

## DRAFT RESOLUTION

### Before the Zoning Administrator in and for the County of Monterey, State of California

In the matter of the application of:

**HENNESSY (PLN170684)**

#### **RESOLUTION NO. ----**

Resolution by the Monterey County Zoning  
Administrator:

- 1) Finding the project is limited development consisting of the new construction of a single family dwelling and guesthouse which qualifies as a Class 3 Categorical Exemption per § 15303 (a) of the CEQA Guidelines and none of the exceptions under Section 15300.2 apply; and
- 2) Approving a Combined Development Permit consisting of: 1) Coastal Administrative Permit and Design Approval to allow the construction of a new single family dwelling with an attached garage; 2) Coastal Development Permit and Design Approval to allow the construction of a guest house over a garage; 3) Variance for reduction of front yard setback (from 30 feet to 22 feet); 4) Coastal Development Permit for development on slopes exceeding 30%; and 5) Coastal Development Permit for development within 750 feet of a known archaeological resource.

195 Spindrift Road, Carmel, Carmel Area Land  
Use Plan (APN: 241-301-009-000)

**The Hennessy application (PLN170684) came on for a public hearing before the Monterey County Zoning Administrator on January 11, 2018. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:**

#### **FINDINGS AND EVIDENCE**

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies.  
**EVIDENCE:** a) Staff has reviewed the project as contained in the application and accompanying materials for consistency with the following applicable text, policies, and regulations:
  - Carmel Area Land Use Plan
  - Coastal Implementation Plan (CIP) (Part 4)
  - 1982 Monterey County General Plan; and
  - Monterey County Zoning Ordinance (Title 20)

- b) The property is located at 195 Spindrift Road, Carmel (Assessor's Parcel Number 241-301-009-000), Carmel Area Land Use Plan, Coastal Zone. The parcel is zoned Low Density Residential/1 unit per acre, with a Design Control overlay (Coastal Zone) [LDR/1-D (CZ)]. LDR zoning allows residential development as a principal use subject to the granting of a Coastal Administrative Permit.  
A previously approved permit (PLN040465) was brought before the Zoning Administrator on March 30, 2006. The permit expired on March 30, 2012.
- c) The 0.51-acre (22,319 square feet) lot was created with "Map No. 2 of a part of Carmel Highlands Property," filed March 18, 1920 in Volume 1 of Surveys at page 101, Records of Monterey County, California, and is thus a legal lot.
- d) Front Setback. Low Density Residential zoning requires a 30-foot front setback. Spindrift Road has a 25-foot right-of-way (12.5 feet of which is expressed in an easement over the Hennessy lot) and there is an easement over the southern part (Spindrift Way) of the property creating two front setbacks (no rear). Proposed setbacks from the edge of right-of-way (Spindrift Road) are 8 feet (garage) and 22 feet (residence). Section 20.62.040.N CIP allows a garage to encroach up to five feet from the front line of the lot when the front of the property has steep slopes (7 feet above or below the grade at a point 50 feet from the centerline of the traveled roadway). This would result in an exception for the garage encroachment on the front setback and an 8-foot variance for the main structure to meet the 30-foot setback requirement. Plans submitted by the applicant indicate that the subject site has a drop of about 10 feet from the centerline in this instance, and therefore, complies with Section 20.62.040 for the garage setback. A Variance is part of this project proposal (see Finding 3).
- e) Guesthouse. Placement of a guesthouse over a one-story structure, such as a garage, may be considered by a Coastal Development Permit (ZA) when intended to provide for architectural consistency and compatibility with the main residence. The guesthouse is located about 40 feet downhill from the main house. As designed, guesthouse meets all applicable regulations.
- f) Site Visit. Staff conducted an on-site visit to verify that the site is suitable for this use on November 21, 2017.
- g) Visual Resources. The project, as proposed, is consistent with the Carmel Area LUP policies regarding Visual Resources (Chapter 2.2). The project site is on the west side of Highway 1 and will not impact the public viewshed due to existing tree cover and the site's topography.
- h) Public Access. The project site is within the lateral access zone, illustrated in Figure 3 "Public Access," of the Carmel Area Land Use Plan, however, the subject property is to the east of the Yankee Point access point and does not interfere with any form of historic public use or trust rights.
- i) Tree Removal. A biological assessment prepared in September 2004 determined that Monterey pine, Coast Live Oak and Monterey cypress trees on the site are non-native trees. The project proposes the removal of one non-native Monterey pine (7-inch diameter) and a previously

removed non-native Coast Live Oak (13 inch diameter) tree. Non-native trees do not require a permit unless removal increases visibility of structures in the critical viewshed (Section 20.146.060. A CIP). Staff conducted a field investigation and determined the proposed removal of trees would not increase the visibility of structures from Highway 1 or from a public common viewing area (Section 20.146.060.D.2 CIP).

- j) Design. Pursuant to Chapter 20.44 of the Monterey County Zoning Ordinance, Title 20, a Design Control Zoning District (“D” zoning overlay), regulates the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character. The proposed exterior colors, materials and finishes- predominantly gray stucco with white stucco accents, pine wood siding and decking, and board-formed concrete on chimneys- are appropriate for the neighborhood and will blend in with the surrounding environment. The modern design and color palette of materials are consistent with other dwellings in the neighborhood and will not disrupt the overall character of the area. Due to site constraints, specifically the steep slope bank, the main house was sited on the upper portion of the lot and steps down with the topography; a garage and future guesthouse are proposed on the lower, gentler part of the slope. Most of the lower portion (southwest) of the lot is devoted to the on-site wastewater treatment system. With the building pad ten feet lower than the road, the house reads as two stories, and the ground floor is not seen. The project design received a unanimous recommendation of approval and was only conditioned on the assurance that the colors brought before the LUAC would be the same colors used for the project (the color variation was due to the use different printers). Therefore, the project as proposed, assures protection of the public viewshed and is consistent with the neighborhood character.
- k) Land Use Advisory Committee (LUAC). The project was referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure Guidelines adopted by the Monterey County Board of Supervisors, this application warranted referral to the LUAC because the development requires a variance. On September 5th, the LUAC reviewed the project and supported the project with 4 yes votes.
- l) Archaeology. The site is located in a highly sensitive area for archaeological resources. It is also located within 750 feet of a known cultural/archaeological resource. On February 12, 2004, a qualified archaeologist completed a survey pursuant to Section 20.146.090.B CIP. The results of this survey were negative for the subject site, and the report concluded that there were no findings to suggest the project could not move forward as proposed. A previously approved Combined Development Permit (PLN040465) listed a larger single family dwelling; since then, the applicant has reduced the building footprint from 3,932 square feet to 3,549 square feet. A standard stop work condition has been placed on this project in the event archaeological resources are encountered.

- m) The application, project plans, and related supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development can be found in Project File PLN170684.

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, Carmel Highlands Fire Protection District, RMA-Public Works, RMA-Environmental Services, Water Resources Agency and the Carmel Highlands Land Use Advisory Committee. Conditions recommended by RMA-Planning, RMA-Environmental Health Bureau, RMA-Environmental Services and Water Resources Agency have been incorporated.

b) Available technical information and reports indicate that there are no physical or environmental constraints such as geologic or seismic hazards, that would render the site unsuitable for the use proposed. Reports in the Project File (PLN170684) include:

- Preliminary Cultural Resources Reconnaissance (LIB060519), prepared by Mary Doane, B.A., and Trudy Haversat, RPA, February 12, 2004.
  - Geotechnical Report (LIB170419), prepared by Lawrence E. Grice, P.E., Grice Engineering, Inc., September 7, 2017.
  - Biological Report (LIB060520), prepared by Vern Yadon September 17, 2004.
  - Updated Biological Report, prepared by Nicole Nedeff, May 23, 2017.
- c) Staff became aware of active stick nests of the Monterey Dusky-footed woodrat through the updated Biological Report. The woodrats were identified as “Species of Concern” by both the federal Fish and Wildlife Service and the California Department of Fish and Wildlife. At this time, the Monterey Dusky-footed woodrat does not meet the Carmel Area LUP’s definition of “rare and/or endangered species.” However, per the recommendations made by the biologist, a representative from CA Department of Fish and Wildlife, and other woodrat specialists, a condition has been placed on the project which addresses a pre-construction survey, the maintenance of buffers and the method of removal, if necessary, prior to ground disturbance.
- d) The well is being drilled in a fractured rock area. A condition disclosing concerns regarding long term water supply (via a deed restriction) has been included to notify future property owners of the water supply viability.
- e) 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 PLN170684.
- f) Staff conducted a site inspection on November 21, 2017 to verify that the site is suitable for this use.

3. **FINDING:** **VARIANCE** – There are special circumstances applicable to the subject property, including size, shape, topography, location or surroundings. As a result, the strict application of Title 20 would deprive the subject

property of special privileges enjoyed by other properties in the vicinity under the identical zone classification. The Combined Development Permit (PLN170684/Hennessy) does not constitute a grant of special privileges. The Variance does not grant a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property. Variances are granted on a case-by-case basis and the findings and evidence for this project do not necessarily apply to other parcels.

- EVIDENCE:**
- a) Special Circumstances. The property contains steep slopes and a requirement to hold two front setbacks (30 feet main structures) due to the fact that the property abuts a street (Spindrift Road) and a shared easement. There is an existing pad ten feet below Spindrift Road. Using this pad, the proposed residence is set back approximately 30 feet from the edge of pavement but only 22 feet from the right of way. Moving the house downhill would require increased development on slopes and move the structure into view of Highway 1. Although the steep slopes make septic design difficult, the proposed location allows adequate space for necessary septic and leach fields. Section 20.62.040.N CIP allows a garage to encroach up to five feet from the front line of the lot when the front of the property has steep slopes. The proposed garage is set back 8 feet from the front line of the lot and therefore, meets the exception in Section 20.62.040 (N). The Hennessy project as proposed would require an 8-foot variance or put differently, would reduce the front setback (on the north) from the required 30 feet to 22 feet. The front setback on the south end of the lot would not be affected. Allowing a reduced front setback would better meet adopted County goals and policies.
  - b) Special Privilege. Strict application of the 30-foot setback requirement for this property would deprive the subject property of the privileges enjoyed by other properties in the vicinity and under identical zone classification. Properties at 157, 163, 165, 167, 174, 181, and 231 Spindrift Road have structures that do not meet the required setback. Approval of the Combined Development Permit (PLN170684) will not constitute a grant of special privileges inconsistent with other properties in the vicinity under the identical zoning classification.
  - c) Allowed Use. Single family homes and guesthouses are “principal uses allowed” per Section 20.14.040 in the Low Density Residential Zoning District.
  - d) The application and plans submitted for the Combined Development Permit and Design Approval, including the Variance Justification Letter, can be found in project file PLN170684.

4. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the 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 has been reviewed for site suitability by the following departments and agencies: RMA-Planning, Carmel Highlands Fire Protection District, RMA-Public Works, RMA-Environmental Services, Water Resources Agency and the Carmel Highlands Land Use Advisory Committee. 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) The applicant has provided enough evidence to show that it would be virtually impossible for water from the project site to ever reach any part of the Yankee Point tributaries and therefore, has been removed from the Nitrogen Management Area in the Carmel Highlands Onsite Wastewater Management Plan.
  - c) The project has been conditioned to have new utilities placed underground.
  - d) The application, project plans, and related supporting materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development can be found in Project File PLN170684.

5. **FINDING:** **30% SLOPE/NO ALTERNATIVE-** Based on substantial evidence, there is no feasible alternative which would allow development to occur on slopes of less than 30%. Based on substantial evidence, the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable land use plan than other development alternatives.

- EVIDENCE:**
- a) The project site contains slopes that exceed 30%. Part of the site was previously graded in the creation of Spindrift Road. A pad was created in a 30% slope, but there are no permits on file for creating this pad. The proposed project reduces new impacts to other slope areas by designing a driveway apron from Spindrift Road to the garage.
  - b) Staff investigated the site to evaluate the project and determined that there is no alternative location for this project. The current project proposal represents a smaller building footprint than the one proposed under PLN040465. In addition, the project as designed would better achieve the goals and policies of the Carmel Area Land Use Plan.
  - c) The Coastal Development Permit will require implementation of temporary Best Management Practices (BMP) for erosion control in conformance with the requirements of Monterey County Code Chapter 16.12.

6. **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.

7. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review.
- a) 15303 (a) categorically exempts new construction of one single family residence, or a second dwelling unit in a residential zone. The applicant proposes to construct the first single family home and accessory structures.
  - b) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. A report provided concludes that the proposed project would not impact any resources. Staff finds that there is adequate evidence to support finding that there are no unique circumstances for potential impact in this case
  - c) 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 PLN170684.
8. **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) states that the proposed project is appealable to the Board of Supervisors.
  - b) Section 20.86.080 of the Monterey County Zoning Ordinance (Title 20) states that the proposed project is subject to appeal by an applicant or an aggrieved person who has exhausted all County appeals, or by any two (2) members of the California Coastal Commission because this project is between the sea and the first through public road paralleling the sea.

### **DECISION**

**NOW, THEREFORE,** based on the above findings and evidence, the Zoning Administrator does hereby:

1. The project is limited development consisting of the new construction of a single family dwelling and guesthouse which qualifies as a Class 3 Categorical Exemption per § 15303 (a) of the CEQA Guidelines and none of the exceptions under Section 15300.2 apply; and
2. Approve a Combined Development Permit consisting of: 1) Coastal Administrative Permit and Design Approval to allow the construction of a new single family dwelling with an attached garage; 2) Coastal Development Permit and Design Approval to allow the construction of a guest house over a garage; 3) Variance for reduction of front yard setback (8 feet); 4) Coastal Development Permit for development on slopes exceeding 30%; and 5) Coastal Development Permit for development within 750 feet of a known archaeological resource.

In general conformance with the attached plans and subject to seventeen (17) conditions of approval, both being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 11th day of January, 2018:

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Mike Novo, Zoning Administrator

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 \_\_\_\_\_.

(Coastal Projects)

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS 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 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.

Form Rev. 5-14-2014



# Monterey County RMA Planning

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

PLN170684

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** This Combined Development Permit (PLN170684) allows construction of a new single family dwelling with an attached garage and a guesthouse over a separate detached garage. The property is located at 195 Spindrift Road (Assessor's Parcel Number 241-301-009-000), Carmel Area Land Use 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 Combined Development Permit (Resolution Number \*\*\*) was approved by the Zoning Administrator for Assessor's Parcel Number 241-301-009 on January 11, 2018. The permit was granted subject to 17 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. 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.

#### 4. PD019(B) - DEED RESTRICTION-GUESTHOUSE (COASTAL)

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall record a deed restriction stating the regulations applicable to a Guesthouse (Coastal) as follows:

- Only 1 guesthouse shall be allowed per lot.
  - Detached guesthouses shall be located in close proximity to the principal residence.
    - Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements.
    - The guesthouse shall not have cooking or kitchen facilities, including but not limited to microwave ovens, hot plates and toaster ovens.
    - The guesthouse shall have a maximum of 6 linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of 8 square feet of cabinet space, excluding clothes closets.
    - The guesthouse shall not exceed 425 square feet of livable floor area.
    - The guesthouse shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect.
    - Subsequent subdivisions which divide a main residence from a guesthouse shall be prohibited.
    - The guesthouse shall be designed in such a manner as to be visually consistent and compatible with the main residence on site and other residences in the area.
    - The guesthouse height shall not exceed 12 feet nor be more than one story.
- (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading or building permits, the Owner/Applicant shall submit a signed and notarized document to the Director of RMA-Planning for review and signature by the County.

Prior to occupancy or commencement of use, the Owner/Applicant shall submit proof of recordation of the document to the Director of the RMA-Planning.

## 5. 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.

## 6. PD041 - HEIGHT VERIFICATION

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible on-site until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor to the Director of RMA - Building Services for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (RMA - Planning and RMA - Building Services)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading or building permits, the Owner/Applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection.

Prior to the foundation pre-pour inspection, the Owner/Applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of RMA- Building Services for review and approval, that the height of first finished floor from the benchmark is consistent with what was approved on the building permit.

Prior to the final inspection, the Owner/Applicant/Engineer shall provide evidence from a licensed civil engineer or surveyor, to the Director of RMA- Building Services for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.

## 7. 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.

## 8. PDSP001- MONTEREY DUSKY FOOTED WOODRAT PRE-CONSTRUCTION SURVEY (NON-STANDARD CONDITION)

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The Monterey Dusky-footed Woodrat (MDFW) is a California Department of Fish & Wildlife (CDFW) species of special concern that is endemic to the Monterey Peninsula. This is a subspecies of the dusky-footed woodrat (*Neotoma macrotis*), which is common to oak woodlands and other forest types throughout California.

Active Woodrat nests should be avoided in the breeding season if at all possible (January - September). If woodrat nests cannot be avoided during this time, the nest(s) shall be flagged and a 10 foot buffer shall be maintained between the nests and construction activities.

As a last resort, if the nests will need to be removed as part of the project, CDFW recommends that a qualified biologist knowledgeable about woodrats with a current State Scientific Collection Permit/MOU should be retained to assess the habitat and potentially trap and relocate individuals and nests if necessary.

**Compliance or Monitoring Action to be Performed:** 30 days prior to the start of ground-disturbing activities, the Owner/Applicant shall retain a qualified biologist to conduct a pre-construction survey to identify the locations of active Monterey Dusky-footed Woodrat nests within the project boundary. A copy of the survey and report shall be provided to RMA-Planning Department for review.

Prior to the issuance of grading or building permits, the retained biologist shall flag the active nest sites and delineate a buffer no less than 10 feet between the nest(s) and construction activities. The Owner/Applicant shall submit written and photographic evidence demonstrating that the nests were flagged and buffers maintained according to the biologist's recommendation.

If it is not possible to avoid the MDFW nests, CDFW should be contacted for guidance. CDFW may require live-trapping and releasing the Woodrats into artificial shelters on or offsite. Live-trapping, if required, should be conducted from mid-July through September.

## 9. 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.

## 10. WR049 - WATER AVAILABILITY CERTIFICATION

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** The applicant shall provide the Monterey County Water Resources Agency proof of water availability in the form of a complete Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any construction permit, the owner/applicant shall submit a Water Release Form to the Water Resources Agency for review and approval.

A copy of the Water Release Form can be obtained at the Monterey Peninsula Water Management District, the Water Resources Agency, or online at:  
[www.mcwra.co.monterey.ca.us](http://www.mcwra.co.monterey.ca.us).

## 11. EHSP01 - LONG-TERM WATER SUPPLY DEED RESTRICTION (Non-Standard)

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** The applicant shall record a deed restriction which includes the statement: Well yields in fractured rock or non-alluvial aquifer systems have been shown to decline significantly over time due to their meager ability to store and transmit water. Therefore, with the intrinsic uncertainties regarding the long-term sustainability of an on-site well proposed to provide a source of domestic potable water on this parcel, the present and any future owners of this property are hereby given notice that additional water sources may be required in the future.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of construction permits, the applicant shall provide a legal description for the parcel and a copy of the Grant Deed to the Environmental Health Bureau ("EHB"). The EHB will prepare the deed restriction form.

Prior to final inspection of construction permits, the property owner shall sign and notarize the deed restriction form obtained from the EHB. Record the notarized deed restriction with the Monterey County Recorder. Proof of recordation shall be provided to the EHB.

If the applicant chooses not to pursue utilizing the well as a source for domestic use, this condition shall not be applicable.

## 12. 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 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.

## 13. 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 updated project Geotechnical 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.

## 14. GRADING PLAN

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a Grading Plan incorporating the recommendations from the updated Geotechnical 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.

## 15. 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.

## 16. 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.

## 17. INSPECTION-PRIOR TO LAND DISTURBANCE

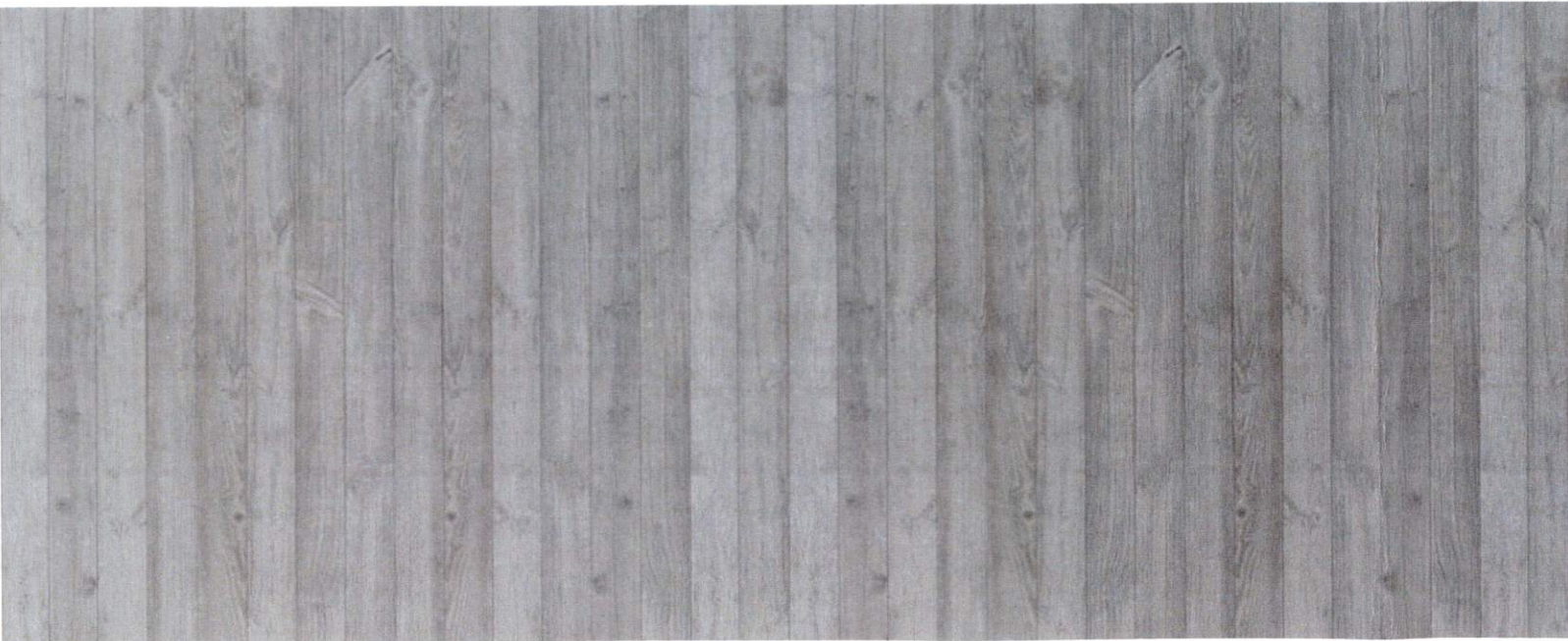
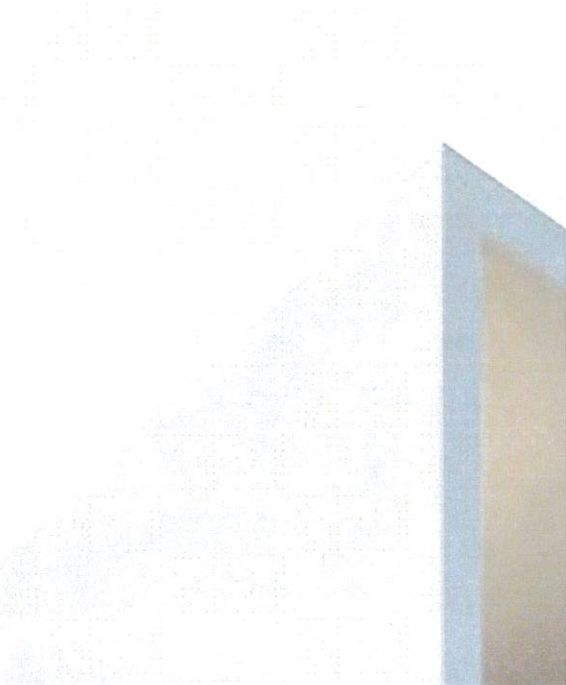
**Responsible Department:** Environmental Services

**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)

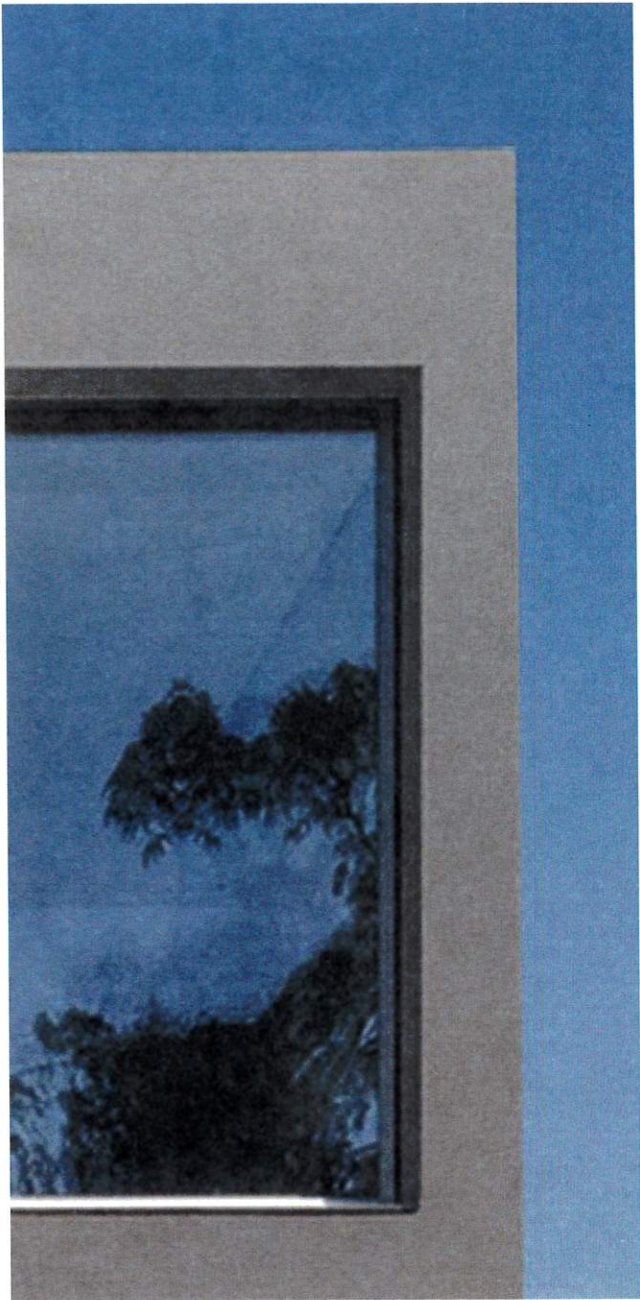
**Compliance or Monitoring Action to be Performed:** Prior to commencement of any land disturbance, the owner/applicant shall schedule an inspection with RMA-Environmental Services.



The palette of materials is inspired by Nature and by cultural influences of the Monterey Peninsula and Big Sur. The predominant gray stucco color matches the branches of the Monterey Cypress tree to the west and recedes into the natural setting. White stucco walls refer to Monterey Adobes and are animated by tree shadows on both sides of the house. The blind garage doors and adjacent siding and decking are from Monterey Pine milled from a nearby site.



Board-formed concrete on chimneys and planters expresses a Big Sur ruggedness. The material is brought inside at hearths on each level. Windows with thin aluminum frames maximize views and reflect the sky and tree tops.



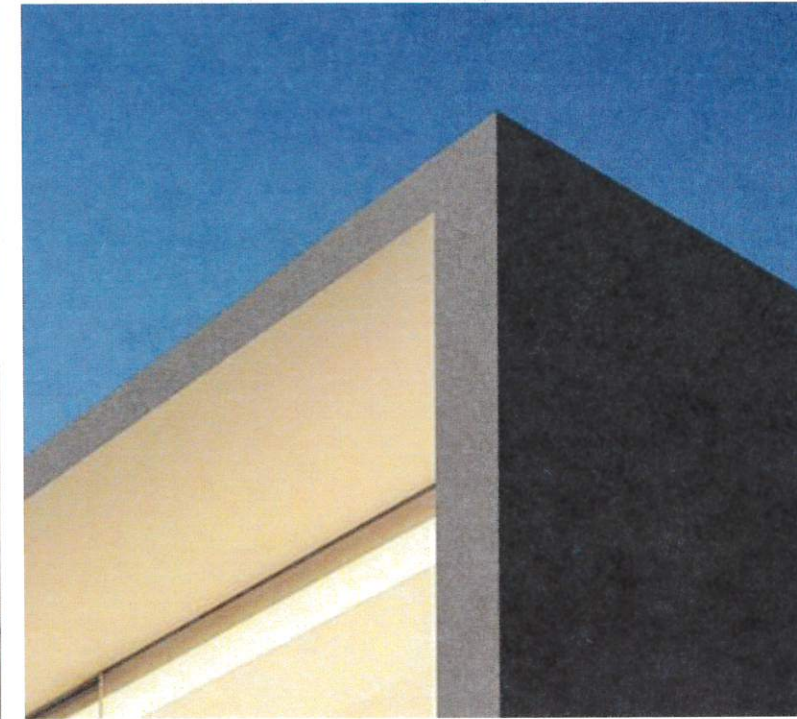
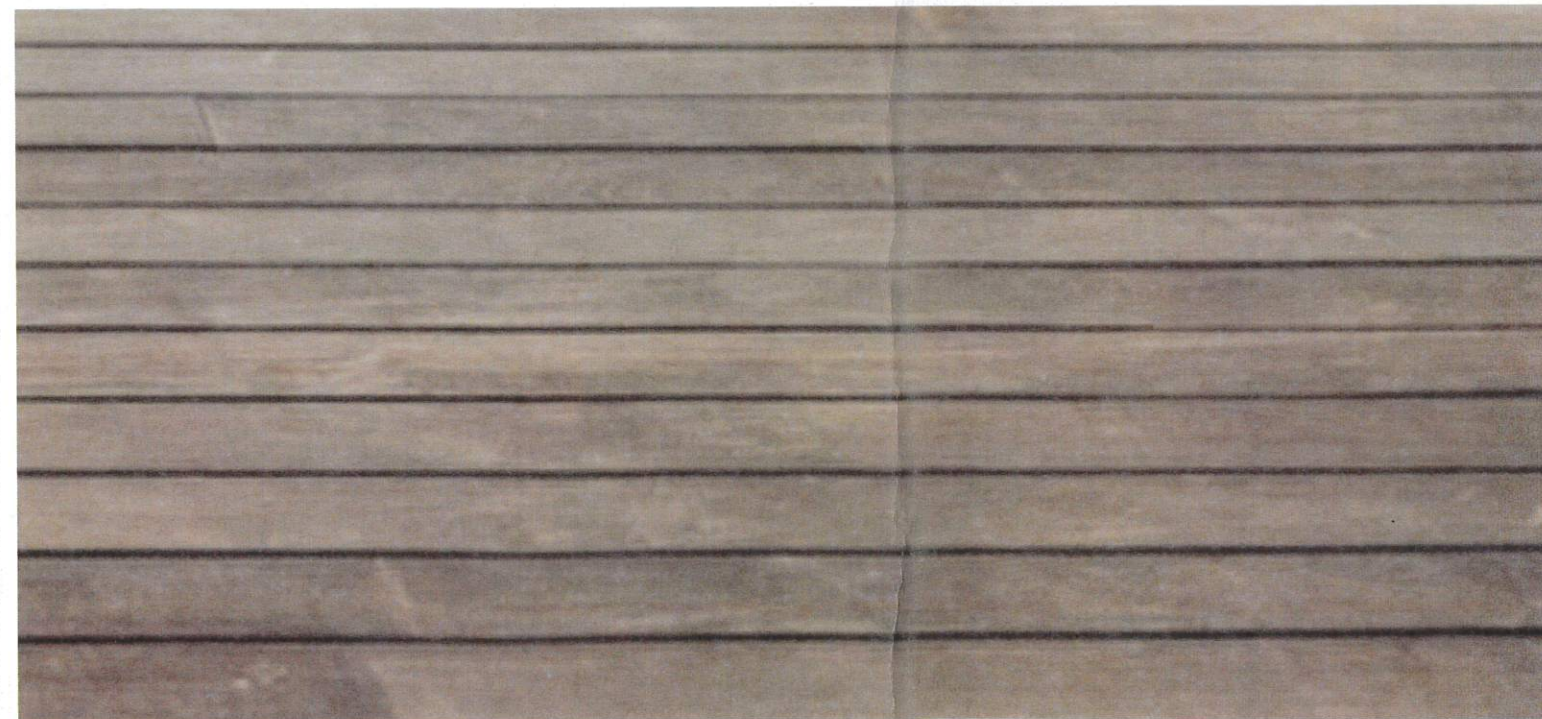
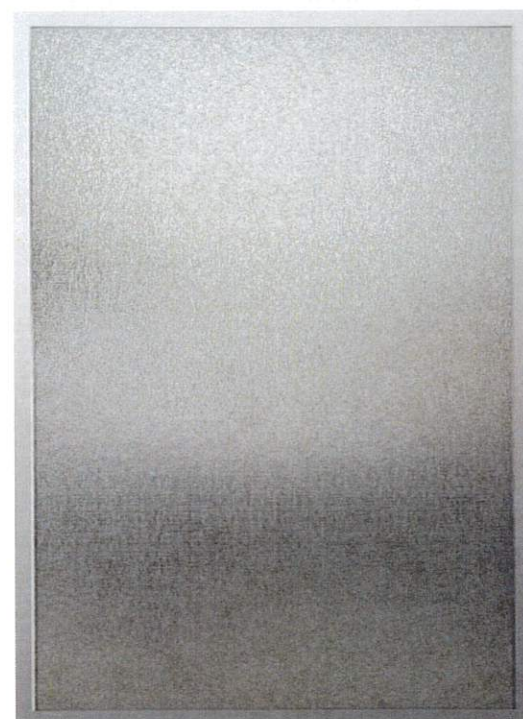
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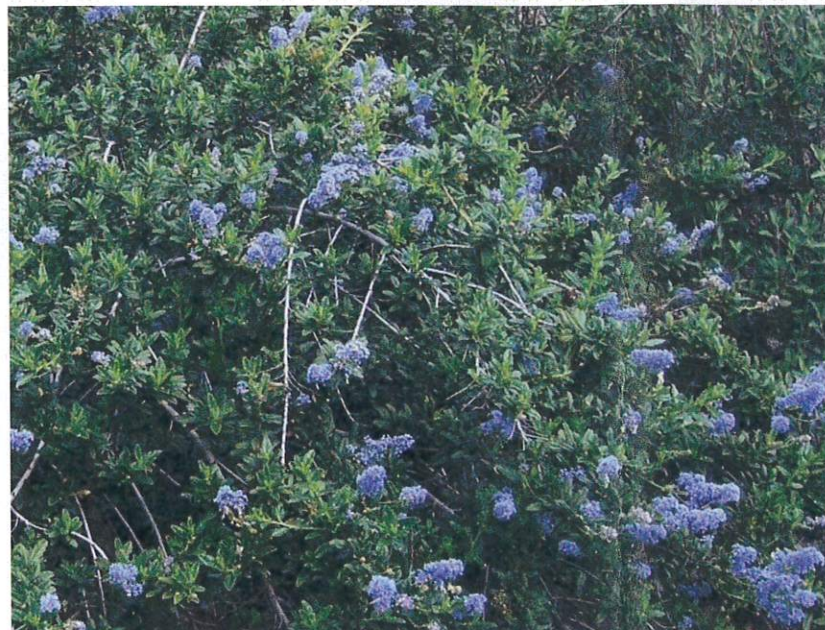
The landscape goal is to restore the site by replacing diseased and non-indigenous plants and trees with native ones. The row of dead and dying Pines along Spindrift will be replaced with Monterey Cypress trees to restore a buffer from the street. More trees along the eastern and southern edges of the property will provide a mutually desirable screen between properties. Native plants will replace invasive species and a trail will join the house and guest house and link to beach access. Timber steps and benches are from the salvaged Monterey Pines.



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