nearby. This project includes construction of

one single family dwelling on the lot and is not subject to Policy PS-3.1 (long term water supply) or C-1.4 (Levels of Service traffic standards)

of the General Plan.

- c) The site is suitable for residential use (See Finding #2) and will not result in significant health or safety impacts.
- d) The proposed development will meet emergency access standards, and will be required to comply with current building and fire code requirements.
- e) Staff conducted a site inspection on August 11, 2016 to verify that the site is suitable for this use.
- f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN160205.

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 and Building Services Department records and is not aware of any violations existing on subject property. The site is currently void of man made improvements with the exception of the staking and flagging required during review of this project.
- b) Staff conducted a site inspection on August 11, 2016 and researched County records to assess if any violation exists on the subject property.
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 15303, categorically exempts construction of one single family residence in a residential zone.
- b) The project includes construction of one single family dwelling and the removal of 21 oak trees. Removal of the oak trees will not result in significant environmental effects since the lot is less than one acre in size, is surrounded by an established residential community, oak trees surrounding the construction area will be retained, and new trees will be planted to replace those removed at the site in compliance with adopted zoning requirements.
- c) No adverse environmental effects were identified during staff review of the development application or during a site visit on August 11, 2016.
- d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project will not impact historic or prehistoric resources, adversely affect views from a scenic highway, be located on or near a hazardous waste site, have significant effect on the environment, or have significant cumulative impacts since the project involves construction of one single family dwelling in a residential zone.
- e) Staff conducted a site inspection on August 11, 2016 to verify that the site is suitable for this use.
- f) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the

proposed development found in Project File PLN160205.

6. **FINDING:** **TREE REMOVAL:** - The tree removal is the minimum required under the circumstances and the removal will not involve a risk of adverse environmental impacts.
- EVIDENCE:**
- a) The project includes application for the removal of 21 oak trees. In accordance with the applicable policies of the Toro Area Plan and the Monterey County Zoning Ordinance (Title 21), a Use Permit is required and the criteria to grant said permit has been met.
  - b) Toro Area Plan Policy T-3.7 states "Removal of healthy, native oak trees in the Toro Planning Area shall be discouraged. The project proposes removal of 21 oak trees. Tree removal is required for the development of the site with a single family residence because the lot is covered with oaks. The design and improvements minimize removal of oak trees and attempt to preserve trees near the proposed improvements. A Condition has been added to the project that requires planting new 5-gallon oaks on the site to replace those removed for the development (Condition #14).
  - c) Forest Management Plan and Fuel Management Plan were prepared by Rob Thompson for the project. The plans conclude that tree removal will have minimal environmental impacts if conditions are followed to protect oaks near the construction area that are proposed to be retained and replacement planting is provided.
  - d) Measures for tree protection during construction have been incorporated as conditions of approval and include tree protection zones, trunk protection, hand excavation and bridging roots (Condition #8).
  - e) The project has been designed and sited to minimize the removal of protected trees to the greatest extent feasible. The site is covered with oak trees and any development on the lot will require removal of trees. The improvements are sited to meet setback requirements and minimize impacts to oak trees to the extent feasible.
  - f) Staff conducted a site inspection on August 11, 2016 to verify that the tree removal is the minimum necessary for the project and to identify any potential adverse environmental impacts related to the proposed tree removal.
  - g) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN160205.
7. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
- EVIDENCE:**
- a) Section 21.80.040.D of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.

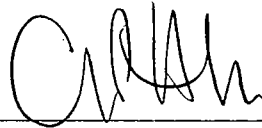
DECISION

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

1. Find the project categorically exempt from the California Environmental Quality Act pursuant to Section 15303 of the guidelines;
2. Approve a Design Approval and Use Permit for the construction of a new 4,052 square foot, two-story single family dwelling including removal of 21 Coast Live Oak trees, in general conformance with the attached sketch and subject to the conditions attached hereto and incorporated herein by reference; and

**PASSED AND ADOPTED** this 31<sup>st</sup> day of August, 2016 upon motion of Commissioner Vandevere, seconded by Commissioner Ambriz, and passed by the following vote:

AYES: Ambriz, Diehl, Getzelman, Hert, Mendez, Padilla, Roberts, Vandevere  
NOES: None  
ABSENT: Duflock, Rochester  
ABSTAIN: None



Carl P. Holm, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON **SEP - 2 2016**

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 **SEP 12 2016**.

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 Monterey County RMA-Planning and RMA-Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

# Monterey County RMA Planning

## Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN160205

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** This Use Permit and Design Approval (PLN160205) allows construction of a new 4,052 square foot, two-story single family dwelling and removal of 21 oak trees. The property is located at 113 San Benancio Road, Salinas (Assessor's Parcel Number 416-221-041-000), Toro Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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 RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

### 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state:  
"A Use Permit and Design Approval (Resolution Number 16-019) was approved by Planning Commission for Assessor's Parcel Number 416-221-041-000 on August 31, 2016. The permit was granted subject to 25 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

### 3. PD002(A) - ATTACH RESOLUTION TO CONSTRUCTION PLANS

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** A copy of the Resolution of Approval (Resolution No. 16-019) for the Use Permit and Design Approval (Planning File No.: PLN160205) shall be incorporated onto the construction plans for the project prior to the issuance of a grading or building permit. The Contractor/Owner/Applicant shall be responsible for compliance with all conditions of approval. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to commencement of any grading or construction activities, the Owner/Applicant shall submit evidence to RMA-Planning for review and approval, that the Resolution of Approval, for the project, has been incorporated onto the construction plans for the project/approved development.

Ongoing throughout construction and until all Conditions of Approval and/or Mitigation Measures have been complied with, the Contractor/Owner/Applicant shall provide evidence of compliance with Conditions of Approval to the Responsible Land Use Department as specified in the "Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan."

### 4. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** 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. Monterey County RMA - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register 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 recovery. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to this condition on an on-going basis. Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County RMA - Planning 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.



#### 5. PD005(A) - NOTICE OF EXEMPTION

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Pursuant to CEQA Guidelines § 15062, a Notice of Exemption shall be filed for this project. The filing fee shall be submitted prior to filing the Notice of Exemption. (RMA-Planning)

**Compliance or Monitoring Action to be Performed:** After project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of RMA - Planning.

#### 6. PD006(A) - CONDITION COMPLIANCE FEE

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

**Compliance or Monitoring Action to be Performed:** Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

#### 7. PD007- GRADING WINTER RESTRICTION

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** 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. (RMA - Planning and RMA - Building Services)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant, on an on-going basis, shall obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.

## 8. PD011 - TREE AND ROOT PROTECTION

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Trees which are located close to 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 certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of 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 certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to RMA - Planning for review and approval.

During construction, the Owner/Applicant/Arborist 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 certified arborist.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to RMA-Planning after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

## 9. PD011(A) - TREE REMOVAL

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Tree removal shall not occur until a construction permit has been issued in conformance with the appropriate stage or phase of development in this permit. Only those trees approved for removal shall be removed. (RMA-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to tree removal, the Owner/ Applicant/ Tree Removal Contractor shall demonstrate that a construction permit has been issued prior to commencement of tree removal.

## 10. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of Building Permits Owner/Applicant shall pay Monterey County Building Services Department the traffic mitigation fee. Owner/Applicant shall submit proof of payment to the DPW.

#### 11. PW0045 – COUNTYWIDE TRAFFIC FEE

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** Prior to issuance of building permits, the Owner/Applicant shall pay the Countywide Traffic Fee or the ad hoc fee pursuant to General Plan policy C-1.8. The fee amount shall be determined based on the parameters in the current fee schedule.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of Building Permits, the Owner/Applicant shall pay Monterey County Building Services Department the traffic mitigation fee. The Owner/Applicant shall submit proof of payment to the DPW.

#### 12. PD012(F) - LANDSCAPE PLAN & MAINTENANCE (SFD ONLY)

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of RMA - Planning. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and contractor's estimate to the RMA - Planning for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."

Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall ensure that the 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.

On an on-going basis, all landscaped areas and fences shall be continuously maintained by the Owner/Applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

### 13. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** 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 lighting source shall be shielded and recessed into the fixture. 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 RMA - Planning, prior to the issuance of building permits.

(RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to RMA - Planning for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to final/occupancy, the Owner/Applicant/Contractor shall submit written and photographic evidence demonstrating that the lighting has been installed according to the approved plan.

On an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

### 14. PD048 - TREE REPLACEMENT/RELOCATION

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Within 60 days of permit approval, the applicant shall replace and or relocate each tree approved for removal as follows:

- Replacement ratio: 1:1

Trees shall be planted on the western and southern portions of the site where space permits. Locations of replanting and timing of planting shall be coordinated with a certified arborist. If a ratio of 1:1 cannot be achieved on-site without over-crowding of trees, the applicant/owner shall coordinate with the arborist to ensure the maximum number of trees are replanted on-site. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall submit evidence of tree replacement to RMA-Planning for review and approval. Evidence shall be a receipt for the purchase of the replacement tree(s) and photos of the replacement tree(s) being planted.

Six months after the planting of the replacement tree(s), the Owner/Applicant shall submit evidence demonstrating that the replacement tree(s) are in a healthy, growing condition.

One year after the planting of the replacement tree(s), the Owner/Applicant shall submit a letter prepared by a County-approved tree consultant reporting on the health of the replacement tree(s) and whether or not the tree replacement was successful or if follow-up remediation measures or additional permits are required.

#### 15. PD050 - RAPTOR/MIGRATORY BIRD NESTING

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Any tree removal activity that occurs during the typical bird nesting season (February 22-August 1), the County of Monterey shall require that the project applicant retain a County qualified biologist to perform a nest survey in order to determine if any active raptor or migratory bird nests occur within the project site or within 300 feet of proposed tree removal activity. During the typical nesting season, the survey shall be conducted no more than 30 days prior to ground disturbance or tree removal. If nesting birds are found on the project site, an appropriate buffer plan shall be established by the project biologist. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** No more than 30 days prior to ground disturbance or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit to RMA-Planning a nest survey prepared by a County qualified biologist to determine if any active raptor or migratory bird nests occur within the project site or immediate vicinity.

#### 16. WR002 - STORMWATER CONTROL

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** The applicant shall provide a drainage plan, prepared by a registered civil engineer or licensed architect, to mitigate on-site and off-site impacts. Impervious surface stormwater runoff shall be dispersed at multiple points, on the least steep available slopes, away from and below any septic leach fields. Erosion control shall be provided at each outlet. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any construction permit, the owner/applicant shall submit a drainage plan with the construction permit application.

The Building Services Department will route a plan set to the Water Resources Agency for review and approval.

#### 17. EROSION CONTROL PLAN

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit an erosion control plan in conformance with the requirements of Monterey County Code Chapter 16.12. The erosion control plan may be combined with the grading plan provided it is clearly identified. The erosion control plan shall include a construction entrance, concrete washout, stockpile area(s), material storage area(s), portable sanitation facilities and waste collection area(s), as applicable. (RMA-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit an erosion control plan to RMA-Environmental Services for review and approval.

## 18. GEOTECHNICAL CERTIFICATION

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall provide certification from a licensed practitioner that all development has been constructed in accordance with the recommendations in the project Geotechnical and Geologic Investigation. (RMA- Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant shall provide RMA-Environmental Services a letter from a licensed practitioner.

## 19. GRADING PLAN

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a grading plan incorporating the recommendations from the project Geotechnical and Geologic Investigation prepared by Soil Surveys Group Inc. The grading plan shall include contour intervals and cross-sections that identify the existing grade, proposed grade, and the extent of any proposed excavation and/or fill. The grading plan shall include the geotechnical inspection schedule that identifies when the inspections will be completed, who will conduct the inspection (i.e., PG, PE, and/or Special Inspector), a description of the required inspection, inspector name, and the completion date. The applicant shall also provide certification from the licensed practitioner that the grading plan incorporates their geotechnical recommendations. (RMA-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit a grading plan to RMA-Environmental Services for review and approval.

Prior to issuance of any grading or building permits, the applicant shall submit certification from a licensed practitioner that they have reviewed the grading plan for conformance with the geotechnical recommendations.

## 20. INSPECTION-DURING ACTIVE CONSTRUCTION

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall schedule an inspection with RMA-Environmental Services to inspect drainage device installation, review the maintenance and effectiveness of BMPs installed, and to verify that pollutants of concern are not discharged from the site. At the time of the inspection, the applicant shall provide certification that all necessary geotechnical inspections have been completed to that point. This inspection requirement shall be noted on the Erosion Control Plan. (RMA - Environmental Services)

**Compliance or Monitoring Action to be Performed:** During construction, the applicant shall schedule an inspection with RMA-Environmental Services.

## 21. INSPECTION-FOLLOWING ACTIVE CONSTRUCTION

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall schedule an inspection with RMA-Environmental Services to ensure all disturbed areas have been stabilized and all temporary erosion and sediment control measures that are no longer needed have been removed. This inspection requirement shall be noted on the Erosion Control Plan. (RMA – Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant shall schedule an inspection with RMA-Environmental Services.

## 22. INSPECTION-PRIOR TO LAND DISTURBANCE

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall schedule an inspection with RMA-Environmental Services to ensure all necessary sediment controls are in place and the project is compliant with Monterey County regulations. This inspection requirement shall be noted on the Erosion Control Plan. (RMA – Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to commencement of any land disturbance, the owner/applicant shall schedule an inspection with RMA-Environmental Services.

## 23. PDSP 001 -- GRADING AROUND TREES

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The grading plan shall be designed to minimize grading in the driplines of the remaining oak trees. The driveway shall maintain an elevation at or above natural grade to minimize root loss. Any trenching within the dripline of a protected tree shall be undertaken by hand and no roots over one inch in diameter may be cut. Roots shall be protected during installation of utilities and septic system.

**Compliance or Monitoring Action to be Performed:** RMA Planning shall review the site plan and grading plan to insure the design is appropriate to protect the trees. Notes shall be placed on all construction plans which show trenching identifying what hand trenching is required.

#### 24. CC01 INDEMNIFICATION AGREEMENT

**Responsible Department:** County Counsel

**Condition/Mitigation Monitoring Measure:** The property owner agrees as a condition and in consideration of 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. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its 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 property, filing of the final map, recordation of the certificates of compliance 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. (County Counsel)

**Compliance or Monitoring Action to be Performed:** Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the County Counsel for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel.

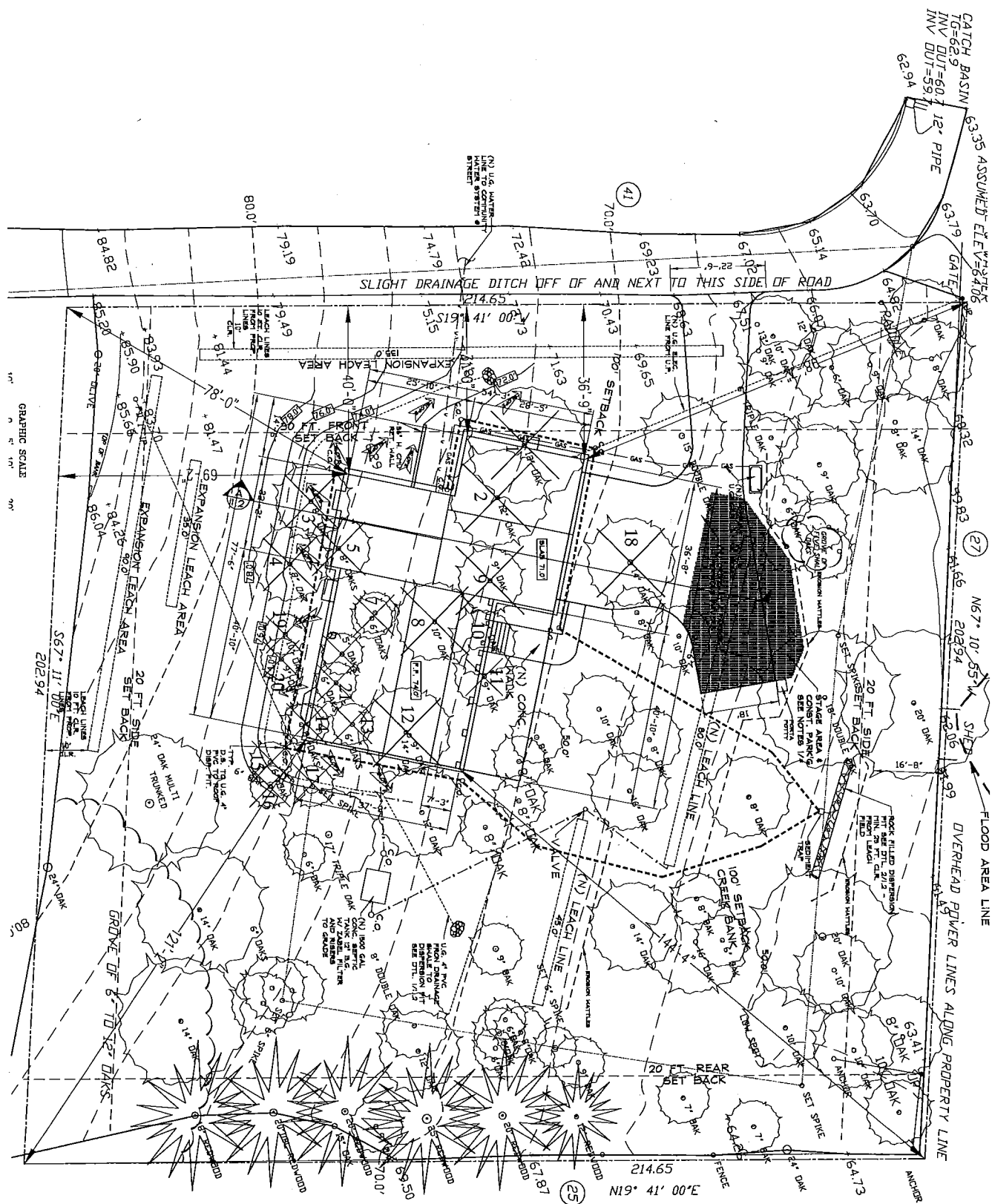
#### 25. EHSP01 – WATER SOURCE (NON-STANDARD)

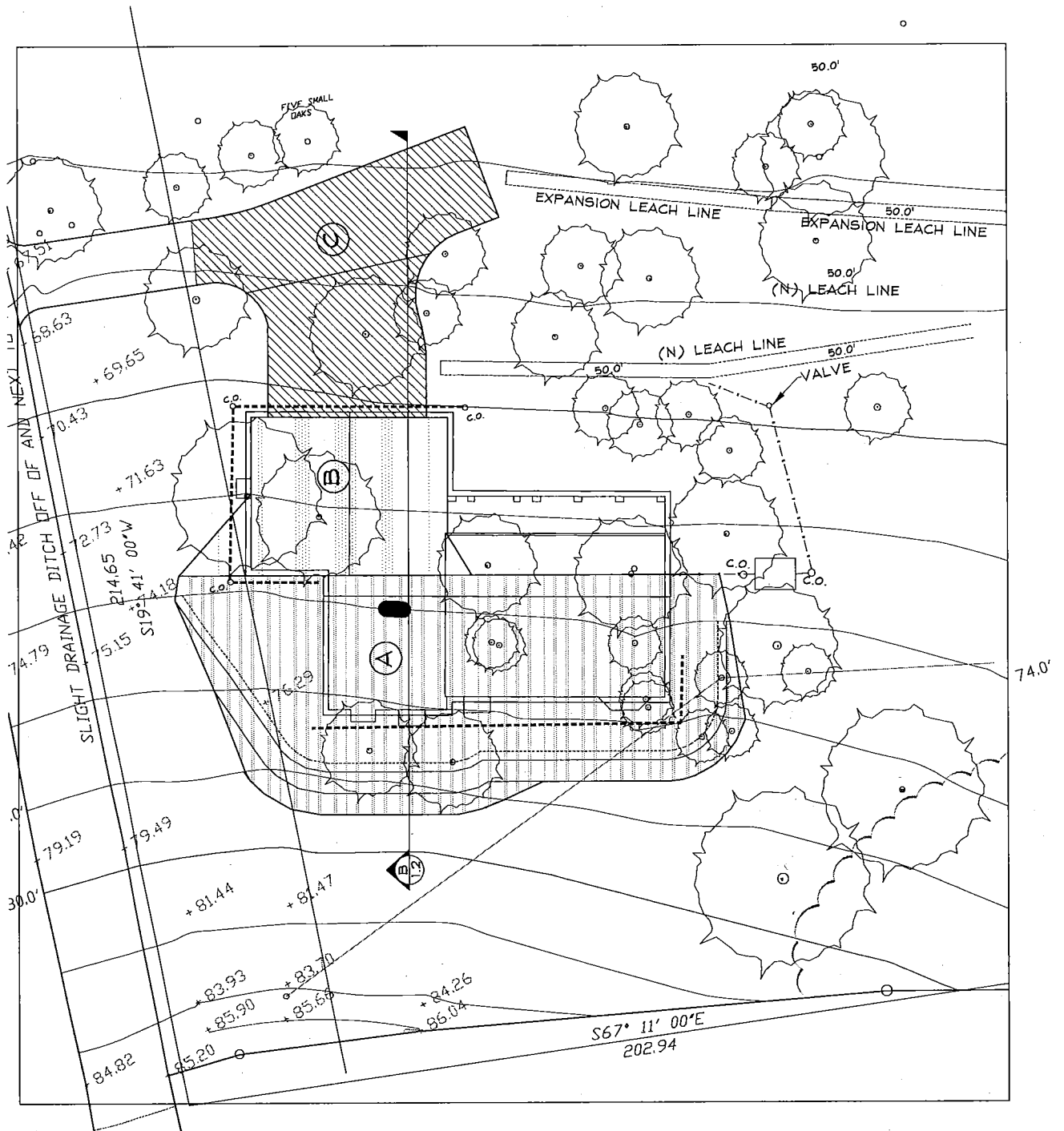
**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** A water source shall be identified for the property that meets minimum standards for both quality and quantity as determined by the Director of the Environmental Health Bureau ("EHB") and the Director of the Resource Management Agency ("RMA") - Planning Services prior to the issuance of any construction permits at the site.

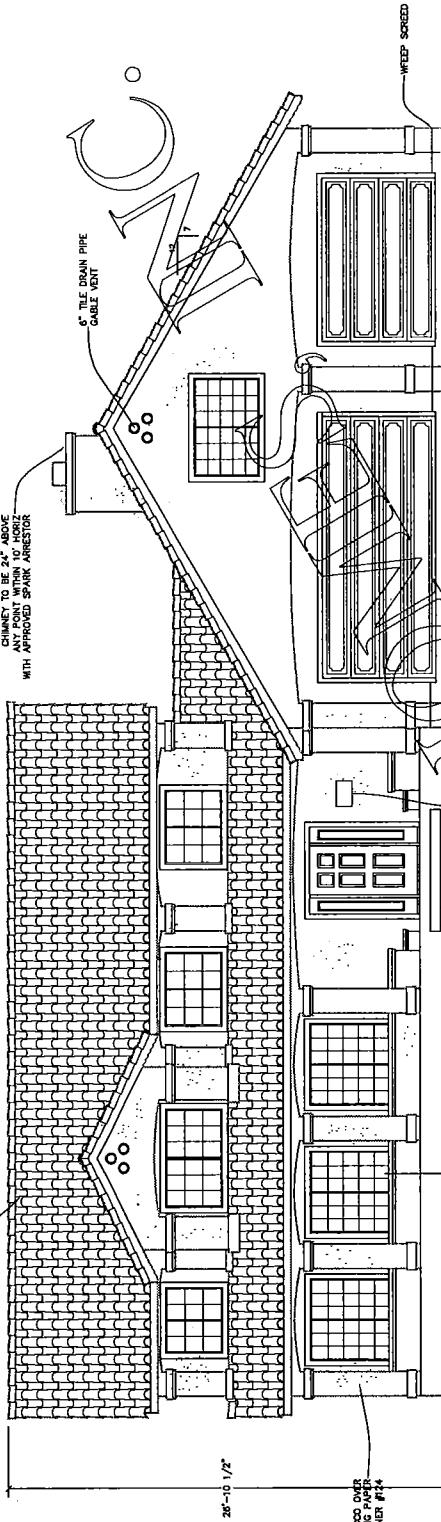
**Compliance or Monitoring Action to be Performed:** Prior to the issuance of construction permits, the applicant shall provide evidence that demonstrates a water source is available to serve the property that meets the minimum standards for both quality and quantity as determined by the Director of the EHB and the Director of the RMA-Planning Services.







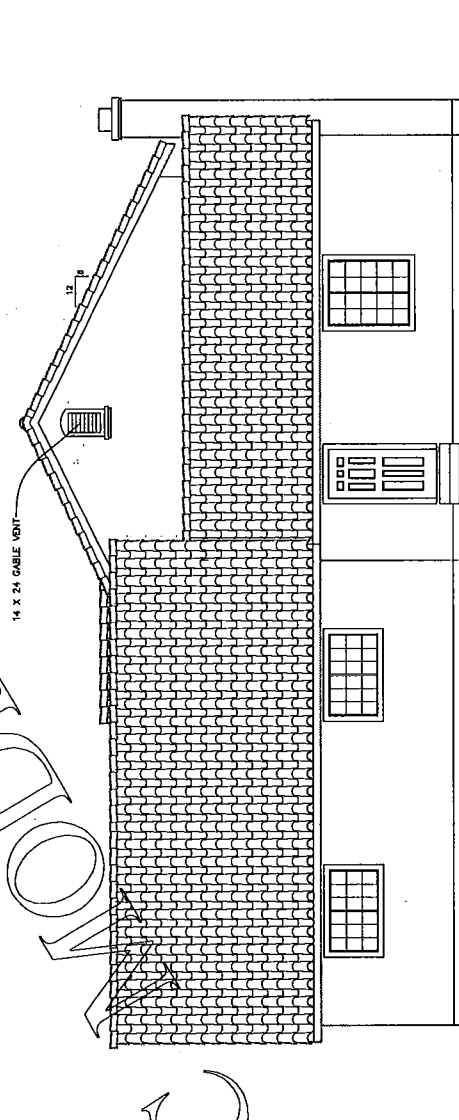
TILE ROOFING  
(MIN. 12" OVER EAVES)  
OVER 3/8" OSB ROOF SHEATHING



FRONT ELEVATION

BUILDING ADDRESS NUMBERS TO BE PROVIDED ON THE FRONT OF ALL BUILDINGS. ADDRESS NUMBERS SHALL BE 3\"/>

SCALE 1/4\"/>



RIGHT ELEVATION

SCALE 1/4\"/>

