

Exhibit E

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**Before the Housing and Community Development Chief of Planning
in and for the County of Monterey, State of California**

In the matter of the application of:

RALEY RICHARD R (PLN190117-EXT1)

RESOLUTION NO. 24-008

Resolution by the Monterey County HCD Chief of Planning:

- 1) Finding the Permit Extension does not require subsequent environmental review pursuant to CEQA Guidelines Section 15162 and Section 15061(b)(3); and
- 2) Approving an extension of previously approved Combined Development Permit PLN120276 (Zoning Administrator Resolution No. 13-014), as extended by PLN160150 (Director of RMA-Planning Resolution No. 16-017) and amended by PLN190117 (RMA-Chief of Planning Resolution No. 19-058), that allowed construction of a 4,338 square foot two-story single family dwelling including an attached 509 square foot garage, 216 square foot second story deck, and 1,412 square feet of flatwork; conversion of an existing 1,603 square foot single family dwelling into a guesthouse, art studio, and storage, and to allow the structure to exceed the 12 foot height limit by 10 feet; demolition of an existing 360 square foot guesthouse within an existing 485 square foot structure and retaining 485 square feet as a detached garage; modifications to the driveway design and addition of 3 guest parking spaces; development within 100 feet of Environmentally Sensitive Habitat; and development within 750 feet of a known archeological resource. This 3 year extension would extend the expiration date of the previous approvals to April 16, 2026.

[PLN190117-EXT1 Raley Richard R, 170 Spindrift Lane, Carmel, Carmel Highlands Area, Carmel Area Land Use Plan, Coastal Zone (APN: 241-321-002-000)]

Corrected on February 22, 2024. (This resolution corrects the previous resolution mailed out on February 21, 2024.)

The RALEY RICHARD R application (PLN190117-EXT1) came on for an administrative hearing before the County of Monterey Chief of Planning on February 21, 2024. Having considered all the written and documentary evidence, the administrative record, the staff

report, written testimony, and other evidence presented, the County of Monterey Chief of Planning finds and decides as follows:

FINDINGS AND EVIDENCE

1. **FINDING:** **PROCESS** – The County has processed a 3-year permit extension to previously approved Minor and Trivial Amendment (PLN190117, which amended a previously approved Combined Development Permit & 3-year Extension to the initial permit and amendment of [PLN120276 & PLN160150]) to allow modifications to the driveway design and add 3 guest parking spaces.
- EVIDENCE:**
- a) On April 11, 2013, the Zoning Administrator approved PLN120276 (Resolution No. 13-014) for a Combined Development Permit consisting of: 1) a Coastal Administrative Permit and Design Approval to allow the construction of a 4,338 square foot two-story single family dwelling including an attached 509 square foot garage, a 216 square foot second story deck, and 1,412 square feet of flatwork including an at grade patio, concrete paver driveway and walk ways; 2) a Coastal Development Permit to allow the conversion of an existing 1,603 square foot single family dwelling into a 423 square foot guesthouse, conversion of 1004 square feet into an art studio and 176 square feet of storage, and to allow the structure to exceed the 12 foot height limit by 10 feet; and demolish an existing 360 square foot guesthouse within an existing 845 square foot structure retaining 485 square feet of the structure as a detached garage; 3) a Coastal Development Permit to allow development within 100-feet of Environmentally Sensitive Habitat; and 4) a Coastal Development Permit to allow development within 750 feet of a known archaeological resource; grading to include approximately 260 cubic yards of cut and 260 cubic yards of fill.
 - b) On April 27, 2016, the RMA Director approved PLN160150 (Resolution No. 16-017) for a 3-year extension of a previously approved permit (PLN120276, Resolution No. 13-014. See Evidence “a” above.)
 - c) On October 10, 2019, the RMA Chief of Planning approved PLN190117 (Resolution No. 19-058) for a Minor and Trivial Amendment of a previously approved permit (PLN120276, Resolution No. 13-014. See Evidence “a” above.). The amendment was to allow for modifications to the driveway design and the addition of 3 guest parking spaces.
 - d) The Board of Supervisors, by Ordinance No. 5332, allowed an automatic 6-month extension of land use entitlements that were in effect as of March 17, 2020. Therefore, the permit expiration of PLN190117 (Resolution 19-058) was extended from its original date of expiration of October 16, 2022, to April 16, 2023.
 - e) Pursuant to Monterey County Code (MCC) Title 20 (Coastal Zone), Section 20.82.110.A, a written request for an extension must be submitted to the appropriate authority at least 30 days prior to the expiration date of an approved or conditionally approved Combined Development Permit. Agent Laura Lawrence requested a 3-year extension in writing on March 15, 2023, at least 30 days before the expiration date on April 16, 2023. This permit (PLN190117-EXT1)

proposes to extend the expiration date of the previous approvals for an additional 3-year period, from April 16, 2023, to April 16, 2026.

- f) The application, project plans, and related support materials submitted by the project applicant to Monterey HCD-Planning for the original project and the proposed amendment can be found in Project File Nos. PLN120276, PLN160150, PLN190117, and PLN190117-EXT1.

2. **FINDING:**

CONSISTENCY – The Permit Extension is consistent with the requirement to extend the permit under Monterey County Code Title 20 (Coastal Zone), Section 20.82.110.A. No changed circumstances from the previously approved permit were identified. As approved, the extension permit PLN190117-EXT1 will become and be referred to as the operative approved permit.

EVIDENCE:

- a) Title 20 Section 20.82.110.A grants the Director of Planning the authority to extend a Combined Development Permit upon written request from the permittee at least 30 days prior to expiration of the Combined Development Permit. On March 15, 2023, at least 30 days before the expiration date of PLN190117, Agent Laura Lawrence submitted a letter requesting an extension of the permit. Based on staff’s review of the project site and approved plans there have been no significant changes in circumstances on site or with the approved design, nor have any changes occurred in the regulations that would affect the conclusion or findings by which the project was approved in resolutions 13-014, 16-017, and 19-058.
- b) This is the first extension request for PLN190117. This 3-year extension applies to the expiration date of the Minor and Trivial Amendment & 3-year extension to PLN120276 and will extend it 3 years from the date of expiration for PLN190117, from April 16, 2023, to April 16, 2026. All conditions of approval for PLN120276, PLN160150, and PLN190117 that have not been met are incorporated as conditions under PLN190117-EXT1, which will be the operating permit.
- c) The findings and evidence from Zoning Administrator Resolution No. 13-014, Director of RMA-Planning Resolution No. 16-017 and RMA-Chief of Planning Resolution No. 19-058 are incorporated herein by reference.
- d) The property is located at 170 Spindrift Lane, Carmel (Assessor's Parcel Number 241-321-002-000), Carmel Highlands Area, Carmel Area Land Use Plan, Coastal Zone. The parcel is zoned Low Density Residential with a density of 1 unit per acre, with a Design Control overlay (Coastal Zone), or “LDR/1-D (CZ).” LDR zoning allows residential development and accessory structures as a principal use subject to the granting of a Coastal Administrative Permit in each case. The Design Control zoning overlay requires granting of a Design Approval. Therefore, the previously approved development is an allowed use for this site.
- e) The Permit Extension has been requested because of delays associated with the COVID-19 pandemic, the unexpected

retirement of the applicant's land use attorney, and significant impacts to the property from severe weather in January of 2023.

- f) 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/or regulations in the applicable Monterey County Code.
- g) The application, project plans, and related support materials submitted by the project applicant to Monterey HCD-Planning for the original project and the proposed amendment can be found in Project File Nos. PLN120276, PLN160150, PLN190117, and PLN190117-EXT1.

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 development, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The previously approved Combined Development Permit was reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and Carmel Highlands Fire Protection District. The respective agencies 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. All applicable conditions were applied to PLN120267, PLN160150, and PLN19017, have been carried forward to PLN190117-EXT1.
 - b) The application, project plans, and related support materials submitted by the project applicant to Monterey HCD-Planning for the original project and the proposed amendment can be found in Project File Nos. PLN120276, PLN160150, PLN190117, and PLN190117-EXT1.

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. Monterey County HCD-Planning and HCD-Building Services records were reviewed, and the County is unaware of any violations on the subject property.

- EVIDENCE:**
- a) Staff reviewed Monterey County HCD-Planning and HCD-Building Services records and is unaware of any violations on the subject property.
 - b) The application, project plans, and related support materials submitted by the project applicant to Monterey HCD-Planning for the original project and the proposed amendment can be found in Project File Nos. PLN120276, PLN160150, PLN190117, and PLN190117-EXT1.

5. **FINDING:** **CEQA** – The Permit Extension does not require subsequent environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162. The original CEQA action on the project included a Negative Declaration (ND) prepared and adopted pursuant to Sections 15063 and 15074 of the CEQA Guidelines.

- EVIDENCE:**
- a) An Initial Study was prepared for the previously approved project (PLN120276) and a Negative Declaration (ND) was adopted (SCH #2013031017) on April 11, 2013. The ND prepared and adopted the original permit action (HCD-Planning File No. PLN120276), and the February 21, 2024 staff reported to the HCD Chief of Planning as Exhibit E.
 - b) The request for a Permit Extension does not change the scope of the previously approved project or alter the analysis or conclusions reached by the previous ND. Therefore, the project meets the criteria of CEQA Guidelines Section 15162 because no substantial changes are proposed requiring major revisions to the ND, and there are no substantial changes in the circumstances under which the project was approved that would necessitate substantial revisions to the ND.
 - c) The current proposal does not alter the analysis or conclusions reached under the original permit, and all conditions of approval are carried forward under this amendment. This determination and application to the subject proposal are also consistent with CEQA Guidelines Section 15061(b)(3), which exempts projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, by common sense.
 - d) The application, project plans, and related support materials submitted by the project applicant to Monterey HCD-Planning for the original project and the proposed amendment can be found in Project File Nos. PLN120276, PLN160150, PLN190117, and PLN190117-EXT1.

6. **FINDING:** **APPEALABILITY** – The decision on this Permit Extension may be appealed to the Board of Supervisors and the California Coastal Commission.

- EVIDENCE:**
- a) Board of Supervisors. Pursuant to Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20), an appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
 - b) Coastal Commission. Pursuant to Section 20.86.080.A.1 of the Monterey County Zoning Ordinance (Title 20), this extension to the original project is subject to appeal by/to the California Coastal Commission because the subject property is located between the sea and the first through public road paralleling the sea.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the HCD Chief of Planning does hereby:

1. Find that the Permit Extension does not require subsequent environmental review pursuant to CEQA Guidelines Section 15162 and Section 15061(b)(3); and
2. Approve the extension of previously approved Combined Development Permit PLN120276 (Zoning Administrator Resolution No. 13-014), as extended by PLN160150 (Director of RMA-Planning Resolution No. 16-017) and amended by PLN190117 (RMA-Chief of Planning Resolution No. 19-058), that allowed construction of a 4,338 square foot two-story single family dwelling including an attached 509 square foot garage, 216 square foot second story deck, and 1,412 square feet of flatwork; conversion of an existing 1,603 square foot single family dwelling into a guesthouse, art studio, and storage, and to allow the structure to exceed the 12 foot height limit by 10 feet; demolition of an existing 360 square foot guesthouse within an existing 485 square foot structure and retaining 485 square feet as a detached garage; modifications to the driveway design and addition of 3 guest parking spaces; development within 100 feet of Environmentally Sensitive Habitat; and development within 750 feet of a known archeological resource. This 3 year extension would extend the expiration date of the previous approvals to April 16, 2026.

PASSED AND ADOPTED this 21st day of February, 2024.

DocuSigned by:

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Craig Spencer
Acting, HCD Director

COPY OF THIS DECISION MAILED TO APPLICANT ON **FEBRUARY 21, 2024.**

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 **MARCH 4, 2024.**

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

County of Monterey HCD Planning

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

PLN190117-EXT1

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: This 3-year Permit Extension (PLN190117-EXT1) allows an extension of previously approved Combined Development Permit PLN120276, as extended by PLN160150 and amended by PLN190117, that allowed construction of a 4,338 square foot two-story single family dwelling including an attached 509 square foot garage, 216 square foot second story deck, and 1,412 square feet of flatwork; conversion of an existing 1,603 square foot single family dwelling into a guesthouse, art studio, and storage, and to allow the structure to exceed the 12 foot height limit by 10 feet; demolition of an existing 360 square foot guesthouse within an existing 485 square foot structure and retaining 485 square feet as a detached garage; modifications to the driveway design and addition of 3 guest parking spaces; development within 100 feet of Environmentally Sensitive Habitat; and development within 750 feet of a known archeological resource. The property is located at 170 Spindrift Lane, Carmel, Carmel Highlands Area (Assessor's Parcel Number 241-321-002-000), 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 HCD - 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. (HCD - 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: Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A 3-year Permit Extension (Resolution Number 24-008) was approved by the HCD Director or Designee for Assessor's Parcel Number 241-321-002-000 on February 21, 2024. The permit was granted subject to 18 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

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

3. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: 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.

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

Responsible Department: 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. The Monterey County HCD - Planning Department 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.
(HCD - Planning Department)

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 the Monterey County HCD - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered." When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

5. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of three years, to expire on April 16, 2026, unless use of the property or actual construction has begun within this period.
(HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the HCD-Director of Planning. Any request for extension must be received by HCD-Planning at least 30 days prior to the expiration date.

6. PD009 - GEOTECHNICAL CERTIFICATION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (HCD - Planning Department and Building Services Department)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the Owner/Applicant/Geotechnical Consultant shall submit certification by the geotechnical consultant to the HCD-Building Services Department and the HCD-Planning Department showing project's compliance with the geotechnical report.

7. PD010 - EROSION CONTROL PLAN

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: (NON-STANDARD) Erosion Control Plan shall be prepared to include temporary and permanent measures to prevent any debris, rocks or earth materials from being transported off the site or into the ocean. 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 the Director of HCD - Building Services. Temporary and permanent erosion control plantings shall utilize appropriate native species. 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 HCD - Building Services. The language of this condition shall be included as a note on all grading and building plans. (HCD - Planning Department and HCD - Building Services Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, the Owner/Applicant shall submit an Erosion Control Plan to the HCD-Planning Department and the HCD-Building Services Department for review and approval.
The Owner/Applicant, on an on-going basis, shall comply with the Erosion Control Plan during the course of construction until project completion as approved by the Director of HCD-Planning and Director of HCD-Building Services.

8. PD014(B) - LIGHTING-EXTERIOR LIGHTING PLAN (VS & RIDGELINE)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: (NON-STANDARD) All exterior lighting shall be adequately shielded or shall be designed at near-ground level and directed downwards to reduce its long-range visibility. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior lighting shall have recessed lighting elements. Exterior light sources that would be directly visible from when viewed from a common public viewing area, as defined in Section 20.06.195, are prohibited. Non-reflective and/or tinted glass materials shall be utilized for skylights and windows. The applicant shall submit three (3) copies of exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to issuance of building permits.

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 the HCD - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.

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

9. PDSP001 - LANDSCAPE PLAN & MAINTENANCE (SFD NON-STANDARD)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The site shall be landscaped with the use of native plant material. The landscaping plan shall be designed to establish a native habitat along the western side of the property and particularly along the top of the Bluff. The Landscape Plan shall be revised and approved by a County approved Biologist. The plant material may be established with drip irrigation, spray irrigation shall not be used within 50 feet of the bluff. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The final 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 final plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, either landscaping shall be 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 HCD - Planning Department. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (HCD - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit the final landscape plans and contractor's estimate to the HCD- Planning Department 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."

The language of this condition shall be included as a note on all building or grading plans.

Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall ensure that either the landscaping shall be 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 HCD - Planning Department.

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

10. PDSP002 - CONSTRUCTION MANAGEMENT PLAN (NON-STANDARD)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall submit a Construction Management Plan (CMP) to the HCD-Planning Department and the Department of Public Works for review and approval. The CMP shall include measures to minimize Traffic Impacts and Air Quality impacts during the construction/grading phase of the project and shall provide the following:

1) Duration of construction, an estimate of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, location of truck staging and best management practices to be implemented throughout the project.

2) To protect the ESHA in the intertidal areas and the kelp beds prior to any grading or construction work a construction barrier shall be designed and installed a minimum of 15 feet from the bluff top, to stop all construction materials and waste from entering the ESHA. The barrier shall be at least 5 feet in height and shall extend from north of the guesthouse demolition to the southern property. If during the construction period, the design of the fence proves to be inadequate to protect the sensitive resources of the ESHA, the fence shall be redesigned and reinstalled immediately. All construction materials must always be secured and stored properly on the site to prevent blowing or falling into the ocean, even when they are in use. The job must remain debris/garbage free at all times, day or night. All garbage shall be bagged and hauled away daily, or completely secured.

3) Hours of operation shall be as described in the building permit as a note. That during the grading and construction work shall be limited to Monday through Friday from 8am-5pm. Any alteration in hours of operation/work must first be approved by the Director of Planning.

Compliance or Monitoring Action to be Performed: Prior to the issuance of a Construction Permit, a Construction Management Plan (CMP) shall be prepared. The Construction Management Plan must be reviewed and approved by a County-approved biologist/Forester or arborist prior to submitting the plan for review and approval by the HCD-Building Services Department and Planning Department.

Prior to commencement of work or issuance of grading and building permits, a pre construction meeting with the grading and building contractors and the HCD-Planning Department is required to review the requirements set under the approved CMP. On an on-going basis, the Owner/Applicant shall demonstrate compliance with the CMP to the Director of HCD-Planning Department.

11. PDSP003 - COMPLY WITH DEVELOPMENT STANDARDS (NON-STANDARD)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The proposed single family residence shall conform to all of the development standards of the Low Density Residential Zoning District (Section 20.14.060), including but not limited to the requirement for a 30-foot front setback from the edge of any road right-of-way.

Compliance or Monitoring Action to be Performed: Prior to the issuance of a grading or building permit the Applicant/Owner shall submit construction plans to the RMA-Planning Department for review and approval that demonstrate that the proposed single family residence is designed to comply with all of the Low Density Residential Zoning District Development Standards pursuant to Section 20.14.060.

Prior to the foundation inspection for the single family residence, the Applicant/Owner shall submit evidence from a licensed civil engineer or surveyor to verify that the structure complies with the approved setback from the edge of the road right-of-way as shown on the approved construction plans.

12. EHSP01 - ALTERNATIVE ONSITE WASTEWATER TREATMENT SYSTEM PERMIT (Non-Standard)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The alternative onsite wastewater treatment system (OWTS) that serves the property requires abandonment of the existing dispersal field to accommodate the proposed single family dwelling. The alternative OWTS dispersal field replacement permit shall be subject to all state and local regulations in place at the time of OWTS permit issuance, including but not limited to an annual operating permit from the Environmental Health Bureau. (Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permit, the applicant shall submit to the Environmental Health Bureau (EHB) for review and approval an alternative OWTS permit application and pay all associated fees.

13. EHSP02 - ALTERNATIVE ONSITE WASTEWATER TREATMENT INSPECTION (Non-Standard)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The existing treatment unit tank of the alternative onsite wastewater treatment system (OWTS) that serves the property shall be verified to be in good working order. (Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to final inspection of construction permit, the applicant shall submit documentation to the satisfaction of EHB to demonstrate that the alternative OWTS treatment unit tank has been pumped by a licensed liquid waste hauler and inspected by a manufacturer-certified operation and maintenance provider.

14. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

Responsible Department: 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.

15. PW0045 - COUNTYWIDE TRAFFIC FEE

Responsible Department: 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.

16. WR001 - DRAINAGE PLAN

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 from impervious surface stormwater runoff. 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. 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, or online at: www.co.monterey.ca.us/RMA.

18. FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. Responsible Land Use Department: Carmel Highlands Fire Protection District

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permit, Applicant shall print the text of this condition as "Fire Dept. Notes" on construction plans.

Prior to requesting a framing inspection, the Applicant shall obtain fire department approval of the rough sprinkler inspection.

Prior to requesting a final building inspection, the Applicant shall complete the installation of the fire sprinkler system and obtain fire department approval of the final fire sprinkler inspection.